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Public Law 117–328
117th Congress

An Act

Making consolidated appropriations for the fiscal year ending September 30, 2023, and for providing emergency assistance for the situation in Ukraine, and for other purposes.

Dec. 29, 2022
[H.R. 2617]

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

Consolidated Appropriations Act, 2023.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consolidated Appropriations Act, 2023".

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 IMPROVEMENT ACT OF 2022

DIVISION V—STRONG VETERANS ACT OF 2022

DIVISION W—UNLEASHING AMERICAN INNOVATORS ACT OF 2022

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

DIVISION Y—CONTRACT ACT OF 2022

DIVISION Z—COVS ACT

DIVISION AA—FINANCIAL SERVICES MATTERS

DIVISION BB—CONSUMER PROTECTION AND COMMERCE

DIVISION CC—WATER RELATED MATTERS

DIVISION DD—PUBLIC LAND MANAGEMENT

DIVISION EE—POST OFFICE DESIGNATIONS

DIVISION FF—HEALTH AND HUMAN SERVICES

DIVISION GG—MERGER FILING FEE MODERNIZATION

DIVISION HH—AGRICULTURE

DIVISION II—PREGNANT WORKERS

DIVISION JJ—NORTH ATLANTIC RIGHT WHALES

DIVISION KK—PUMP FOR NURSING MOTHERS ACT

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

DIVISION MM—FAIRNESS FOR 9/11 FAMILIES ACT

SEC. 3. REFERENCES. 1 USC 1 note.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

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

SEC. 5. STATEMENT OF APPROPRIATIONS.

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

2 USC 4501 note.

SEC. 6. ADJUSTMENTS TO COMPENSATION.

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

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

TITLE I

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, $65,067,000 of which not to exceed $7,432,000 shall be available for the immediate Office of the Secretary; not to exceed $1,396,000 shall be available for the Office of Homeland Security; not to exceed $5,190,000 shall be available for the Office of Tribal Relations, of which $1,000,000 shall be to establish a Tribal Public Health Resource Center at a land grant university with existing indigenous public health expertise to expand current partnerships and collaborative efforts with indigenous groups, including but not limited to, tribal organizations and institutions such as tribal colleges, tribal technical colleges, tribal community colleges and tribal universities, to improve the delivery of culturally appropriate public health services and functions in American Indian communities focusing on indigenous food sovereignty; not to exceed $9,280,000 shall be available for the Office of Partnerships and Public Engagement, of which $1,500,000 shall be for 7 U.S.C. 2279(c)(5); not to exceed $28,422,000 shall be available for the Office of the Assistant Secretary for Administration, of which $26,716,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided,* That funds made available by this Act to an agency

in the Administration mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed $4,609,000 shall be available for the Office of Assistant Secretary for Congressional Relations and Intergovernmental Affairs to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed $8,738,000 shall be available for the Office of Communications: *Provided further,* That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further,* That no appropriation for any office shall be increased or decreased by more than 5 percent: *Provided further,* That not to exceed $22,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further,* That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further,* That funds made available under this heading for the Office of the Assistant Secretary for Congressional Relations and Intergovernmental Affairs shall be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further,* That no funds made available under this heading for the Office of Assistant Secretary for Congressional Relations may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further,* That during any 30 day notification period referenced in section 716 of this Act, the Secretary of Agriculture shall take no action to begin implementation of the action that is subject to section 716 of this Act or make any public announcement of such action in any form.

Reimbursements.

Time period.
Notification.

Time period.
Notification.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

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

OFFICE OF HEARINGS AND APPEALS

For necessary expenses of the Office of Hearings and Appeals, $16,703,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $14,967,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $92,284,000, of which not less than $77,428,000 is for cybersecurity requirements of the department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $7,367,000.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

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

OFFICE OF CIVIL RIGHTS

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

AGRICULTURE BUILDINGS AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 121, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $40,581,000, to remain available until expended.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), $7,581,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

OFFICE OF SAFETY, SECURITY, AND PROTECTION

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

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), $111,561,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) and section 1337 of the Agriculture and Food Act of 1981 (Public Law 97–98).

OFFICE OF THE GENERAL COUNSEL

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

OFFICE OF ETHICS

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

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

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, $2,384,000: *Provided,* That funds made available by this Act to an agency in the Research, Education, and Economics mission area for salaries and expenses are available to fund up to one administrative support staff for the Office: *Provided further,* That of the amounts made available under this heading, $1,000,000 shall be made available for the Office of the Chief Scientist.

ECONOMIC RESEARCH SERVICE

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

NATIONAL AGRICULTURAL STATISTICS SERVICE

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

Surveys.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not

7 USC 2254.

exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,744,279,000: *Provided,* That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $500,000, except for headhouses or greenhouses which shall each be limited to $1,800,000, except for 10 buildings to be constructed or improved at a cost not to exceed $1,100,000 each, and except for four buildings to be constructed at a cost not to exceed $5,000,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $500,000, whichever is greater: *Provided further,* That appropriations hereunder shall be available for entering into lease agreements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by the Agricultural Research Service and a condition of the lease shall be that any facility shall be owned, operated, and maintained by the non-Federal entity and shall be removed upon the expiration or termination of the lease agreement: *Provided further,* That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further,* That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further,* That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further,* That appropriations hereunder shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research Service and a condition of the easements shall be that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United States: *Provided further,* That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

Contracts.

Maryland.

Easements.

Easements.

BUILDINGS AND FACILITIES

For the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $74,297,000 to remain available until expended, of which $56,697,000 shall be for the purposes, and in the amounts, specified for this account in the table titled "Community Project Funding/Congressionally Directed Spending" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $1,094,121,000 which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Research and Education Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That funds for research grants for 1994 institutions, education grants for 1890 institutions, Hispanic serving institutions education grants, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, grants management systems, tribal colleges education equity grants, and scholarships at 1890 institutions shall remain available until expended: *Provided further,* That each institution eligible to receive funds under the Evans-Allen program receives no less than $1,000,000: *Provided further,* That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the States of Alaska and Hawaii: *Provided further,* That funds for providing grants for food and agricultural sciences for Alaska Native and Native Hawaiian-Serving institutions and for Insular Areas shall remain available until September 30, 2024: *Provided further,* That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222: *Provided further,* That not more than 5 percent of the amounts made available by this or any other Act to carry out the Agriculture and Food Research Initiative under 7 U.S.C. 3157 may be retained by the Secretary of Agriculture to pay administrative costs incurred by the Secretary in carrying out that authority.

Grants.
Alaska.
Hawaii.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

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

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $565,410,000 which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Extension Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That funds for extension services at 1994 institutions and for facility improvements at 1890 institutions shall remain available until expended: *Provided further,* That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension receive no less than $1,000,000: *Provided further,* That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section

208(c) of Public Law 93–471 shall be available for retirement and employees' compensation costs for extension agents.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $41,500,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Integrated Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2024: *Provided further,* That notwithstanding any other provision of law, indirect costs shall not be charged against any Extension Implementation Program Area grant awarded under the Crop Protection/Pest Management Program (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $1,617,000: *Provided,* That funds made available by this Act to an agency in the Marketing and Regulatory Programs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $1,171,071,000 of which up to $9,552,000 shall be for the purposes, and in the amounts, specified for this account in the table titled "Community Project Funding/Congressionally Directed Spending" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); of which $514,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds ("contingency fund") to the extent necessary to meet emergency conditions; of which $15,450,000, to remain available until expended, shall be used for the cotton pests program, including for cost share purposes or for debt retirement for active eradication zones; of which $39,183,000, to remain available until expended, shall be for Animal Health Technical Services; of which $4,096,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $64,930,000, to remain available until expended, shall be used to support avian health; of which $4,251,000, to remain available until expended, shall be for information technology infrastructure; of which $216,117,000, to remain available until expended, shall be for specialty crop pests, of which $8,500,000, to remain available until

September 30, 2024, shall be for one-time control and management and associated activities directly related to the multiple-agency response to citrus greening; of which, $14,986,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which $21,567,000, to remain available until expended, shall be for zoonotic disease management; of which $44,067,000, to remain available until expended, shall be for emergency preparedness and response; of which $62,562,000, to remain available until expended, shall be for tree and wood pests; of which $6,500,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to $1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which $2,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety: *Provided,* That of amounts available under this heading for wildlife services methods development, $1,000,000 shall remain available until expended: *Provided further,* That of amounts available under this heading for the screwworm program, $4,990,000 shall remain available until expended; of which $24,527,000, to remain available until expended, shall be used to carry out the science program and transition activities for the National Bio and Agro-defense Facility located in Manhattan, Kansas: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further,* That this appropriation shall be available for the purchase, replacement, operation, and maintenance of aircraft: *Provided further,* That in addition, in emergencies which threaten any segment of the agricultural production industry of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further,* That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Brucellosis eradication.

In fiscal year 2023, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Fees. Reimbursement.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 2268a, $3,175,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $237,695,000, of which $7,504,000 shall be available for the purposes of section 12306 of Public Law 113–79, and of which $1,000,000 shall be available for the purposes of section 779 of division A of Public Law 117–103: *Provided,* That of the amounts made available under this heading, $25,000,000, to remain available until expended, shall be to carry out section 12513 of Public Law 115–334, of which $23,000,000 shall be for dairy business innovation initiatives established in Public Law 116–6 and the Secretary shall take measures to ensure an equal distribution of funds between these three regional innovation initiatives: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees.

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

LIMITATION ON ADMINISTRATIVE EXPENSES

Notification.

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

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

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) transfers otherwise provided in this Act; and (3) not more than $21,501,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961 (Public Law 87–128).

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,235,000.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

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

Notification.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

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

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $10,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,158,266,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided,* That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further,* That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2023 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act (7 U.S.C. 1901 et seq.): *Provided further,* That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110–246 as further clarified by the amendments made in section 12106 of Public Law 113–79: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Employment positions.

Continuation.

TITLE II

FARM PRODUCTION AND CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION

For necessary expenses of the Office of the Under Secretary for Farm Production and Conservation, $1,727,000: *Provided,* That funds made available by this Act to an agency in the Farm Production and Conservation mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FARM PRODUCTION AND CONSERVATION BUSINESS CENTER

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

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

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,215,307,000, of which not less than $15,000,000 shall be for the hiring of new employees to fill vacancies and anticipated vacancies at Farm Service Agency county offices and farm loan officers and shall be available until September 30, 2024: *Provided,* That not more than 50 percent of the funding made available under this heading for information technology related to farm program delivery may be obligated until the Secretary submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees of, a plan for expenditure that (1) identifies for each project/investment over $25,000 (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost for the entirety of the project/investment, including estimates for development as well as maintenance and operations, and (c) key milestones to be met; (2) demonstrates that each project/investment is, (a) consistent with the Farm Service Agency Information Technology Roadmap, (b) being managed in accordance with applicable lifecycle management policies and guidance, and (c) subject to the applicable Department's capital planning and investment control requirements; and (3) has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of both Houses of Congress: *Provided further,* That the agency shall submit a report by the end of the

Notification. Expenditure plan. Cost estimate. Review. Approval.

Reports. Assessment.

fourth quarter of fiscal year 2023 to the Committees on Appropriations and the Government Accountability Office, that identifies for each project/investment that is operational (a) current performance against key indicators of customer satisfaction, (b) current performance of service level agreements or other technical metrics, (c) current performance against a pre-established cost baseline, (d) a detailed breakdown of current and planned spending on operational enhancements or upgrades, and (e) an assessment of whether the investment continues to meet business needs as intended as well as alternatives to the investment: *Provided further,* That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further,* That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further,* That of the amount appropriated under this heading, $696,594,000 shall be made available to county committees, to remain available until expended: *Provided further,* That, notwithstanding the preceding proviso, any funds made available to county committees in the current fiscal year that the Administrator of the Farm Service Agency deems to exceed or not meet the amount needed for the county committees may be transferred to or from the Farm Service Agency for necessary expenses: *Provided further,* That none of the funds available to the Farm Service Agency shall be used to close Farm Service Agency county offices: *Provided further,* That none of the funds available to the Farm Service Agency shall be used to permanently relocate county based employees that would result in an office with two or fewer employees without prior notification and approval of the Committees on Appropriations of both Houses of Congress.

Notification. Advance approval.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $7,000,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

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

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided,* That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS

For necessary expenses to carry out direct reimbursement payments to geographically disadvantaged farmers and ranchers under section 1621 of the Food Conservation, and Energy Act of 2008 (7 U.S.C. 8792), $4,000,000, to remain available until expended.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 5136), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), relending program (7 U.S.C. 1936c), and Indian highly fractionated land loans (25 U.S.C. 5136) to be available from funds in the Agricultural Credit Insurance Fund, as follows: $3,500,000,000 for guaranteed farm ownership loans and $3,100,000,000 for farm ownership direct loans; $2,118,491,000 for unsubsidized guaranteed operating loans and $1,633,333,000 for direct operating loans; emergency loans, $4,062,000; Indian tribe land acquisition loans, $20,000,000; guaranteed conservation loans, $150,000,000; relending program, $61,426,000; Indian highly fractionated land loans, $5,000,000; and for boll weevil eradication program loans, $60,000,000: *Provided,* That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

Pink Bollworm.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: $249,000 for emergency loans, to remain available until expended; and $23,520,000 for direct farm operating loans, $11,228,000 for unsubsidized guaranteed farm operating loans, $10,983,000 for the relending program, and $894,000 for Indian highly fractionated land loans.

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

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided,* That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

Notification.
Time period.

RISK MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Risk Management Agency, $66,870,000: *Provided,* That $1,000,000 of the amount appropriated under this heading in this Act shall be available for compliance and integrity activities required under section 516(b)(2)(C) of the Federal Crop Insurance Act of 1938 (7 U.S.C. 1516(b)(2)(C)), and

shall be in addition to amounts otherwise provided for such purpose: *Provided further,* That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 2268a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $941,124,000, to remain available until September 30, 2024, of which up to $22,973,000 shall be for the purposes, and in the amounts, specified for this account in the table titled "Community Project Funding/Congressionally Directed Spending" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further,* That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to surveys and investigations, engineering operations, works of improvement, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009) and in accordance with the provisions of laws relating to the activities of the Department, $75,000,000, to remain available until expended, of which up to $20,591,000 shall be for the purposes, and in the amounts, specified for this account in the table titled "Community Project Funding/Congressionally Directed Spending" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That for funds provided by this Act or any other prior Act, the limitation regarding the size of the watershed or subwatershed exceeding two hundred and fifty thousand acres in which such activities can be undertaken shall only apply for activities undertaken for the primary purpose of flood prevention (including structural and land treatment measures): *Provided further,* That of the amounts made available under this heading, $10,000,000 shall be allocated to projects and activities

Applicability.

that can commence promptly following enactment; that address regional priorities for flood prevention, agricultural water management, inefficient irrigation systems, fish and wildlife habitat, or watershed protection; or that address authorized ongoing projects under the authorities of section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534) with a primary purpose of watershed protection by preventing floodwater damage and stabilizing stream channels, tributaries, and banks to reduce erosion and sediment transport: *Provided further,* That of the amounts made available under this heading, $10,000,000 shall remain available until expended for the authorities under 16 U.S.C. 1001–1005 and 1007–1009 for authorized ongoing watershed projects with a primary purpose of providing water to rural communities.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, $2,000,000 is provided.

HEALTHY FORESTS RESERVE PROGRAM

For necessary expenses to carry out the Healthy Forests Reserve Program under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571–6578), $7,000,000, to remain available until expended.

URBAN AGRICULTURE AND INNOVATIVE PRODUCTION

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

Contracts.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

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

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized

losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided,* That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business: *Provided further,* That the Secretary shall notify the Committees on Appropriations of the House and Senate in writing 15 days prior to the obligation or commitment of any emergency funds from the Commodity Credit Corporation.

Notification.
Time period.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $15,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961).

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $1,620,000: *Provided,* That funds made available by this Act to an agency in the Rural Development mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of Rural Development programs, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $351,087,000: *Provided,* That of the amount made available under this heading, up to $5,000,000, to remain available until September 30, 2024, shall be for the Rural Partners Network activities of the Department of Agriculture, and may be transferred to other agencies of the Department for such purpose, consistent with the missions and authorities of such agencies: *Provided further,* That of the amount made available under this heading, no less than $135,000,000, to remain available until expended, shall be used for information technology expenses: *Provided further,* That notwithstanding any other provision of law, funds appropriated under

this heading may be used for advertising and promotional activities that support Rural Development programs: *Provided further,* That in addition to any other funds appropriated for purposes authorized by section 502(i) of the Housing Act of 1949 (42 U.S.C. 1472(i)), any amounts collected under such section, as amended by this Act, will immediately be credited to this account and will remain available until expended for such purposes.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $1,250,000,000 shall be for direct loans, $7,500,000 shall be for a Single Family Housing Relending demonstration program for Native American Tribes, and $30,000,000,000 shall be for unsubsidized guaranteed loans; $28,000,000 for section 504 housing repair loans; $70,000,000 for section 515 rental housing; $400,000,000 for section 538 guaranteed multi-family housing loans; $10,000,000 for credit sales of single family housing acquired property; $5,000,000 for section 523 self-help housing land development loans; and $5,000,000 for section 524 site development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $46,375,000 shall be for direct loans; Single Family Housing Relending demonstration program for Native American Tribes, $2,468,000; section 504 housing repair loans, $2,324,000; section 523 self-help housing land development loans, $267,000; section 524 site development loans, $208,000; and repair, rehabilitation, and new construction of section 515 rental housing, $13,377,000: *Provided,* That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: *Provided further,* That applicants in communities that have a current rural area waiver under section 541 of the Housing Act of 1949 (42 U.S.C. 1490q) shall be treated as living in a rural area for purposes of section 502 guaranteed loans provided under this heading: *Provided further,* That of the amounts available under this paragraph for section 502 direct loans, no less than $5,000,000 shall be available for direct loans for individuals whose homes will be built pursuant to a program funded with a mutual and self-help housing grant authorized by section 523 of the Housing Act of 1949 until June 1, 2023: *Provided further,* That the Secretary shall implement provisions to provide incentives to nonprofit organizations and public housing authorities to facilitate the acquisition of Rural Housing Service (RHS) multifamily housing properties by such nonprofit organizations and public housing authorities that commit to keep such properties in the RHS multifamily housing program for a period of time as determined by the Secretary, with such incentives to include, but not be limited

Fees.

Deadline.

Incentives.
Determination.

to, the following: allow such nonprofit entities and public housing authorities to earn a Return on Investment on their own resources to include proceeds from low income housing tax credit syndication, own contributions, grants, and developer loans at favorable rates and terms, invested in a deal; and allow reimbursement of organizational costs associated with owner's oversight of asset referred to as "Asset Management Fee" of up to $7,500 per property.

In addition, for the cost of direct loans and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $36,000,000, to remain available until expended, for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or re-amortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided,* That the Secretary shall, as part of the preservation and revitalization agreement, obtain a restrictive use agreement consistent with the terms of the restructuring.

Contracts.

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

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $412,254,000 shall be paid to the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

Time periods.

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949 or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $1,487,926,000, and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided,* That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further,* That upon request by an owner of a project financed by an existing loan under section 514 or 515 of the Act, the Secretary may renew the rental assistance agreement for a period of 20 years or until the term of such loan has expired, subject to annual appropriations: *Provided further,* That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for purposes of any debt reduction, maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further,* That rental assistance

provided under agreements entered into prior to fiscal year 2023 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further,* That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act: *Provided further,* That except as provided in the fourth proviso under this heading and notwithstanding any other provision of the Act, the Secretary may recapture rental assistance provided under agreements entered into prior to fiscal year 2023 for a project that the Secretary determines no longer needs rental assistance and use such recaptured funds for current needs.

Applicability.

Determination.

RURAL HOUSING VOUCHER ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, $48,000,000, to remain available until expended: *Provided,* That the funds made available under this heading shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid or otherwise paid off after September 30, 2005: *Provided further,* That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further,* That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further,* That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further,* That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

Applicability.

MUTUAL AND SELF-HELP HOUSING GRANTS

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

RURAL HOUSING ASSISTANCE GRANTS

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

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $2,800,000,000 for direct loans and $650,000,000 for guaranteed loans.

For the cost of direct loans, loan guarantees and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $341,490,328, to remain available until expended, of which up to $325,490,328 shall be for the purposes, and in the amounts, specified for this account in the table titled "Community Project Funding/Congressionally Directed Spending" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That $6,000,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further,* That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further,* That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further,* That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further,* That any unobligated balances from prior year appropriations under this heading for the cost of direct loans, loan guarantees and grants, including amounts deobligated or cancelled, may be made available to cover the subsidy costs for direct loans and or loan guarantees under this heading in this fiscal year: *Provided further,* That no amounts may be made available pursuant to the preceding proviso from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, or that were specified in the table titled "Community Project Funding/Congressionally Directed Spending" in the explanatory statement for division A of Public Law 117-103 described in section 4 in the matter preceding such division A: *Provided further,* That $10,000,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further,* That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

Loans.
Grants.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

For the cost of loan guarantees and grants, for the rural business development programs authorized by section 310B and described in subsections (a), (c), (f) and (g) of section 310B of the Consolidated Farm and Rural Development Act, $86,520,000, to remain available until expended: *Provided,* That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for one grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $9,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.), the Northern Border Regional Commission (40 U.S.C. 15101 et seq.), and the Appalachian Regional Commission (40 U.S.C. 14101 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further,* That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further,* That of the amount appropriated under this heading, $2,000,000 shall be for the Rural Innovation Stronger Economy Grant Program (7 U.S.C. 2008w): *Provided further,* That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

For the cost of direct loans, $3,313,000, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), of which $331,000 shall be available through June 30, 2023, for Federally Recognized Native American Tribes; and of which $663,000 shall be available through June 30, 2023, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, $4,468,000 shall be paid to the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

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

The cost of grants authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects shall not exceed $15,000,000.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $28,300,000, of which $3,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided,* That not to exceed $3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which $16,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 210A of the Agricultural Marketing Act of 1946, of which $3,000,000, to remain available until expended, shall be for Agriculture Innovation Centers authorized pursuant to section 6402 of Public Law 107–171.

RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM

For the principal amount of direct loans as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s), $25,000,000.

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

RURAL ENERGY FOR AMERICA PROGRAM

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

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

Loans.

HEALTHY FOOD FINANCING INITIATIVE

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

Loans.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

For the cost of loan guarantees and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, for rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $596,404,000, to remain available until expended, of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $5,000,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided,* That not to exceed $15,000,000 of the amount appropriated under this heading shall be for grants authorized by section 306A(i)(2) of the Consolidated Farm and Rural Development Act in addition to funding authorized by section 306A(i)(1) of such Act: *Provided further,* That $70,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by section 306C(a)(2)(B) and section 306D of the Consolidated Farm and Rural Development Act, and Federally Recognized Native American Tribes authorized by 306C(a)(1) of such Act: *Provided further,* That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: *Provided further,* That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: *Provided further,* That not to exceed $37,500,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $8,500,000 shall be made available for a grant to a qualified nonprofit multi-State regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further,* That not to exceed $21,180,000 of the amount appropriated

Alaska.

Determination.

under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further,* That not to exceed $4,000,000 of the amounts made available under this heading shall be for solid waste management grants: *Provided further,* That not to exceed $2,724,000 of the amounts appropriated under this heading shall be available as the Secretary deems appropriate for water and waste direct one percent loans for distressed communities: *Provided further,* That if the Secretary determines that any portion of the amount made available for one percent loans is not needed for such loans, the Secretary may use such amounts for grants authorized by section 306(a)(2) of the Consolidated Farm and Rural Development Act: *Provided further,* That if any funds made available for the direct loan subsidy costs remain unobligated after July 31, 2024, such unobligated balances may be used for grant programs funded under this heading: *Provided further,* That $10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further,* That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

Determination.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of loans and loan guarantees as authorized by sections 4, 305, 306, 313A, and 317 of the Rural Electrification Act of 1936 (7 U.S.C. 904, 935, 936, 940c–1, and 940g) shall be made as follows: guaranteed rural electric loans made pursuant to section 306 of that Act, $2,167,000,000; cost of money direct loans made pursuant to sections 4, notwithstanding the one-eighth of one percent in 4(c)(2), and 317, notwithstanding 317(c), of that Act, $4,333,000,000; guaranteed underwriting loans pursuant to section 313A of that Act, $900,000,000; and for cost-of-money rural telecommunications loans made pursuant to section 305(d)(2) of that Act, $690,000,000: *Provided,* That up to $2,000,000,000 shall be used for the construction, acquisition, design, engineering or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon subsurface utilization and storage systems.

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

In addition, $11,500,000 to remain available until expended, to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a): *Provided,* That the energy efficiency measures supported by the funding in this paragraph shall contribute in a demonstrable way to the reduction of greenhouse gases.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $33,270,000, which

shall be paid to the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $64,991,000, to remain available until expended, of which up to $4,991,000 shall be for the purposes, and in the amounts, specified for this account in the table titled "Community Project Funding/Congressionally Directed Spending" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That $3,000,000 shall be made available for grants authorized by section 379G of the Consolidated Farm and Rural Development Act: *Provided further,* That funding provided under this heading for grants under section 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section.

Grants.

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

For the cost to continue a broadband loan and grant pilot program established by section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141) under the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 et seq.), $363,512,317, to remain available until expended, of which up to $15,512,317 shall be for the purposes, and in the amounts, specified for this account in the table titled "Community Project Funding/Congressionally Directed Spending" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That the Secretary may award grants described in section 601(a) of the Rural Electrification Act of 1936, as amended (7 U.S.C. 950bb(a)) for the purposes of carrying out such pilot program: *Provided further,* That the cost of direct loans shall be defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That at least 90 percent of the households to be served by a project receiving a loan or grant under the pilot program shall be in a rural area without sufficient access to broadband: *Provided further,* That for purposes of such pilot program, a rural area without sufficient access to broadband shall be defined as twenty-five megabits per second downstream and three megabits per second upstream: *Provided further,* That to the extent possible, projects receiving funds provided under the pilot program must build out service to at least one hundred megabits per second downstream, and twenty megabits per second upstream: *Provided further,* That an entity to which a loan or grant is made under the pilot program shall not use the loan or grant to overbuild or duplicate broadband service in a service area by any entity that has received a broadband loan from the Rural Utilities Service unless such service is not provided sufficient access to broadband at the minimum service threshold: *Provided further,* That not more than four percent of the funds made available in this paragraph can be used for administrative costs to carry out the pilot program and up to three percent of funds made

Grants.

available in this paragraph may be available for technical assistance and pre-development planning activities to support the most rural communities: *Provided further,* That the Rural Utilities Service is directed to expedite program delivery methods that would implement this paragraph: *Provided further,* That for purposes of this paragraph, the Secretary shall adhere to the notice, reporting and service area assessment requirements set forth in section 701 of the Rural Electrification Act (7 U.S.C. 950cc).

Requirements.

In addition, $35,000,000, to remain available until expended, for the Community Connect Grant Program authorized by 7 U.S.C. 950bb–3.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services, $1,376,000: *Provided,* That funds made available by this Act to an agency in the Food, Nutrition and Consumer Services mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $28,545,432,000 to remain available through September 30, 2024, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: *Provided,* That of the total amount available, $20,162,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided further,* That of the total amount available, $21,005,000 shall be available to carry out studies and evaluations and shall remain available until expended: *Provided further,* That of the total amount available, $14,000,000 shall remain available until expended to carry out section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)): *Provided further,* That notwithstanding section 18(g)(3)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)(c)), the total grant amount provided to a farm to school grant recipient in fiscal year 2023 shall not exceed $500,000: *Provided further,* That of the total amount available, $30,000,000 shall be available to provide competitive grants to State agencies for subgrants to local educational agencies and schools to purchase the equipment, with a value of greater than $1,000, needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance,

or expansion of the school breakfast program: *Provided further,* That of the total amount available, $40,000,000 shall remain available until expended to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80): *Provided further,* That of the total amount available, $2,000,000 shall remain available until expended to carry out activities authorized under subsections (a)(2) and (e)(2) of section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(a)(2) and (e)(2)): *Provided further,* That of the total amount available, $3,000,000 shall be available until September 30, 2024 to carry out section 23 of the Child Nutrition Act of 1966 (42 U.S.C. 1793), of which $1,000,000 shall be for grants under such section to the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, and American Samoa: *Provided further,* That section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "2010 through 2023" and inserting "2010 through 2024": *Provided further,* That section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended in the first sentence by striking "For fiscal year 2022" and inserting "For fiscal year 2023": *Provided further,* That section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended in the first sentence by striking "For fiscal year 2022" and inserting "For fiscal year 2023".

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

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,000,000,000, to remain available through September 30, 2024: *Provided,* That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than $90,000,000 shall be used for breastfeeding peer counselors and other related activities, and $14,000,000 shall be used for infrastructure: *Provided further,* That the Secretary shall use funds made available under this heading to increase the amount of a cash-value voucher for women and children participants to an amount recommended by the National Academies of Science, Engineering and Medicine and adjusted for inflation: *Provided further,* That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further,* That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: *Provided further,* That upon termination of a federally mandated vendor moratorium and subject to terms and conditions established by the Secretary, the Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

Waiver authority.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $153,863,723,000, of which $3,000,000,000, to remain available through September 30, 2025, shall be placed in reserve for use only in such amounts and at

such times as may become necessary to carry out program operations: *Provided,* That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further,* That of the funds made available under this heading, $998,000 may be used to provide nutrition education services to State agencies and Federally Recognized Tribes participating in the Food Distribution Program on Indian Reservations: *Provided further,* That of the funds made available under this heading, $3,000,000, to remain available until September 30, 2024, shall be used to carry out section 4003(b) of Public Law 115–334 relating to demonstration projects for tribal organizations: *Provided further,* That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further,* That funds made available for Employment and Training under this heading shall remain available through September 30, 2024: *Provided further,* That funds made available under this heading for section 28(d)(1), section 4(b), and section 27(a) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2024: *Provided further,* That none of the funds made available under this heading may be obligated or expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183A): *Provided further,* That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

Workfare requirements.

Contracts. Studies. Evaluations.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $457,710,000, to remain available through September 30, 2024: *Provided,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further,* That notwithstanding any other provision of law, effective with funds made available in fiscal year 2023 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2024: *Provided further,* That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 20 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

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

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS

For necessary expenses of the Office of the Under Secretary for Trade and Foreign Agricultural Affairs, $932,000: *Provided,* That funds made available by this Act to any agency in the Trade and Foreign Agricultural Affairs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CODEX ALIMENTARIUS

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

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $250,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $237,330,000, of which no more than 6 percent shall remain available until September 30, 2024, for overseas operations to include the payment of locally employed staff: *Provided,* That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further,* That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

Reimbursement.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,750,000,000, to remain available until expended.

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

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $243,331,000, to remain available until expended: *Provided,* That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein: *Provided further,* That of the amount made available under this heading, not more than 10 percent, but not less than $24,300,000, shall remain available until expended to purchase agricultural commodities as described in subsection 3107(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(a)(2)).

Reimbursement.

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's Export Guarantee Program, GSM 102 and GSM 103, $6,063,000, to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, which shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses".

TITLE VI

RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; in addition to amounts appropriated to the FDA Innovation Account, for carrying out the activities described in section 1002(b)(4) of the 21st Century Cures Act (Public Law 114–255); for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $6,562,793,000: *Provided,* That of the amount provided under this heading, $1,310,319,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; $324,777,000 shall be derived from medical device

user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $582,500,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j–42, and shall be credited to this account and remain available until expended; $41,600,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j–52, and shall be credited to this account and remain available until expended; $32,144,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j–12, and shall be credited to this account and remain available until expended; $29,303,000 shall be derived from generic new animal drug user fees authorized by 21 U.S.C. 379j–21, and shall be credited to this account and remain available until expended; $712,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended: *Provided further,* That in addition to and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and generic new animal drug user fees that exceed the respective fiscal 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 field activities in the Office of Regulatory Affairs, of which no less than $10,000,000 shall be for pilots to increase unannounced foreign inspections and shall remain available until expended; (3) $489,594,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $287,339,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $736,359,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $76,919,000 shall be for the National Center for Toxicological Research; (7) $677,165,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) $214,082,000 shall be for Rent and Related activities, of which $55,893,000 is for White Oak Consolidation, other than the amounts

paid to the General Services Administration for rent; (9) $236,166,000 shall be for payments to the General Services Administration for rent; and (10) $359,782,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Food Policy and Response, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: *Provided further,* That not to exceed $25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further,* That any transfer of funds pursuant to, and for the administration of, section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities and shall not exceed $2,000,000: *Provided further,* That of the amounts that are made available under this heading for "other activities", and that are not derived from user fees, $1,500,000 shall be transferred to and merged with the appropriation for "Department of Health and Human Services—Office of Inspector General" for oversight of the programs and operations of the Food and Drug Administration and shall be in addition to funds otherwise made available for oversight of the Food and Drug Administration: *Provided further,* That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

Determination.

Advance approval.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, priority review user fees authorized by 21 U.S.C. 360n and 360ff, food and feed recall fees, food reinspection fees, and voluntary qualified importer program fees authorized by 21 U.S.C. 379j–31, outsourcing facility fees authorized by 21 U.S.C. 379j–62, prescription drug wholesale distributor licensing and inspection fees authorized by 21 U.S.C. 353(e)(3), third-party logistics provider licensing and inspection fees authorized by 21 U.S.C. 360eee–3(c)(1), third-party auditor fees authorized by 21 U.S.C. 384d(c)(8), medical countermeasure priority review voucher user fees authorized by 21 U.S.C. 360bbb–4a, and fees relating to over-the-counter monograph drugs authorized by 21 U.S.C. 379j–72 shall be credited to this account, to remain available until expended.

Fees.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, demolition, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $12,788,000, to remain available until expended.

FDA INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described under section 1002(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes under the heading "Salaries and Expenses", $50,000,000, to remain available until expended: *Provided,* That amounts appropriated in this paragraph are appropriated pursuant to section 1002(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section

1002(b)(2)(A) of such Act, and may be transferred by the Commissioner of Food and Drugs to the appropriation for "Department of Health and Human Services Food and Drug Administration Salaries and Expenses" solely for the purposes provided in such Act: *Provided further,* That upon a determination by the Commissioner that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the account: *Provided further,* That such transfer authority is in addition to any other transfer authority provided by law.

Determination.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $88,500,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided,* That this limitation shall not apply to expenses associated with receiverships: *Provided further,* That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress: *Provided further,* That the purposes of section 3.7(b)(2)(A)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2128(b)(2)(A)(i)), the Farm Credit Administration may exempt, an amount in its sole discretion, from the application of the limitation provided in that clause of export loans described in the clause guaranteed or insured in a manner other than described in subclause (II) of the clause.

Notification.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

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.

Determination.

Notification.
Approval.
Deadline.

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 acquisition of property, plant and equipment and for the

Advance approvals.
Notifications.

improvement, delivery, and implementation of Department financial, and administrative information technology services, and other support systems necessary for the delivery of financial, administrative, and information technology services, including cloud adoption and migration, of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: *Provided,* That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further,* That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further,* That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 716 of this Act: *Provided further,* That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to initiate, plan, develop, implement, or make any changes to remove or relocate any systems, missions, personnel, or functions of the offices of the Chief Financial Officer and the Chief Information Officer, co-located with or from the National Finance Center prior to written notification to and prior approval of the Committee on Appropriations of both Houses of Congress and in accordance with the requirements of section 716 of this Act: *Provided further,* That the National Finance Center Information Technology Services Division personnel and data center management responsibilities, and control of any functions, missions, and systems for current and future human resources management and integrated personnel and payroll systems (PPS) and functions provided by the Chief Financial Officer and the Chief Information Officer shall remain in the National Finance Center and under the management responsibility and administrative control of the National Finance Center: *Provided further,* That the Secretary of Agriculture and the offices of the Chief Financial Officer shall actively market to existing and new Departments and other government agencies National Finance Center shared services including, but not limited to, payroll, financial management, and human capital shared services and allow the National Finance Center to perform technology upgrades: *Provided further,* That of annual income amounts in the Working Capital Fund of the Department of Agriculture attributable to the amounts in excess of the true costs of the shared services provided by the National Finance Center and budgeted for the National Finance Center, the Secretary shall reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement, delivery, and implementation of financial, administrative, and information technology services, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further,* That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: *Provided further,* That the limitations on the obligation

Determination.

of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

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

Contracts.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

Determination.
Approvals.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided,* That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further,* That notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over $25,000 prior to receipt of written approval by the Chief Information Officer: *Provided further,* That the Chief Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to $250,000 based upon the performance of an agency measured against the performance plan requirements described in the explanatory statement accompanying Public Law 113–235.

Notification.

SEC. 707. Funds made available under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 708. Notwithstanding any other provision of law, any former Rural Utilities Service borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for

assistance under section 313B(a) of such Act in the same manner as a borrower under such Act.

SEC. 709. Except as otherwise specifically provided by law, not more than $20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency shall remain available through September 30, 2024, for information technology expenses.

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

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

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

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

SEC. 712. Of the funds made available by this Act, not more than $2,900,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

Pornography.

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

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 714. Notwithstanding subsection (b) of section 14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this section referred to as "section 14222"), none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c; in this section referred to as "section 32") in excess of $1,483,309,000 (exclusive of carryover appropriations from prior fiscal years), as follows: Child Nutrition Programs Entitlement Commodities—$485,000,000; State Option Contracts—$5,000,000; Removal of Defective Commodities—$2,500,000; Administration of section 32 Commodity Purchases—$37,178,000: *Provided,* That, of the total funds made available in the matter preceding this proviso that remain unobligated on October 1, 2023, such unobligated balances shall carryover into fiscal year 2024 and shall remain available

Notification.
Time period.

until expended for any of the purposes of section 32, except that any such carryover funds used in accordance with clause (3) of section 32 may not exceed $350,000,000 and may not be obligated until the Secretary of Agriculture provides written notification of the expenditures to the Committees on Appropriations of both Houses of Congress at least two weeks in advance: *Provided further,* That, with the exception of any available carryover funds authorized in any prior appropriations Act to be used for the purposes of clause (3) of section 32, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture to carry out clause (3) of section 32.

SEC. 715. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's budget submission to the Congress for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2024 appropriations Act.

Notifications. Approvals. Time period.

SEC. 716. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming, transfer of funds, or reimbursements as authorized by the Economy Act, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

(1) creates new programs;

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

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

(4) relocates an office or employees;

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

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

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

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the

authorities referred to in subsection (a) involving funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

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

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

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

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

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

(3) carrying out activities or functions that were not described in the budget request;

unless the agencies funded by this Act notify, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of using the funds for these purposes.

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

Fees.

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

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture, the Food and Drug Administration or the Farm Credit Administration shall be used to transmit or otherwise make available reports, questions, or responses to questions that are a result of information requested for the appropriations hearing process to any non-Department of

Agriculture, non-Department of Health and Human Services, or non-Farm Credit Administration employee.

News stories. Notification.

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

Time period. Reimbursement.

SEC. 720. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 60 days in a fiscal year unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

Deadline. Spending plan.

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

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

Determination. Prisons and prisoners.

SEC. 723. For the purposes of determining eligibility or level of program assistance for Rural Development programs the Secretary shall not include incarcerated prison populations.

Loans.

SEC. 724. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: *Provided,* That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

Notification. Time period.

Notification. Advance approval.

SEC. 725. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall be available for obligation without written notification to, and the prior approval of, the Committees on Appropriations of both Houses of Congress: *Provided,* That the refunds or rebates so transferred shall be available for obligation only for the acquisition of property, plant and equipment, including equipment for the improvement, delivery, and implementation of Departmental financial management, information technology, and other support systems necessary for the delivery of financial,

administrative, and information technology services, including cloud adoption and migration, of primary benefit to the agencies of the Department of Agriculture.

SEC. 726. None of the funds made available by this Act may be used to implement, administer, or enforce the "variety" requirements of the final rule entitled "Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)" published by the Department of Agriculture in the Federal Register on December 15, 2016 (81 Fed. Reg. 90675) until the Secretary of Agriculture amends the definition of the term "variety" as defined in section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regulations, and "variety" as applied in the definition of the term "staple food" as defined in section 271.2 of title 7, Code of Federal Regulations, to increase the number of items that qualify as acceptable varieties in each staple food category so that the total number of such items in each staple food category exceeds the number of such items in each staple food category included in the final rule as published on December 15, 2016: *Provided,* That until the Secretary promulgates such regulatory amendments, the Secretary shall apply the requirements regarding acceptable varieties and breadth of stock to Supplemental Nutrition Assistance Program retailers that were in effect on the day before the date of the enactment of the Agricultural Act of 2014 (Public Law 113–79).

Applicability. Effective date.

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

SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be available for the United States Department of Agriculture to propose, finalize or implement any regulation that would promulgate new user fees pursuant to 31 U.S.C. 9701 after the date of the enactment of this Act.

SEC. 729. Of the unobligated balances from amounts made available for the supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $315,000,000 are hereby rescinded: *Provided,* That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 730. Notwithstanding any provision of law that regulates the calculation and payment of overtime and holiday pay for FSIS inspectors, the Secretary may charge establishments subject to the inspection requirements of the Poultry Products Inspection Act, 21 U.S.C. 451 et seq., the Federal Meat Inspection Act, 21 U.S.C. 601 et seq, and the Egg Products Inspection Act, 21 U.S.C. 1031 et seq., for the cost of inspection services provided outside of an establishment's approved inspection shifts, and for inspection services provided on Federal holidays: *Provided,* That any sums charged pursuant to this paragraph shall be deemed as overtime pay or holiday pay under section 1001(d) of the American Rescue Plan Act of 2021 (Public Law 117–2, 135 Stat. 242): *Provided further,* That sums received by the Secretary under this paragraph shall, in addition to other available funds, remain available until expended

to the Secretary without further appropriation for the purpose of funding all costs associated with FSIS inspections.

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

Audits. Evaluation.

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

(A) veterinary control and oversight;

(B) disease history and vaccination practices;

(C) livestock demographics and traceability;

(D) epidemiological separation from potential sources of infection;

(E) surveillance practices;

(F) diagnostic laboratory capabilities; and

(G) emergency preparedness and response; and

Public information. Reports. Applicability.

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

(b) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 732. In this fiscal year and thereafter, and notwithstanding any other provision of law, none of the funds made available by this Act may be used to implement section 3.7(f) of the Farm Credit Act of 1971 in a manner inconsistent with section 343(a)(13) of the Consolidated Farm and Rural Development Act.

SEC. 733. In this fiscal year and thereafter, and notwithstanding any other provision of law, none of the funds made available by this Act may be used to carry out any activities or incur any expense related to the issuance of licenses under section 3 of the Animal Welfare Act (7 U.S.C. 2133), or the renewal of such licenses, to class B dealers who sell Random Source dogs and cats for use in research, experiments, teaching, or testing.

Iron and steel products.

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

Definition.

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

(b) Subsection (a) shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section referred to as the "Secretary") or the designee of the Secretary finds that—

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

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

Waiver request. Public information. Records. Time period.

(c) If the Secretary or the designee receives a request for a waiver under this section, the Secretary or the designee shall

make available to the public on an informal basis a copy of the request and information available to the Secretary or the designee concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary or the designee shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Department.

Web posting.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

Applicability.

(e) The Secretary may retain up to 0.25 percent of the funds appropriated in this Act for "Rural Utilities Service—Rural Water and Waste Disposal Program Account" for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

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

(g) For purposes of this section, the terms "United States" and "State" shall include each of the several States, the District of Columbia, and each Federally recognized Indian Tribe.

Definition.

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

Lobbying.

SEC. 736. Of the total amounts made available by this Act for direct loans and grants under the following headings: "Rural Housing Service—Rural Housing Insurance Fund Program Account"; "Rural Housing Service—Mutual and Self-Help Housing Grants"; "Rural Housing Service—Rural Housing Assistance Grants"; "Rural Housing Service—Rural Community Facilities Program Account"; "Rural Business-Cooperative Service—Rural Business Program Account"; "Rural Business-Cooperative Service—Rural Economic Development Loans Program Account"; "Rural Business-Cooperative Service—Rural Cooperative Development Grants"; "Rural Business-Cooperative Service—Rural Microentrepreneur Assistance Program"; "Rural Utilities Service—Rural Water and Waste Disposal Program Account"; "Rural Utilities Service—Rural Electrification and Telecommunications Loans Program Account"; and "Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program", to the maximum extent feasible, at least 10 percent of the funds shall be allocated for assistance in persistent poverty counties under this section, including, notwithstanding any other provision regarding population limits, any county seat of such a persistent poverty county that has a population that does not exceed the authorized population limit by more than 10 percent: *Provided,* That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average, or any territory or possession of the United States: *Provided further,* That with respect to specific activities for which program levels have been made available by this Act that are not supported

Definition.

Applicability.

by budget authority, the requirements of this section shall be applied to such program level.

Human embryos.

SEC. 737. None of the funds made available by this Act may be used to notify a sponsor or otherwise acknowledge receipt of a submission for an exemption for investigational use of a drug or biological product under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Any such submission shall be deemed to have not been received by the Secretary, and the exemption may not go into effect.

SEC. 738. None of the funds made available by this or any other Act may be used to enforce the final rule promulgated by the Food and Drug Administration entitled "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption," and published on November 27, 2015, with respect to the regulation of entities that grow, harvest, pack, or hold wine grapes, hops, pulse crops, or almonds.

SEC. 739. There is hereby appropriated $5,000,000, to remain available until September 30, 2024, for a pilot program for the National Institute of Food and Agriculture to provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

Time periods.
School breakfast.

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

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

(1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940), subtitle G of the Agricultural Marketing Act of 1946, or section 10114 of the Agriculture Improvement Act of 2018; or

Hemp and hemp seeds.

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

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

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

Waiver authority.

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

SEC. 745. There is hereby appropriated $2,000,000, to remain available until expended, for a pilot program for the Secretary to provide grants to qualified non-profit organizations and public housing authorities to provide technical assistance, including financial and legal services, to RHS multi-family housing borrowers

to facilitate the acquisition of RHS multi-family housing properties in areas where the Secretary determines a risk of loss of affordable housing, by non-profit housing organizations and public housing authorities as authorized by law that commit to keep such properties in the RHS multi-family housing program for a period of time as determined by the Secretary.

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

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

Water. Determination. Time period.

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

Determination.

SEC. 749. Funds made available under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

Compliance inspection. 7 USC 2144 note.

SEC. 750. In this fiscal year and thereafter, and notwithstanding any other provision of law, ARS facilities as described in the "Memorandum of Understanding Between the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) and the U.S. Department of Agriculture Agricultural Research Service (ARS) Concerning Laboratory Animal Welfare" (16–6100–0103–MU Revision 16–1) shall be inspected by APHIS for compliance with the Animal Welfare Act and its regulations and standards.

Poultry and poultry products. China.

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

Time period. Requirement. School lunches.

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

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

Grants.

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

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

7 USC 2146 note.

SEC. 756. Hereafter, none of the funds made available by this Act or any other Act, may be used to pay the salaries or expenses of personnel to implement any activities related to the permitting of non-recording of observed violations of the Animal Welfare Act or its regulations on official inspection reports.

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

SEC. 758. Notwithstanding any other provision of law, no funds available to the Department of Agriculture may be used to move any staff office or any agency from the mission area in which it was located on August 1, 2018, to any other mission area or office within the Department in the absence of the enactment of specific legislation affirming such move.

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

Determination.

SEC. 760. In administering the pilot program established by section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141), the Secretary of Agriculture may, for purposes of determining entities eligible to receive assistance, consider those communities which are "Areas Rural in Character": *Provided,* That not more than 10 percent of the funds made available under the heading "Distance Learning, Telemedicine, and Broadband Program" for the purposes of the pilot program established by section 779 of Public Law 115–141 may be used for this purpose.

SEC. 761. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel—

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

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

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

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

Deadline.
Fish and fishing.

SEC. 763. Out of amounts appropriated to the Food and Drug Administration under title VI, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall, not later than September 30, 2023, and following the review required under Executive Order No. 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), issue advice revising the advice provided in the notice of availability entitled "Advice About Eating Fish, From the Environmental Protection Agency and Food and Drug Administration; Revised Fish Advice; Availability" (82 Fed. Reg. 6571 (January 19, 2017)), in a manner that is consistent with nutrition science recognized by the Food and Drug Administration on the net effects of seafood consumption.

Wetlands.
Conservation.

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

Genetic engineering.

SEC. 765. Notwithstanding any other provision of law, the acceptable market name of any engineered animal approved prior to the effective date of the National Bioengineered Food Disclosure Standard (February 19, 2019) shall include the words "genetically engineered" prior to the existing acceptable market name.

SEC. 766. There is appropriated to the Department of Agriculture, for an additional amount for "Agricultural Programs—Processing, Research, and Marketing—Office of the Secretary", $5,000,000, which shall remain available until expended, for necessary expenses, under such terms and conditions determined by the Secretary, related to testing soil, water, or agricultural products for per- and polyfluoroalkyl substances (PFAS) at the request of an agricultural producer, assisting agricultural producers affected by PFAS contamination with costs related to mitigate the impacts to their operation that have resulted from such contamination and indemnifying agricultural producers for the value of unmarketable crops, livestock, and other agricultural products related to PFAS contamination: *Provided,* That the Secretary shall prioritize such assistance to agricultural producers in states and territories that have established a tolerance threshold for PFAS in a food or agricultural product: *Provided further,* That, not later than 90 days after the end of fiscal year 2023, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory and the status of the amounts obligated and plans for further expenditure, and include improvements that can be made to U.S. Department of Agriculture programs, either administratively or legislatively, to increase support for agricultural producers impacted by PFAS contamination and to enhance scientific knowledge on PFAS uptake in crops and

Reports.

livestock and PFAS mitigation and remediation methods and disseminate such knowledge to agricultural producers.

Termination date.

SEC. 767. The Secretary shall set aside for Rural Economic Area Partnership (REAP) Zones, until August 15, 2023, an amount of funds made available in title III under the headings of Rural Housing Insurance Fund Program Account, Mutual and Self-Help Housing Grants, Rural Housing Assistance Grants, Rural Community Facilities Program Account, Rural Business Program Account, Rural Development Loan Fund Program Account, and Rural Water and Waste Disposal Program Account, equal to the amount obligated in REAP Zones with respect to funds provided under such headings in the most recent fiscal year any such funds were obligated under such headings for REAP Zones.

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

Continuation. Urban and rural areas.

SEC. 769. For an additional amount for the Office of the Secretary, $15,000,000, to remain available until expended, to continue the Institute for Rural Partnerships as established in section 778 of Public Law 117–103: *Provided,* That the Institute for Rural Partnerships shall continue to dedicate resources to researching the causes and conditions of challenges facing rural areas, and develop community partnerships to address such challenges: *Provided further,* That administrative or other fees shall not exceed one percent: *Provided further,* That such partnership shall coordinate and publish an annual report.

Coordination. Publication. Reports.

SEC. 770. Of the unobligated balances from prior year appropriations made available under the heading "Farm Service Agency—Agricultural Credit Insurance Fund Program Account", $73,000,000 are hereby rescinded.

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

SEC. 772. For an additional amount for the "Office of the Secretary", $1,300,000, to remain available until expended, for the Secretary, in consultation with the Secretary of the Department of Health and Human Services, to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study of the eight topics and scientific questions related to alcohol previously published by USDA and HHS and other relevant topics: *Provided,* That the panel or panels established by the National Academies Sciences, Engineering, and Medicine to conduct the study shall operate in a fully transparent manner and include a balanced representation of individuals who have

expertise in the health effects of alcohol consumption, are unbiased, and are free from conflicts of interests: *Provided further,* That the findings and recommendations of the study shall be based on the preponderance of the scientific and medical knowledge consistent with section 5341 of title 7 of United States Code: *Provided further,* That not later than eighteen months after the date of enactment of this Act, the National Academies of Sciences, Engineering, and Medicine shall submit its report to the Secretary of Agriculture, the Secretary of Health and Human Services, and the Congress of its systematic review and data analysis of the eight research topics: *Provided further,* That the Secretary of Agriculture shall ensure that the 2025 Dietary Guidelines for Americans process includes a recommendation for alcohol and shall be based on the preponderance of scientific and medical knowledge consistent with section 5341 of title 7 of United States Code: *Provided further,* That the Secretary of Agriculture shall ensure the process is fully transparent and includes a balanced representation of individuals who are unbiased and free from conflicts of interest.

Reports.

Recommendations.
Alcohol and alcoholic beverages.

SEC. 773. The Secretary, as part of the report on foreign landholding required under the Agricultural Foreign Investment Disclosure Act (Public Law 95–460), shall report to Congress on foreign investments in agricultural land in the United States, including the impact foreign ownership has on family farms, rural communities, and the domestic food supply: *Provided,* That within 3 years after the enactment of this Act, the Secretary shall establish a streamlined process for electronic submission and retention of disclosures made under the Agricultural Foreign Investment Disclosure Act, including an internet database that contains disaggregated data from each disclosure submitted: *Provided further*, That all prior year disclosures of foreign investments in agricultural land in the United States are published in the database: *Provided further,* That the plan includes a process to ensure the protection of personally identifiable information and that all disclosures of foreign investments in agricultural land on the USDA website be disaggregated by: (1) in any case in which such foreign person is an individual, the citizenship of such foreign person; and (2) in any case in which such foreign person is not an individual or a government, the nature of the legal entity holding the interest, the country in which such foreign person is created or organized, and the principal place of business of such foreign person.

Reports.
Foreign investments.
Disclosures.
7 USC 3501 note.

Deadline.
Records.
Data.

Publication.

Plan.
Privacy.

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

Kanpachi.

SEC. 775. In this or any subsequent fiscal year, the Secretary of Homeland Security shall transfer to the Secretary of Agriculture the operation of and all property required to operate the National Bio- and Agro-Defense Facility in Manhattan, Kansas: *Provided,* That, such transfer of function shall include the transfer of up to 40 full time equivalent positions, to be completed within 120 days of the effective date of the transfer of function, as jointly determined by the Secretaries.

Kansas.
6 USC 190 note.

Deadline.
Determinations.

SEC. 776. (a) Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) is amended by striking "2022" and inserting "2023".

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

SEC. 777. Section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)) is amended by striking "Access to Local Foods: Farm to School Program." and inserting "Access to Local Foods: Patrick Leahy Farm to School Program".

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

Deadline.

SEC. 779. Of the unobligated balances in the "Nonrecurring Expenses Fund" established in section 742 of division A of Public Law 113–235, $150,000,000 are hereby rescinded not later than September 30, 2023.

SEC. 780. Funds made available in the Consolidated Appropriations Act, 2018 (Public Law 115–141) for the "Rural Community Facilities Program Account" under section 306 of the Consolidated Farm and Rural Development Act, 7 U.S.C. 1926, for the principal amount of direct loans are to remain available through fiscal year 2028 for the liquidation of valid obligations incurred in fiscal year 2018.

SEC. 781. Of the unobligated balances from amounts made available to carry out section 749(g) of the Agricultural Appropriations Act of 2010 (Public Law 111–80), $80,000,000 are hereby rescinded: *Provided,* That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

This division may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023".

Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023.

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

TITLE I

DEPARTMENT OF COMMERCE

Department of Commerce Appropriations Act, 2023.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Time periods.

For necessary expenses for international trade activities of the Department of Commerce provided for by law, to carry out activities associated with facilitating, attracting, and retaining business investment in the United States, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of

title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; not to exceed $325,000 for purchase of armored vehicles without regard to the general purchase price limitations; obtaining insurance on official motor vehicles; and rental of tie lines, $625,000,000, of which $85,000,000 shall remain available until September 30, 2024: *Provided,* That $12,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: *Provided further,* That, of amounts provided under this heading, not less than $16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: *Provided further,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further,* That, of amounts provided under this heading, up to $3,000,000, to remain available until expended, shall be for the purpose of carrying out a pilot fellowship program of the United States Commercial Service under which the Secretary of Commerce may make competitive grants to appropriate institutions of higher education or students to increase the level of knowledge and awareness of, and interest in employment with, that Service among minority students: *Provided further,* That any grants awarded under such program shall be made pursuant to regulations to be prescribed by the Secretary, which shall require as a condition of the initial receipt of grant funds, a commitment by prospective grantees to accept full-time employment in the Global Markets unit of the International Trade Administration upon the completion of participation in the program.

Applicability. Assessments.

Grants. Regulations. Requirement.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $13,500 for official representation expenses abroad; awards of compensation to informers under the Export Control Reform Act of 2018 (subtitle B of title XVII of the John S. McCain

National Defense Authorization Act for Fiscal Year 2019; Public Law 115–232; 132 Stat. 2208; 50 U.S.C. 4801 et seq.), and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $191,000,000, of which $76,000,000 shall remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further,* That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

Applicability.

Public information.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

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

SALARIES AND EXPENSES

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

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Minority Business Development Agency in fostering, promoting, and developing minority business enterprises, as authorized by law, $70,000,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $130,000,000, to remain available until September 30, 2024.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $330,000,000: *Provided,* That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

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

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $62,000,000, to remain available until September 30, 2024: *Provided,* That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further,* That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

Fees.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

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

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $4,253,404,000, to remain available until expended: *Provided,* That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2023, so as to result in a fiscal year 2023 appropriation from the general fund estimated at $0: *Provided further,* That during fiscal year 2023, should the total amount of such offsetting collections be less than $4,253,404,000, this amount shall be reduced accordingly: *Provided further,* That any amount received in excess of $4,253,404,000 in fiscal year 2023 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further,* That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further,* That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office "Salaries and Expenses" account: *Provided further,* That the budget of the President submitted for fiscal year 2024 under section 1105 of title 31, United States Code, shall include within amounts provided under this heading for necessary expenses of the USPTO any increases that are expected to result from an increase promulgated through rule or regulation in offsetting collections of fees and surcharges assessed and collected by the USPTO under any law in either fiscal year 2023 or fiscal year 2024: *Provided further,* That from amounts provided herein, not to exceed $13,500 shall be made available in fiscal year 2023 for official reception and representation expenses: *Provided further,* That in fiscal year 2023 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the Employees FEHB Fund, as appropriate, and shall be available for the authorized purposes

Reduction.

Reduction.

Spending plan.

of those accounts: *Provided further,* That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: *Provided further,* That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): *Provided further,* That within the amounts appropriated, $2,450,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the National Institute of Standards and Technology (NIST), $953,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the "Working Capital Fund": *Provided,* That of the amounts appropriated under this heading, $62,532,000 shall be used for the projects, and in the amounts, specified in the table immediately following the paragraph "NIST STRS Community Project Funding/NIST External Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That the amounts made available for the projects referenced in the preceding proviso may not be transferred for any other purpose: *Provided further,* That not to exceed $5,000 shall be for official reception and representation expenses: *Provided further,* That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $212,000,000, to remain available until expended, of which $175,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $37,000,000 shall be for the Manufacturing USA Program.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $462,285,000, to remain available until expended: *Provided,* That of the amounts appropriated under this heading, $332,285,000 shall be used for the projects, and in the amounts, specified in the table immediately following the paragraph "NIST Construction Community Project Funding/NIST Extramural Construction" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act):

Provided further, That up to one percent of amounts made available for the projects referenced in the preceding proviso may be used for the administrative costs of such projects: *Provided further,* That the Director of the National Institute of Standards and Technology shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further,* That the Secretary of Commerce shall include in the budget justification materials for fiscal year 2024 that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

Spending plan.

Budget estimates. Time periods. 15 USC 1513b note.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; pilot programs for State-led fisheries management, notwithstanding any other provision of law; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $4,500,997,000, to remain available until September 30, 2024: *Provided,* That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further,* That in addition, $344,901,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program; Fisheries Data Collections, Surveys, and Assessments; Observers and Training; Fisheries Management Programs and Services; and Interjurisdictional Fisheries Grants: *Provided further,* That not to exceed $71,299,000 shall be for payment to the "Department of Commerce Working Capital Fund": *Provided further,* That of the $4,868,898,000 provided for in direct obligations under this heading, $4,500,997,000 is appropriated from the general fund, $344,901,000 is provided by transfer, and $23,000,000 is derived from recoveries of prior year obligations: *Provided further,* That of the amounts appropriated under this heading, $111,465,000 shall be used for the projects, and in the amounts, specified in the table immediately following the paragraph "NOAA Community Project Funding/NOAA Special Projects" in the explanatory statement described in section

4 (in the matter preceding division A of this consolidated Act): *Provided further,* That the amounts made available for the projects referenced in the preceding proviso may not be transferred for any other purpose: *Provided further,* That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further,* That in addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,653,630,000, to remain available until September 30, 2025, except that funds provided for acquisition and construction of vessels and aircraft, and construction of facilities shall remain available until expended: *Provided,* That of the $1,666,630,000 provided for in direct obligations under this heading, $1,653,630,000 is appropriated from the general fund and $13,000,000 is provided from recoveries of prior year obligations: *Provided further,* That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further,* That the Secretary of Commerce shall include in budget justification materials for fiscal year 2024 that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

Budget estimates.
Time periods.
15 USC 1513a note.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2024: *Provided,* That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the federally recognized Tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of Tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further,*

Grants.
State listing.
Native Americans.
Guidelines.

That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further,* That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERIES DISASTER ASSISTANCE

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

FISHERMEN'S CONTINGENCY FUND

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

FISHERIES FINANCE PROGRAM ACCOUNT

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

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $95,000,000: *Provided,* That no employee of the Department of Commerce may be detailed or assigned from a bureau or office funded by this Act or any other Act to offices within the Office of the Secretary of the Department of Commerce for more than 180 days in a fiscal year unless the individual's employing bureau or office is fully reimbursed for the salary and expenses of the employee for the entire period of assignment using funds provided under this heading: *Provided further,* That amounts made available to the Department of Commerce in this or any prior Act may not be transferred pursuant to section 508 of this or any prior Act to the account funded under this heading, except in the case of extraordinary circumstances that threaten life or property.

Time period.
Reimbursement.

RENOVATION AND MODERNIZATION

For necessary expenses for the renovation and modernization of the Herbert C. Hoover Building, $1,142,000.

NONRECURRING EXPENSES FUND

For necessary expenses for technology modernization projects and cybersecurity risk mitigation of the Department of Commerce, $35,000,000, to remain available until September 30, 2025: *Provided,* That amounts made available under this heading are in

addition to such other funds as may be available for such purposes: *Provided further,* That any unobligated balances of expired discretionary funds transferred to the Department of Commerce Nonrecurring Expenses Fund, as authorized by section 111 of title I of division B of Public Law 116–93, may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

Notification. Time period.

OFFICE OF INSPECTOR GENERAL

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

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

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

Certification.

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

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further,* That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

Notification. Time period.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2023: *Provided,* That the life cycle cost for the Joint Polar Satellite System is $11,322,125,000, the life cycle cost of the Polar Follow On Program is $6,837,900,000, the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is $11,700,100,000, and the life cycle cost for the Space Weather Follow On Program is $692,800,000.

Incorporation by reference. Applicability. 33 USC 878a note.

Reimbursement.

SEC. 105. Notwithstanding any other provision of law, the Secretary of Commerce may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

Child pornography.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

Reimbursement.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian Tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

Records.

SEC. 108. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online.

Fee.

Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

Grants.
Contracts.

SEC. 109. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, Tribal government, Territory, or possession or any subdivisions thereof: *Provided,* That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" and shall remain available until September 30, 2024, for such purposes: *Provided further,* That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 110. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided

for programs of the Bureau of Economic Analysis and the Bureau of the Census, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

SEC. 111. Amounts provided by this Act for the Hollings Manufacturing Extension Partnership under the heading "National Institute of Standards and Technology—Industrial Technology Services" shall not be subject to cost share requirements under 15 U.S.C. 278k(e)(2): *Provided,* That the authority made available pursuant to this section shall be elective, in whole or in part, for any Manufacturing Extension Partnership Center that also receives funding from a State that is conditioned upon the application of a Federal cost sharing requirement.

Waiver authority.

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

(1) in whole or in part, the matching requirements under sections 306 and 306A, and the cost sharing requirements under section 315, of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455, 1455a, and 1461) as necessary at the request of the grant applicant, for amounts made available under this Act under the heading "Operations, Research, and Facilities" under the heading "National Oceanic and Atmospheric Administration"; and

(2) up to 50 percent of the matching requirements under sections 306 and 306A, and the cost sharing requirements under section 315, of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455, 1455a, and 1461) as necessary at the request of the grant applicant, for amounts made available under this Act under the heading "Procurement, Acquisition and Construction" under the heading "National Oceanic and Atmospheric Administration".

This title may be cited as the "Department of Commerce Appropriations Act, 2023".

TITLE II

Department of Justice Appropriations Act, 2023.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

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

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental

direction, $138,000,000, to remain available until expended: *Provided,* That the Attorney General may transfer up to $40,000,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended, for enterprise-wide information technology initiatives: *Provided further,* That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act: *Provided further,* That any transfer pursuant to the first proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, $860,000,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account, and of which not less than $29,000,000 shall be available for services and activities provided by the Legal Orientation Program: *Provided,* That not to exceed $50,000,000 of the total amount made available under this heading shall remain available until September 30, 2027, for build-out and modifications of courtroom space.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $139,000,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character: *Provided,* That not to exceed $4,000,000 shall remain available until September 30, 2024.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

Term extension.

For necessary expenses of the United States Parole Commission as authorized, $14,591,000: *Provided,* That, notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; the administration of pardon and clemency petitions; and rent of private or Government-owned space in the District of Columbia, $1,138,000,000, of which not to exceed

$50,000,000 for litigation support contracts and information technology projects, including cybersecurity and hardening of critical networks, shall remain available until expended: *Provided,* That of the amount provided for INTERPOL Washington dues payments, not to exceed $685,000 shall remain available until expended: *Provided further,* That of the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further,* That of the total amount appropriated, not to exceed $9,000 shall be available to the Criminal Division for official reception and representation expenses: *Provided further,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further,* That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further,* That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended: *Provided further,* That any funds provided under this heading in prior year appropriations Acts that remain available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) may also be used to carry out any authorized purposes of the Civil Rights Division: *Provided further,* That amounts repurposed by the preceding proviso may not be used to increase the number of permanent positions.

Determination.

Reimbursement.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, $31,738,000, to be appropriated from the Vaccine Injury Compensation Trust Fund and to remain available until expended.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $225,000,000, to remain available until expended, of which not to exceed $5,000 shall be available for official reception and representation expenses: *Provided,* That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $190,000,000 in fiscal year 2023), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2023,

Fees.

Reduction.

so as to result in a final fiscal year 2023 appropriation from the general fund estimated at $35,000,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $2,632,000,000: *Provided,* That of the total amount appropriated, not to exceed $19,600 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $40,000,000 shall remain available until expended: *Provided further,* That each United States Attorney shall establish or participate in a task force on human trafficking.

Human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $255,000,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, deposits of discretionary offsetting collections to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further,* That, notwithstanding any other provision of law, fees deposited into the Fund as discretionary offsetting collections pursuant to section 589a of title 28, United States Code (as limited by section 589a(f)(2) of title 28, United States Code), shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further,* That to the extent that fees deposited into the Fund as discretionary offsetting collections in fiscal year 2023, net of amounts necessary to pay refunds due depositors, exceed $255,000,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further,* That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2023, net of amounts necessary to pay refunds due depositors, (estimated at $269,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund as discretionary offsetting collections in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2023 appropriation from the general fund estimated at $0.

Reduction.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

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

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $16,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $35,000,000 is for the purchase,

installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided,* That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Community Relations Service, $25,024,000: *Provided,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Determination.

ASSETS FORFEITURE FUND

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

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,705,000,000, of which not to exceed $20,000 shall be available for official reception and representation expenses, and not to exceed $25,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space that is controlled, occupied, or utilized by the United States Marshals Service for prisoner holding and related support, $18,000,000, to remain available until expended.

FEDERAL PRISONER DETENTION

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, $2,129,789,000, to remain available until expended: *Provided,* That not to exceed $20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to section 4013(b) of title 18, United States Code: *Provided further,* That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, $133,512,000, of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Determination.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking organizations, transnational organized crime, and money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in transnational organized crime and drug trafficking, $550,458,000, of which $50,000,000 shall remain available until expended: *Provided,* That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

Reimbursement.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $10,676,000,000, of which not to exceed $216,900,000 shall remain available until expended: *Provided,* That not to exceed $284,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities, and sites by purchase, or as otherwise authorized by law; conversion, modification, and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $651,895,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,563,116,000, of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses: *Provided,* That, notwithstanding section 3672 of Public Law 106–310, up to $10,000,000 may be used to reimburse States, units of local government, Indian Tribal Governments, other public entities, and multi-jurisdictional or regional consortia thereof for expenses incurred to clean up and safely dispose of substances associated with clandestine methamphetamine laboratories, conversion and extraction operations, tableting operations, or laboratories and processing operations for fentanyl and fentanyl-related substances which may present a danger to public health or the environment.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,672,000,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $25,000,000 shall remain available until expended: *Provided,* That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further,* That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further,* That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

CONSTRUCTION

For necessary expenses related to construction of laboratory facilities, to include the cost of equipment, furniture, and information technology requirements; construction or acquisition of buildings, facilities, and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally

owned buildings; and preliminary planning and design of projects; $75,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of 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 Act of 2018 (Public Law 115–391), of which not less than 2 percent shall be transferred to and merged with the appropriation for "Office of Justice Programs—Research, Evaluation and Statistics" for the National Institute of Justice to carry out evaluations of programs and activities related to the First Step Act of 2018: *Provided further,* That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further,* That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further,* That not to exceed $5,400 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $50,000,000 shall remain available until expended for necessary operations: *Provided further,* That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further,* That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

42 USC 250a.

Contracts. Determination.

Donations.

BUILDINGS AND FACILITIES

For planning, acquisition of sites, and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $108,000,000, to remain available until expended: *Provided,* That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

Contracts.

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) ("the 1968 Act"); title II of the Civil Rights Act of 1968 (commonly known as the "Indian Civil Rights Act of 1968") (Public Law 90–284) ("the Indian Civil Rights Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) ("the 2000 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22) ("the 2015 Act"); and the Abolish Human Trafficking Act (Public Law 115–392); and the Violence Against Women Act Reauthorization Act of 2022 (division W of

Public Law 117–103) ("the 2022 Act"); and for related victims services, $700,000,000, to remain available until expended: *Provided,* That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further,* That of the amount provided—

(1) $255,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act, and any applicable increases for the amount of such grants, as authorized by section 5903 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023: *Provided,* That $10,000,000 shall be for any such increases under such section 5903, which shall apply to fiscal year 2023 grants funded by amounts provided in this paragraph;

(2) $50,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) $2,500,000 is for the National Institute of Justice and the Bureau of Justice Statistics for research, evaluation, and statistics of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

(4) $17,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence, of which $3,500,000 is to engage men and youth in preventing domestic violence, dating violence, sexual assault, and stalking: *Provided,* That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: *Provided further,* That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further,* That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

Grants.

Applicability.

(5) $60,500,000 is for grants to improve the criminal justice response as authorized by part U of title I the 1968 Act, of which $4,000,000 is for a homicide reduction initiative; up to $4,000,000 is for a domestic violence lethality reduction initiative; $8,000,000 is for an initiative to promote effective policing and prosecution responses to domestic violence, dating violence, sexual assault, and stalking, including evaluation of the effectiveness of funded interventions ("Policing and Prosecution Initiative"); and $1,000,000 is for an initiative to enhance prosecution and investigation of online abuse and harassment ("Prosecution and Investigation of Online Abuse Initiative"): *Provided,* That subsections (c) and (d) of section 2101 of the

1968 Act shall not apply to the Policing and Prosecution Initiative or the Prosecution and Investigation of Online Abuse Initiative;

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

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

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

(9) $55,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

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

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

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

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

(14) $1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: *Provided*, That such funds may be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

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

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

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

(18) $15,000,000 is for a grant program to support restorative justice responses to domestic violence, dating violence, sexual assault, and stalking, including evaluations of those responses: *Provided,* That the definitions and grant conditions in section 109 of the 2022 Act, shall apply to this program; Applicability.

(19) $11,000,000 is for culturally specific services for victims, as authorized by section 121 of the 2005 Act;

(20) $3,000,000 is for an initiative to support cross-designation of tribal prosecutors as Tribal Special Assistant United States Attorneys: *Provided*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this initiative; Applicability.

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

Applicability.

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

Applicability.

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

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

Applicability.

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

(26) $1,500,000 is for a pilot program to improve victim services on college campuses.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Missing Children's Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21) ("the PROTECT Act"); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle C of title II of the Homeland Security Act of 2002 (Public Law 107–296) ("the 2002 Act"); the Prison Rape Elimination Act of 2003 (Public Law 108–79) ("PREA"); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198); the First Step Act of 2018 (Public Law 115–391); and other programs, $77,000,000, to remain available until expended, of which—

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

(2) $35,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle C of title II of the 2002 Act, and for activities authorized by or consistent with the First Step Act of 2018, of which $7,500,000 is for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention; $1,000,000 is for research to study the root causes of school violence to include the impact and effectiveness of grants made under the STOP School Violence Act of 2018 (title V of division S of Public Law 115–141); $1,000,000 is for research on violence against American Indians and Alaska Natives or otherwise affecting indigenous communities, in connection with extractive industry activities; $1,000,000 is for research on gun violence prevention; $1,000,000 is for surveys on the campus sexual assault climate; $1,200,000 is for a study on certain school-based crimes; and $1,000,000 is for a study on law enforcement and community agency responses to opioid overdoses.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) ("the TVPRA of 2005"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) ("the Victims of Trafficking Act"); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle C of title II of the Homeland Security Act of 2002 (Public Law 107–296) ("the 2002 Act"); the Prison Rape Elimination Act of 2003 (Public Law 108–79) ("PREA"); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) ("CARA"); the Justice for All Reauthorization Act of 2016 (Public Law 114–324); Kevin and Avonte's Law (division Q of Public Law 115–141) ("Kevin and Avonte's Law"); the Keep Young Athletes Safe Act of 2018 (title III of division S of Public Law 115–141) ("the Keep Young Athletes Safe Act"); the STOP School Violence Act

of 2018 (title V of division S of Public Law 115–141) ("the STOP School Violence Act"); the Fix NICS Act of 2018 (title VI of division S of Public Law 115–141); the Project Safe Neighborhoods Grant Program Authorization Act of 2018 (Public Law 115–185); the SUPPORT for Patients and Communities Act (Public Law 115–271); the Second Chance Reauthorization Act of 2018 (Public Law 115–391); the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (Public Law 111–84); the Ashanti Alert Act of 2018 (Public Law 115–401); the Missing Persons and Unidentified Remains Act of 2019 (Public Law 116–277); the Jabara-Heyer NO HATE Act (34 U.S.C. 30507); the Violence Against Women Act Reauthorization Act of 2022 (division W of Public Law 117–103 ("the 2022 Act"); and other programs, $2,416,805,000, to remain available until expended as follows—

(1) $770,805,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1—

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

(B) $3,500,000 is for the operation, maintenance, and expansion of the National Missing and Unidentified Persons System;

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

(D) $5,000,000 is for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(E) $15,500,000 is for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by PREA;

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

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

(H) $13,000,000 is for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

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

(J) $1,000,000 is for the purposes of the Ashanti Alert Communications Network as authorized under the Ashanti Alert Act of 2018 (Public Law 115–401);

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

(L) $2,000,000 is for a grant program to support child advocacy training in post-secondary education;

(M) $8,000,000 is for a rural violent crime initiative, including assistance for law enforcement;

(N) $6,000,000 is for grants authorized under the Missing Persons and Unidentified Remains Act of 2019 (Public Law 116–277);

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

(P) $1,500,000 is for grants to accredited institutions of higher education to support forensic ballistics programs;

(Q) $229,551,000 is for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation), which shall be used for the projects, and in the amounts, specified under the heading, "Byrne Discretionary Community Project Grants/ Byrne Discretionary Grants", in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such amounts may not be transferred for any other purpose;

(R) $5,000,000 is for the purposes authorized under section 1506 of the 2022 Act;

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

(T) $7,000,000 is for programs for cybercrime enforcement, as authorized by sections 1401 and 1402 of the 2022 Act;

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

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

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

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

(6) $30,000,000 for the Patrick Leahy Bulletproof Vest Partnership Grant Program, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That $1,500,000 shall be transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing, and evaluation programs;

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

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

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

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

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

(A) $130,000,000 is for the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) (the Debbie Smith DNA Backlog Grant Program): *Provided*, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108–405, section 303);

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

(C) $15,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program (Public Law 108–405, section 412); and

(D) $5,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108–405;

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

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

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

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

(A) $8,000,000 is for a program to improve State, local, and Tribal probation or parole supervision efforts and strategies;

(B) $5,000,000 is for children of incarcerated parents demonstration programs to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy;

(C) $5,000,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, of which no less than $500,000 shall be used for a project that provides training, technical assistance, and best practices; and

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

Provided, That up to $7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to $5,000,000 shall

be for Pay for Success programs implementing the Permanent Supportive Housing Model and reentry housing;

(15) $445,000,000 for comprehensive opioid use reduction activities, including as authorized by CARA, and for the following programs, which shall address opioid, stimulant, and substance use disorders consistent with underlying program authorities, of which—

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

(B) $45,000,000 is for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(C) $45,000,000 is for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(D) $35,000,000 is for a veterans treatment courts program;

(E) $35,000,000 is for a program to monitor prescription drugs and scheduled listed chemical products; and

(F) $190,000,000 is for a comprehensive opioid, stimulant, and substance use disorder program;

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

(17) $82,000,000 for grants to be administered by the Bureau of Justice Assistance for purposes authorized under the STOP School Violence Act;

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

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

(20) $10,000,000 for grants to support community-based approaches to advancing justice and reconciliation, facilitating dialogue between all parties, building local capacity, de-escalating community tensions, and preventing hate crimes through conflict resolution and community empowerment and education;

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

(22) $120,000,000 for initiatives to improve police-community relations, of which $35,000,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local, and Tribal law enforcement; $35,000,000 is for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction; and $50,000,000 is for a community violence intervention and prevention initiative:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number

of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service: *Provided further,* That in the spending plan submitted pursuant to section 528 of this Act, the Office of Justice Programs shall specifically and explicitly identify all changes in the administration of competitive grant programs for fiscal year 2023, including changes to applicant eligibility, priority areas or weightings, and the application review process.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Missing Children's Assistance Act (34 U.S.C. 11291 et seq.); the PROTECT Act (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110–401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); the Justice for All Reauthorization Act of 2016 (Public Law 114–324); the Missing Children's Assistance Act of 2018 (Public Law 115–267); the Juvenile Justice Reform Act of 2018 (Public Law 115–385); the Victims of Crime Act of 1984 (chapter XIV of title II of Public Law 98–473) ("the 1984 Act"); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198); and other juvenile justice programs, $400,000,000, to remain available until expended as follows—

(1) $75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: *Provided*, That of the amounts provided under this paragraph, $500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local, and Tribal juvenile justice residential facilities;

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

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

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

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

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

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

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

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

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

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

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

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

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

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further,* That not more than 2 percent of the amounts designated under paragraphs (1) through (3) and (6) may be used for training and technical assistance: *Provided further,* That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and $34,800,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Determination.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the American Law Enforcement Heroes Act of 2017 (Public Law 115–37); the Law Enforcement Mental Health and Wellness Act (Public Law 115–113) ("the LEMHW Act"); the SUPPORT for Patients

and Communities Act (Public Law 115–271); and the Supporting and Treating Officers In Crisis Act of 2019 (Public Law 116–32) ("the STOIC Act"), $662,880,000, to remain available until expended: *Provided,* That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further,* That of the amount provided under this heading—

(1) $324,000,000 is for grants under section 1701 of title I of the 1968 Act (34 U.S.C. 10381) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (34 U.S.C. 10384(c)), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That of the amounts appropriated under this paragraph, $34,000,000 is for improving Tribal law enforcement, including hiring, equipment, training, anti-methamphetamine activities, and anti-opioid activities: *Provided further*, That of the amounts appropriated under this paragraph, $44,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act, which shall be transferred to and merged with "Research, Evaluation, and Statistics" for administration by the Office of Justice Programs: *Provided further*, That of the amounts appropriated under this paragraph, no less than $4,000,000 is to support the Tribal Access Program: *Provided further*, That of the amounts appropriated under this paragraph, $10,000,000 is for training, peer mentoring, mental health program activities, and other support services as authorized under the LEMHW Act and the STOIC Act: *Provided further*, That of the amounts appropriated under this paragraph, $7,500,000 is for the collaborative reform model of technical assistance in furtherance of section 1701 of title I of the 1968 Act (34 U.S.C. 10381);

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

(3) $16,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: *Provided*, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers;

Drugs and drug abuse.

(4) $35,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: *Provided*, That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration;

Drugs and drug abuse.

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

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

(7) $177,880,000 is for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment, which shall be used for the projects, and in the amounts, specified under the heading, "Community Oriented Policing Services, Technology and Equipment Community Projects/ COPS Law Enforcement Technology and Equipment", in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such amounts may not be transferred for any other purpose: *Provided further*, That grants funded by such amounts shall not be subject to section 1703 of title I of the 1968 Act (34 U.S.C. 10383).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

Abortion.

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

Abortion.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

Prisons and prisoners. Abortion.

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

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: *Provided further,* That this section shall not apply to the following—

(1) paragraph 1(Q) under the heading "State and Local Law Enforcement Assistance"; and

(2) paragraph (7) under the heading "Community Oriented Policing Services Programs".

Prisons and prisoners.

SEC. 206. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United

States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

Prisons and prisoners.

SEC. 207. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

Certification.

SEC. 208. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

Applicability.

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

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

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

SEC. 212. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings "Research, Evaluation and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—

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

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National

Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

This section shall not apply to paragraph 1(Q) under the heading "State and Local Law Enforcement Assistance".

Determination. Time period. Waiver authority.

SEC. 213. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2020 through 2023 for the following programs, waive the following requirements:

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

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

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

Firearms.

SEC. 215. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

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

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

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

SEC. 217. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under such authorities as have been enacted for Performance Partnership Pilots in appropriations acts in prior fiscal years and the current fiscal year.

Time period.
Reports.

SEC. 218. The Attorney General shall submit to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports on the Crime Victims Fund, the Working Capital Fund, the Three Percent Fund, and the Asset Forfeiture Fund. Such quarterly reports shall contain at least the same level of information and detail for each Fund as was provided to the Committees on Appropriations of the House of Representatives and the Senate in fiscal year 2022.

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

Live tissue.
Determination.

SEC. 220. None of the funds made available under this Act may be used to conduct, contract for, or otherwise support, live tissue training, unless the Attorney General issues a written, non-delegable determination that such training is medically necessary and cannot be replicated by alternatives.

Alabama.

SEC. 221. (a) DESIGNATION.—The facilities of the Federal Bureau of Investigation at Redstone Arsenal, Alabama, shall be known and designated as the "Richard Shelby Center for Innovation and Advanced Training".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facilities of the Federal Bureau of Investigation at Redstone Arsenal referred to in subsection (a) shall be deemed to be a reference to the "Richard Shelby Center for Innovation and Advanced Training".

This title may be cited as the "Department of Justice Appropriations Act, 2023".

Science Appropriations Act, 2023.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $7,965,000.

NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, in carrying out the purposes of title V of Public Law 100–685 and Executive Order No. 13803, hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, $1,965,000: *Provided,* That notwithstanding any other provision of law, the National Space Council may accept personnel support from Federal agencies, departments, and offices, and such Federal agencies, departments, and offices may detail staff without

reimbursement to the National Space Council for purposes provided herein.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $7,795,000,000, to remain available until September 30, 2024.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $935,000,000, to remain available until September 30, 2024.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $1,200,000,000, to remain available until September 30, 2024: *Provided,* That $227,000,000 shall be for On-orbit Servicing, Assembly, and Manufacturing 1: *Provided further,* That $110,000,000 shall be for the development, production, and demonstration of a nuclear thermal propulsion system, of which not less than $45,000,000 shall be for reactor development, not less than $45,000,000 shall be for fuel materials development, and not less than $20,000,000 shall be for non-nuclear systems development and acquisition planning: *Provided further,* That, not later than 180 days after the enactment of this Act, the National Aeronautics and Space Administration shall provide a plan for the design of a flight demonstration.

Deadline.
Plan.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of Artemis Campaign Development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $7,468,850,000, to remain available until September 30, 2024: *Provided,* That not less than $1,338,700,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further,* That not less than $2,600,000,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an Exploration Upper Stage developed simultaneously to be used to the maximum extent practicable, including for Earth to Moon missions and Moon landings: *Provided further,* That of the amounts provided for SLS, not less than $600,000,000 shall be for SLS Block 1B development including the Exploration Upper Stage and associated systems including related facilitization, to support an SLS Block 1B mission available to launch in 2025 in addition to the planned Block 1 missions for Artemis I through Artemis III: *Provided further,* That $799,150,000 shall be for Exploration Ground Systems and associated Block 1B activities, including up to $281,350,000 for a second mobile launch platform: *Provided further,* That the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile for an integrated system that includes the SLS, the Orion Multi-Purpose Crew Vehicle, and associated ground systems that will ensure a crewed launch as early as possible, as well as a system-based funding profile for a sustained launch cadence that contemplates the use of an SLS Block 1B cargo variant with an 8.4 meter fairing and associated ground systems: *Provided further,* That $2,600,300,000 shall be for Artemis Campaign Development.

Time period.
Budget profile.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control, and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,250,000,000, to remain available until September 30, 2024.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ENGAGEMENT

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $143,500,000, to remain available until September 30, 2024, of which $26,000,000 shall be for the Established Program to Stimulate Competitive Research and $58,000,000 shall be for the National Space Grant College and Fellowship Program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,129,451,000, to remain available until September 30, 2024: *Provided,* That if available balances in the "Science, Space, and Technology Education Trust Fund" are not sufficient to provide for the grant disbursements required under the third and fourth provisos under such heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100–404) as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103–327) up to $1,000,000 shall be available from amounts made available under this heading to make such grant disbursements: *Provided further,* That of the amounts appropriated under this heading, $30,701,000 shall be used for the projects, and in the amounts, specified in the table under the heading "NASA Community Projects/NASA Special Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That the amounts made available for the projects referenced in the preceding proviso may not be transferred for any other purpose.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or

condemnation of real property, as authorized by law, and environmental compliance and restoration, $47,300,000, to remain available until September 30, 2028: *Provided,* That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: *Provided further,* That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2023 in an amount not to exceed $25,000,000: *Provided further,* That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

Contracts. Time period. 51 USC 20145 note.

Budget request. Estimate. 51 USC 30103 note.

OFFICE OF INSPECTOR GENERAL

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

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

51 USC 20144 note.

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

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any funds transferred to "Construction and Environmental Compliance and Restoration" for construction activities shall not increase that account by more than 50 percent and any funds transferred to or within "Exploration" for Exploration Ground Systems shall not increase Exploration Ground Systems by more than $49,300,000. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Not to exceed 5 percent of any appropriation provided for the National Aeronautics and Space Administration under previous appropriations Acts that remains available for obligation or expenditure in fiscal year 2023 may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall retain its original availability and shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Spending plan.

The spending plan required by this Act shall be provided by the National Aeronautics and Space Administration at the theme, program, project, and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section

505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

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

Of the amounts made available in this Act under the heading "Science, Technology, Engineering, and Mathematics Engagement" ("STEM Engagement"), up to $5,000,000 shall be available to jointly fund, with an additional amount of up to $1,000,000 each from amounts made available in this Act under the headings "Science", "Aeronautics", "Space Technology", "Exploration", and "Space Operations", projects and activities for engaging students in STEM and increasing STEM research capacities of universities, including Minority Serving Institutions.

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

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

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

"(3) INFORMATION TECHNOLOGY (IT) MODERNIZATION.—The fund shall also be available for the purpose of funding IT Modernization activities, as described in section 1077(b)(3)(A)–(E) of Public Law 115–91, on a non-reimbursable basis.".

Not to exceed $18,162,000 made available for the current fiscal year in this Act within "Safety, Security and Mission Services" may be transferred to the Working Capital Fund of the National Aeronautics and Space Administration. Balances so transferred shall be available until expended only for activities described in section 30102(b)(3) of title 51, United States Code, as amended by this Act, and shall remain available until expended. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $7,021,136,000, to remain available until September 30, 2024, of which not to exceed $640,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided,* That receipts for scientific support services and materials furnished by the National Research Centers and other National

Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, $187,230,000, to remain available until expended.

STEM EDUCATION

For necessary expenses in carrying out science, mathematics, and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, $1,154,000,000, to remain available until September 30, 2024.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $448,000,000: *Provided,* That not to exceed $8,280 is for official reception and representation expenses: *Provided further,* That contracts may be entered into under this heading in fiscal year 2023 for maintenance and operation of facilities and for other services to be provided during the next fiscal year.

Contracts.

OFFICE OF THE NATIONAL SCIENCE BOARD

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

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $23,393,000, of which $400,000 shall remain available until September 30, 2024.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

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

Notification. Time period.

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

42 USC 1875a.

There is hereby established in the Treasury of the United States a fund to be known as the "National Science Foundation Nonrecurring Expenses Fund" (the Fund). Unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the National Science Foundation by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund. Amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for information and business technology system modernization and facilities infrastructure improvements, including nonrecurring maintenance, necessary for the operation of the Foundation or its funded research facilities, subject to approval by the Office of Management and Budget. Amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

Notification. Time period.

This title may be cited as the "Science Appropriations Act, 2023".

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $14,350,000: *Provided,* That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further,* That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable

Donations.

days: *Provided further,* That the Chair may accept and use any gift or donation to carry out the work of the Commission: *Provided further,* That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a): *Provided further,* That notwithstanding the preceding proviso, $2,000,000 shall be used to separately fund the Commission on the Social Status of Black Men and Boys.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to $31,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $455,000,000: *Provided,* That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: *Provided further,* That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further,* That the Chair may accept and use any gift or donation to carry out the work of the Commission.

Workforce proposals. Notification.

Donations.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

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

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $560,000,000, of which $516,100,000 is for basic field programs and required independent audits; $5,700,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $26,200,000

is for management and grants oversight; $5,000,000 is for client self-help and information technology; $5,000,000 is for a Pro Bono Innovation Fund; and $2,000,000 is for loan repayment assistance: *Provided,* That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996d(d)): *Provided further,* That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further,* That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

Applicability.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

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

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), $4,500,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

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

TRADE ENFORCEMENT TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For activities of the United States Trade Representative authorized by section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405), including transfers, $15,000,000, to be derived from the Trade Enforcement Trust Fund: *Provided,* That any transfer pursuant to subsection (d)(1) of such section shall be treated as a reprogramming under section 505 of this Act.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

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

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

Propaganda.

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

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

Contracts.

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

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

Contracts.
Notification.
Time period.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2023, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project, or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs, or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects, or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs,

projects, or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Determination.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

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

Definition.

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

Time period.
Reports.

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

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

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further,* That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

Applicability.

Tobacco and tobacco products.

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

34 USC 20101 note.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (34 U.S.C. 20101) in any fiscal year in excess of $1,900,000,000 shall not be available for obligation until the following fiscal year: *Provided,* That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation: (1) $10,000,000 shall be transferred to the Department of Justice Office of Inspector General and remain available until expended for oversight and auditing purposes associated with this section; and (2) 5 percent shall be available to the Office for Victims of Crime for grants, consistent with the requirements of the Victims of Crime Act, to Indian Tribes to improve services for victims of crime.

Discrimination.

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

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

Audits. Reports.

SEC. 513. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

Deadline. Public information. Web posting.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

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

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

Certification.

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

Effective date. Determination. Applicability.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to

the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

Reviews.

SEC. 514. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST and the Federal Bureau of Investigation (FBI) to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the FBI and other appropriate agencies; and

Assessment.
Cyber threats.
Country listing.

(3) in consultation with the FBI or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Russian Federation.

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

Mitigation strategy.

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

Determination.

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

Reports.

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate and the agency Inspector General.

Torture.

SEC. 515. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 516. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

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

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

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

National security letter.

SEC. 517. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act of 1978; The Electronic Communications Privacy Act of 1986; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts.

Notifications.

SEC. 518. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

Deadline.
Determination.
Statement.
Cost estimates.

SEC. 519. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2023 until the enactment of the Intelligence Authorization Act for fiscal year 2023.

Contracts.
Grants.
Certification.
Taxes.
Time periods.

SEC. 520. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

Deadlines.

SEC. 521. (a) Of the unobligated balances in the "Nonrecurring Expenses Fund" established in section 111(a) of division B of Public Law 116–93, $50,000,000 are hereby permanently rescinded not later than September 30, 2023.

(b) Of the unobligated balances from prior year appropriations available to the Department of Commerce under the heading "Economic Development Administration, Economic Development Assistance Programs", $10,000,000 are hereby permanently rescinded, not later than September 30, 2023.

(c) Of the unobligated balances from prior year appropriations available to the Department of Justice, the following funds are hereby permanently rescinded, not later than September 30, 2023, from the following accounts in the specified amounts—

(1) "State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs", $15,000,000;

(2) "State and Local Law Enforcement Activities, Office of Justice Programs", $75,000,000; and

(3) "State and Local Law Enforcement Activities, Community Oriented Policing Services", $15,000,000.

(d) Of the unobligated balances available to the Department of Justice, the following funds are hereby permanently rescinded, not later than September 30, 2023, from the following accounts in the specified amounts—

(1) "Working Capital Fund", $705,768,000; and

(2) "Legal Activities, Assets Forfeiture Fund", $500,000,000.

Reports.

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

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

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

(1) amounts provided under subparagraph (Q) of paragraph (1) under the heading "State and Local Law Enforcement Activities—Office of Justice Programs—State and Local Law Enforcement Assistance" in title II of division B of Public Law 117–103; or

(2) amounts provided under paragraph (7) under the heading "State and Local Law Enforcement Activities—Community Oriented Policing Services—Community Oriented Policing Services Programs" in title II of division B of Public Law 117–103.

Airline travel.

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

Conference attendees.

SEC. 523. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless—

(1) such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States; or

Determinations. Notifications. Deadline.

(2) such conference is a scientific conference and the department or agency head determines that such attendance is in the national interest and notifies the Committees on Appropriations of the House of Representatives and the Senate within at least 15 days of that determination and the basis for that determination.

Performance plan. Reports.

SEC. 524. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

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

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

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

Time period.

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

Light bulbs.

SEC. 525. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are "Energy Star" qualified or have the "Federal Energy Management Program" designation.

China.

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

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

Certification.

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

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

Determination.

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

Deadline.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, and the Federal Bureau of Investigation, no later than 30 days prior to the activity in question and-

shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.

Pornography.

SEC. 527. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, Tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

Spending plans. Deadline.

SEC. 528. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission, the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, the National Space Council, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate not later than 45 days after the date of enactment of this Act.

Contracts.

SEC. 529. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 530. None of the funds made available by this Act may be used in contravention of section 7606 ("Legitimacy of Industrial Hemp Research") of the Agricultural Act of 2014 (Public Law 113–79) by the Department of Justice or the Drug Enforcement Administration.

State listing. District of Columbia. Territories. Medical marijuana.

SEC. 531. None of the funds made available under this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

Reports. China.

SEC. 532. The Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation shall provide a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of such Department or agency, including the purpose of such travel.

SEC. 533. Of the amounts made available by this Act, not less than 10 percent of each total amount provided, respectively,

for Public Works grants authorized by the Public Works and Economic Development Act of 1965 and grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722) shall be allocated for assistance in persistent poverty counties: *Provided,* That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1993 Small Area Income and Poverty Estimates, the 2000 decennial census, and the most recent Small Area Income and Poverty Estimates, or any Territory or possession of the United States.

Definition.

Exports and imports. Canada. Firearms.

SEC. 534. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

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

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

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

President. Determination. Federal Register, publication.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

Termination.

SEC. 535. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

Firearms. Ammunition.

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

Exports and imports. Firearms.

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

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

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

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

Khalid Sheikh Mohammed. Detainees.

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

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

Cuba.

SEC. 539. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

Detainees. Cuba.

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

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

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

(2) is—

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

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

SEC. 540. (a) The remaining unobligated balances of funds as of September 30, 2023, from amounts made available to "Office of the United States Trade Representative—Salaries and Expenses" in title IX of the United States-Mexico-Canada Agreement Implementation Act (Public Law 116–113), are hereby rescinded,

and an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2023, for an additional amount for fiscal year 2023, to remain available until September 30, 2024, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally provided in Public Law 116–113, except that all references to "2023" under such heading in Public Law 116–113 shall be deemed to refer instead to "2024".

(b) The remaining unobligated balances of funds as of September 30, 2023, from amounts made available to "Office of the United States Trade Representative—Trade Enforcement Trust Fund" in title IX of the United States-Mexico-Canada Agreement Implementation Act (Public Law 116–113), are hereby rescinded, and an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2023, for an additional amount for fiscal year 2023, to remain available until September 30, 2024, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally provided in Public Law 116–113, except that the reference to "2023" under such heading in Public Law 116–113 shall be deemed to refer instead to "2024".

(c) The amounts rescinded pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

(d) Each amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 541. Funds made available to the Department of Commerce and under the heading "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses" in this Act and any remaining unobligated balances of funds made available to the Department of Commerce and under the heading "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses" in prior year Acts, other than amounts designated by the Congress as being for an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, shall be available to provide payments pursuant to section 901(i)(2) of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b(i)(2)): *Provided,* That payments made pursuant to the matter preceding this proviso may not exceed $5,000,000 for the Department of Commerce and $5,000,000 for the Federal Bureau of Investigation.

Time period.
Plan.
Costs.
Schedule.

SEC. 542. (a) None of the funds in this Act may be used for design or construction of the Mobile Launcher 2 until 30 days after the Administrator of the National Aeronautics and Space

Administration (the "Administrator") submits a plan to the Committees on Appropriations of the House of Representatives and the Senate (the "Committees"), the Government Accountability Office, and the Office of Inspector General of the National Aeronautics and Space Administration detailing a cost and schedule baseline for the Mobile Launcher 2. Such plan shall include each of the requirements described in subsection (c)(2) of section 30104 of title 51, United States Code, as well as an estimated date for completion of design and construction of the Mobile Launcher 2.

Estimate.

(b) Not later than 90 days after the submission of the plan described in subsection (a), and every 90 days thereafter, the Administrator shall report to the Committees, the Government Accountability Office, and the Office of Inspector General of the National Aeronautics and Space Administration on steps taken to implement such plan.

Reports.

SEC. 543. (a)(1) Within 45 days of enactment of this Act, the Secretary of Commerce shall allocate amounts made available from the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Fund for fiscal year 2023 pursuant to paragraphs (1) and (2) of section 102(a) of the CHIPS Act of 2022 (division A of Public Law 117–167), including the transfer authority in such paragraphs of that section of that Act, to the accounts specified, in the amounts specified, and for the projects and activities specified, in the table titled "Department of Commerce Allocation of National Institute of Standards and Technology Funds: CHIPS Act Fiscal Year 2023" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Deadlines.
Allocations.

(2) Within 45 days of enactment of this Act, the Secretary of Commerce shall allocate amounts made available from the Public Wireless Supply Chain Innovation Fund for fiscal year 2023 pursuant to section 106 of the CHIPS Act of 2022 (division A of Public Law 117–167), including the transfer authority in section 106(b)(2) of that Act, to the accounts specified, in the amounts specified, and for the projects and activities specified, in the table titled "Department of Commerce Allocation of National Telecommunications and Information Administration Funds: CHIPS Act Fiscal Year 2023" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(3) Within 45 days of enactment of this Act, the Director of the National Science Foundation shall allocate amounts made available from the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Workforce and Education Fund for fiscal year 2023 pursuant to section 102(d)(1) of the CHIPS Act of 2022 (division A of Public Law 117–167), to the account specified, in the amounts specified, and for the projects and activities specified in the table titled "National Science Foundation Allocation of Funds: CHIPS Act Fiscal Year 2023" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

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

not apply to the allocation, apportionment, or allotment of amounts for continuing administration of programs allocated funds from the CHIPS for America Fund, which may be allocated only in amounts that are no more than the allocation for such purposes in subsection (a) of this section.

Notifications. Reallocations.

(c) Subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations of the House of Representatives and the Senate, and subject to the terms and conditions in section 505 of this Act—

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

(2) the Director of the National Science Foundation may reallocate funds allocated to the CHIPS for America Workforce and Education Fund by subsection (a)(3) of this section.

Allocations.

(d) Concurrent with the annual budget submission of the President for fiscal year 2024, the Secretary of Commerce and the Director of the National Science Foundation, as appropriate, shall each submit to the Committees on Appropriations of the House of Representatives and the Senate proposed allocations by account and by program, project, or activity, with detailed justifications, for amounts made available under section 102(a)(2) and section 102(d)(2) of the CHIPS Act of 2022 for fiscal year 2024.

Reports.

(e) The Department of Commerce and the National Science Foundation, as appropriate, shall each provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of projects and activities funded by the CHIPS for America Fund for amounts allocated pursuant to subsection (a)(1) of this section, the status of balances of projects and activities funded by the Public Wireless Supply Chain Innovation Fund for amounts allocated pursuant to subsection (a)(2) of this section, and the status of balances of projects and activities funded by the CHIPS for America Workforce and Education Fund for amounts allocated pursuant to subsection (a)(3) of this section, including all uncommitted, committed, and unobligated funds.

This division may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023".

Department of Defense Appropriations Act, 2023.

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2023

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $49,628,305,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $36,706,395,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $15,050,088,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $35,427,788,000.

MILITARY PERSONNEL, SPACE FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Space Force on active duty and cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $1,109,400,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 7038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code,

or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,212,834,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,400,831,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $826,712,000.

RESERVE PERSONNEL, AIR FORCE

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

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of

title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $9,232,554,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,913,538,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, $59,015,977,000: *Provided,* That not to exceed $12,478,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Army, and payments may be made upon the Secretary's certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $68,260,046,000: *Provided,* That not to exceed $15,055,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Navy, and payments may be made upon the Secretary's certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, MARINE CORPS

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

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, $60,279,937,000: *Provided,* That not to exceed $7,699,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Air Force, and payments may be made upon the Secretary's certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, SPACE FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Space Force, as authorized by law, $4,086,883,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $49,574,779,000: *Provided,* That not more than $2,981,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further,* That not to exceed $36,000,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of Defense, and payments may be made upon the Secretary's certificate of necessity for confidential military purposes: *Provided further,* That of the funds provided under this heading, not less than $55,000,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $5,000,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further,* That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further,* That $49,071,000 to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further,* That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further,* That of the funds provided under this heading, $2,467,009,000, of which $1,510,260,000, to remain available until September 30, 2024, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this paragraph: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Reports.

COUNTER-ISIS TRAIN AND EQUIP FUND

For the "Counter-Islamic State of Iraq and Syria Train and Equip Fund", $475,000,000, to remain available until September

30, 2024: *Provided,* That such funds shall be available to the Secretary of Defense in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; stipends; infrastructure repair and renovation; construction for facility fortification and humane treatment; and sustainment, to foreign security forces, irregular forces, groups, or individuals participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria, and their affiliated or associated groups: *Provided further,* That amounts made available under this heading shall be available to provide assistance only for activities in a country designated by the Secretary of Defense, in coordination with the Secretary of State, as having a security mission to counter the Islamic State of Iraq and Syria, and following written notification to the congressional defense committees of such designation: *Provided further,* That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: *Provided further,* That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further,* That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: *Provided further,* That contributions of funds for the purposes provided herein from any foreign government or other entity may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further,* That the Secretary of Defense shall prioritize such contributions when providing any assistance for construction for facility fortification: *Provided further,* That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines that such provision of law would prohibit, restrict, delay or otherwise limit the provision of such assistance and a notice of and justification for such waiver is submitted to the congressional defense committees, the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: *Provided further,* That the United States may accept equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, that was transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria and returned by such forces or groups to the United States, and such equipment may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further,* That equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, and not yet transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria may be treated as stocks

Security mission.
Notifications.

Assessment.
Iran.

Time period.
Notifications.

Iraq.

Waiver authority.
Determination.
Notice.

Notifications.

Determination.

of the Department of Defense when determined by the Secretary to no longer be required for transfer to such forces or groups and upon written notification to the congressional defense committees: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations for each group, and the contributions of other countries, groups, or individuals.

Reports.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,206,434,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,278,050,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $347,633,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,700,800,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in

compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $8,299,187,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $7,382,079,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

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

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

Determinations.

For the Department of the Army, $324,500,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

Determinations.

For the Department of the Navy, $400,113,000, to remain available until transferred: *Provided,* That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste,

removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

Determinations.

For the Department of the Air Force, $573,810,000, to remain available until transferred: *Provided,* That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

Determinations.

For the Department of Defense, $10,979,000, to remain available until transferred: *Provided,* That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $317,580,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Determinations.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $170,000,000, to remain available until September 30, 2024: *Provided,* That such amounts shall not be subject to the limitation in section 407(c)(3) of title 10, United States Code.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, $351,598,000, to remain available until September 30, 2025.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT ACCOUNT

For the Department of Defense Acquisition Workforce Development Account, $111,791,000: *Provided,* That no other amounts may be otherwise credited or transferred to the Account, or deposited into the Account, in fiscal year 2023 pursuant to section 1705(d) of title 10, United States Code.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private

plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,847,834,000, to remain available for obligation until September 30, 2025.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,848,853,000, to remain available for obligation until September 30, 2025.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,505,157,000, to remain available for obligation until September 30, 2025.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,770,120,000, to remain available for obligation until September 30, 2025.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,668,148,000, to remain available for obligation until September 30, 2025.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $19,031,864,000, to remain available for obligation until September 30, 2025.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,823,113,000, to remain available for obligation until September 30, 2025.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other

expenses necessary for the foregoing purposes, $920,884,000, to remain available for obligation until September 30, 2025.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Columbia Class Submarine, $3,079,223,000;
Columbia Class Submarine (AP), $2,778,553,000;
Carrier Replacement Program (CVN–80), $1,465,880,000;
Carrier Replacement Program (CVN–81), $1,052,024,000;
Virginia Class Submarine, $4,534,184,000;
Virginia Class Submarine (AP), $2,025,651,000;
CVN Refueling Overhauls (AP), $612,081,000;
DDG–1000 Program, $72,976,000;
DDG–51 Destroyer, $6,946,537,000;
DDG–51 Destroyer (AP), $695,652,000;
FFG–Frigate, $1,135,224,000;
LPD Flight II, $1,673,000,000;
LPD Flight II (AP), $250,000,000;
LHA Replacement, $1,374,470,000;
Expeditionary Fast Transport, $645,000,000;
TAO Fleet Oiler, $782,588,000;
Towing, Salvage, and Rescue Ship, $95,915,000;
Ship to Shore Connector, $454,533,000;
Service Craft, $21,056,000;
Auxiliary Personnel Lighter, $71,218,000;
LCAC SLEP, $36,301,000;
Auxiliary Vessels, $133,000,000;
For outfitting, post delivery, conversions, and first destination transportation, $707,412,000; and
Completion of Prior Year Shipbuilding Programs, $1,312,646,000.

In all: $31,955,124,000, to remain available for obligation until September 30, 2027: *Provided,* That additional obligations may be incurred after September 30, 2027, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further,* That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further,* That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further,* That funds appropriated or otherwise made available by this Act for Columbia Class Submarine (AP) may be available for the purposes authorized by subsections (f), (g), (h) or (i) of section 2218a of title 10, United States Code, only in accordance with the provisions of the applicable subsection.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $12,138,590,000, to remain available for obligation until September 30, 2025: *Provided,* That such funds are also available for the maintenance, repair, and modernization of ships under a pilot program established for such purposes.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $3,669,510,000, to remain available for obligation until September 30, 2025.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $22,196,175,000, to remain available for obligation until September 30, 2025.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government

and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,999,346,000, to remain available for obligation until September 30, 2025.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $857,722,000, to remain available for obligation until September 30, 2025.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $28,034,122,000, to remain available for obligation until September 30, 2025.

PROCUREMENT, SPACE FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,462,188,000, to remain available for obligation until September 30, 2025.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only;

expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $6,139,674,000, to remain available for obligation until September 30, 2025.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $372,906,000, to remain available for obligation until September 30, 2027, which shall be obligated and expended by the Secretary of Defense as if delegated the necessary authorities conferred by the Defense Production Act of 1950.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2025: *Provided,* That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further,* That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,150,141,000, to remain available for obligation until September 30, 2024.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,017,309,000, to remain available for obligation until September 30, 2024: *Provided,* That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance,

rehabilitation, lease, and operation of facilities and equipment, $44,946,927,000, to remain available for obligation until September 30, 2024.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, SPACE FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $16,631,377,000, to remain available until September 30, 2024.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $34,565,478,000, to remain available for obligation until September 30, 2024.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $449,294,000, to remain available for obligation until September 30, 2024.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,654,710,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $39,225,101,000; of which $35,613,417,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2024, and of which up to $18,577,877,000 may be available for contracts entered into under the TRICARE program; of which $570,074,000, to remain available for obligation until September 30, 2025, shall be for procurement; and of which $3,041,610,000, to remain available for obligation until September 30, 2024, shall be for research, development, test and evaluation: *Provided,* That, notwithstanding any

other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $12,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further,* That of the funds provided under this heading for research, development, test and evaluation, not less than $1,561,000,000 shall be made available to the Defense Health Agency to carry out the congressionally directed medical research programs: *Provided further,* That the Secretary of Defense shall submit to the congressional defense committees quarterly reports on the current status of the deployment of the electronic health record: *Provided further,* That the Secretary of Defense shall provide notice to the congressional defense committees not later than 10 business days after delaying the proposed timeline of such deployment if such delay is longer than 1 week: *Provided further,* That the Comptroller General of the United States shall perform quarterly performance reviews of such deployment.

Reports.

Notice.
Deadline.
Time period.

Reviews.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,059,818,000, of which $84,612,000 shall be for operation and maintenance, of which no less than $53,186,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $22,778,000 for activities on military installations and $30,408,000, to remain available until September 30, 2024, to assist State and local governments; and $975,206,000, to remain available until September 30, 2024, shall be for research, development, test and evaluation, of which $971,742,000 shall only be for the Assembled Chemical Weapons Alternatives program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $970,764,000, of which $614,510,000 shall be for counter-narcotics support; $130,060,000 shall be for the drug demand reduction program; $200,316,000 shall be for the National Guard counter-drug program; and $25,878,000 shall be for the National Guard counter-drug schools program: *Provided,* That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred

Determination.

back to this appropriation: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act: *Provided further,* That funds appropriated under this heading may be used to support a new start program or project only after written prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

Notifications.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $485,359,000, of which $481,971,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended upon the approval or authority of the Inspector General, and payments may be made upon the Inspector General's certificate of necessity for confidential military purposes; of which $1,524,000, to remain available for obligation until September 30, 2025, shall be for procurement; and of which $1,864,000, to remain available until September 30, 2024, shall be for research, development, test and evaluation.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS

For logistical and security support for international sporting competitions (including pay and non-travel related allowances only for members of the Reserve Components of the Armed Forces of the United States called or ordered to active duty in connection with providing such support), $10,377,000, to remain available until expended.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $562,265,000.

TITLE VIII

GENERAL PROVISIONS

Propaganda.

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584 note.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of,

any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided,* That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further,* That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further,* That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided,* That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

Time period.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer not to exceed $6,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further,* That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations of the House of Representatives and the Senate for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further,* That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2023: *Provided further,* That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

Determination.

Notification.

Reprogramming requests.

Reprogramming requests. Deadline.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled Explanation of Project Level Adjustments in the explanatory statement regarding this Act and the tables contained in the classified annex accompanying this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

Applicability.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

Reports.

SEC. 8007. (a) Not later than 60 days after the date of the enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2023: *Provided,* That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

Certification.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: *Provided*, That this subsection shall not apply to transfers from the following appropriations accounts:

(1) "Environmental Restoration, Army";

(2) "Environmental Restoration, Navy";

(3) "Environmental Restoration, Air Force";

(4) "Environmental Restoration, Defense-Wide";

(5) "Environmental Restoration, Formerly Used Defense Sites"; and

(6) "Drug Interdiction and Counter-drug Activities, Defense".

(TRANSFER OF FUNDS)

Notifications.

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided,* That transfers may be made between such funds: *Provided further,* That transfers may be made between working capital funds and

Determination.
Approval.

the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: *Provided further,* That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

Notification. Time period.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

Contracts. Notifications. Time periods. 10 USC 3501 note.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided,* That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further,* That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further,* That no multiyear procurement contract can be terminated without 30-day prior notification to the congressional defense committees: *Provided further,* That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further,* That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

Requirement. Analysis. Determination.

Budget request.

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts for up to 15 DDG–51 Arleigh Burke Class Guided Missile Destroyers.

Humanitarian assistance. Territories.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code: *Provided,* That such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided further,* That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further,* That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

Reports.

Determination. Hawaii.

SEC. 8012. (a) During the current fiscal year, the civilian personnel of the Department of Defense may not be managed on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees, but are to be managed solely on the basis of, and in a manner consistent with—

(1) the total force management policies and procedures established under section 129a of title 10, United States Code;

(2) the workload required to carry out the functions and activities of the Department; and

(3) the funds made available to the Department for such fiscal year.

Workforce reduction. Analysis.

(b) None of the funds appropriated by this Act may be used to reduce the civilian workforce programmed full time equivalent levels absent the appropriate analysis of the impact of these reductions on workload, military force structure, lethality, readiness, operational effectiveness, stress on the military force, and fully burdened costs.

(c) A projection of the number of full-time equivalent positions shall not be considered a constraint or limitation for purposes of subsection (a) and reducing funding for under-execution of such a projection shall not be considered managing based on a constraint or limitation for purposes of such subsection.

Budget request.

(d) The fiscal year 2024 budget request for the Department of Defense, and any justification material and other documentation supporting such a request, shall be prepared and submitted to Congress as if subsections (a) and (b) were effective with respect to such fiscal year.

(e) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress. Lobbying.

SEC. 8014. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades, or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

(TRANSFER OF FUNDS)

SEC. 8015. (a) Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

(b) The Secretary of Defense shall include with the budget justification documents in support of the budget for fiscal year 2024 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) a description of each transfer under this section that occurred during the last fiscal year before the fiscal year in which such budget is submitted.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided,* That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further,* That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further,* That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the Service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that such an acquisition must be made in order to acquire capability for national security purposes.

Anchor and mooring chain.

Definition.

Waiver authority. Certification.

SEC. 8017. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located

Alcohol and alcoholic beverages.

in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided,* That, in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further,* That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further,* That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Applicability.

Arms and munitions. Certification.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

Waiver authority. Certification.

SEC. 8020. In addition to the funds provided elsewhere in this Act, $25,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided,* That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: *Provided further,* That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

Contracts.

Applicability.

Native Americans. State listing.

SEC. 8021. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon,

Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary. Determination.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131). Definition.

SEC. 8022. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $20,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8023. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8024. Of the amounts appropriated for "Working Capital Fund, Army", $115,000,000 shall be available to maintain competitive rates at the arsenals.

SEC. 8025. (a) Of the funds made available in this Act, not less than $64,800,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $51,300,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $11,600,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $1,900,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8026. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by

an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during the current fiscal year may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings not located on a military installation, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2023, not more than $2,788,107,000 may be funded for professional technical staff-related costs of the defense FFRDCs: *Provided,* That within such funds, not more than $446,097,000 shall be available for the defense studies and analysis FFRDCs: *Provided further,* That this subsection shall not apply to staff years funded in the National Intelligence Program and the Military Intelligence Program: *Provided further,* That the Secretary of Defense shall, with the submission of the department's fiscal year 2024 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC by program during that fiscal year and the associated budget estimates, by appropriation account and program.

Reports. Budget estimates.

(e) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $129,893,000: *Provided,* That this subsection shall not apply to appropriations for the National Intelligence Program and Military Intelligence Program.

Definition.

SEC. 8027. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

Definition.

SEC. 8028. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8029. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production

of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided,* That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further,* That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

Certification.
Cost estimates.

SEC. 8030. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 83 of title 41, United States Code.

Compliance.

Definition.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 4658 of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

Determinations.
Labeling.
Fraud.
Debarment.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8031. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided,* That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further,* That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

Contracts.

Applicability.

Waiver authority.
Certification.

SEC. 8032. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

Determination.
Contracts.
Rescission.
41 USC 8304 note.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the

Memorandum.

United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

Reports.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2023. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

Definition.

(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code.

Contracts.
Ball and roller bearings.

SEC. 8033. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided,* That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That this restriction shall not apply to the purchase of "commercial products", as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

Waiver authority.
Certification.

Applicability.

SEC. 8034. In addition to any other funds made available for such purposes, there is appropriated $93,500,000, for an additional amount for the "National Defense Stockpile Transaction Fund", to remain available until September 30, 2025, for activities pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.): *Provided,* That none of the funds provided under this section may be obligated or expended until 90 days after the Secretary of Defense provides the Committees on Appropriations of the House of Representatives and the Senate a detailed execution plan for such funds.

Time period.
Execution plan.

Supercomputers.
Certification.

SEC. 8035. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

Waiver authority.
Determination.

SEC. 8036. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 4851 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

Applicability.
Contracts.
Effective date.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

Flags.
10 USC 4862 note.

SEC. 8037. None of the funds made available in this Act, or any subsequent Act making appropriations for the Department of Defense, may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 4862(b) of title 10, United States Code.

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account shall be available until expended for the payments specified by section 2687a(b)(2) of title 10, United States Code.

Determination.

SEC. 8039. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $350,000: *Provided,* That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in a named contingency operation overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

Humanitarian assistance.

SEC. 8040. Up to $13,720,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the United States Indo-Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided,* That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further,* That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

Regulations.
Tobacco and tobacco products.
10 USC 2484 note.

SEC. 8041. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: *Provided,* That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8042. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for

sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

Budget request. Contracts.

(b) The fiscal year 2024 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2024 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2024 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

50 USC 3521 note.

SEC. 8043. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2024: *Provided,* That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further,* That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2024: *Provided further,* That any funds appropriated or transferred to the Central Intelligence Agency for the construction, improvement, or alteration of facilities, including leased facilities, to be used primarily by personnel of the intelligence community, shall remain available until September 30, 2025.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8044. Of the funds appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide", $47,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program: *Provided,* That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: *Provided further,* That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further,* That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8045. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

Waiver authority. Determination. Certification.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

Determination.

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

SEC. 8046. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

Contracts. Effective date.

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

Plan.

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

Determination.

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any

commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8047. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided,* That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985:

"Aircraft Procurement, Army", 2021/2023, $7,300,000;

"Other Procurement, Army", 2021/2023, $3,177,000;

"Aircraft Procurement, Air Force", 2021/2023, $115,804,000;

"Operation and Maintenance, Defense-Wide", 2022/2023, $105,000,000;

"Counter-ISIS Train and Equip Fund", 2022/2023, $65,000,000;

"Aircraft Procurement, Army", 2022/2024, $9,437,000;

"Other Procurement, Army", 2022/2024, $71,544,000;

"Shipbuilding and Conversion, Navy: CVN Refueling Overhauls", 2022/2026, $191,000,000;

"Shipbuilding and Conversion, Navy: Service Craft", 2022/2026, $6,092,000;

"Aircraft Procurement, Air Force", 2022/2024, $205,568,000;

"Other Procurement, Air Force", 2022/2024, $9,100,000;

"Procurement, Space Force", 2022/2024, $7,000,000;

"Research, Development, Test and Evaluation, Army", 2022/2023, $26,700,000;

"Research, Development, Test and Evaluation, Air Force", 2022/2023, $117,727,000;

"Research, Development, Test and Evaluation, Space Force", 2022/2023, $113,400,000; and

"Defense Counterintelligence and Security Agency Working Capital Fund", XXXX/XXXX, $30,000,000.

SEC. 8048. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

North Korea.

SEC. 8049. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose: *Provided,* That this restriction shall not apply to any activities incidental to the Defense POW/MIA Accounting Agency mission to recover and identify the remains of United States Armed Forces personnel from the Democratic People's Republic of Korea.

Armed Forces remains.

Reimbursement.

SEC. 8050. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided,* That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

Drugs and drug abuse.
10 USC 274 note.

SEC. 8051. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

50 USC 3506 note.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

Determination.

SEC. 8052. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $49,000,000 is hereby appropriated to the Department of Defense: *Provided,* That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts specified as follows: $24,000,000 to the United Service Organizations and $25,000,000 to the Red Cross.

Reports.

SEC. 8053. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the extramural budget. The Secretary of each military department, the Director of each Defense Agency, and the head of each other relevant component of the Department

of Defense shall submit to the congressional defense committees, concurrent with submission of the budget justification documents to Congress pursuant to section 1105 of title 31, United States Code, a report with a detailed accounting of the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides taken from programs, projects, or activities within such department, agency, or component during the most recently completed fiscal year.

Contracts.

SEC. 8054. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8055. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8056. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided,* That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account:

Provided, That the Under Secretary of Defense (Comptroller) shall include with the budget of the President for fiscal year 2024 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) a statement describing each instance if any, during each of the fiscal years 2016 through 2023 in which the authority in this section was exercised.

Budget statement. Time period.

SEC. 8057. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

Reimbursement.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8058. (a) None of the funds appropriated or otherwise made available by this or prior Acts may be obligated or expended to retire, prepare to retire, or place in storage or on backup aircraft inventory status any C–40 aircraft.

(b) The limitation under subsection (a) shall not apply to an individual C–40 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable due to a Class A mishap.

Determination.

(c) If the Secretary determines under subsection (b) that an aircraft is no longer mission capable, the Secretary shall submit to the congressional defense committees a certification in writing that the status of such aircraft is due to a Class A mishap and not due to lack of maintenance, repairs, or other reasons.

Certification.

(d) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the necessary steps taken by the Department of Defense to meet the travel requirements for official or representational duties of members of Congress and the Cabinet in fiscal years 2023 and 2024.

Reports.

SEC. 8059. (a) None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use, or inventory requirements: *Provided,* That this restriction does not apply to end-items used in development, prototyping in accordance with an approved test strategy, and test activities preceding and leading to acceptance for operational use.

Certifications.

(b) If the number of end-items budgeted with funds appropriated in title IV of this Act exceeds the number required in an approved test strategy, the Under Secretary of Defense (Research and Engineering) and the Under Secretary of Defense (Acquisition and Sustainment), in coordination with the responsible Service Acquisition Executive, shall certify in writing to the congressional defense committees that there is a bonafide need for the additional end-items at the time of submittal to Congress of the budget of the President for fiscal year 2024 pursuant to section 1105 of title 31, United States Code: *Provided*, That this restriction does not apply to programs funded within the National Intelligence Program.

(c) The Secretary of Defense shall, at the time of the submittal to Congress of the budget of the President for fiscal year 2024

Reports.

pursuant to section 1105 of title 31, United States Code, submit to the congressional defense committees a report detailing the use of funds requested in research, development, test and evaluation accounts for end-items used in development, prototyping and test activities preceding and leading to acceptance for operational use: *Provided*, That the report shall set forth, for each end item covered by the preceding proviso, a detailed list of the statutory authorities under which amounts in the accounts described in that proviso were used for such item: *Provided further*, That the Secretary of Defense shall, at the time of the submittal to Congress of the budget of the President for fiscal year 2024 pursuant to section 1105 of title 31, United States Code, submit to the congressional defense committees a certification that funds requested for fiscal year 2024 in research, development, test and evaluation accounts are in compliance with this section: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

List.

Compliance.

Waiver authority.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8061. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start defense innovation acceleration or rapid prototyping program demonstration project with a value of more than $5,000,000 may only be obligated 15 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

Time period.
Reports.
Strategies.
Cost estimates.

Waiver authority.
Certification.

SEC. 8062. The Secretary of Defense shall continue to provide a classified quarterly report to the Committees on Appropriations of the House of Representatives and the Senate, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

Classified information.
Reports.

SEC. 8063. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8064. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate

Arms and munitions.
Contracts.

to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

Waiver authority. Time period.

SEC. 8065. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or their designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or their designee, on a case-by-case basis.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8066. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $158,967,374 shall remain available until expended: *Provided,* That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further,* That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further,* That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further,* That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

Contracts. Real property.

Determination.

Compliance. Determination.

SEC. 8067. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

(2) how the National Intelligence Program budget request is presented in the unclassified P–1, R–1, and O–1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in subsection (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided such change is otherwise in accordance with paragraphs (1)–(3) of subsection (a).

Study. Proposals.

(c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management

Risk assessment.

processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

Certifications.

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and

Deadline.

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. In addition to amounts made available elsewhere in this Act, $200,000,000 is hereby appropriated to the Department of Defense and made available for transfer to operation and maintenance accounts, procurement accounts, and research, development, test and evaluation accounts only for those efforts by the United States Africa Command or United States Southern Command to expand cooperation or improve the capabilities of our allies and partners in their areas of operation: *Provided,* That none of the funds provided under this section may be obligated or expended until 60 days after the Secretary of Defense provides to the congressional defense committees an execution plan: *Provided further,* That not less than 30 days prior to any transfer of funds, the Secretary of Defense shall notify the congressional defense committees of the details of any such transfer: *Provided further,* That upon transfer, the funds shall be merged with and available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided further,* That the transfer authority provided under this section is in addition to any other transfer authority provided elsewhere in this Act.

Time period.
Execution plan.

Time period.
Notifications.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated for "Operation and Maintenance, Navy", up to $1,000,000 shall be available for transfer to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105).

SEC. 8071. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: *Provided,* That the command and control relationships which existed on October 1, 2004, shall remain in force until a written modification has been proposed to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That the proposed modification may be implemented 30 days after the notification unless an objection is received from either the House or Senate Appropriations Committees: *Provided further,* That any proposed modification shall not preclude the ability of the commander of United States Indo-Pacific Command to meet operational requirements.

Proposal.

Time period.
Notification.

SEC. 8072. Any notice that is required to be submitted to the Committees on Appropriations of the House of Representatives and the Senate under section 3601 of title 10, United States Code, as added by section 804(a) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, after the date of the enactment of this Act shall be submitted pursuant to that requirement concurrently to the Subcommittees on Defense of the Committees on Appropriations of the House of Representatives and the Senate.

Notice.
Effective date.
10 USC 3601 note.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the headings "Procurement, Defense-Wide" and "Research, Development, Test and Evaluation, Defense-Wide", $500,000,000 shall be for the Israeli Cooperative Programs: *Provided,* That of this amount, $80,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; $127,000,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program; $40,000,000 shall be for co-production activities of SRBMD systems in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for SRBMD, as amended; $80,000,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which $80,000,000 shall be for co-production activities of Arrow 3 Upper Tier systems in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for Arrow 3 Upper Tier, as amended; and $173,000,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further,* That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8074. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $1,312,646,000 shall be available until September 30, 2023, to fund prior year shipbuilding cost increases for the following programs:

(1) Under the heading "Shipbuilding and Conversion, Navy", 2013/2023: Carrier Replacement Program, $461,700,000;

(2) Under the heading "Shipbuilding and Conversion, Navy", 2015/2023: Virginia Class Submarine Program, $46,060,000;

(3) Under the heading "Shipbuilding and Conversion, Navy", 2015/2023: DDG–51 Destroyer, $30,231,000;

(4) Under the heading "Shipbuilding and Conversion, Navy", 2015/2023: Littoral Combat Ship, $4,250,000;

(5) Under the heading "Shipbuilding and Conversion, Navy", 2016/2023: DDG–51 Destroyer, $24,238,000;

(6) Under the heading "Shipbuilding and Conversion, Navy", 2016/2023: Virginia Class Submarine Program, $58,642,000;

(7) Under the heading "Shipbuilding and Conversion, Navy", 2016/2023: TAO Fleet Oiler, $9,200,000;

(8) Under the heading "Shipbuilding and Conversion, Navy", 2016/2023: Littoral Combat Ship, $18,000,000;

(9) Under the heading "Shipbuilding and Conversion, Navy", 2016/2023: CVN Refueling Overhauls, $62,000,000;

(10) Under the heading "Shipbuilding and Conversion, Navy", 2016/2023: Towing, Salvage, and Rescue Ship Program, $1,750,000;

(11) Under the heading "Shipbuilding and Conversion, Navy", 2017/2023: DDG–51 Destroyer, $168,178,000;

(12) Under the heading "Shipbuilding and Conversion, Navy", 2017/2023: LPD–17, $17,739,000;

(13) Under the heading "Shipbuilding and Conversion, Navy", 2017/2023: LHA Replacement Program, $19,300,000;

(14) Under the heading "Shipbuilding and Conversion, Navy", 2017/2023: Littoral Combat Ship, $29,030,000;

(15) Under the heading "Shipbuilding and Conversion, Navy", 2018/2023: DDG–51 Destroyer, $5,930,000;

(16) Under the heading "Shipbuilding and Conversion, Navy", 2018/2023: Littoral Combat Ship, $9,538,000;

(17) Under the heading "Shipbuilding and Conversion, Navy", 2018/2023: TAO Fleet Oiler, $12,500,000;

(18) Under the heading "Shipbuilding and Conversion, Navy", 2018/2023: Towing, Salvage, and Rescue Ship Program, $2,800,000;

(19) Under the heading "Shipbuilding and Conversion, Navy", 2019/2023: Littoral Combat Ship, $6,983,000;

(20) Under the heading "Shipbuilding and Conversion, Navy", 2019/2023: TAO Fleet Oiler, $106,400,000;

(21) Under the heading "Shipbuilding and Conversion, Navy", 2019/2023: Towing, Salvage, and Rescue Ship Program, $2,450,000;

(22) Under the heading "Shipbuilding and Conversion, Navy", 2021/2023: Virginia Class Submarine Program, $200,000,000; and

(23) Under the heading "Shipbuilding and Conversion, Navy", 2021/2023: Towing, Salvage, and Rescue Ship Program, $15,727,000.

SEC. 8075. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities and intelligence-related activities not otherwise authorized in the Intelligence Authorization Act for Fiscal Year 2023 are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094).

SEC. 8076. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

Notifications.

SEC. 8077. In addition to amounts provided elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided,* That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

Determination.
Grants.
Fisher House Foundation, Inc.

SEC. 8078. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

Nuclear armed interceptors.

SEC. 8079. None of the funds made available by this Act may be obligated or expended for the purpose of decommissioning the USS *Fort Worth*, the USS *Wichita*, the USS *Billings*, the USS *Indianapolis*, or the USS *St. Louis.*

SEC. 8080. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided,* That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

53rd Weather Reconnaissance Squadron.

SEC. 8081. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided,* That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

Foreign intelligence.

SEC. 8082. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

Tactical unmanned aerial vehicles.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8083. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2024, and except for funds appropriated for the purchase of real property, which shall remain available until September 30, 2025.

Research and development.
Science and technology.
Real property.

SEC. 8084. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be

Applicability.

considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

Reports.

SEC. 8085. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2023: *Provided,* That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

Certification.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8086. Any transfer of amounts appropriated to the Department of Defense Acquisition Workforce Development Account in or for fiscal year 2023 to a military department or Defense Agency pursuant to section 1705(e)(1) of title 10, United States Code, shall be covered by and subject to section 8005 of this Act.

Notifications.
Time periods.

SEC. 8087. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

Public information.
Web posting.
Reports.
Determination.

SEC. 8088. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by

the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

Time period.

SEC. 8089. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

Contracts.

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

Certification.

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days

Waiver authority.
Determination.

Public information.
Time period.

before the contract or subcontract addressed in the determination may be awarded.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $168,000,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided,* That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further,* That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

Notifications.

SEC. 8091. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code.

SEC. 8092. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

Determination.

SEC. 8093. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further,* That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2023.

Reprogramming requests. Deadline.

SEC. 8094. Of the amounts appropriated in this Act for "Shipbuilding and Conversion, Navy", $133,000,000, to remain available for obligation until September 30, 2027, may be used for the purchase of two used sealift vessels for the National Defense Reserve Fleet, established under section 11 of the Merchant Ship Sales Act of 1946 (46 U.S.C. 57100): *Provided,* That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses

Reimbursement.

related to the National Defense Reserve Fleet: *Provided further,* That notwithstanding section 2218 of title 10, United States Code, none of these funds shall be transferred to the National Defense Sealift Fund for execution.

Grants. Public information. Web posting.

SEC. 8095. The Secretary of Defense shall post grant awards on a public website in a searchable format.

Surveillance.

SEC. 8096. None of the funds made available by this Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

Salaries.

SEC. 8097. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided,* That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8098. Of the amounts appropriated in this Act for "Operation and Maintenance, Navy", $589,325,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (46 U.S.C. 57100): *Provided,* That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

Reimbursements.

Gaming. Adult entertainment.

SEC. 8099. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

Contracts.

SEC. 8100. (a) None of the funds provided in this Act for the TAO Fleet Oiler program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; spreaders for shipboard cranes; and anchor chains, specifically for the seventh and subsequent ships of the fleet.

(b) None of the funds provided in this Act for the FFG(X) Frigate program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Air circuit breakers;

gyrocompasses; electronic navigation chart systems; steering controls; pumps; propulsion and machinery control systems; totally enclosed lifeboats; auxiliary equipment pumps; shipboard cranes; auxiliary chill water systems; and propulsion propellers: *Provided,* That the Secretary of the Navy shall incorporate United States manufactured propulsion engines and propulsion reduction gears into the FFG(X) Frigate program beginning not later than with the eleventh ship of the program.

Deadline.

Contracts.

SEC. 8101. None of the funds provided in this Act for requirements development, performance specification development, concept design and development, ship configuration development, systems engineering, naval architecture, marine engineering, operations research analysis, industry studies, preliminary design, development of the Detailed Design and Construction Request for Proposals solicitation package, or related activities for the T–ARC(X) Cable Laying and Repair Ship or the T–AGOS(X) Oceanographic Surveillance Ship may be used to award a new contract for such activities unless these contracts include specifications that all auxiliary equipment, including pumps and propulsion shafts, are manufactured in the United States.

SEC. 8102. No amounts credited or otherwise made available in this or any other Act to the Department of Defense Acquisition Workforce Development Account may be transferred to:

(1) the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note); or

(2) credited to a military-department specific fund established under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (as amended by section 897 of the National Defense Authorization Act for Fiscal Year 2017).

SEC. 8103. From funds made available in title II of this Act, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the United States Central Command area of responsibility: (1) passenger motor vehicles up to a limit of $75,000 per vehicle; and (2) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

Pornography.

SEC. 8104. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

Determination.

SEC. 8105. None of the funds provided for, or otherwise made available, in this or any other Act, may be obligated or expended by the Secretary of Defense to provide motorized vehicles, aviation platforms, munitions other than small arms and munitions appropriate for customary ceremonial honors, operational military units, or operational military platforms if the Secretary determines that providing such units, platforms, or equipment would undermine the readiness of such units, platforms, or equipment.

SEC. 8106. (a) None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such tax liability, provided that the applicable Federal agency is aware of the unpaid Federal tax liability.

Contracts. Memorandums. Grants. Loans. Corporations. Taxes.

(b) Subsection (a) shall not apply if the applicable Federal agency has considered suspension or debarment of the corporation described in such subsection and has made a determination that such suspension or debarment is not necessary to protect the interests of the Federal Government.

Determination.

SEC. 8107. (a) Amounts appropriated under title IV of this Act, as detailed in budget activity eight of the "Explanation of Project Level Adjustments" tables in the explanatory statement regarding this Act, may be used for expenses for the agile research, development, test and evaluation, procurement, production, modification, and operation and maintenance, only for the following Software and Digital Technology Pilot programs—

(1) Defensive CYBER (PE 0608041A);

(2) Risk Management Information (PE 0608013N);

(3) Maritime Tactical Command and Control (PE 0608231N);

(4) Space Command & Control (PE 1208248SF);

(5) National Background Investigation Services (PE 0608197V);

(6) Global Command and Control System (PE 0303150K); and

(7) Acquisition Visibility (PE 0608648D8Z).

(b) None of the funds appropriated by this or prior Department of Defense Appropriations Acts may be obligated or expended to initiate additional Software and Digital Technology Pilot Programs in fiscal year 2023.

SEC. 8108. In addition to amounts provided elsewhere in this Act, there is appropriated $686,500,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to remain available until expended: *Provided,* That such funds shall only be available to the Secretary of Defense, acting through the Office of Local Defense Community Cooperation of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further,* That in making such funds available, the Office of Local Defense Community Cooperation or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense: *Provided further,* That as a condition of receiving funds under this section a local educational agency or State shall provide a matching share as described in the notice titled "Department of Defense Program for Construction, Renovation, Repair or

Grants. Contracts.

Determination.

Expansion of Public Schools Located on Military Installations" published by the Department of Defense in the Federal Register on September 9, 2011 (76 Fed. Reg. 55883 et seq.): *Provided further,* That these provisions apply to funds provided under this section, and to funds previously provided by Congress to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools to the extent such funds remain unobligated on the date of enactment of this section.

Applicability.

SEC. 8109. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 8110. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide", for the Defense Security Cooperation Agency, $300,000,000, to remain available until September 30, 2024, shall be for the Ukraine Security Assistance Initiative: *Provided,* That such funds shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance, including training; equipment; lethal assistance; logistics support, supplies and services; salaries and stipends; sustainment; and intelligence support to the military and national security forces of Ukraine, and to other forces or groups recognized by and under the authority of the Government of Ukraine, including governmental entities within Ukraine, engaged in resisting Russian aggression against Ukraine, for replacement of any weapons or articles provided to the Government of Ukraine from the inventory of the United States, and to recover or dispose of equipment procured using funds made available in this section in this or prior Acts: *Provided further,* That the Secretary of Defense shall, not less than 15 days prior to obligating funds made available in this section, notify the congressional defense committees in writing of the details of any such obligation: *Provided further,* That the Secretary of Defense shall, not more than 60 days after such notification is made, inform such committees if such funds have not been obligated and the reasons therefor: *Provided further,* That the Secretary of Defense shall consult with such committees in advance of the provision of support provided to other forces or groups recognized by and under the authority of the Government of Ukraine: *Provided further,* That the United States may accept equipment procured using funds made available in this section in this or prior Acts transferred to the security forces of Ukraine and returned by such forces to the United States: *Provided further,* That equipment procured using funds made available in this section in this or prior Acts, and not yet transferred

Time period.
Notifications.

Deadline.

Consultation.

Notifications.

to the military or national security forces of Ukraine or to other assisted entities, or returned by such forces or other assisted entities to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use and status of funds made available in this section.

Reports.

SEC. 8111. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided,* That, such contributions shall, upon receipt, be credited to the appropriations or fund which incurred such obligations.

SEC. 8112. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide", for the Defense Security Cooperation Agency, $1,510,260,000, to remain available until September 30, 2024, shall be available for International Security Cooperation Programs and other programs to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or building partner capacity programs: *Provided,* That the Secretary of Defense shall, not less than 15 days prior to obligating funds made available in this section, notify the congressional defense committees in writing of the details of any planned obligation: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

Time period.
Notifications.

Reports.

SEC. 8113. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide", for the Defense Security Cooperation Agency, $410,000,000, to remain available until September 30, 2024, shall be available to reimburse Jordan, Lebanon, Egypt, Tunisia, and Oman under section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note), for enhanced border security, of which not less than $150,000,000 shall be for Jordan: *Provided,* That the Secretary of Defense shall, not less than 15 days prior to obligating funds made available in this section, notify the congressional defense committees in writing of the details of any planned obligation and the nature of the expenses incurred: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

Time period.
Notifications.

Reports.

SEC. 8114. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8115. None of the funds made available by this Act for excess defense articles, assistance under section 333 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise

Child soldiers.

permitted under section 404 of the Child Soldiers Prevention Act of 2008.

Taliban.

SEC. 8116. None of the funds made available by this Act may be made available for any member of the Taliban.

SEC. 8117. Notwithstanding any other provision of law, any transfer of funds, appropriated or otherwise made available by this Act, for support to friendly foreign countries in connection with the conduct of operations in which the United States is not participating, pursuant to section 331(d) of title 10, United States Code, shall be made in accordance with section 8005 of this Act.

Contracts.
Memorandums.
Grants.
Loans.
Rosoboronexport.

SEC. 8118. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

Waiver authority.
Determination.
Certification.
Russia.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that—

Syria.

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) the armed forces of the Russian Federation have withdrawn from Ukraine; and

(3) agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

Review.
Reports.

(c) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on which such a waiver is issued by the Secretary of Defense, the Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8119. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $1,000,000,000, to remain available until September 30, 2024, is hereby appropriated to the Department of Defense and made available for transfer only to other appropriations available to the Department of Defense in Department of Defense Appropriations Acts: *Provided,* That such funds shall be available to the Secretary of Defense for the purpose of conducting activities relating to improvements of infrastructure and defueling at the Red Hill Bulk Fuel Storage Facility: *Provided further,* That amounts transferred pursuant to this appropriation shall be merged with, and be available for the same purposes and time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for

Determination.

the purposes provided in this section, such amounts may be transferred back to this section: *Provided further,* That the transfer authority provided pursuant to this section is in addition to any other transfer authority provided by law: *Provided further,* That not less than 30 days prior to any transfer of funds pursuant to this section, the Secretary of Defense shall notify the congressional defense committees of the details of any such transfer: *Provided further,* That not later than 60 days after the enactment of this Act and every 30 days thereafter through fiscal year 2024, the Secretary of Defense shall submit a report to the Committees on Appropriations of the House of Representatives and Senate, setting forth all categories and amounts of obligations and expenditures made under the authority provided in this section.

Time period. Notifications.

Time period. Reports.

SEC. 8120. (a) Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Secretary of State, for use by the United States Agency for International Development, amounts to be used for the Bien Hoa dioxin cleanup in Vietnam.

Vietnam.

(b) Not more than $15,000,000 may be transferred in each of fiscal years 2024 through 2030 under the transfer authority in subsection (a).

(c) The transfer authority in subsection (a) is in addition to any other transfer authority available to the Department of Defense.

(d) If the Secretary of Defense determines to use the transfer authority in subsection (a), the Secretary shall notify the congressional defense committees of that determination not later than 30 days before the Secretary uses the transfer authority.

Determination. Notifications. Deadline.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8121. In addition to amounts appropriated in title III, title IV, or otherwise made available elsewhere in this Act, $1,052,501,000 is hereby appropriated to the Department of Defense and made available for transfer to the procurement and research, development, test and evaluation accounts of the Army, Navy, Marine Corps, Air Force, and Space Force to reflect revised economic assumptions: *Provided,* That the transfer authority provided under this section is in addition to any other transfer authority provided elsewhere in this Act: *Provided further,* That none of the funds provided under this section may be obligated or expended until 30 days after the Secretary of Defense provides the Committees on Appropriations of the House of Representatives and the Senate a detailed execution plan for such funds.

Time period. Execution plan.

SEC. 8122. Notwithstanding any other provision of this Act, to reflect savings due to favorable foreign exchange rates, the total amount appropriated in this Act is hereby reduced by $956,400,000.

SEC. 8123. Equipment procured using funds provided in prior Acts under the heading "Counterterrorism Partnerships Fund" for the program authorized by section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), or under the heading "Iraq Train and Equip Fund" for the program authorized by section 1236 of such Act, and not yet transferred to authorized recipients may be transferred to foreign security forces, irregular forces, groups, or individuals, authorized to receive assistance using amounts provided under the heading "Counter-ISIS Train and Equip Fund" in this Act: *Provided,* That such equipment may

Time period. Notifications.

be transferred 15 days following written notification to the congressional defense committees.

SEC. 8124. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide", for the Defense Security Cooperation Agency, $25,000,000, to remain available until September 30, 2024, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations to counter the Islamic State of Iraq and Syria: *Provided,* That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following written notification to the appropriate congressional committees: *Provided further,* That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations to counter the Islamic State of Iraq and Syria, and 15 days following written notification to the appropriate congressional committees: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

Determination.
Time period.
Notifications.

Contracts.
Time period.
Notifications.

Reports.

Applicability.

SEC. 8125. In carrying out the program described in the memorandum on the subject of "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members" issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such memorandum, the Secretary of Defense shall apply such policy and guidance, except that—

Embryos.

(1) the limitation on periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

Definition.

(2) the term "assisted reproductive technology" shall include embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

SEC. 8126. None of the funds appropriated or otherwise made available by this Act may be used to transfer the National Reconnaissance Office to the Space Force: *Provided,* That nothing in this Act shall be construed to limit or prohibit cooperation, collaboration, and coordination between the National Reconnaissance Office and the Space Force or any other elements of the Department of Defense.

SEC. 8127. Funds awarded pursuant to the authority in section 8085 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) to the Edward M. Kennedy Institute for the Senate may be used for facility operations and maintenance, and program activities, without regard to any previous endowment disbursement limitations.

Notifications.
Deadline.

SEC. 8128. The Secretary of Defense shall notify the congressional defense committees in writing not more than 30 days after

the receipt of any contribution of funds received from the government of a foreign country for any purpose relating to the stationing or operations of the United States Armed Forces: *Provided,* That such notification shall include the amount of the contribution; the purpose for which such contribution was made; and the authority under which such contribution was accepted by the Secretary of Defense: *Provided further,* That not fewer than 15 days prior to obligating such funds, the Secretary of Defense shall submit to the congressional defense committees in writing a notification of the planned use of such contributions, including whether such contributions would support existing or new stationing or operations of the United States Armed Forces.

Time period.

SEC. 8129. (a) The Chairman of the Joint Chiefs, in coordination with the Secretaries of the military departments and the Chiefs of the Armed Forces, shall submit to the congressional defense committees, not later than 30 days after the last day of each quarter of the fiscal year, a report on the use of operation and maintenance funds for activities or exercises in excess of $5,000,000 that have been designated by the Secretary of Defense as unplanned activities for fiscal year 2023.

Reports.

(b) Each report required by subsection (a) shall also include—

(1) the title, date, and location, of each activity and exercise covered by the report;

(2) an identification of the military department and units that participated in each such activity or exercise (including an estimate of the number of participants);

(3) the total cost of the activity or exercise, by budget line item (with a breakdown by cost element such as transportation); and

Costs.

(4) a short explanation of the objective of the activity or exercise.

(c) The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 8130. Not later than 15 days after the date on which any foreign base that involves the stationing or operations of the United States Armed Forces, including a temporary base, permanent base, or base owned and operated by a foreign country, is opened or closed, the Secretary of Defense shall notify the congressional defense committees in writing of the opening or closing of such base: *Provided,* That such notification shall also include information on any personnel changes, costs, and savings associated with the opening or closing of such base.

Deadline.
Notifications.

SEC. 8131. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States Armed Forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

Iraq.

SEC. 8132. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory,

Syria.

airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

Iran.
North Korea.

SEC. 8133. Nothing in this Act may be construed as authorizing the use of force against Iran or the Democratic People's Republic of Korea.

Iraq.

SEC. 8134. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

Syria.

(2) To exercise United States control over any oil resource of Iraq or Syria.

SEC. 8135. None of the funds made available by this Act under the heading "Counter-ISIS Train and Equip Fund", and under the heading "Operation and Maintenance, Defense-Wide" for Department of Defense security cooperation grant programs, may be used to procure or transfer man-portable air defense systems.

SEC. 8136. Up to $500,000,000 of funds appropriated by this Act for the Defense Security Cooperation Agency in "Operation and Maintenance, Defense-Wide" may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

Wuhan Institute of Virology.

SEC. 8137. None of the funds made available by this Act may be used to support any activity conducted by, or associated with, the Wuhan Institute of Virology.

Azov Battalion.

SEC. 8138. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.

Khalid Sheikh Mohammed.
Detainees.

SEC. 8139. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

Cuba.

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

Detainees.
Cuba.

SEC. 8140. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantánamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and section 1035 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

Detainees.
Cuba.

SEC. 8141. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

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

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

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

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

Cuba.

SEC. 8142. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

EcoHealth Alliance, Inc. China. Determination. Waiver authority. Deadline.

SEC. 8143. None of the funds made available by this Act may be used to fund any work to be performed by EcoHealth Alliance, Inc. in China on research supported by the government of China unless the Secretary of Defense determines that a waiver to such prohibition is in the national security interests of the United States and, not later than 14 days after granting such a waiver, submits to the congressional defense committees a detailed justification for the waiver, including—

(1) an identification of the Department of Defense entity obligating or expending the funds;

(2) an identification of the amount of such funds;

(3) an identification of the intended purpose of such funds;

(4) an identification of the recipient or prospective recipient of such funds (including any third-party entity recipient, as applicable);

(5) an explanation for how the waiver is in the national security interests of the United States; and

(6) any other information the Secretary determines appropriate.

Deadline. Allocation.

SEC. 8144. (a) Within 45 days of enactment of this Act, the Secretary of Defense shall allocate amounts made available from the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Defense Fund for fiscal year 2023 pursuant to the transfer authority in section 102(b)(1) of the CHIPS Act of 2022 (division A of Public Law 117–167), to the account specified, in the amounts specified, and for the projects and activities specified, in the table titled "Department of Defense Allocation of Funds: CHIPS and Science Act Fiscal Year 2023" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) Neither the President nor his designee may allocate any amounts that are made available for any fiscal year under section 102(b)(2) of the CHIPS Act of 2022 if there is in effect an Act making or continuing appropriations for part of a fiscal year for the Department of Defense: *Provided,* That in any fiscal year, the matter preceding this proviso shall not apply to the allocation, apportionment, or allotment of amounts for continuing administration of programs allocated using funds transferred from the CHIPS for America Defense Fund, which may be allocated pursuant to the transfer authority in section 102(b)(1) of the CHIPS Act of

2022 only in amounts that are no more than the allocation for such purposes in subsection (a) of this section.

Reallocation.

(c) The Secretary of Defense may reallocate funds allocated by subsection (a) of this section, subject to the terms and conditions contained in the provisos in section 8005 of this Act: *Provided,* That amounts may be reallocated pursuant to this subsection only for those requirements necessary to carry out section 9903(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

Allocations.

(d) Concurrent with the annual budget submission of the President for fiscal year 2024, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate proposed allocations by account and by program, project, or activity, with detailed justifications, for amounts made available under section 102(b)(2) of the CHIPS Act of 2022 for fiscal year 2024.

Reports.

(e) The Department of Defense shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of projects and activities funded by the CHIPS for America Defense Fund for amounts allocated pursuant to subsection (a) of this section, including all uncommitted, committed, and unobligated funds.

Ridge Alkonis. Determination.

SEC. 8145. The Secretary of the Navy shall continue to provide pay and allowances to Lieutenant Ridge Alkonis, United States Navy, until such time as the Secretary of the Navy makes a determination with respect to the separation of Lieutenant Alkonis from the Navy.

This division may be cited as the "Department of Defense Appropriations Act, 2023".

Energy and Water Development and Related Agencies Appropriations Act, 2023.

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

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic

ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $172,500,000, to remain available until expended: *Provided,* That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

Work plan.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,808,800,000, to remain available until expended; of which $75,518,000, to be derived from the Harbor Maintenance Trust Fund, shall be to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program; and of which such sums as are necessary to cover 35 percent of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: *Provided,* That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

Work plan.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $370,000,000, to remain available until expended, of which $15,390,000, to be derived from the Harbor Maintenance Trust Fund, shall be to cover the Federal share of eligible operation and maintenance costs for inland harbors: *Provided,* That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

Work plan.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $5,078,500,000, to remain available until expended, of which $2,227,092,000, to be derived from the Harbor Maintenance Trust Fund, shall be to cover the Federal share of eligible operations

and maintenance costs for coastal harbors and channels, and for inland harbors; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected; and of which $56,000,000, to be derived from the general fund of the Treasury, shall be to carry out subsection (c) of section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) and shall be designated as being for such purpose pursuant to paragraph (2)(B) of section 14003 of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136): *Provided,* That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities: *Provided further,* That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

Time period. Determination. Allocation.

Work plan.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $218,000,000, to remain available until September 30, 2024.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $400,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $35,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water

Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, $215,000,000, to remain available until September 30, 2024, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided,* That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further,* That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2024: *Provided,* That not more than 75 percent of such amount may be obligated or expended until the Assistant Secretary submits to the Committees on Appropriations of both Houses of Congress the report required under section 101(d) of this Act and a work plan that allocates at least 95 percent of the additional funding provided under each heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), to specific programs, projects, or activities.

Reports.
Work plan.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

For administrative expenses to carry out the direct and guaranteed loan programs authorized by the Water Infrastructure Finance and Innovation Act of 2014, $7,200,000, to remain available until September 30, 2024.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2023, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

Advance approvals.

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

Advance approvals.

(5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs

Advance approvals.

(6) through (10), unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided,* That for a base level less than $100,000, the reprogramming limit is $25,000: *Provided further,* That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided,* That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further,* That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further,* That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

Notifications.

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: *Provided,* That the Chief of Engineers shall notify the Committees on Appropriations of both Houses of Congress of these emergency actions as soon thereafter as practicable: *Provided further,* That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study, or activity is allowed: *Provided further,* That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further,* That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

Guidelines.
Applicability.

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the Committees on Appropriations of both Houses of Congress.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

Reports.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations of both Houses of Congress to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

Allocation.

SEC. 102. The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Contracts.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $5,400,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 105. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341): *Provided,* That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

Kentucky.

SEC. 106. None of the funds made available by this Act may be used to carry out any water supply reallocation study under the Wolf Creek Dam, Lake Cumberland, Kentucky, project authorized under the Act of July 24, 1946 (60 Stat. 636, ch. 595).

SEC. 107. None of the funds made available by this Act or any other Act may be used to reorganize or to transfer the Civil Works functions or authority of the Corps of Engineers or the Secretary of the Army to another department or agency.

Allocations.
Determinations.

SEC. 108. Additional funding provided in this Act shall be allocated only to projects determined to be eligible by the Chief of Engineers.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $23,000,000, to remain available until expended, of which $5,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided,* That of the amount provided under this heading, $1,600,000

shall be available until September 30, 2024, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further,* That for fiscal year 2023, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,880,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian Tribes, and others, $1,787,151,000, to remain available until expended, of which $22,165,000 shall be available for transfer to the Upper Colorado River Basin Fund and $7,584,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided,* That $500,000 shall be available for transfer into the Aging Infrastructure Account established by section 9603(d)(1) of the Omnibus Public Land Management Act of 2009, as amended (43 U.S.C. 510b(d)(1)): *Provided further,* That such transfers, except for the transfer authorized by the preceding proviso, may be increased or decreased within the overall appropriation under this heading: *Provided further,* That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund, the Water Storage Enhancement Receipts account established by section 4011(e) of Public Law 114–322, or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further,* That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further,* That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further,* That of the amounts made available under this heading, $10,000,000 shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of appendix D of Public Law 106–554: *Provided further,* That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided further,* That within available funds, $250,000 shall be for grants and financial assistance for educational activities: *Provided further,* That in accordance with section 4007 of Public Law 114–322 and as recommended by the Secretary in a letter dated November 30, 2022, funding provided for such purpose in fiscal years 2021 and 2022 shall be made available to the Los Vaqueros Reservoir Expansion Project Phase 2, and the North-

of-the-Delta Off Stream Storage (Sites Reservoir Project): *Provided further,* That in accordance with section 4009(a) of Public Law 114–322 and as recommended by the Secretary in a letter dated November 30, 2022, funding provided for such purpose in fiscal year 2022 shall be made available to the El Paso Water Utilities Public Service Board: *Provided further,* That in accordance with section 4009(c) of Public Law 114–322 and as recommended by the Secretary in a letter dated November 30, 2022, funding provided for such purpose in fiscal year 2022 shall be made available to the Eastern Municipal Water District.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, such sums as may be collected in fiscal year 2023 in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided,* That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further,* That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

Assessments.

Contracts.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $33,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided,* That funds appropriated herein may be used for the Federal share of the costs of Calfed Program management: *Provided further,* That Calfed implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the six regions of the Bureau of Reclamation, to remain available until September 30, 2024, $65,079,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase and replacement of not to exceed 30 motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Advance approvals.

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2023, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

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

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of both Houses of Congress:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of both Houses of Congress; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of both Houses of Congress.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

Definition.

(c) For purposes of this section, the term "transfer" means any movement of funds into or out of a program, project, or activity.

(d) Except as provided in subsections (a) and (b), the amounts made available in this title under the heading "Bureau of Reclamation—Water and Related Resources" shall be expended for the programs, projects, and activities specified in the "Final Bill" columns in the "Water and Related Resources" table included under the heading "Title II—Department of the Interior" in the explanatory

statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act. Reports.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters. Determination. California. Plan.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law. Reimbursements.

SEC. 203. Section 9504(e) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(e)) is amended by striking "$750,000,000" and inserting "$820,000,000".

SEC. 204. (a) Title I of Public Law 108–361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 204 of division D of Public Law 117–103, shall be applied by substituting "2023" for "2022" each place it appears. Applicability. *Ante*, p. 221.

(b) Section 103(f)(4)(A) of Public Law 108–361 (the Calfed Bay-Delta Authorization Act) is amended by striking "$25,000,000" and inserting "$30,000,000". 118 Stat. 1696.

SEC. 205. Section 9106(g)(2) of Public Law 111–11 (Omnibus Public Land Management Act of 2009) shall be applied by substituting "2023" for "2022". Applicability. 123 Stat. 1309.

SEC. 206. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) shall be applied by substituting "2023" for "2022". Applicability. 43 USC 2214 note.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) shall be applied by substituting "2023" for "2022" and by substituting "$130,000,000" for "$120,000,000". 43 USC 2241 note.

SEC. 207. Section 529(b)(3) of the Water Resources Development Act of 2000 (Public Law 106–541) as amended, is amended by striking "$30,000,000" and inserting "$40,000,000". 114 Stat. 2658.

SEC. 208. None of the funds made available by this Act may be used for pre-construction or construction activities for any project recommended after enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2020 and prior to enactment of this Act by the Secretary of the Interior and

transmitted to the appropriate committees of Congress pursuant to section 4007 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322) if such project is not named in this Act, Public Law 116–260, or Public Law 117–43.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

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.

CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY RESPONSE

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 acquisition, construction, or expansion, $200,000,000, to remain available until expended: *Provided,* That of such amount, $25,143,000 shall be available until September 30, 2024, for program direction.

ELECTRICITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity 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, $350,000,000, to remain available until expended: *Provided,* That of such amount, $23,000,000 shall be available until September 30, 2024, for program direction.

NUCLEAR ENERGY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear 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, $1,473,000,000, to remain available until expended, of which $20,000,000 shall be transferred to "Department of Energy—Energy Programs—Science", for hot cells operations and maintenance: *Provided,* That of such amount, $85,000,000 shall be available until September 30, 2024, for program direction: *Provided further,* That for the purpose of section 954(a)(6) of the Energy Policy Act of 2005, as amended, the only amount available shall be from the amount specified as including that purpose in the "Final Bill" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

FOSSIL ENERGY AND CARBON MANAGEMENT

For Department of Energy expenses necessary in carrying out fossil energy and carbon management research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $890,000,000, to remain available until expended: *Provided,* That of such amount $70,000,000 shall be available until September 30, 2024, for program direction.

ENERGY PROJECTS

For Department of Energy expenses necessary in carrying out community project funding activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $221,968,652, to remain available until expended, for projects specified in the table that appears under the heading "Community Project Funding and Congressionally Directed Spending of Energy Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, $13,004,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $207,175,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition, transportation, and injection of petroleum products, and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), sections 403 and 404 of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241, 6239 note), section 32204 of the Fixing America's Surface Transportation Act (42 U.S.C. 6241 note), and section 30204 of the Bipartisan Budget Act of 2018 (42 U.S.C. 6241 note), $100,000, to remain available until expended: *Provided,* That of the unobligated balances from amounts deposited under this heading pursuant to section 167(b)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6247(b)(3)), $2,052,000,000 is hereby permanently rescinded not later than September 30, 2023.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $7,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $135,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup 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, and the purchase of one passenger motor vehicle, $358,583,000, to remain available until expended: *Provided,* That in addition, fees collected pursuant to subsection (b)(1) of section 6939f of title 42, United States Code, and deposited under this heading in fiscal year 2023 pursuant to section 309 of title III of division C of Public Law 116–94 are appropriated, to remain available until expended, for mercury storage costs.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $879,052,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $14,800,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science 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, and purchase of not more than 35 passenger motor vehicles, including one ambulance, for replacement only, $8,100,000,000, to remain available until expended: *Provided,* That of such amount, $211,211,000 shall be available until September 30, 2024, for program direction.

NUCLEAR WASTE DISPOSAL

For Department of Energy expenses necessary for nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, $10,205,000, to remain available until expended, which shall be derived from the Nuclear Waste Fund.

TECHNOLOGY TRANSITIONS

For Department of Energy expenses necessary for carrying out the activities of technology transitions, $22,098,000, to remain available until expended: *Provided,* That of such amount, $13,183,000 shall be available until September 30, 2024, for program direction.

CLEAN ENERGY DEMONSTRATIONS

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for clean energy demonstrations 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, $89,000,000, to remain available until expended: *Provided,* That of such amount, $25,000,000 shall be available until September 30, 2024, for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), $470,000,000, to remain available until expended: *Provided,* That of such amount, $37,000,000 shall be available until September 30, 2024, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

(INCLUDING RESCISSION OF FUNDS)

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974:

Provided, That for necessary administrative expenses of the Title 17 Innovative Technology Loan Guarantee Program, as authorized, $66,206,000 is appropriated, to remain available until September 30, 2024: *Provided further,* That up to $66,206,000 of fees collected in fiscal year 2023 pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections under this heading and used for necessary administrative expenses in this appropriation and shall remain available until September 30, 2024: *Provided further,* That to the extent that fees collected in fiscal year 2023 exceed $66,206,000, those excess amounts shall be credited as offsetting collections under this heading and available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further,* That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2023 (estimated at $35,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from fees collected in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2023 appropriation from the general fund estimated at $0: *Provided further,* That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

Reduction.

Of the unobligated balances from amounts made available in the first proviso of section 1425 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10) for the cost of loan guarantees under section 1703 of the Energy Policy Act of 2005, $150,000,000 are hereby permanently rescinded: *Provided,* That, subject to section 502 of the Congressional Budget Act of 1974, commitments to guarantee loans for eligible projects under title XVII of the Energy Policy Act of 2005, shall not exceed a total principal amount of $15,000,000,000, to remain available until committed: *Provided further,* That the amounts provided under this paragraph are in addition to those provided in any other Act: *Provided further,* That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers may not be a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further,* That none of such loan guarantee authority made available under this paragraph shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further,* That the preceding proviso shall not be interpreted as precluding the use of the loan guarantee authority provided under this paragraph for commitments to guarantee loans for: (1) projects as a result of such projects benefitting from otherwise allowable Federal income tax benefits; (2) projects as a result of such projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is: (A) paid exclusively in cash; (B) deposited in the Treasury as offsetting receipts; and (C) equal to the fair

Determination.

market value as determined by the head of the relevant Federal agency; (3) projects as a result of such projects benefitting from Federal insurance programs, including under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210; commonly known as the "Price-Anderson Act"); or (4) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further,* That none of the loan guarantee authority made available under this paragraph shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this paragraph.

Certification. Compliance.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $9,800,000, to remain available until September 30, 2024.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Tribal Energy Loan Guarantee Program, $2,000,000, to remain available until September 30, 2024: *Provided,* That in this fiscal year and subsequent fiscal years, under section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), the Secretary of Energy may also provide direct loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further,* That such direct loans shall be made through the Federal Financing Bank, with the full faith and credit of the United States Government on the principal and interest: *Provided further,* That any funds previously appropriated for the cost of loan guarantees under section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) may also be used, in this fiscal year and subsequent fiscal years, for the cost of direct loans provided under such section of such Act: *Provided further,* That for the cost of direct loans for the Tribal Energy Loan Guarantee Program as provided for in the preceding three provisos and for the cost of guaranteed loans for such program under section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), $2,000,000, to remain available until expended: *Provided further,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

25 USC 3502 note.

25 USC 3502 note.

25 USC 3502 note.

INDIAN ENERGY POLICY AND PROGRAMS

For necessary expenses for Indian Energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $75,000,000, to remain available until expended: *Provided,* That of the amount appropriated under this heading, $14,000,000 shall be available until September 30, 2024, for program direction.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $383,578,000, to remain available until September 30, 2024, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further,* That moneys received by the Department for miscellaneous revenues estimated to total $100,578,000 in fiscal year 2023 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further,* That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2023 appropriation from the general fund estimated at not more than $283,000,000.

Reduction.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $86,000,000, to remain available until September 30, 2024.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons 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, $17,116,119,000, to remain available until expended: *Provided,* That of such amount, $130,070,000 shall be available until September 30, 2024, for program direction.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation 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, $2,490,000,000, to remain available until expended.

NAVAL REACTORS

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $2,081,445,000, to remain available until expended, of which, $99,747,000 shall be transferred to "Department of Energy—Energy Programs—Nuclear Energy", for the Advanced Test Reactor: *Provided,* That of such amount, $58,525,000 shall be available until September 30, 2024, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, $475,000,000, to remain available until September 30, 2024, including official reception and representation expenses not to exceed $17,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup 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, $7,025,000,000, to remain available until expended: *Provided,* That of such amount, $317,002,000 shall be available until September 30, 2024, for program direction.

DEFENSE URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for atomic energy defense environmental cleanup activities for Department of Energy contributions for uranium enrichment decontamination and decommissioning activities, $586,035,000, to be deposited into the Defense Environmental Cleanup account, which shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund".

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified 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, $1,035,000,000, to remain available until expended: *Provided,* That of such amount, $364,734,000 shall be available until September 30, 2024, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Colville Tribes Residents Fish Hatchery Expansion, Chief Joseph Hatchery Water Quality Project, and Umatilla Hatchery Facility Project and, in addition, for official reception and representation expenses in an amount not to exceed $5,000: *Provided,* That during fiscal year 2023, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $8,173,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $8,173,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further,* That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2023 appropriation estimated at not more than $0: *Provided further,* That notwithstanding 31 U.S.C. 3302, up to $78,696,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further,* That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

Reduction.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $53,488,000, to remain available until

expended: *Provided,* That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $42,880,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further,* That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2023 appropriation estimated at not more than $10,608,000: *Provided further,* That notwithstanding 31 U.S.C. 3302, up to $70,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further,* That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

Reduction.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $299,573,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $299,573,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided,* That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $200,841,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further,* That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2023 appropriation estimated at not more than $98,732,000, of which $98,732,000 is derived from the Reclamation Fund: *Provided further,* That notwithstanding 31 U.S.C. 3302, up to $475,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further,* That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

Reduction.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $6,330,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided,* That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $6,102,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further,* That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2023 appropriation estimated at not more than $228,000: *Provided further,* That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further,* That for fiscal year 2023, the Administrator of the Western Area Power Administration may accept up to $1,598,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further,* That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

Reduction.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed $3,000, and the hire of passenger motor vehicles, $508,400,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, not to exceed $508,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2023 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2023 so as to result in a final fiscal year 2023 appropriation from the general fund estimated at not more than $0.

42 USC 7171 note.

Reduction.
42 USC 7171 note.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to— Notifications. Time period.

(A) make a grant allocation or discretionary grant award totaling $1,000,000 or more; Grants.

(B) make a discretionary contract award or Other Transaction Agreement totaling $1,000,000 or more, including a contract covered by the Federal Acquisition Regulation; Contracts.

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than $1,000,000 provided during the previous quarter. Reports.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless— Contracts. Grants.

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance. Notifications. Time period.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the "Final Bill" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Notifications. Advance approvals. Time period.

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify, and obtain the prior approval of, the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

Waiver authority.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

Notifications. Deadline.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

(h) The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2023 until the enactment of the Intelligence Authorization Act for fiscal year 2023.

Oversight. Compliance.

SEC. 303. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

Cost estimate.

SEC. 304. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

Determination. President.

SEC. 305. Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), upon a determination by the President in this fiscal year that a regional supply shortage of refined petroleum product of significant scope and duration exists,

that a severe increase in the price of refined petroleum product will likely result from such shortage, and that a draw down and sale of refined petroleum product would assist directly and significantly in reducing the adverse impact of such shortage, the Secretary of Energy may draw down and sell refined petroleum product from the Strategic Petroleum Reserve. Proceeds from a sale under this section shall be deposited into the SPR Petroleum Account established in section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247), and such amounts shall be available for obligation, without fiscal year limitation, consistent with that section.

SEC. 306. No funds shall be transferred directly from "Department of Energy—Power Marketing Administration—Colorado River Basins Power Marketing Fund, Western Area Power Administration" to the general fund of the Treasury in the current fiscal year.

SEC. 307. All unavailable collections currently in the United States Enrichment Corporation Fund shall be transferred to and merged with the Uranium Enrichment Decontamination and Decommissioning Fund and shall be available only to the extent provided in advance in appropriations Acts.

Repeals.

SEC. 308. Subparagraphs (B) and (C) of section 40401(a)(2) of Public Law 117–58, paragraph (3) of section 1702(r) of the Energy Policy Act of 2005 (42 U.S.C. 16512(r)(3)) as added by section 40401(c)(2)(C) of Public Law 117–58, and subsection (l) of section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(l)), are hereby repealed.

Property interests.
42 USC 7274*l*–1.

SEC. 309. (a) Hereafter, for energy development, demonstration, and deployment programs funded under Department of Energy appropriations (other than those for the National Nuclear Security Administration and Office of Environmental Management) provided for fiscal year 2022, the current fiscal year, or any fiscal year thereafter (including by Acts other than appropriations Acts), the Secretary may vest unconditional title or other property interests acquired under projects in an award recipient, subrecipient, or successor in interest, including the United States, at the conclusion of the award period for projects receiving an initial award in fiscal year 2022 or later.

(b) Upon vesting unconditional title pursuant to subsection (a) in an award recipient, subrecipient, or successor in interest other than the United States, the United States shall have no liabilities or obligations to the property.

Definition.

(c) For purposes of this section, the term "property interest" does not include any interest in intellectual property developed using funding provided under a project.

SEC. 310. None of the funds made available in this title may be used to support a grant allocation award, discretionary grant award, or cooperative agreement that exceeds $100,000,000 in Federal funding unless the project is carried out through internal independent project management procedures.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $200,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $41,401,000, to remain available until September 30, 2024, of which not to exceed $1,000 shall be available for official reception and representation expenses.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382F(d), 382M, and 382N of said Act, $30,100,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $17,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided,* That funds shall be available for construction projects for which the Denali Commission is the sole or primary funding source in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities: *Provided further,* That notwithstanding any other provision of law regarding payment of a non-Federal share in connection with a grant-in-aid program, amounts under this heading shall be available for the payment of such a non-Federal share for any project for which the Denali Commission is not the sole or primary funding source, provided that such project is consistent with the purposes of the Commission.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $40,000,000, to remain available until expended: *Provided,* That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For expenses necessary for the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $20,000,000, to remain available until expended.

SOUTHWEST BORDER REGIONAL COMMISSION

For expenses necessary for the Southwest Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $5,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, $911,384,000, including official representation expenses not to exceed $25,000, to remain available until expended: *Provided,* That of the amount appropriated herein, not more than $9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2024: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $777,498,000 in fiscal year 2023 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2023 so as to result in a final fiscal year 2023 appropriation estimated at not more than $133,886,000.

Reduction.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $15,769,000, to remain available until September 30, 2024: *Provided,* That revenues from licensing fees, inspection services, and other services and collections estimated at $12,655,000 in fiscal year 2023 shall be retained and be available until September 30, 2024, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2023 so as to result in a final fiscal year 2023 appropriation estimated at not more than $3,114,000: *Provided further,* That of the amounts

Reduction.

appropriated under this heading, $1,520,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,945,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2024.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

Compliance.

SEC. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information, consistent with Department of Justice guidance for all Federal agencies.

Notifications. Time period.

SEC. 402. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than $500,000 or 10 percent, whichever is less, during the time period covered by this Act.

Waiver authority.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in subsection (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

Notifications. Deadline.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

Reports.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for "Nuclear Regulatory Commission—Salaries and Expenses" shall be expended as directed in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

Reports.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

(1) total budget authority;
(2) total unobligated balances; and
(3) total unliquidated obligations.

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Lobbying.

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

Reports.
Time periods.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semi-annual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

Pornography.

SEC. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, Tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

This division may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2023".

Financial Services and General Government Appropriations Act, 2023.
Department of the Treasury Appropriations Act, 2023.

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

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Freedman's Bank Building; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities, including technical assistance to State, local, and territorial entities; and Treasury-wide management policies and programs activities, $273,882,000, of which not less than $12,000,000 shall be available for the administration of financial assistance, in addition to amounts otherwise available for such purposes: *Provided,* That of the amount appropriated under this heading—

(1) not to exceed $350,000 is for official reception and representation expenses;

(2) not to exceed $258,000 is for unforeseen emergencies of a confidential nature to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on the Secretary's certificate; and

(3) not to exceed $34,000,000 shall remain available until September 30, 2024, for—

(A) the Treasury-wide Financial Statement Audit and Internal Control Program;

(B) information technology modernization requirements;

(C) the audit, oversight, and administration of the Gulf Coast Restoration Trust Fund;

(D) the development and implementation of programs within the Office of Cybersecurity and Critical Infrastructure Protection, including entering into cooperative agreements;

(E) operations and maintenance of facilities; and

(F) international operations.

COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Committee on Foreign Investment in the United States, $21,000,000, to remain available until expended: *Provided,* That the chairperson of the Committee may transfer such amounts to any department or agency represented on the Committee (including the Department of the Treasury) subject to advance notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That amounts so transferred shall remain available until expended

Notifications.

for expenses of implementing section 721 of the Defense Production Act of 1950, as amended (50 U.S.C. 4565), and shall be available in addition to any other funds available to any department or agency: *Provided further,* That fees authorized by section 721(p) of such Act shall be credited to this appropriation as offsetting collections: *Provided further,* That the total amount appropriated under this heading from the general fund shall be reduced as such offsetting collections are received during fiscal year 2023, so as to result in a total appropriation from the general fund estimated at not more than $0.

Reduction.

OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

SALARIES AND EXPENSES

For the necessary expenses of the Office of Terrorism and Financial Intelligence to safeguard the financial system against illicit use and to combat rogue nations, terrorist facilitators, weapons of mass destruction proliferators, human rights abusers, money launderers, drug kingpins, and other national security threats, $216,059,000, of which not less than $3,000,000 shall be available for addressing human rights violations and corruption, including activities authorized by the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note): *Provided,* That of the amounts appropriated under this heading, up to $12,000,000 shall remain available until September 30, 2024.

CYBERSECURITY ENHANCEMENT ACCOUNT

For salaries and expenses for enhanced cybersecurity for systems operated by the Department of the Treasury, $100,000,000, to remain available until September 30, 2025: *Provided,* That such funds shall supplement and not supplant any other amounts made available to the Treasury offices and bureaus for cybersecurity: *Provided further,* That of the total amount made available under this heading $6,000,000 shall be available for administrative expenses for the Treasury Chief Information Officer to provide oversight of the investments made under this heading: *Provided further,* That such funds shall supplement and not supplant any other amounts made available to the Treasury Chief Information Officer.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services and for repairs and renovations to buildings owned by the Department of the Treasury, $11,118,000, to remain available until September 30, 2025: *Provided,* That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further,* That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further,* That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $48,878,000, including hire of passenger motor vehicles; of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; of which up to $2,800,000 to remain available until September 30, 2024, shall be for audits and investigations conducted pursuant to section 1608 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note); and of which not to exceed $1,000 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $174,250,000, of which $5,000,000 shall remain available until September 30, 2024; of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $9,000,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; services authorized by 5 U.S.C. 3109; not to exceed $25,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $190,193,000, of which not to exceed $55,000,000 shall remain available until September 30, 2025.

BUREAU OF THE FISCAL SERVICE

SALARIES AND EXPENSES

For necessary expenses of operations of the Bureau of the Fiscal Service, $372,485,000; of which not to exceed $8,000,000, to remain available until September 30, 2025, is for information systems modernization initiatives; and of which $5,000 shall be available for official reception and representation expenses.

In addition, $165,000, to be derived from the Oil Spill Liability Trust Fund to reimburse administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $148,863,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $50,000 shall be available for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided,* That of the amount appropriated under this heading, $5,000,000 shall be for the costs of accelerating the processing of formula and label applications: *Provided further,* That of the amount appropriated under this heading, $5,000,000, to remain available until September 30, 2024, shall be for the costs associated with enforcement of and education regarding the trade practice provisions of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments: *Provided,* That the aggregate amount of new liabilities and obligations incurred during fiscal year 2023 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $50,000,000.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Riegle Community Development and Regulatory Improvement Act of 1994 (subtitle A of title I of Public Law 103–325), including services authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for EX–III, $324,000,000. Of the amount appropriated under this heading—

(1) not less than $196,000,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)) with regard to Small and/or Emerging Community Development Financial Institutions Assistance awards, is available until September 30, 2024, for financial assistance and technical assistance under subparagraphs (A) and (B) of section 108(a)(1), respectively, of Public Law 103–325 (12 U.S.C. 4707(a)(1)(A) and (B)), of which up to $1,600,000 may be available for training and outreach under section 109 of Public Law 103–325 (12 U.S.C. 4708), of which up to $3,153,750 may be used for the cost of direct loans, of which up to $10,000,000, notwithstanding subsection (d) of section 108 of Public Law 103–325 (12 U.S.C. 4707(d)), may be available to provide financial assistance, technical assistance, training, and outreach to community development financial institutions to expand investments that benefit individuals with disabilities, and of which up to $2,000,000 shall be for the Economic Mobility Corps to be operated in conjunction with the Corporation for National and Community Service, pursuant to 42 U.S.C. 12571: *Provided*, That the cost of direct and guaranteed loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000: *Provided further*, That of the funds provided under this paragraph, excluding those made to community development financial institutions to expand investments that benefit individuals with disabilities and those made to community development financial institutions that serve populations living in persistent poverty counties, the CDFI Fund shall prioritize Financial Assistance awards to organizations that invest and lend in high-poverty areas: *Provided further*, That for purposes of this section, the term "high-poverty area" means any census tract with a poverty rate of at least 20 percent as measured by the 2016–2020 5-year data series available from the American Community Survey of the Bureau of the Census for all States and Puerto Rico or with a poverty rate of at least 20 percent as measured by the 2010 Island areas Decennial Census data for any territory or possession of the United States;

Definition.
Time period.
State and local governments.
Puerto Rico.

(2) not less than $25,000,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)), is available until September 30, 2024, for financial assistance, technical assistance, training, and outreach programs designed to benefit Native American, Native Hawaiian, and Alaska Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, Tribes and Tribal organizations, and other suitable providers;

(3) not less than $35,000,000 is available until September 30, 2024, for the Bank Enterprise Award program;

(4) not less than $24,000,000, notwithstanding subsections (d) and (e) of section 108 of Public Law 103–325 (12 U.S.C. 4707(d) and (e)), is available until September 30, 2024, for a Healthy Food Financing Initiative to provide financial assistance, technical assistance, training, and outreach to community development financial institutions for the purpose of offering

affordable financing and technical assistance to expand the availability of healthy food options in distressed communities;

(5) not less than $9,000,000 is available until September 30, 2024, to provide grants for loan loss reserve funds and to provide technical assistance for small dollar loan programs under section 122 of Public Law 103–325 (12 U.S.C. 4719): *Provided*, That sections 108(d) and 122(b)(2) of such Public Law shall not apply to the provision of such grants and technical assistance;

(6) up to $35,000,000 is available for administrative expenses, including administration of CDFI Fund programs and the New Markets Tax Credit Program, of which not less than $1,000,000 is for the development of tools to better assess and inform CDFI investment performance and CDFI program impacts, and up to $300,000 is for administrative expenses to carry out the direct loan program; and

(7) during fiscal year 2023, none of the funds available under this heading are available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of commitments to guarantee bonds and notes under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4713a): *Provided*, That commitments to guarantee bonds and notes under such section 114A shall not exceed $500,000,000: *Provided further*, That such section 114A shall remain in effect until December 31, 2023: *Provided further*, That of the funds awarded under this heading, except those provided for the Economic Mobility Corps, not less than 10 percent shall be used for awards that support investments that serve populations living in persistent poverty counties: *Provided further*, That for the purposes of this paragraph and paragraph (1), the term "persistent poverty counties" means any county, including county equivalent areas in Puerto Rico, that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the 2016–2020 5-year data series available from the American Community Survey of the Bureau of the Census or any other territory or possession of the United States that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000 and 2010 Island Areas Decennial Censuses, or equivalent data, of the Bureau of the Census.

Termination date.
12 USC 4713a note.

Definition.
Puerto Rico.
Time periods.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,780,606,000, of which not to exceed $100,000,000 shall remain available until September 30, 2024, of which not less than $11,000,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $26,000,000 shall be available for low-income taxpayer clinic grants, including grants to individual clinics of up to $200,000, of which not less than $40,000,000, to remain available until September

30, 2024, shall be available for the Community Volunteer Income Tax Assistance Matching Grants Program for tax return preparation assistance, and of which not less than $236,000,000 shall be available for operating expenses of the Taxpayer Advocate Service: *Provided,* That of the amounts made available for the Taxpayer Advocate Service, not less than $7,000,000 shall be for identity theft and refund fraud casework.

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,437,622,000; of which not to exceed $250,000,000 shall remain available until September 30, 2024; of which not less than $60,257,000 shall be for the Interagency Crime and Drug Enforcement program; and of which not to exceed $25,000,000 shall be for investigative technology for the Criminal Investigation Division: *Provided,* That the amount made available for investigative technology for the Criminal Investigation Division shall be in addition to amounts made available for the Criminal Investigation Division under the "Operations Support" heading.

OPERATIONS SUPPORT

For necessary expenses to operate the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $4,100,826,000, of which not to exceed $275,000,000 shall remain available until September 30, 2024; of which not to exceed $10,000,000 shall remain available until expended for acquisition of equipment and construction, repair and renovation of facilities; of which not to exceed $1,000,000 shall remain available until September 30, 2025, for research; and of which not to exceed $20,000 shall be for official reception and representation expenses: *Provided,* That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing major information technology investments in the Internal Revenue Service Integrated Modernization Business Plan portfolio, including detailed, plain language summaries on the status of plans, costs, and results; prior results and actual expenditures of the prior quarter; upcoming deliverables and costs for the fiscal year; risks and mitigation strategies associated with ongoing work; reasons for any cost or schedule variances; and total expenditures by fiscal year: *Provided further,* That the Internal Revenue Service shall include, in its budget justification

Reports. Summaries. Strategies. 26 USC 7801 note.

Summaries.

for fiscal year 2024, a summary of cost and schedule performance information for its major information technology systems.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

Advance approvals.

SEC. 101. Not to exceed 5 percent of the appropriation made available in this Act to the Internal Revenue Service under the "Enforcement" heading, and not to exceed 5 percent of any other appropriation made available in this Act to the Internal Revenue Service, may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 102. The Internal Revenue Service shall maintain an employee training program, which shall include the following topics: taxpayers' rights, dealing courteously with taxpayers, cross-cultural relations, ethics, and the impartial application of tax law.

Policies. Procedures. Confidentiality. Identify theft.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make improvements to the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to enhance the response time to taxpayer communications, particularly with regard to victims of tax-related crimes.

Notice.

SEC. 105. The Internal Revenue Service shall issue a notice of confirmation of any address change relating to an employer making employment tax payments, and such notice shall be sent to both the employer's former and new address and an officer or employee of the Internal Revenue Service shall give special consideration to an offer-in-compromise from a taxpayer who has been the victim of fraud by a third party payroll tax preparer.

SEC. 106. None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SEC. 107. None of the funds made available in this Act may be used by the Internal Revenue Service to target groups for regulatory scrutiny based on their ideological beliefs.

SEC. 108. None of funds made available by this Act to the Internal Revenue Service shall be obligated or expended on conferences that do not adhere to the procedures, verification processes, documentation requirements, and policies issued by the Chief Financial Officer, Human Capital Office, and Agency-Wide Shared Services as a result of the recommendations in the report published on May 31, 2013, by the Treasury Inspector General for Tax Administration entitled "Review of the August 2010 Small Business/Self-Employed Division's Conference in Anaheim, California" (Reference Number 2013–10–037).

SEC. 109. None of the funds made available in this Act to the Internal Revenue Service may be obligated or expended—

(1) to make a payment to any employee under a bonus, award, or recognition program; or

(2) under any hiring or personnel selection process with respect to re-hiring a former employee;

unless such program or process takes into account the conduct and Federal tax compliance of such employee or former employee.

SEC. 110. None of the funds made available by this Act may be used in contravention of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information).

SEC. 111. The Secretary of the Treasury (or the Secretary's delegate) may use the funds made available in this Act, subject to such policies as the Secretary (or the Secretary's delegate) may establish, to utilize direct hire authority to recruit and appoint qualified applicants, without regard to any notice or preference requirements, directly to positions in the competitive service to process backlogged tax returns and return information.

SEC. 112. Notwithstanding section 1344 of title 31, United States Code, funds appropriated to the Internal Revenue Service in this Act may be used to provide passenger carrier transportation and protection between the Commissioner of Internal Revenue's residence and place of employment.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

Contracts.

SEC. 113. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

Advance approvals.

SEC. 114. Not to exceed 2 percent of any appropriations in this title made available under the headings "Departmental Offices—Salaries and Expenses", "Office of Inspector General", "Special Inspector General for the Troubled Asset Relief Program", "Financial Crimes Enforcement Network", "Bureau of the Fiscal Service", and "Alcohol and Tobacco Tax and Trade Bureau" may be transferred between such appropriations upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That no transfer under this section may increase or decrease any such appropriation by more than 2 percent.

Advance approvals.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 117. The Secretary of the Treasury may transfer funds from the "Bureau of the Fiscal Service—Salaries and Expenses" to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided,* That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

Reimbursement.

SEC. 118. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

Approval requirement.

SEC. 119. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

Approval requirement.

SEC. 120. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2023 until the enactment of the Intelligence Authorization Act for Fiscal Year 2023.

SEC. 121. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 122. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days following the submission of the annual budget submitted by the President: *Provided,* That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, Treasury Franchise Fund account, and the Treasury Forfeiture Fund account: *Provided further,* That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

Plan. Deadline.

SEC. 123. During fiscal year 2023—

Nonprofit organizations.

(1) none of the funds made available in this or any other Act may be used by the Department of the Treasury, including the Internal Revenue Service, to issue, revise, or finalize any regulation, revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section

501(c)(4) of the Internal Revenue Code of 1986 (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)); and

Applicability. Determination.

(2) the standard and definitions as in effect on January 1, 2010, which are used to make such determinations shall apply after the date of the enactment of this Act for purposes of determining status under section 501(c)(4) of such Code of organizations created on, before, or after such date.

Reports.

SEC. 124. Within 45 days after the date of enactment of this Act, the Secretary of the Treasury shall submit an itemized report to the Committees on Appropriations of the House of Representatives and the Senate on the amount of total funds charged to each office by the Franchise Fund including the amount charged for each service provided by the Franchise Fund to each office, a detailed description of the services, a detailed explanation of how each charge for each service is calculated, and a description of the role customers have in governing in the Franchise Fund.

Reports.

SEC. 125. (a) Not later than 60 days after the end of each quarter, the Office of Financial Stability and the Office of Financial Research shall submit reports on their activities to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives, and the Senate Committee on Banking, Housing, and Urban Affairs.

(b) The reports required under subsection (a) shall include—

(1) the obligations made during the previous quarter by object class, office, and activity;

Estimate.

(2) the estimated obligations for the remainder of the fiscal year by object class, office, and activity;

(3) the number of full-time equivalents within each office during the previous quarter;

Estimate.

(4) the estimated number of full-time equivalents within each office for the remainder of the fiscal year; and

(5) actions taken to achieve the goals, objectives, and performance measures of each office.

Testimony.

(c) At the request of any such Committees specified in subsection (a), the Office of Financial Stability and the Office of Financial Research shall make officials available to testify on the contents of the reports required under subsection (a).

SEC. 126. In addition to amounts otherwise available, there is appropriated to the Special Inspector General for Pandemic Recovery, $12,000,000, to remain available until expended, for necessary expenses in carrying out section 4018 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

31 USC 5142 note.

SEC. 127. Section 127 of the Department of the Treasury Appropriations Act, 2019 (title I of division D of Public Law 116–6) is amended by inserting before the period at the end the following: “, including public improvements in the area around such facility to mitigate traffic impacts caused by the construction and occupancy of the facility”.

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

Executive Office of the President Appropriations Act, 2023.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official reception and representation expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $77,681,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For necessary expenses of the Executive Residence at the White House, $15,609,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided,* That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further,* That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further,* That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further,* That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further,* That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further,* That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt

Requirement. Advance payment.

Requirement.

Notice. Deadline.

Penalties. Deadline.

on a United States Government claim under 31 U.S.C. 3717: *Provided further,* That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further,* That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further,* That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further,* That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

Reports.

Records.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House pursuant to 3 U.S.C. 105(d), $2,500,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,903,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $17,901,000, of which not to exceed $10,000 shall be available for official reception and representation expenses.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $115,463,000, of which not to exceed $12,800,000 shall remain available until expended for continued modernization of information resources within the Executive Office of the President: *Provided,* That of the amounts provided under this heading, up to $7,000,000 shall be available

for a program to provide payments (such as stipends, subsistence allowances, cost reimbursements, or awards) to students, recent graduates, and veterans recently discharged from active duty who are performing voluntary services in the Executive Office of the President under section 3111(b) of title 5, United States Code, or comparable authority and shall be in addition to amounts otherwise available to pay or compensate such individuals: *Provided further,* That such payments shall not be considered compensation for purposes of such section 3111(b) and may be paid in advance.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, to carry out the provisions of chapter 35 of title 44, United States Code, and to prepare and submit the budget of the United States Government, in accordance with section 1105(a) of title 31, United States Code, $128,035,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the annual work plan developed by the Corps of Engineers for submission to the Committees on Appropriations: *Provided further,* That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further,* That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further,* That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further,* That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly: *Provided further,* That no later than 14 days after the submission of the budget of the United States Government for fiscal year 2024, the

Deadline.
Policy reviews.

Notifications.

Reports.

Deadline.
Public information.
Web posting.
List.

Director of the Office of Management and Budget shall make publicly available on a website a tabular list for each agency that submits budget justification materials (as defined in section 3 of the Federal Funding Accountability and Transparency Act of 2006) that shall include, at minimum, the name of the agency, the date on which the budget justification materials of the agency were submitted to Congress, and a uniform resource locator where the budget justification materials are published on the website of the agency.

INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR

For necessary expenses of the Office of the Intellectual Property Enforcement Coordinator, as authorized by title III of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403), including services authorized by 5 U.S.C. 3109, $1,902,000.

OFFICE OF THE NATIONAL CYBER DIRECTOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the National Cyber Director, as authorized by section 1752 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), $21,926,000, of which not to exceed $5,000 shall be available for official reception and representation expenses.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998, as amended; not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $21,500,000: *Provided,* That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

21 USC 1702 note.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

Deadline.

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $302,000,000, to remain available until September 30, 2024, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall

be obligated not later than 120 days after enactment of this Act: *Provided,* That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to $5,800,000 may be used for auditing services and associated activities and $1,500,000 shall be for the Grants Management System for use by the Office of National Drug Control Policy: *Provided further,* That any unexpended funds obligated prior to fiscal year 2021 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: *Provided further,* That each HIDTA designated as of September 30, 2022, shall be funded at not less than the fiscal year 2022 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further,* That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2023 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act: *Provided further,* That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein and upon notification to the Committees on Appropriations of the House of Representatives and the Senate, such amounts may be transferred back to this appropriation.

Submissions.

Notifications.
Deadlines.
Determination.

Determination.
Notifications.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Anti-Drug Abuse Act of 1988 and the Office of National Drug Control Policy Reauthorization Act of 1998, as amended, $137,120,000, to remain available until expended, which shall be available as follows: $109,000,000 for the Drug-Free Communities Program, of which not more than $12,780,000 is for administrative expenses, and of which $2,500,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by section 8204 of Public Law 115–271; $3,000,000 for drug court training and technical assistance; $15,250,000 for anti-doping activities; up to $3,420,000 for the United States membership dues to the World Anti-Doping Agency; $1,250,000 for the Model Acts Program; and $5,200,000 for activities authorized by section 103 of Public Law 114–198: *Provided,* That amounts made available under this heading may be transferred to other Federal departments and agencies to carry out such activities: *Provided further,* That the Director of the Office of National Drug Control Policy shall, not fewer than 30 days prior to obligating funds under this heading for United States membership dues to the World Anti-Doping Agency, submit to the Committees on Appropriations of the House of Representatives and the Senate a spending plan and explanation of the proposed uses of these funds.

Time period.
Spending plan.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000, to remain available until September 30, 2024.

INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient, secure, and effective uses of information technology in the Federal Government, $13,700,000, to remain available until expended: *Provided,* That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $6,076,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 pursuant to 3 U.S.C. 106(b)(2), $321,000: *Provided,* That advances, repayments, or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

Advance approvals.

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council and Homeland Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, with

advance approval of the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided,* That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further,* That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

Approval requirement.

SEC. 202. (a) During fiscal year 2023, any Executive order or Presidential memorandum issued or revoked by the President shall be accompanied by a written statement from the Director of the Office of Management and Budget on the budgetary impact, including costs, benefits, and revenues, of such order or memorandum.

President. Budget statement. Cost estimates.

(b) Any such statement shall include—

Time period. Summary.

(1) a narrative summary of the budgetary impact of such order or memorandum on the Federal Government;

(2) the impact on mandatory and discretionary obligations and outlays as the result of such order or memorandum, listed by Federal agency, for each year in the 5-fiscal-year period beginning in fiscal year 2023; and

(3) the impact on revenues of the Federal Government as the result of such order or memorandum over the 5-fiscal-year period beginning in fiscal year 2023.

(c) If an Executive order or Presidential memorandum is issued during fiscal year 2023 due to a national emergency, the Director of the Office of Management and Budget may issue the statement required by subsection (a) not later than 15 days after the date that such order or memorandum is issued.

Deadline.

(d) The requirement for cost estimates for Presidential memoranda shall only apply for Presidential memoranda estimated to have a regulatory cost in excess of $100,000,000.

Applicability.

SEC. 203. Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue a memorandum to all Federal departments, agencies, and corporations directing compliance with the provisions in title VII of this Act.

Deadline. Memorandum. Compliance.

SEC. 204. In fiscal year 2023 and each fiscal year thereafter—(1) the Office of Management and Budget shall operate and maintain the automated system required to be implemented by section 204 of the Financial Services and General Government Appropriations Act, 2022 (division E of Public Law 117–103) and shall continue to post each document apportioning an appropriation, pursuant to section 1513(b) of title 31, United States Code, including any associated footnotes, in a format that qualifies each such document as an open Government data asset (as that term is defined in section 3502 of title 44, United States Code); and (2) the requirements specified in subsection (c), the first and second provisos of subsection (d)(1), and subsection (d)(2) of such section 204 shall continue to apply.

Time periods. Apportionment. Applicability. 31 USC 1513 note.

SEC. 205. For an additional amount for "Office of National Drug Control Policy—Salaries and Expenses", $10,482,000, which shall be for initiatives in the amounts and for the projects specified in the table that appears under the heading "Administrative Provisions—Executive Office of the President and Funds Appropriated

to the President" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That none of the funds made available by this section may be transferred for any other purpose.

This title may be cited as the "Executive Office of the President Appropriations Act, 2023".

Judiciary Appropriations Act, 2023.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $109,551,000, of which $1,500,000 shall remain available until expended.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief justice and associate justices of the court.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, $29,246,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, $36,735,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $21,260,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of judges of the United States Court of Federal Claims, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, $5,905,055,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of circuit and district judges (including judges of the territorial courts of the United States), bankruptcy judges, and justices and judges retired from office or from regular active service.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $9,975,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, $1,382,680,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $58,239,000, to remain available until expended: *Provided,* That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court or Administrative Office of the United States Courts operations, the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court or Administrative Office of the United States Courts operations, building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $750,163,000, of which not to exceed $20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General: *Provided,* That funds made available under this heading may be used for managing a Judiciary-wide program to facilitate security and emergency management services among the Judiciary, United States Marshals Service, Federal Protective Service, General Services Administration, other Federal agencies, state and local governments and the public; and, notwithstanding sections 331, 566(e)(1), and 566(i) of title 28, United States Code, for identifying and pursuing the voluntary redaction and reduction of personally identifiable information on the internet of judges and other familial relatives who live at the judge's domicile.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $102,673,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $34,261,000; of which $1,800,000 shall remain available through September 30, 2024, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $21,641,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided,* That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

Applicability.

SEC. 304. Section 3315(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

Reimbursement.

SEC. 306. (a) Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended in the matter following paragraph 12—

(1) in the second sentence (relating to the District of Kansas), by striking "31 years and 6 months" and inserting "32 years and 6 months"; and

(2) in the sixth sentence (relating to the District of Hawaii), by striking "28 years and 6 months" and inserting "29 years and 6 months".

(b) Section 406 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28 U.S.C. 133 note) is amended in the second sentence (relating to the eastern District of Missouri) by striking "29 years and 6 months" and inserting "30 years and 6 months".

(c) Section 312(c)(2) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note), is amended—

(1) in the first sentence by striking "20 years" and inserting "21 years";

(2) in the second sentence (relating to the central District of California), by striking "19 years and 6 months" and inserting "20 years and 6 months"; and

(3) in the third sentence (relating to the western district of North Carolina), by striking "18 years" and inserting "19 years".

SEC. 307. Section 677 of title 28, United States Code, is amended by adding at the end the following:

Time period.

"(d) The Counselor, with the approval of the Chief Justice, shall establish a retention and recruitment program that is consistent with section 908 of the Emergency Supplemental Act, 2002 (2 U.S.C. 1926) for Supreme Court Police officers and other critical employees who agree in writing to remain employed with the Supreme Court for a period of service of not less than two years.".

SEC. 308. Section 996(b) of title 28, United States Code, is amended by inserting "84 (Federal Employees' Retirement System)," after "83 (Retirement),".

This title may be cited as the "Judiciary Appropriations Act, 2023".

District of Columbia Appropriations Act, 2023.

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

Account.

appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further,* That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further,* That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

Reports.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $30,000,000, to remain available until expended, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, including the transfer and hire of motor vehicles, $291,068,000 to be allocated as follows: for the District of Columbia Court of Appeals, $15,055,000, of which not to exceed $2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, $140,973,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $88,290,000, of which not to exceed $2,500 is for official reception and representation expenses; and $46,750,000, to remain available until September 30, 2024, for capital improvements for District of Columbia courthouse facilities: *Provided,* That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment: *Provided further,* That, in addition to the amounts appropriated herein, fees received by the District of Columbia Courts for administering bar examinations and processing District of Columbia bar admissions may be retained and credited to this appropriation, to remain available until expended, for salaries and expenses associated with such activities, notwithstanding section 450 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50): *Provided further,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further,* That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $9,000,000 of the funds provided under this heading among the

Apportionment.
Time period.

Time period.
Notice.

Regulations.

items and entities funded under this heading: *Provided further,* That the Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for employees of the District of Columbia Courts.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

(INCLUDING RESCISSION OF FUNDS)

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $46,005,000, to remain available until expended: *Provided,* That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further,* That, notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies: *Provided further,* That of the unobligated balances from prior year appropriations made available under this heading, $22,000,000, are hereby rescinded not later than September 30, 2023.

Apportionment.
Time period.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $285,016,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs, and of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002: *Provided,* That, of the funds appropriated under this heading, $204,579,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons, of which $7,798,000 shall remain available until September 30, 2025, for costs associated with the relocation under replacement leases for headquarters offices, field offices

and related facilities: *Provided further,* That, of the funds appropriated under this heading, $80,437,000 shall be available to the Pretrial Services Agency, of which $998,000 shall remain available until September 30, 2025, for costs associated with relocation under a replacement lease for headquarters offices, field offices, and related facilities: *Provided further,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further,* That amounts under this heading may be used for programmatic incentives for defendants to successfully complete their terms of supervision.

Apportionment. Time period.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $53,629,000: *Provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies: *Provided further,* That the District of Columbia Public Defender Service may establish for employees of the District of Columbia Public Defender Service a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, except that the maximum amount of the payment made under the program to any individual may not exceed the amount referred to in section 3523(b)(3)(B) of title 5, United States Code: *Provided further,* That for the purposes of engaging with, and receiving services from, Federal Franchise Fund Programs established in accordance with section 403 of the Government Management Reform Act of 1994, as amended, the District of Columbia Public Defender Service shall be considered an agency of the United States Government: *Provided further,* That the District of Columbia Public Defender Service may enter into contracts for the procurement of severable services and multiyear contracts for the acquisition of property and services to the same extent and under the same conditions as an executive agency under sections 3902 and 3903 of title 41, United States Code.

Apportionment. Time period.

Contracts.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $2,450,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2024, to the Commission on Judicial Disabilities and Tenure, $330,000, and for the Judicial Nomination Commission, $300,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $52,500,000, to remain available until expended, for payments authorized under the Scholarships for Opportunity and Results Act (division C of Public Law 112–10): *Provided,* That, to the extent that funds are available for opportunity scholarships and following the priorities included in section 3006 of such Act, the Secretary of Education shall make scholarships available to students eligible under section 3013(3) of such Act (Public Law 112–10; 125 Stat. 211) including students who were not offered a scholarship during any previous school year: *Provided further,* That within funds provided for opportunity scholarships up to $1,750,000 shall be for the activities specified in sections 3007(b) through 3007(d) of the Act and up to $500,000 shall be for the activities specified in section 3009 of the Act.

Scholarships.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $600,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, $4,000,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $8,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided,* That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

DISTRICT OF COLUMBIA FUNDS

Local funds are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund") for programs and activities set forth in the Fiscal Year 2023 Local Budget Act of 2022 (D.C. Act 24–486) and at rates set forth under such Act, as amended as of the date of enactment of this Act: *Provided,* That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (section 1–204.50a, D.C. Official Code), sections 816 and 817 of the Financial Services and General Government Appropriations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C. Official Code), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2023 under this heading shall not exceed the estimates included in the Fiscal Year 2023 Local Budget Act of 2022, as amended as of the date of enactment of this Act or the sum of the total revenues of the District of

Columbia for such fiscal year: *Provided further,* That the amount appropriated may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further,* That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further,* That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2023, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

Compliance.

This title may be cited as the "District of Columbia Appropriations Act, 2023".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $3,465,000, to remain available until September 30, 2024, of which not to exceed $1,000 is for official reception and representation expenses.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

SALARIES AND EXPENSES

For payment to the Barry Goldwater Scholarship and Excellence in Education Fund, established by section 1408 of Public Law 99–661 (20 U.S.C. 4707), for necessary expenses to carry out activities pursuant to the Barry Goldwater Scholarship and Excellence in Education Act of 1986 (20 U.S.C. 4701 et seq.), $2,000,000, to remain available until expended.

COMMODITY FUTURES TRADING COMMISSION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases), in the District of Columbia and elsewhere, $365,000,000, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, of which not less than $20,000,000 shall remain available until September 30, 2024, and of which not less than $4,218,000 shall be for expenses of the Office of the Inspector General: *Provided,* That notwithstanding the limitations in 31 U.S.C. 1553,

Contracts.

amounts provided under this heading are available for the liquidation of obligations equal to current year payments on leases entered into prior to the date of enactment of this Act: *Provided further,* That for the purpose of recording and liquidating any lease obligations that should have been recorded and liquidated against accounts closed pursuant to 31 U.S.C. 1552, and consistent with the preceding proviso, such amounts shall be transferred to and recorded in a no-year account in the Treasury, which has been established for the sole purpose of recording adjustments for and liquidating such unpaid obligations.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $4,000 for official reception and representation expenses, $152,500,000, of which $2,000,000 shall remain available until expended, to carry out the program, including administrative costs, required by section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (Public Law 110–140; 15 U.S.C. 8004), and of which $2,000,000 shall remain available until expended, to carry out the program, including administrative costs, required by section 204 of the Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2022 (title II of division Q of Public Law 117–103).

ADMINISTRATIVE PROVISION—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. During fiscal year 2023, none of the amounts made available by this Act may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the Consumer Product Safety Commission in the Federal Register on November 19, 2014 (79 Fed. Reg. 68964) until after—

Study. Determination.

(1) the National Academy of Sciences, in consultation with the National Highway Traffic Safety Administration and the Department of Defense, completes a study to determine—

(A) the technical validity of the lateral stability and vehicle handling requirements proposed by such standard for purposes of reducing the risk of Recreational Off-Highway Vehicle (referred to in this section as "ROV") rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(B) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(C) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a ROV's rollover resistance on a progressive scale; and

(D) the effect on the utility of ROVs used by the United States military if the proposed requirements were adopted; and

(2) a report containing the results of the study completed under paragraph (1) is delivered to— Reports.

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $28,000,000, of which $1,500,000 shall be made available to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002, and of which $1,000,000, to remain available until expended, shall be for the Help America Vote College Program as authorized by title V of the Help America Vote Act of 2002.

ELECTION SECURITY GRANTS

State and local governments.

Notwithstanding section 104(c)(2)(B) of the Help America Vote Act of 2002 (52 U.S.C. 20904(c)(2)(B)), $75,000,000 is provided to the Election Assistance Commission for necessary expenses to make payments to States for activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements, as authorized by sections 101, 103, and 104 of such Act: *Provided,* That for purposes of applying such sections, the Commonwealth of the Northern Mariana Islands shall be deemed to be a State and, for purposes of sections 101(d)(2) and 103(a) shall be treated in the same manner as the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands: *Provided further,* That each reference to the "Administrator of General Services" or the "Administrator" in sections 101 and 103 shall be deemed to refer to the "Election Assistance Commission": *Provided further,* That each reference to "$5,000,000" in section 103 shall be deemed to refer to "$1,000,000" and each reference to "$1,000,000" in section 103 shall be deemed to refer to "$200,000": *Provided further,* That not later than two years after receiving a payment under this heading, a State shall make available funds for such activities in an amount equal to 20 percent of the total amount of the payment made to the State under this heading: *Provided further,* That not later than 45 days after the date of enactment of this Act, the Election Assistance Commission shall make the payments to States under this heading: *Provided further,* That States shall submit quarterly financial reports and annual progress reports.

Northern Mariana Islands.

Deadline.

Deadline.
Payments.

Reports.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $390,192,000, to remain available until expended: *Provided,* That $390,192,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2023 so as to result in a final fiscal year 2023 appropriation estimated at $0: *Provided further,* That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $132,231,000 for fiscal year 2023: *Provided further,* That, of the amount appropriated under this heading, not less than $12,131,000 shall be for the salaries and expenses of the Office of Inspector General.

Reduction.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2022" each place it appears and inserting "December 31, 2023".

118 Stat. 3998; 136 Stat. 269.

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004, recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $47,500,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $81,674,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed $1,500) and rental of conference rooms in the District of Columbia and elsewhere, $29,400,000: *Provided,* That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further,* That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $430,000,000, to remain available until expended: *Provided,* That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further,* That, notwithstanding any other provision of law, fees collected in fiscal year 2023 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), (and estimated to be $190,000,000 in fiscal year 2023) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further,* That, notwithstanding any other provision of law, fees collected to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), regardless of the year of collection (and estimated to be $20,000,000 in fiscal year 2023), shall be credited to this account, and be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced (1) as such offsetting collections are received during fiscal year 2023 and (2) to the extent that any remaining general fund appropriations can be derived from amounts credited to this account as offsetting collections in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2023 appropriation from the general fund estimated at $48,000,000: *Provided further,* That, notwithstanding section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (15 U.S.C. 18a note), none of the funds credited to this account

Reduction.

as offsetting collections in previous fiscal years that were unavailable for obligation as of September 30, 2022, shall become available for obligation except as provided in the preceding proviso: *Provided further,* That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFERS OF FUNDS)

Advance approvals.

Amounts in the Fund, including revenues and collections deposited into the Fund, shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings, including grounds, approaches, and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $10,013,150,000, of which—

(1) $807,809,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services) and remediation, in addition to amounts otherwise provided for such purposes, as follows:

Connecticut:

Hartford, U.S. Courthouse, $61,500,000;

District of Columbia:

DHS Consolidation at St. Elizabeths, $252,963,000;

Federal Energy Regulatory Commission Lease Purchase Option, $21,000,000;

Southeast Federal Center Remediation, $3,946,000;

Florida:

Fort Lauderdale, U.S. Courthouse, $55,000,000;

National Capital Region:

Federal Bureau of Investigation Headquarters Consolidation, $375,000,000;

Tennessee:

Chattanooga, U.S. Courthouse, $38,400,000:

Provided, That each of the foregoing limits of costs on construction, acquisition, and remediation projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 20 percent of the amounts included in a transmitted prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of the House of Representatives and the Senate of a greater amount;

(2) $662,280,000 shall remain available until expended for repairs and alterations, including associated design and construction services, in addition to amounts otherwise provided for such purposes, of which—

(A) $244,783,000 is for Major Repairs and Alterations as follows:

Multiple Locations:

National Conveying Systems, $30,000,000;

National Capital Region:

Fire Alarm Systems, $40,000,000;

California:

San Francisco, Federal Building, $15,687,000;

Georgia:

Atlanta, Sam Nunn Atlanta Federal Center, $10,229,000;

Massachusetts:

Boston, John J. Moakley U.S. Courthouse, $10,345,000;

Montana:

Butte, Mike Mansfield Federal Building and U.S. Courthouse, $25,792,000;

New York:

New York, Alexander Hamilton U.S. Custom House, $68,497,000;

Ohio:

Cleveland, Carl B. Stokes U.S. Courthouse, $10,235,000;

Oklahoma:

Oklahoma City, William J. Holloway, Jr. U.S. Courthouse and Post Office, $3,093,000;

Pennsylvania:

Philadelphia, James A. Byrne U.S. Courthouse, $12,927,000;

Vermont:

St. Albans, Federal Building, U.S. Post Office and Custom House, $17,978,000;

(B) $398,797,000 is for Basic Repairs and Alterations, of which $3,000,000 is for repairs to the water feature at the Wilkie D. Ferguson Jr. U.S. Courthouse in Miami, FL; and

(C) $18,700,000 is for Special Emphasis Programs as follows:

Judiciary Capital Security Program, $18,700,000;

Provided, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 20 percent unless advance approval is obtained from the Committees on Appropriations of the House of Representatives and the Senate of a greater amount: *Provided further,* That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from

Compliance.

the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further,* That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to "Basic Repairs and Alterations" or used to fund authorized increases in prospectus projects: *Provided further,* That the amount provided in this or any prior Act for "Basic Repairs and Alterations" may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects;

(3) $5,561,680,000 for rental of space to remain available until expended; and

Proposed prospectus.

(4) $2,981,381,000 for building operations to remain available until expended: *Provided*, That the total amount of funds made available from this Fund to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2023, excluding reimbursements under 40 U.S.C. 592(b)(2), in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to

acquisition, travel, motor vehicles, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; and evaluation activities as authorized by statute; $71,186,000, of which $4,000,000 shall remain available until September 30, 2024.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, and management; the hire of zero-emission passenger motor vehicles and supporting charging or fueling infrastructure; and services as authorized by 5 U.S.C. 3109; $54,478,000, of which not to exceed $7,500 is for official reception and representation expenses.

CIVILIAN BOARD OF CONTRACT APPEALS

For expenses authorized by law, not otherwise provided for, for the activities associated with the Civilian Board of Contract Appeals, $10,352,000, of which $2,000,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $74,583,000: *Provided,* That not to exceed $3,000,000 shall be available for information technology enhancements related to implementing cloud services, improving security measures, and providing modern technology case management solutions: *Provided further,* That not to exceed $50,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further,* That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $5,200,000.

FEDERAL CITIZEN SERVICES FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses authorized by 40 U.S.C. 323 and 44 U.S.C. 3604; and for expenses authorized by law, not otherwise provided for, in support of interagency projects that enable the Federal Government to enhance its ability to conduct activities electronically, through the development and implementation of innovative uses of information technology; $90,000,000, to be deposited into the Federal Citizen Services Fund: *Provided,* That the previous amount may be transferred to Federal agencies to carry out the purpose of the Federal Citizen Services Fund: *Provided further,* That the appropriations, revenues, reimbursements, and collections deposited

into the Fund shall be available until expended for necessary expenses of Federal Citizen Services and other activities that enable the Federal Government to enhance its ability to conduct activities electronically in the aggregate amount not to exceed $200,000,000: *Provided further,* That appropriations, revenues, reimbursements, and collections accruing to this Fund during fiscal year 2023 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts: *Provided further,* That, of the total amount appropriated, up to $5,000,000 shall be available for support functions and full-time hires to support activities related to the Administration's requirements under title II of the Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115–435): *Provided further,* That the transfer authorities provided herein shall be in addition to any other transfer authority provided in this Act.

TECHNOLOGY MODERNIZATION FUND

For the Technology Modernization Fund, $50,000,000, to remain available until expended, for technology-related modernization activities.

WORKING CAPITAL FUND

For the Working Capital Fund of the General Services Administration, $5,900,000, to remain available until expended, for necessary costs incurred by the Administrator to modernize rulemaking systems and to provide support services for Federal rulemaking agencies.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2023 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided,* That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

Advance approvals.

Courts. Study.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2024 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved Courthouse Project Priorities plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

Determination.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space

and services as determined by the General Services Administration in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92–313).

Notifications.

SEC. 524. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

Contracts. Determination. Statement.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

Spending plan. Deadline.

SEC. 526. With respect to projects funded under the heading "Federal Citizen Services Fund", the Administrator of General Services shall submit a spending plan and explanation for each project to be undertaken to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act.

Site selection.

SEC. 527. The Administrator of the General Services Administration shall select a site from one of the three listed in the General Services Administration (GSA) Fiscal Year 2017 PNCR–FBI–NCR17 prospectus for a new fully consolidated Federal Bureau of Investigation (FBI) headquarters.

Deadline. Consultations. Maryland. Virginia. Evaluation.

In considering the September 2022 and amended November 2022 GSA Site Selection Plan for the FBI Suburban Headquarters, not later than 90 days after enactment of this Act, prior to any action by the GSA site selection panel for the new Federal FBI headquarters, the GSA Administrator shall conduct separate and detailed consultations with individuals representing the sites from the State of Maryland and Commonwealth of Virginia to further consider perspectives related to mission requirements, sustainable siting and equity, and evaluate the viability of the GSA's Site Selection Criteria for the FBI Headquarters to ensure it is consistent with Congressional intent as expressed in the resolution of the Committee on Environment and Public Works of the Senate (112th Congress), adopted December 8, 2011 and further described in the General Services Administration Fiscal Year 2017 PNCR–FBI–NCR17 prospectus. Following those consultations, the Administrator shall proceed with the site selection process.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $3,000,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $49,655,000, to remain available until September 30, 2024, and in addition not to exceed $2,345,000, to remain available until September 30, 2024, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Foundation, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $1,800,000, to remain available for direct expenditure until expended, of which, notwithstanding sections 8 and 9 of such Act, up to $1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102–259 and section 817(a) of Public Law 106–568 (20 U.S.C. 5604(7)): *Provided,* That all current and previous amounts transferred to the Office of Inspector General of the Department of the Interior will remain available until expended for audits and investigations of the Morris K. Udall and Stewart L. Udall Foundation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.), as amended, and for annual independent financial audits of the Morris K. Udall and Stewart L. Udall Foundation pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289): *Provided further,* That previous amounts transferred to the Office of Inspector General of the Department of the Interior may be transferred to the Morris K. Udall and Stewart L. Udall Foundation for annual independent financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289).

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,943,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, the activities of the Public Interest Declassification Board, the operations and maintenance of the electronic records archives, the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning, $427,520,000, of which $30,000,000 shall remain available until expended for expenses necessary to enhance the Federal Government's ability to electronically preserve, manage, and store Government records, and of which up to $2,000,000 shall remain available until expended to implement the Civil Rights Cold Case Records Collection Act of 2018 (Public Law 115–426).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $5,980,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities and museum exhibits, related equipment for public spaces, and to provide adequate storage for holdings, $22,224,000, to remain available until expended, of which no less than $7,250,000 is for upgrades to the Carter Presidential Library in Atlanta, Georgia and of which $6,000,000 is for the Ulysses S. Grant Presidential Museum in Starkville, Mississippi.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $12,000,000, to remain available until expended, of which up to $2,000,000 shall be to preserve and make publicly available the congressional papers of former Members of the House and Senate.

ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

SEC. 530. For an additional amount for "National Historical Publications and Records Commission Grants Program", $22,573,000, which shall be for initiatives in the amounts and for the projects specified in the table that appears under the heading "Administrative Provisions—National Archives and Records Administration" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That none of the funds made available by this section may be transferred for any other purpose.

NATIONAL CREDIT UNION ADMINISTRATION

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822, and 9910, $3,500,000 shall be available until September 30, 2024, for technical assistance to low-income designated credit unions: *Provided,* That credit unions designated solely as minority depository institutions shall be eligible to apply for and receive such technical assistance.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, the Ethics Reform Act of 1989, and the Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act of 2012, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $24,500,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $190,784,000: *Provided,* That of the total amount made available under this heading, $19,373,000 shall remain available until expended, for information technology modernization and Trust Fund Federal Financial System migration

or modernization, and shall be in addition to funds otherwise made available for such purposes: *Provided further,* That of the total amount made available under this heading, $1,381,748 may be made available for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and in addition $194,924,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided further,* That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title 5, United States Code: *Provided further,* That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further,* That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2023, accept donations of money, property, and personal services: *Provided further,* That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further,* That not to exceed 5 percent of amounts made available under this heading may be transferred to an information technology working capital fund established for purposes authorized by subtitle G of title X of division A of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 40 U.S.C. 11301 note): *Provided further,* That the OPM Director shall notify, and receive approval from, the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer under the preceding proviso: *Provided further,* That amounts transferred to such a fund under such transfer authority from any organizational category of OPM shall not exceed 5 percent of each such organizational category's budget as identified in the report required by section 608 of this Act: *Provided further,* That amounts transferred to such a fund shall remain available for obligation through September 30, 2026.

Donations.

Notifications.
Approvals.
Time period.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $6,908,000, and in addition, not to exceed $29,487,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's

Determination.

retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided,* That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel, including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $31,904,000.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), $10,600,000, to remain available until September 30, 2024.

PUBLIC BUILDINGS REFORM BOARD

SALARIES AND EXPENSES

For salaries and expenses of the Public Buildings Reform Board in carrying out the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287), $4,000,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $2,149,000,000, to remain available until expended; of which not less than $18,979,000 shall be for the Office of Inspector General; of which not to exceed $275,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence.

In addition to the foregoing appropriation, for move, replication, and related costs associated with a replacement lease for the Commission's District of Columbia headquarters facilities, not to

exceed $57,405,000, to remain available until expended; and for move, replication, and related costs associated with a replacement lease for the Commission's San Francisco Regional Office facilities, not to exceed $3,365,000, to remain available until expended.

For purposes of calculating the fee rate under section 31(j) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(j)) for fiscal year 2023, all amounts appropriated under this heading shall be deemed to be the regular appropriation to the Commission for fiscal year 2023: *Provided,* That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further,* That not to exceed $2,149,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account; not to exceed $57,405,000 of such offsetting collections shall be available until expended for move, replication, and related costs under this heading associated with a replacement lease for the Commission's District of Columbia headquarters facilities; and not to exceed $3,365,000 of such offsetting collections shall be available until expended for move, replication, and related costs under this heading associated with a replacement lease for the Commission's San Francisco Regional Office facilities: *Provided further,* That the total amount appropriated under this heading from the general fund for fiscal year 2023 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2023 appropriation from the general fund estimated at not more than $0: *Provided further,* That if any amount of the appropriation for move, replication, and related costs associated with a replacement lease for the Commission's District of Columbia headquarters facilities or if any amount of the appropriation for move, replication, and related costs associated with a replacement lease for the Commission's San Francisco Regional Office facilities is subsequently de-obligated by the Commission, such amount that was derived from the general fund shall be returned to the general fund, and such amounts that were derived from fees or assessments collected for such purpose shall be paid to each national securities exchange and national securities association, respectively, in proportion to any fees or assessments paid by such national securities exchange or national securities association under section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) in fiscal year 2023.

Reduction.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $31,700,000: *Provided,* That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further,* That none of the funds appropriated by this Act may be expended

President.
Exemption.

for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles as authorized by sections 1343 and 1344 of title 31, United States Code, and not to exceed $3,500 for official reception and representation expenses, $326,000,000, of which not less than $12,000,000 shall be available for examinations, reviews, and other lender oversight activities: *Provided,* That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further,* That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further,* That the Small Business Administration may accept gifts in an amount not to exceed $4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108–447, during fiscal year 2023: *Provided further,* That $6,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2024: *Provided further,* That $20,000,000 shall be available for costs associated with the certification of small business concerns owned and controlled by veterans or service-disabled veterans under sections 36A and 36 of the Small Business Act (15 U.S.C. 657f–1; 657f), respectively, and section 862 of Public Law 116–283, to be available until September 30, 2024.

Fees.

ENTREPRENEURIAL DEVELOPMENT PROGRAMS

For necessary expenses of programs supporting entrepreneurial and small business development, $320,000,000, to remain available until September 30, 2024: *Provided,* That $140,000,000 shall be available to fund grants for performance in fiscal year 2023 or fiscal year 2024 as authorized by section 21 of the Small Business Act: *Provided further,* That $41,000,000 shall be for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further,* That $20,000,000 shall be available for grants to States to carry out export programs that assist small business concerns authorized under section 22(l) of the Small Business Act (15 U.S.C. 649(l)).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $32,020,000.

OFFICE OF ADVOCACY

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94–305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), $10,211,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $6,000,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2023 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 and commitments for loans authorized under subparagraph (C) of section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) shall not exceed, in the aggregate, $15,000,000,000: *Provided further,* That during fiscal year 2023 commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act shall not exceed $35,000,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further,* That during fiscal year 2023 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed $5,000,000,000: *Provided further,* That during fiscal year 2023, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $15,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $165,300,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, $179,000,000, to be available until expended, of which $1,600,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $169,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $8,400,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided,* That, of the funds provided under this heading, $143,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)): *Provided further,* That the amount for major disasters under this heading is designated by the Congress

as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 540. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Advance approvals.

SEC. 541. Not to exceed 3 percent of any appropriation made available in this Act for the Small Business Administration under the headings "Salaries and Expenses" and "Business Loans Program Account" may be transferred to the Administration's information technology system modernization and working capital fund (IT WCF), as authorized by section 1077(b)(1) of title X of division A of the National Defense Authorization Act for Fiscal Year 2018, for the purposes specified in section 1077(b)(3) of such Act, upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That amounts transferred to the IT WCF under this section shall remain available for obligation through September 30, 2026.

SEC. 542. For an additional amount for "Small Business Administration—Salaries and Expenses", $179,710,000, which shall be for initiatives related to small business development and entrepreneurship, including programmatic, construction, and acquisition activities, in the amounts and for the projects specified in the table that appears under the heading "Administrative Provisions—Small Business Administration" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That, notwithstanding sections 2701.92 and 2701.93 of title 2, Code of Federal Regulations, the Administrator of the Small Business Administration may permit awards to subrecipients for initiatives funded under this section: *Provided further,* That none of the funds made available by this section may be transferred for any other purpose.

Grants. Contracts.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $50,253,000: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child

Mail.

support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices: *Provided further,* That the Postal Service may not destroy, and shall continue to offer for sale, any copies of the Multinational Species Conservation Funds Semipostal Stamp, as authorized under the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111–241).

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $271,000,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, and not to exceed $3,000 for official reception and representation expenses, $57,300,000, of which $1,000,000 shall remain available until expended: *Provided,* That the amount made available under 26 U.S.C. 7475 shall be transferred and added to any amounts available under 26 U.S.C. 7473, to remain available until expended, for the operation and maintenance of the United States Tax Court: *Provided further,* That travel expenses of the judges shall be paid upon the written certificate of the judge. Certificate.

TITLE VI

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSION OF FUNDS)

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, except for transfers made pursuant to the authority in section 3173(d) of title 40, United States Code, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under Contracts.

existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

Compliance.

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with chapter 83 of title 41, United States Code.

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating chapter 83 of title 41, United States Code.

Advance approvals.

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2023, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That prior to any significant reorganization, restructuring, relocation, or closing of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further,* That at a minimum the report shall include: (1) a table for each appropriation, detailing both full-time employee equivalents and budget authority, with separate columns to display the prior year enacted level, the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program,

Consultation.

Reports.

Applicability.

project, and activity as detailed in this Act, in the accompanying report, or in the budget appendix for the respective appropriation, whichever is more detailed, and which shall apply to all items for which a dollar amount is specified and to all programs for which new budget authority is provided, as well as to discretionary grants and discretionary grant allocations; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

Reduction.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2023 from appropriations made available for salaries and expenses for fiscal year 2023 in this Act, shall remain available through September 30, 2024, for each such account for the purposes authorized: *Provided,* That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further,* That these requests shall be made in compliance with reprogramming guidelines.

Approval requests.

Compliance.

SEC. 610. (a) None of the funds made available in this Act may be used by the Executive Office of the President to request—

Background investigations.

(1) any official background investigation report on any individual from the Federal Bureau of Investigation; or

(2) a determination with respect to the treatment of an organization as described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code from the Department of the Treasury or the Internal Revenue Service.

Determination.
Tax exemption.

(b) Subsection (a) shall not apply—

(1) in the case of an official background investigation report, if such individual has given express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

Time period.

(2) if such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

Abortion.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

Contracts. Consultation.

SEC. 617. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

President.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

Definition.

(b) For purposes of this section, the term "Executive agency covered by this Act" means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 618. (a) There are appropriated for the following activities the amounts required under current law:

(1) Compensation of the President (3 U.S.C. 102).

(2) Payments to—

(A) the Judicial Officers' Retirement Fund (28 U.S.C. 377(o));

(B) the Judicial Survivors' Annuities Fund (28 U.S.C. 376(c)); and

(C) the United States Court of Federal Claims Judges' Retirement Fund (28 U.S.C. 178(l)).

(3) Payment of Government contributions—

(A) with respect to the health benefits of retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); and

(B) with respect to the life insurance benefits for employees retiring after December 31, 1989 (5 U.S.C. ch. 87).

(4) Payment to finance the unfunded liability of new and increased annuity benefits under the Civil Service Retirement and Disability Fund (5 U.S.C. 8348).

(5) Payment of annuities authorized to be paid from the Civil Service Retirement and Disability Fund by statutory provisions other than subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) Nothing in this section may be construed to exempt any amount appropriated by this section from any otherwise applicable limitation on the use of funds contained in this Act.

Reports. Compliance.

SEC. 619. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled *"Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts"* unless the Interagency Working Group on Food Marketed to Children complies with Executive Order No. 13563.

SEC. 620. (a) The head of each executive branch agency funded by this Act shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology.

Allocation.

(b) Amounts appropriated for any executive branch agency funded by this Act that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

SEC. 621. None of the funds made available in this Act may be used in contravention of chapter 29, 31, or 33 of title 44, United States Code.

SEC. 622. None of the funds made available in this Act may be used by a governmental entity to require the disclosure by a provider of electronic communication service to the public or remote computing service of the contents of a wire or electronic communication that is in electronic storage with the provider (as such terms are defined in sections 2510 and 2711 of title 18, United States Code) in a manner that violates the Fourth Amendment to the Constitution of the United States.

Records.

SEC. 623. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall

Compliance.

Reports.

report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 624. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change the rules or regulations of the Commission for universal service high-cost support for competitive eligible telecommunications carriers in a way that is inconsistent with paragraph (e)(5) or (e)(6) of section 54.307 of title 47, Code of Federal Regulations, as in effect on July 15, 2015: *Provided,* That this section shall not prohibit the Commission from considering, developing, or adopting other support mechanisms as an alternative to Mobility Fund Phase II: *Provided further,* That any such alternative mechanism shall maintain existing high-cost support to competitive eligible telecommunications carriers until support under such mechanism commences.

Pornography.

SEC. 625. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, Tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication activities, or other law enforcement- or victim assistance-related activity.

Contracts. Determination.

SEC. 626. None of the funds appropriated or other-wise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program and unless such awards or incentive fees are consistent with section 16.401(e)(2) of the Federal Acquisition Regulation.

Conference attendees. Determinations. Notifications.

SEC. 627. (a) None of the funds made available under this Act may be used to pay for travel and conference activities that result in a total cost to an Executive branch department, agency, board or commission funded by this Act of more than $500,000 at any single conference unless the agency or entity determines that such attendance is in the national interest and advance notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate that includes the basis of that determination.

(b) None of the funds made available under this Act may be used to pay for the travel to or attendance of more than 50 employees, who are stationed in the United States, at any single conference occurring outside the United States unless the agency or entity determines that such attendance is in the national interest and advance notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate that includes the basis of that determination.

SEC. 628. None of the funds made available by this Act may be used for first-class or business-class travel by the employees of executive branch agencies funded by this Act in contravention of sections 301–10.122 through 301–10.125 of title 41, Code of Federal Regulations.

SEC. 629. In addition to any amounts appropriated or otherwise made available for expenses related to enhancements to www.oversight.gov, $850,000, to remain available until expended, shall be provided for an additional amount for such purpose to the Inspectors General Council Fund established pursuant to section 11(c)(3)(B) of the Inspector General Act of 1978 (5 U.S.C. App.): *Provided,* That these amounts shall be in addition to any amounts or any authority available to the Council of the Inspectors General on Integrity and Efficiency under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.).

Notification.

SEC. 630. None of the funds made available by this Act may be obligated on contracts in excess of $5,000 for public relations, as that term is defined in Office and Management and Budget Circular A–87 (revised May 10, 2004), unless advance notice of such an obligation is transmitted to the Committees on Appropriations of the House of Representatives and the Senate.

Requirement.

SEC. 631. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

Requirement.

SEC. 632. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 633. None of the funds made available by this Act shall be used by the Securities and Exchange Commission to finalize, issue, or implement any rule, regulation, or order regarding the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.

Reports.

SEC. 634. Not later than 45 days after the last day of each quarter, each agency funded in this Act shall submit to the Committees on Appropriations of the House of Representatives and the Senate a quarterly budget report that includes total obligations of the Agency for that quarter for each appropriation, by the source year of the appropriation.

SEC. 635. (a) Section 41002(c)(1) of Public Law 114–94 (42 U.S.C. 4370m–1(c)(1)) is amended by adding at the end the following new subparagraph:

Appointments.

"(E) PERSONNEL.—The Executive Director of the Council may appoint and fix the compensation of such employees as the Executive Director considers necessary to carry out the roles and responsibilities of the Executive Director.".

(b) Section 41009(d)(2) of Public Law 114–94 (42 U.S.C. 4370m–8(d)(2)) is amended by striking "staffing of the Office of the Executive Director" and inserting "appointing and fixing the compensation of such employees as the Executive Director considers necessary to carry out the roles and responsibilities of the Executive Director".

California.

SEC. 636. (a) DESIGNATION.—The Federal building located at 90 7th Street in San Francisco, California, shall be known and designated as the "Speaker Nancy Pelosi Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Speaker Nancy Pelosi Federal Building".

SEC. 637. Of the unobligated balances available in the Department of the Treasury, Treasury Forfeiture Fund, established by section 9703 of title 31, United States Code, $150,000,000 shall be permanently rescinded not later than September 30, 2023.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

(INCLUDING TRANSFERS OF FUNDS)

Drug-free workplace.

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2023 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

31 USC 1343 note.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement vehicles, protective vehicles, and undercover surveillance vehicles), is hereby fixed at $26,733 except station wagons for which the maximum shall be $27,873: *Provided,* That these limits may be exceeded by not to exceed $7,775 for police-type vehicles: *Provided further,* That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further,* That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: *Provided further,* That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on alternative fuel, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned,

are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

5 USC 3101 note.

SEC. 704. Unless otherwise specified in law during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: *Provided,* That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further,* That for purposes of paragraphs (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further,* That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further,* That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

Affidavits.

Affidavits.

Penalties.

Time period.

Time period.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 14057

(December 8, 2021), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

Applicability.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this or any other Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

Notifications.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

Definition.

SEC. 711. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 13618 (July 6, 2012).

Certification.

SEC. 712. (a) None of the funds made available by this or any other Act may be obligated or expended by any department, agency, or other instrumentality of the Federal Government to pay the salaries or expenses of any individual appointed to a position of a confidential or policy-determining character that is excepted from the competitive service under section 3302 of title

5, United States Code, (pursuant to schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations) unless the head of the applicable department, agency, or other instrumentality employing such schedule C individual certifies to the Director of the Office of Personnel Management that the schedule C position occupied by the individual was not created solely or primarily in order to detail the individual to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from an element of the intelligence community (as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))).

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

Propaganda. Lobbying.

SEC. 715. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 716. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

Approval requirement.

SEC. 717. None of the funds made available in this or any other Act may be used to provide any non-public information such as mailing, telephone, or electronic mailing lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

Propaganda.

SEC. 718. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.

Definitions.

SEC. 719. (a) In this section, the term "agency"—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title and the United States Postal Service.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 720. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

Reimbursement. Approval.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided,* That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, including improving coordination and reducing duplication, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief

Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further,* That the total funds transferred or reimbursed shall not exceed $15,000,000 to improve coordination, reduce duplication, and for other activities related to Federal Government Priority Goals established by 31 U.S.C. 1120, and not to exceed $17,000,000 for Government-wide innovations, initiatives, and activities: *Provided further,* That the funds transferred to or for reimbursement of "General Services Administration, Government-Wide Policy" during fiscal year 2023 shall remain available for obligation through September 30, 2024: *Provided further,* That not later than 90 days after enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Reform of the House of Representatives a detailed spend plan for the funds to be transferred or reimbursed: *Provided further,* That the spend plan shall, at a minimum, include: (i) the amounts currently in the funds authorized under this section and the estimate of amounts to be transferred or reimbursed in fiscal year 2023; (ii) a detailed breakdown of the purposes for all funds estimated to be transferred or reimbursed pursuant to this section (including total number of personnel and costs for all staff whose salaries are provided for by this section); (iii) where applicable, a description of the funds intended for use by or for the benefit of each executive council; and (iv) where applicable, a description of the funds intended for use by or for the implementation of specific laws passed by Congress: *Provided further,* That no transfers or reimbursements may be made pursuant to this section until 15 days following notification of the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget.

Deadline.
Spend plan.

Estimates.

Time period.
Notifications.

SEC. 722. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

Breastfeeding.

SEC. 723. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided,* That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science, Space, and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

Reports.

SEC. 724. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall comply with any relevant

Compliance.

requirements in part 200 of title 2, Code of Federal Regulations: *Provided,* That this section shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

Applicability.

SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

Data.

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

Contracts.

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

Contracts.
Drugs and drug abuse.
Contraceptives.

SEC. 726. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

Religion.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

Discrimination.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

Abortion.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

Anti-doping.

SEC. 727. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes,

and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 728. Notwithstanding any other provision of law, funds appropriated for official travel to Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 729. Notwithstanding any other provision of law, none of the funds appropriated or made available under this or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

Contracts. Advance approvals.

SEC. 730. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Centers facilities.

News stories.

SEC. 731. Unless otherwise authorized by existing law, none of the funds provided in this or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 732. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

Contracts.

SEC. 733. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

Determination.

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 734. During fiscal year 2023, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code; or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

Contracts.

SEC. 735. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

Definitions.

(b) In this section, each of the terms "contribution", "expenditure", "independent expenditure", "electioneering communication", "candidate", "election", and "Federal office" has the meaning given such term in the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.).

Portraits.

SEC. 736. None of the funds made available in this or any other Act may be used to pay for the painting of a portrait of an officer or employee of the Federal Government, including the President, the Vice President, a Member of Congress (including a Delegate or a Resident Commissioner to Congress), the head of an executive branch agency (as defined in section 133 of title 41, United States Code), or the head of an office of the legislative branch.

Time periods.
5 USC 5343 note.

SEC. 737. (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2023, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(A) during the period from the date of expiration of the limitation imposed by the comparable section for the previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2023, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(B) during the period consisting of the remainder of fiscal year 2023, in an amount that exceeds, as a result of a wage

survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2023 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2023 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

Determination. Regulations.

(3) For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2022, shall be determined under regulations prescribed by the Office of Personnel Management.

Determination.

(4) Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2022, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

Applicability.

(5) This subsection shall apply with respect to pay for service performed after September 30, 2022.

(6) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the rate that would be payable were this subsection not in effect.

Determination.

(8) The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

Locality pay.

(b) Notwithstanding subsection (a), the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2023 under sections 5344 and 5348 of title 5, United States Code, shall be—

(1) not less than the percentage received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under sections 5303 and 5304 of title 5, United States Code: *Provided*, That prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate

employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as "Rest of United States" pursuant to section 5304 of title 5, United States Code, for purposes of this subsection; and

Effective date.

(2) effective as of the first day of the first applicable pay period beginning after September 30, 2022.

Reports.
Contracts.

SEC. 738. (a) The head of any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2023 for which the cost to the United States Government was more than $100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

(1) a description of its purpose;

(2) the number of participants attending;

Cost statement.

(3) a detailed statement of the costs to the United States Government, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

Deadline.
Time period.
Notification.

(c) Within 15 days after the end of a quarter, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending a conference held by any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act during fiscal year 2023 for which the cost to the United States Government was more than $20,000.

Grants.
Contracts.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 739. None of the funds made available in this or any other appropriations Act may be used to increase, eliminate, or

reduce funding for a program, project, or activity as proposed in the President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act.

SEC. 740. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

Contracts. Grants. Confidentiality agreements.

SEC. 742. (a) None of the funds appropriated or otherwise made available by this or any other Act may be available for a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

Nondisclosure agreements.

SEC. 743. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.": *Provided,* That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress,

or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

Compliance.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding subsection (a) if it complies with the requirements for such agreement that were in effect when the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any agreement entered into during fiscal year 2014 which does not contain substantially similar language to that required in subsection (a).

Contracts. Memorandums. Grants. Loans. Corporations. Tax liability. Determination.

SEC. 744. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Contracts. Memorandums. Grants. Loans. Corporations. Criminal violations. Time period. Determination.

SEC. 745. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Notifications.

SEC. 746. (a) During fiscal year 2023, on the date on which a request is made for a transfer of funds in accordance with section 1017 of Public Law 111–203, the Bureau of Consumer Financial Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate of such request.

Public information. Web posting.

(b) Any notification required by this section shall be made available on the Bureau's public website.

Effective date. 5 USC 5303 note.

SEC. 747. (a) Notwithstanding any official rate adjusted under section 104 of title 3, United States Code, the rate payable to the Vice President during calendar year 2023 shall be the rate payable to the Vice President on December 31, 2022, by operation of section 747 of division E of Public Law 117–103.

Effective date.

(b) Notwithstanding any official rate adjusted under section 5318 of title 5, United States Code, or any other provision of law, the payable rate during calendar year 2023 for an employee serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, shall be the rate payable for the applicable Executive Schedule level on December 31, 2022, by operation of section 747 of division E of Public Law 117–103. Such an employee may not receive a

rate increase during calendar year 2023, except as provided in subsection (i).

(c) Notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96–465) or any other provision of law, a chief of mission or ambassador at large is subject to subsection (b) in the same manner as other employees who are paid at an Executive Schedule rate.

Applicability.

(d)(1) This subsection applies to—

(A) a noncareer appointee in the Senior Executive Service paid a rate of basic pay at or above the official rate for level IV of the Executive Schedule; or

(B) a limited term appointee or limited emergency appointee in the Senior Executive Service serving under a political appointment and paid a rate of basic pay at or above the official rate for level IV of the Executive Schedule.

(2) Notwithstanding sections 5382 and 5383 of title 5, United States Code, an employee described in paragraph (1) may not receive a pay rate increase during calendar year 2023, except as provided in subsection (i).

(e) Notwithstanding any other provision of law, any employee paid a rate of basic pay (including any locality based payments under section 5304 of title 5, United States Code, or similar authority) at or above the official rate for level IV of the Executive Schedule who serves under a political appointment may not receive a pay rate increase during calendar year 2023, except as provided in subsection (i). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service pay system, to employees appointed under section 3161 of title 5, United States Code, or to employees in another pay system whose position would be classified at GS–15 or below if chapter 51 of title 5, United States Code, applied to them.

(f) Nothing in subsections (b) through (e) shall prevent employees who do not serve under a political appointment from receiving pay increases as otherwise provided under applicable law.

(g) This section does not apply to an individual who makes an election to retain Senior Executive Service basic pay under section 3392(c) of title 5, United States Code, for such time as that election is in effect.

(h) This section does not apply to an individual who makes an election to retain Senior Foreign Service pay entitlements under section 302(b) of the Foreign Service Act of 1980 (Public Law 96–465) for such time as that election is in effect.

(i) Notwithstanding subsections (b) through (e), an employee in a covered position may receive a pay rate increase upon an authorized movement to a different covered position only if that new position has higher-level duties and a pre-established level or range of pay higher than the level or range for the position held immediately before the movement. Any such increase must be based on the rates of pay and applicable limitations on payable rates of pay in effect on December 31, 2022, by operation of section 747 of division E of Public Law 117–103.

Effective date.

(j) Notwithstanding any other provision of law, for an individual who is newly appointed to a covered position during the period of time subject to this section, the initial pay rate shall be based on the rates of pay and applicable limitations on payable rates of pay in effect on December 31, 2022, by operation of section 747 of division E of Public Law 117–103.

Effective date.

Applicability.

(k) If an employee affected by this section is subject to a biweekly pay period that begins in calendar year 2023 but ends in calendar year 2024, the bar on the employee's receipt of pay rate increases shall apply through the end of that pay period.

Definition.

(l) For the purpose of this section, the term "covered position" means a position occupied by an employee whose pay is restricted under this section.

Effective date.

(m) This section takes effect on the first day of the first applicable pay period beginning on or after January 1, 2023.

President.
Reports.
Statement.

SEC. 748. In the event of a violation of the Impoundment Control Act of 1974, the President or the head of the relevant department or agency, as the case may be, shall report immediately to the Congress all relevant facts and a statement of actions taken: *Provided,* That a copy of each report shall also be transmitted to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General on the same date the report is transmitted to the Congress.

Records.

Notifications.
Apportionments.

SEC. 749. (a) Each department or agency of the executive branch of the United States Government shall notify the Committees on Appropriations and the Budget of the House of Representatives and the Senate and any other appropriate congressional committees if—

(1) an apportionment is not made in the required time period provided in section 1513(b) of title 31, United States Code;

(2) an approved apportionment received by the department or agency conditions the availability of an appropriation on further action; or

(3) an approved apportionment received by the department or agency may hinder the prudent obligation of such appropriation or the execution of a program, project, or activity by such department or agency.

(b) Any notification submitted to a congressional committee pursuant to this section shall contain information identifying the bureau, account name, appropriation name, and Treasury Appropriation Fund Symbol or fund account.

SEC. 750. (a) Any non-Federal entity receiving funds provided in this or any other appropriations Act for fiscal year 2023 that are specified in the disclosure table submitted in compliance with clause 9 of rule XXI of the Rules of the House of Representatives or Rule XLIV of the Standing Rules of the Senate that is included in the report or explanatory statement accompanying any such Act shall be deemed to be a recipient of a Federal award with respect to such funds for purposes of the requirements of 2 CFR 200.334, regarding records retention, and 2 CFR 200.337, regarding access by the Comptroller General of the United States.

(b) Nothing in this section shall be construed to limit, amend, supersede, or restrict in any manner any requirements otherwise applicable to non-Federal entities described in paragraph (1) or any existing authority of the Comptroller General.

SEC. 751. Notwithstanding section 1346 of title 31, United States Code, or section 708 of this Act, funds made available by this or any other Act to any Federal agency may be used by that Federal agency for interagency funding for coordination with, participation in, or recommendations involving, activities of the U.S. Army Medical Research and Development Command, the

Congressionally Directed Medical Research Programs and the National Institutes of Health research programs.

SEC. 752. (a)(1) Not later than 100 days after the date of enactment of this Act, the Director of the Office of Management and Budget (in this section referred to as the "Director"), in coordination with the Architectural and Transportation Barriers Compliance Board and the Administrator of General Services (in this section referred to as the "Administrator"), shall disseminate amended or updated criteria and instructions to any Federal department or agency (in this section referred to as an "agency") covered by section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) for the evaluation required pursuant to paragraph (3)(B).

Reports. Deadline. Criteria. 29 USC 794d–1.

(2) Such criteria and instructions shall—

(A) include, at minimum, requirements that information technologies and digital services must–

Requirements. Determinations.

(i) conform to the technical standards referenced in subsection (a)(2)(A) of such section 508, as determined by appropriate conformance testing; and

(ii) be accessible to and usable by individuals with disabilities as determined from consultation with individuals with disabilities, including those with visual, auditory, tactile, and cognitive disabilities, or members of any disability organization; and

Accessibility.

(B) provide guidance to agencies regarding the types and format of data and information to be submitted to the Director and the Administrator pursuant to paragraph (3), including how to submit such data and information, the metrics by which compliance will be assessed in the reports required in subsection (b), and any other directions necessary for agencies to demonstrate compliance with accessibility standards for electronic and information technology procured and in use within an agency, as required by such section 508.

Guidance. Data. Compliance.

(3) Not later than 225 days after the date of enactment of this Act, the head of each agency shall—

Evaluations.

(A) evaluate the extent to which the electronic and information technology of the agency are accessible to and usable by individuals with disabilities described in subsection (a)(1) of such section 508 compared to the access to and use of the technology and services by individuals described in such section who are not individuals with disabilities;

(B) evaluate the electronic and information technology of the agency in accordance with the criteria and instructions provided in paragraph (1); and

(C) submit a report containing the evaluations jointly to the Director and the Administrator.

(b)(1) Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator, in consultation with the Director, shall prepare and submit to the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations and Oversight and Reform of the House of Representatives a report that shall include—

(A) a comprehensive assessment (including information identifying the metrics and data used) of compliance by each agency, and by the Federal Government generally, with the criteria and instructions disseminated under subsection (a)(1);

Assessment. Compliance.

Time period.

(B) a detailed description of the actions, activities, and other efforts made by the Administrator over the year preceding submission to support such compliance at agencies and any planned efforts in the coming year to improve compliance at agencies; and

List. Recommendations.

(C) a list of recommendations that agencies or Congress may take to help support that compliance.

Public information. Web posting.

(2) The Administrator shall ensure that the reports required under this subsection are made available on a public website and are maintained as an open Government data asset (as that term is defined in section 3502 of title 44, United States Code).

Reimbursements. Approval.

SEC. 753. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Federal Citizen Services Fund" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided,* That these funds, in addition to amounts otherwise available, shall be administered by the Administrator of General Services to carry out the purposes of the Federal Citizen Services Fund and to support Government-wide and other multi-agency financial, information technology, procurement, and other activities, including services authorized by 44 U.S.C. 3604 and enabling Federal agencies to take advantage of information technology in sharing information: *Provided further,* That the total funds transferred or reimbursed shall not exceed $15,000,000 for such purposes: *Provided further,* That the funds transferred to or for reimbursement of "General Services Administration, Federal Citizen Services Fund" during fiscal year 2023 shall remain available for obligation through September 30, 2024: *Provided further,* That not later than 90 days after enactment of this Act, the Administrator of General Services, in consultation with the Director of the Office of Management and Budget, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spend plan for the funds to be transferred or reimbursed: *Provided further,* That the spend plan shall, at a minimum, include: (i) the amounts currently in the funds authorized under this section and the estimate of amounts to be transferred or reimbursed in fiscal year 2023; (ii) a detailed breakdown of the purposes for all funds estimated to be transferred or reimbursed pursuant to this section (including total number of personnel and costs for all staff whose salaries are provided for by this section); and (iii) where applicable, a description of the funds intended for use by or for the implementation of specific laws passed by Congress: *Provided further,* That no transfers or reimbursements may be made pursuant to this section until 15 days following notification of the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget.

Deadline. Spend plan.

Estimates.

Time period. Notifications.

SEC. 754. Except as expressly provided otherwise, any reference to "this Act" contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFERS OF FUNDS)

SEC. 801. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

Propaganda. Lobbying.

SEC. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2023, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

Advance approvals.

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

Termination date.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 7, 2023.

SEC. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

Definition.

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day;

(4) at the discretion of the Chief Medical Examiner, an officer or employee of the Office of the Chief Medical Examiner who resides in the District of Columbia and is on call 24 hours a day;

(5) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District of Columbia and is on call 24 hours a day;

(6) the Mayor of the District of Columbia; and

(7) the Chairman of the Council of the District of Columbia.

Voting rights.

SEC. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

Needle distribution.

SEC. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

Contraceptives. Conscience exception.

SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

Penalties. Drugs and drug abuse.

SEC. 809. (a) None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) No funds available for obligation or expenditure by the District of Columbia government under any authority may be used to enact any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative for recreational purposes.

SEC. 810. No funds available for obligation or expenditure by the District of Columbia government under any authority shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

Abortion.

SEC. 811. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2023 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

Deadline. Operating budget.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

Applicability. Certification.

SEC. 812. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42).

Deadline. Operating budget.

SEC. 813. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the four prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

Time period.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

SEC. 814. None of the Federal funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 815. Except as otherwise specifically provided by law or under this Act, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2023 from appropriations of Federal funds made available for salaries and expenses for fiscal year 2023 in this Act, shall remain available through September 30, 2024, for each such account for the purposes authorized: *Provided,* That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further,*

Advance approvals.

Compliance.

That these requests shall be made in compliance with reprogramming guidelines outlined in section 803 of this Act.

Time periods.

SEC. 816. (a)(1) During fiscal year 2024, during a period in which neither a District of Columbia continuing resolution or a regular District of Columbia appropriation bill is in effect, local funds are appropriated in the amount provided for any project or activity for which local funds are provided in the Act referred to in paragraph (2) (subject to any modifications enacted by the District of Columbia as of the beginning of the period during which this subsection is in effect) at the rate set forth by such Act.

(2) The Act referred to in this paragraph is the Act of the Council of the District of Columbia pursuant to which a proposed budget is approved for fiscal year 2024 which (subject to the requirements of the District of Columbia Home Rule Act) will constitute the local portion of the annual budget for the District of Columbia government for fiscal year 2024 for purposes of section 446 of the District of Columbia Home Rule Act (sec. 1–204.46, D.C. Official Code).

(b) Appropriations made by subsection (a) shall cease to be available—

(1) during any period in which a District of Columbia continuing resolution for fiscal year 2024 is in effect; or

(2) upon the enactment into law of the regular District of Columbia appropriation bill for fiscal year 2024.

(c) An appropriation made by subsection (a) is provided under the authority and conditions as provided under this Act and shall be available to the extent and in the manner that would be provided by this Act.

Applicability.

(d) An appropriation made by subsection (a) shall cover all obligations or expenditures incurred for such project or activity during the portion of fiscal year 2024 for which this section applies to such project or activity.

(e) This section shall not apply to a project or activity during any period of fiscal year 2024 if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) Nothing in this section shall be construed to affect obligations of the government of the District of Columbia mandated by other law.

SEC. 817. (a) Section 244 of the Revised Statutes of the United States relating to the District of Columbia (sec. 9–1201.03, D.C. Official Code) does not apply with respect to any railroads installed pursuant to the Long Bridge Project.

Definition.
Virginia.

(b) In this section, the term "Long Bridge Project" means the project carried out by the District of Columbia and the Commonwealth of Virginia to construct a new Long Bridge adjacent to the existing Long Bridge over the Potomac River, including related infrastructure and other related projects, to expand commuter and regional passenger rail service and to provide bike and pedestrian access crossings over the Potomac River.

SEC. 818. Not later than 45 days after the last day of each quarter, each Federal and District government agency appropriated Federal funds in this Act shall submit to the Committees on Appropriations of the House of Representatives and the Senate a quarterly budget report that includes total obligations of the Agency for that quarter for each Federal funds appropriation provided in this Act, by the source year of the appropriation. Reports.

SEC. 819. (a)(1) Section 11–2604(a), District of Columbia Official Code, is amended by striking "at a fixed rate of $90 per hour" and inserting "an hourly rate not to exceed the rate payable under section 3006A(d)(1) of title 18, United States Code".

(2) The amendments made by this section shall apply with respect to cases and proceedings initiated on or after the date of the enactment of this Act. Applicability.

(b)(1) Section 11–2605, District of Columbia Official Code, is amended in subsections (b) and (c) by striking "(or, in the case of investigative services, a fixed rate of $25 per hour)" each place it appears.

(2) The amendments made by this section shall apply with respect to investigative services provided in connection with cases and proceedings initiated on or after the date of the enactment of this Act. Applicability.

SEC. 820. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the "Financial Services and General Government Appropriations Act, 2023".

DIVISION F—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2023

Department of Homeland Security Appropriations Act, 2023.

TITLE I

DEPARTMENTAL MANAGEMENT, INTELLIGENCE, SITUATIONAL AWARENESS, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

OPERATIONS AND SUPPORT

For necessary expenses of the Office of the Secretary and for executive management for operations and support, $336,746,000; of which $18,862,000 shall remain available until September 30, 2024: *Provided,* That not to exceed $30,000 shall be for official reception and representation expenses: *Provided further*, That $5,000,000 shall be withheld from obligation until the Secretary submits, to the Committees on Appropriations of the Senate and the House of Representatives, responses to all questions for the record for each hearing on the fiscal year 2024 budget submission for the Department of Homeland Security held by such Committees prior to July 1. Submission.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Office of the Secretary and for executive management for procurement, construction, and improvements, $8,048,000, to remain available until September 30, 2025.

FEDERAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Secretary and for executive management for Federal assistance through grants, contracts, cooperative agreements, and other activities, $40,000,000, which shall be transferred to "Federal Emergency Management Agency—Federal Assistance", of which $20,000,000 shall be for targeted violence and terrorism prevention grants and of which $20,000,000, to remain available until September 30, 2024, shall be for the Alternatives to Detention Case Management pilot program.

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, including vehicle fleet modernization, $1,743,160,000: *Provided,* That not to exceed $2,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, $325,245,000, of which $137,245,000 shall remain available until September 30, 2025, and of which $188,000,000 shall remain available until September 30, 2027.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

INTELLIGENCE, ANALYSIS, AND SITUATIONAL AWARENESS

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Intelligence and Analysis and the Office of Homeland Security Situational Awareness for operations and support, $316,640,000, of which $95,273,000 shall remain available until September 30, 2024: *Provided,* That not to exceed $3,825 shall be for official reception and representation expenses and not to exceed $2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings.

OFFICE OF THE INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For necessary expenses of the Office of the Inspector General for operations and support, $214,879,000: *Provided,* That not to exceed $300,000 may be used for certain confidential operational

expenses, including the payment of informants, to be expended at the direction of the Inspector General.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2023, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal years 2022 or 2023.

Reports. Grants. Contracts. Time period.

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2024.

Review. Assessment. Compliance.

SEC. 102. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations of the Department for that month and for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation.

Budget. Reports.

SEC. 103. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes, which shall be specified in terms of cost, schedule, and performance.

Contracts. Award fees.

SEC. 104. (a) The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9705(g)(4)(B) of title 31, United States Code, from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security.

Notifications.

(b) None of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives are notified of the proposed transfer.

SEC. 105. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.

SEC. 106. (a) The Under Secretary for Management shall brief the Committees on Appropriations of the Senate and the House of Representatives not later than 45 days after the end of each fiscal quarter on all Level 1 and Level 2 acquisition programs on the Master Acquisition Oversight list between Acquisition Decision Event and Full Operational Capability, including programs that have been removed from such list during the preceding quarter.

Briefing. Deadline. Contracts.

(b) For each such program, the briefing described in subsection (a) shall include—

(1) a description of the purpose of the program, including the capabilities being acquired and the component(s) sponsoring the acquisition;

(2) the total number of units, as appropriate, to be acquired annually until procurement is complete under the current acquisition program baseline;

(3) the Acquisition Review Board status, including—

(A) the current acquisition phase by increment, as applicable;

(B) the date of the most recent review; and

(C) whether the program has been paused or is in breach status;

(4) a comparison between the initial Department-approved acquisition program baseline cost, schedule, and performance thresholds and objectives and the program's current such thresholds and objectives, if applicable;

Cost estimate.

(5) the lifecycle cost estimate, adjusted for comparison to the Future Years Homeland Security Program, including—

(A) the confidence level for the estimate;

(B) the fiscal years included in the estimate;

Time periods.

(C) a breakout of the estimate for the prior five years, the current year, and the budget year;

(D) a breakout of the estimate by appropriation account or other funding source; and

(E) a description of and rationale for any changes to the estimate as compared to the previously approved baseline, as applicable, and during the prior fiscal year;

Summary.

(6) a summary of the findings of any independent verification and validation of the items to be acquired or an explanation for why no such verification and validation has been performed;

Estimates.

(7) a table displaying the obligation of all program funds by prior fiscal year, the estimated obligation of funds for the current fiscal year, and an estimate for the planned carryover of funds into the subsequent fiscal year;

Listing.

(8) a listing of prime contractors and major subcontractors; and

(9) narrative descriptions of risks to cost, schedule, or performance that could result in a program breach if not successfully mitigated.

Memorandums.
Deadline.

(c) The Under Secretary for Management shall submit each approved Acquisition Decision Memorandum for programs described in this section to the Committees on Appropriations of the Senate and the House of Representatives not later than five business days after the date of approval of such memorandum by the Under Secretary for Management or the designee of the Under Secretary.

SEC. 107. (a) None of the funds made available to the Department of Homeland Security in this Act or prior appropriations Acts may be obligated for any new pilot or demonstration unless the component or office carrying out such pilot or demonstration has documented the information described in subsection (c).

Reports.

(b) Prior to the obligation of any such funds made available for "Operations and Support" for a new pilot or demonstration, the Under Secretary for Management shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives on the information described in subsection (c).

(c) The information required under subsections (a) and (b) for a pilot or demonstration shall include the following—

(1) documented objectives that are well-defined and measurable;

(2) an assessment methodology that details—

Assessment.
Data.

(A) the type and source of assessment data;

(B) the methods for, and frequency of, collecting such data; and

(C) how such data will be analyzed; and

(3) an implementation plan, including milestones, cost estimates, and implementation schedules, including a projected end date.

Implementation plan.
Cost estimates.
Schedules.

(d) Not later than 90 days after the date of completion of a pilot or demonstration described in subsection (e) the Under Secretary for Management shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives detailing lessons learned, actual costs, any planned expansion or continuation of the pilot or demonstration, and any planned transition of such pilot or demonstration into an enduring program or operation.

Reports.
Costs.

(e) For the purposes of this section, a pilot or demonstration program is a study, demonstration, experimental program, or trial that—

(1) is a small-scale, short-term experiment conducted in order to evaluate feasibility, duration, costs, or adverse events, and improve upon the design of an effort prior to implementation of a larger scale effort; and

(2) uses more than 10 full-time equivalents or obligates, or proposes to obligate, $5,000,000 or more, but does not include congressionally directed programs or enhancements and does not include programs that were in operation as of March 15, 2022.

(f) For the purposes of this section, a pilot or demonstration does not include any testing, evaluation, or initial deployment phase executed under a procurement contract for the acquisition of information technology services or systems, or any pilot or demonstration carried out by a non-federal recipient under any financial assistance agreement funded by the Department.

SEC. 108. Of the amount made available by section 4005 of the American Rescue Plan Act of 2021 (Public Law 117–2), $14,000,000 shall be transferred to "Office of Inspector General—Operations and Support" for oversight of the use of funds made available under such section 4005.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied alien minors; the provision of air and marine support to Federal, State, local, and international agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the

purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; $15,590,694,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which $500,000,000 shall be available until September 30, 2024; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided,* That not to exceed $34,425 shall be for official reception and representation expenses: *Provided further,* That not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further,* That not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further,* That $800,000,000 shall be transferred to "Federal Emergency Management Agency—Federal Assistance" to support sheltering and related activities provided by non-Federal entities, including facility improvements and construction, in support of relieving overcrowding in short-term holding facilities of U.S. Customs and Border Protection, of which not to exceed $11,200,000 shall be for the administrative costs of the Federal Emergency Management Agency: *Provided further,* That not to exceed $5,000,000 may be transferred to the Bureau of Indian Affairs for the maintenance and repair of roads on Native American reservations used by the U.S. Border Patrol: *Provided further,* That of the amounts made available under this heading for the Executive Leadership and Oversight program, project, and activity, as outlined in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), $5,000,000 shall not be available for obligation until the reports concerning human capital strategic plans and the Office of Field Operations workload staffing model that are directed in such explanatory statement are submitted to the Committees on Appropriations of the Senate and the House of Representatives.

Reports.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurement of marine vessels, aircraft, and unmanned aerial systems, $581,558,000, of which $481,658,000 shall remain available until September 30, 2025; and of which $99,900,000 shall remain available until September 30, 2027.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type

vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; $8,396,305,000; of which not less than $6,000,000 shall remain available until expended for efforts to enforce laws against forced child labor; of which $46,696,000 shall remain available until September 30, 2024; of which not less than $2,000,000 is for paid apprenticeships for participants in the Human Exploitation Rescue Operative Child-Rescue Corps; of which not less than $15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; and of which not less than $4,181,786,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied alien minors: *Provided,* That not to exceed $11,475 shall be for official reception and representation expenses: *Provided further,* That not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further,* That not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further,* That not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided further,* That of the amounts made available under this heading for the Executive Leadership and Oversight program, project, and activity, as outlined in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), $5,000,000 shall not be available for obligation until the reports directed under this heading in the explanatory statements accompanying Public Laws 116–6, 116–93, and 117–103 have been submitted to the Committees on Appropriations of the Senate and the House of Representatives.

Reports.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Immigration and Customs Enforcement for procurement, construction, and improvements, $22,997,000, to remain available until September 30, 2025.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Security Administration for operations and support, $8,798,363,000, to remain available until September 30, 2024: *Provided,* That not to exceed $7,650 shall be for official reception and representation expenses: *Provided further,* That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further,* That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2023 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $6,308,363,000.

Reduction.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, $141,645,000, to remain available until September 30, 2025.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development, $33,532,000, to remain available until September 30, 2024.

COAST GUARD

OPERATIONS AND SUPPORT

For necessary expenses of the Coast Guard for operations and support including the Coast Guard Reserve; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of not more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase, lease, or improvements of boats necessary for overseas deployments and activities; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $9,700,478,000, of which $530,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $20,000,000 shall remain available until September 30, 2025; of which $24,359,000 shall remain available until September 30, 2027, for environmental compliance and restoration; and of which $70,000,000 shall remain available until September 30, 2024, which shall only be available for vessel depot level maintenance: *Provided,* That not to exceed $23,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for procurement, construction, and improvements, including aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), and vessels and aircraft, including equipment related thereto, $1,669,650,000, to remain available until September 30, 2027; of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

RESEARCH AND DEVELOPMENT

For necessary expenses of the Coast Guard for research and development; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; $7,476,000, to remain available until September 30, 2025, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided,* That there may be credited to and used

for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, United States Code, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $2,044,414,000, to remain available until expended.

UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652 vehicles for police-type use; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia; fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation in firearms matches; presentation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code, of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; $2,734,267,000; of which $52,296,000 shall remain available until September 30, 2024, and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; and of which up to $20,500,000 may be for calendar year 2022 premium pay in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a) of title 5, United States Code, pursuant to section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note), as last amended by Public Law 116–269: *Provided,* That not to exceed $19,125 shall be for official reception and representation expenses: *Provided further,* That not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in criminal investigations within the jurisdiction of the United States Secret Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the United States Secret Service for procurement, construction, and improvements, $83,888,000, to remain available until September 30, 2025.

RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, $4,025,000, to remain available until September 30, 2024.

ADMINISTRATIVE PROVISIONS

Applicability.

SEC. 201. Section 201 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to overtime compensation limitations, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act, except that "fiscal year 2023" shall be substituted for "fiscal year 2018".

Puerto Rico.
Virgin Islands.

SEC. 202. Funding made available under the headings "U.S. Customs and Border Protection—Operations and Support" and "U.S. Customs and Border Protection—Procurement, Construction, and Improvements" shall be available for customs expenses when necessary to maintain operations and prevent adverse personnel actions in Puerto Rico and the U.S. Virgin Islands, in addition to funding provided by sections 740 and 1406i of title 48, United States Code.

Fees.
Canada.
Mexico.

SEC. 203. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42), fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

Reduction.

SEC. 204. (a) For an additional amount for "U.S. Customs and Border Protection—Operations and Support", $31,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation in fiscal year 2023 from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125), or other such authorizing language.

(b) To the extent that amounts realized from such collections exceed $31,000,000, those amounts in excess of $31,000,000 shall be credited to this appropriation, to remain available until expended.

Drugs and drug abuse.
Canada.
Compliance.

SEC. 205. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided,* That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further,* That the prescription drug may not be—

Applicability.
Time period.

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 206. (a) Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, for

the transportation of crude oil distributed from and to the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels.

Notification. Deadline. Waivers.

(b) The Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, with respect to such transportation, and the disposition of such requests.

Effective date.

SEC. 207. (a) Beginning on the date of enactment of this Act, the Secretary of Homeland Security shall not—

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

Definition.

(b) In this section, the term "border crossing fee" means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

Deadline. Expenditure plan.

SEC. 208. (a) Not later than 90 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit an expenditure plan for any amounts made available for "U.S. Customs and Border Protection—Procurement, Construction, and Improvements" in this Act and prior Acts to the Committees on Appropriations of the Senate and the House of Representatives.

(b) No such amounts provided in this Act may be obligated prior to the submission of such plan.

Applicability.

SEC. 209. Section 211 of the Department of Homeland Security Appropriations Act, 2021 (division F of Public Law 116–260), prohibiting the use of funds for the construction of fencing in certain areas, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

SEC. 210. (a) Funds made available in this Act may be used to alter operations within the National Targeting Center of U.S. Customs and Border Protection.

(b) None of the funds provided by this Act, provided by previous appropriations Acts that remain available for obligation or expenditure in fiscal year 2023, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, may be used to reduce anticipated or planned vetting operations at existing locations unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 211. (a) Of the amounts transferred from "U.S. Customs and Border Protection—Operations and Support" to "Federal Emergency Management Agency—Federal Assistance" in this Act, up to $785,000,000 may be made available for the emergency food and shelter program under title II of the McKinney Vento Homeless

Assistance Act (42 U.S.C. 11331) for the purposes of providing shelter and other services to families and individuals encountered by the Department of Homeland Security.

(b) Notwithstanding sections 313(a) and 316 of such Act, up to $50,000,000 of any amounts made available to the emergency food and shelter program under subsection (a) may be used for the construction and expansion of shelter facilities.

Time period.

(c) Notwithstanding section 311 of such Act, funds made available for the purposes described in subsection (b) may be awarded to the Emergency Food and Shelter Program National Board up to 6 months after the date of enactment of this Act.

Disbursement. Time period.

(d) Notwithstanding sections 315 and 316(b) of such Act, funds made available under subsection (b) may be disbursed by the Emergency Food and Shelter Program National Board up to 24 months after the date on which such funds become available.

Reimbursement. Effective date.

(e) Amounts made available under subsection (a) may be available for the reimbursement of costs incurred after June 30, 2022.

(f) The real property disposition requirements at 2 CFR 200.311(c) shall not apply to grants funded by the amounts transferred from "U.S. Customs and Border Protection—Operations and Support" to "Federal Emergency Management Agency—Federal Assistance" in this Act.

SEC. 212. Of the total amount made available under "U.S. Customs and Border Protection—Procurement, Construction, and Improvements", $581,558,000 shall be available only as follows:

(1) $230,277,000 for the acquisition and deployment of border security technologies;

(2) $126,047,000 for trade and travel assets and infrastructure;

(3) $99,900,000 for facility construction and improvements;

(4) $92,661,000 for integrated operations assets and infrastructure; and

(5) $32,673,000 for mission support and infrastructure.

Determination.

SEC. 213. None of the funds provided under the heading "U.S. Immigration and Customs Enforcement—Operations and Support" may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

Contracts. 6 USC 211 note.

SEC. 214. (a) None of the funds provided under the heading "U.S. Immigration and Customs Enforcement—Operations and Support" may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system.

(b) The performance evaluations referenced in subsection (a) shall be conducted by the U.S. Immigration and Customs Enforcement Office of Professional Responsibility.

Aliens.

SEC. 215. Without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may reprogram within and transfer funds to "U.S. Immigration and Customs Enforcement—Operations and Support" as necessary to ensure the detention of aliens prioritized for removal.

Time period. Applicability. 8 USC 1378a note.

SEC. 216. The reports required to be submitted under section 216 of the Department of Homeland Security Appropriations Act,

2021 (division F of Public Law 116–260) shall continue to be submitted semimonthly and each matter required to be included in such reports by such section 216 shall apply in the same manner and to the same extent during the period described in such section 216.

Applicability.

SEC. 217. The terms and conditions of sections 216 and 217 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116–93) shall apply to this Act.

SEC. 218. Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

Explosives detection systems.

SEC. 219. Any award by the Transportation Security Administration to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

Contracts. Explosives detection systems.

SEC. 220. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2023, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title.

Reports. Plans.

SEC. 221. Not later than 45 days after the submission of the President's budget proposal, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations and Homeland Security in the House of Representatives a single report that fulfills the following requirements:

(1) a Capital Investment Plan, both constrained and unconstrained, that includes a plan for continuous and sustained capital investment in new, and the replacement of aged, transportation security equipment;

(2) the 5-year technology investment plan as required by section 1611 of title XVI of the Homeland Security Act of 2002, as amended by section 3 of the Transportation Security Acquisition Reform Act (Public Law 113–245); and

(3) the Advanced Integrated Passenger Screening Technologies report as required by the Senate Report accompanying the Department of Homeland Security Appropriations Act, 2019 (Senate Report 115–283).

SEC. 222. Section 225 of division A of Public Law 116–6 (49 U.S.C. 44901 note), relating to a pilot program for screening outside of an existing primary passenger terminal screening area, is amended in subsection (e) by striking "2023" and inserting "2025".

Vessels.

SEC. 223. (a) None of the funds made available by this Act under the heading "Coast Guard—Operations and Support" shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected

from owners of yachts and credited to the appropriation made available by this Act under the heading "Coast Guard—Operations and Support".

(b) To the extent such fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114.

SEC. 224. Without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, in accordance with the notification requirement described in subsection (b) of such section, up to the following amounts may be reprogrammed within "Coast Guard—Operations and Support"—

(1) $10,000,000 to or from the "Military Personnel" funding category; and

(2) $10,000,000 between the "Field Operations" funding subcategories.

Investment plan. Requirements.

SEC. 225. Notwithstanding any other provision of law, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives a future-years capital investment plan as described in the second proviso under the heading "Coast Guard—Acquisition, Construction, and Improvements" in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4), which shall be subject to the requirements in the third and fourth provisos under such heading.

SEC. 226. Of the funds made available for defense-related activities under the heading "Coast Guard—Operations and Support", up to $190,000,000 that are used for enduring overseas missions in support of the global fight against terrorism may be reallocated by program, project, and activity, notwithstanding section 503 of this Act.

SEC. 227. None of the funds in this Act shall be used to reduce the Coast Guard's legacy Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 228. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 229. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any civil engineering unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 230. Amounts deposited into the Coast Guard Housing Fund in fiscal year 2023 shall be available until expended to carry out the purposes of section 2946 of title 14, United States Code, and shall be in addition to funds otherwise available for such purposes.

SEC. 231. (a) Notwithstanding section 2110 of title 46, United States Code, none of the funds made available in this Act shall be used to charge a fee for an inspection of a towing vessel, as

defined in 46 CFR 136.110, that utilizes the Towing Safety Management System option for a Certificate of Inspection issued under subchapter M of title 46, Code of Federal Regulations.

(b) Subsection (a) shall not apply after the date the Commandant of the Coast Guard makes a determination under section 815(a) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) and, as necessary based on such determination, carries out the requirements of section 815(b) of such Act. Determination.

SEC. 232. The United States Secret Service is authorized to obligate funds in anticipation of reimbursements from executive agencies, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under the heading "United States Secret Service—Operations and Support" at the end of the fiscal year. Reimbursements.

SEC. 233. (a) None of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security.

(b) The Director of the United States Secret Service may enter into agreements to provide such protection on a fully reimbursable basis. Contracts. Reimbursement.

SEC. 234. For purposes of section 503(a)(3) of this Act, up to $15,000,000 may be reprogrammed within "United States Secret Service—Operations and Support".

SEC. 235. Funding made available in this Act for "United States Secret Service—Operations and Support" is available for travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if the Director of the United States Secret Service or a designee notifies the Committees on Appropriations of the Senate and the House of Representatives 10 or more days in advance, or as early as practicable, prior to such expenditures. Notifications. Time period.

SEC. 236. Of the amounts made available by this Act under the heading "United States Secret Service—Operations and Support", $23,000,000, to remain available until expended, shall be distributed as a grant or cooperative agreement for existing National Computer Forensics Institute facilities currently used by the United States Secret Service to carry out activities under section 383 of title 6, United States Code, of which not to exceed 5 percent, or the applicable negotiated rate, shall be for the administrative costs of the Department of Homeland Security in carrying out this section.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for operations and support, $2,350,559,000, of which $36,293,000 shall remain available until September 30, 2024:

Provided, That not to exceed $5,500 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for procurement, construction, and improvements, $549,148,000, of which $522,048,000 shall remain available until September 30, 2025, and of which $27,100,000 shall remain available until September 30, 2027.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for research and development, $7,431,000, to remain available until September 30, 2024.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Emergency Management Agency for operations and support, $1,379,680,000: *Provided,* That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and improvements, $207,730,000, of which $130,425,000 shall remain available until September 30, 2025, and of which $77,305,000 shall remain available until September 30, 2027.

FEDERAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities of the Federal Emergency Management Agency for Federal assistance through grants, contracts, cooperative agreements, and other activities, $3,882,014,000, which shall be allocated as follows:

(1) $520,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which $90,000,000 shall be for Operation Stonegarden and $15,000,000 shall be for Tribal Homeland Security Grants under section 2005 of the Homeland Security Act of 2002 (6 U.S.C. 606): *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2023, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

Puerto Rico.

(2) $615,000,000 for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604).

(3) $305,000,000 for the Nonprofit Security Grant Program under sections 2003 and 2004 of the Homeland Security Act

of 2002 (6 U.S.C. 604 and 605), of which $152,500,000 is for eligible recipients located in high-risk urban areas that receive funding under section 2003 of such Act and $152,500,000 is for eligible recipients that are located outside such areas: *Provided*, That eligible recipients are those described in section 2009(b) of such Act (6 U.S.C. 609a(b)) or are an otherwise eligible recipient at risk of a terrorist or other extremist attack.

(4) $105,000,000 for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which $10,000,000 shall be for Amtrak security and $2,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(5) $100,000,000 for Port Security Grants in accordance with section 70107 of title 46, United States Code.

(6) $720,000,000, to remain available until September 30, 2024, of which $360,000,000 shall be for Assistance to Firefighter Grants and $360,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants under sections 33 and 34 respectively of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(7) $355,000,000 for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701), section 762 of title 6, United States Code, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

(8) $312,750,000 for necessary expenses for Flood Hazard Mapping and Risk Analysis, in addition to and to supplement any other sums appropriated under the National Flood Insurance Fund, and such additional sums as may be provided by States or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)), to remain available until expended.

(9) $12,000,000 for Regional Catastrophic Preparedness Grants.

(10) $130,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until September 30, 2024: *Provided*, That not to exceed 3.5 percent shall be for total administrative costs.

(11) $56,000,000 for the Next Generation Warning System.

(12) $335,145,000 for Community Project Funding and Congressionally Directed Spending grants, which shall be for the purposes, and the amounts, specified in the table entitled "Community Project Funding/Congressionally Directed Spending" under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), of which—

(A) $86,140,285, in addition to amounts otherwise made available for such purpose, is for emergency operations center grants under section 614 of the Robert T.

Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c);

(B) $233,043,782, in addition to amounts otherwise made available for such purpose, is for pre-disaster mitigation grants under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(e), notwithstanding subsections (f), (g), and (l) of that section (42 U.S.C. 5133(f), (g), (l)); and

(C) $15,960,933 is for management and administration costs of recipients.

(13) $316,119,000 to sustain current operations for training, exercises, technical assistance, and other programs.

DISASTER RELIEF FUND

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $19,945,000,000, to remain available until expended, shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and is designated by the Congress as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), $225,000,000, to remain available until September 30, 2024, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which $18,500,000 shall be available for mission support associated with flood management; and of which $206,500,000 shall be available for flood plain management and flood mapping: *Provided,* That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offsetting collections to this account, to be available for flood plain management and flood mapping: *Provided further,* That in fiscal year 2023, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

(1) $223,770,000 for operating expenses and salaries and expenses associated with flood insurance operations;

(2) $960,647,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) $175,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a)

and section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e) of the National Flood Insurance Act of 1968, and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further,* That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further,* That up to $5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

ADMINISTRATIVE PROVISIONS

Grants.

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Funds made available under the heading "Cybersecurity and Infrastructure Security Agency—Operations and Support" may be made available for the necessary expenses of procuring or providing access to cybersecurity threat feeds for branches, agencies, independent agencies, corporations, establishments, and instrumentalities of the Federal Government of the United States, state, local, tribal, and territorial entities, fusion centers as described in section 210A of the Homeland Security Act (6 U.S.C. 124h), and Information and Analysis Organizations.

Briefings.
Time periods.
Deadlines.

SEC. 302. (a) The Director of the Cybersecurity and Infrastructure Security Agency (or the Director's designee) shall provide the briefings to the Committees on Appropriations of the Senate and the House of Representatives described under the heading "Quarterly Budget and Staffing Briefings" in the explanatory statement for division F of Public Law 117–103 described in section 4 in the matter preceding division A of such Public Law—

(1) with respect to the first quarter of fiscal year 2023, not later than the later of 30 days after the date of enactment of this Act or January 30, 2023; and

(2) with respect to each subsequent fiscal quarter in fiscal year 2023, not later than 21 days after the end of each such quarter.

Reduction.

(b) In the event that any such briefing required during this fiscal year under subsection (a) is not provided, the amount made available in title III to the Cybersecurity and Infrastructure Security Agency under the heading "Operations and Support" shall be reduced by $50,000 for each day of noncompliance with subsection (a), and the amount made available under such heading and specified in the detailed funding table in the explanatory statement for this division described in section 4 (in the matter preceding division A of this consolidated Act) for Management and Business Activities shall be correspondingly reduced by an equivalent amount.

SEC. 303. (a) Notwithstanding section 2008(a)(12) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12)) or any other provision of law, not more than 5 percent of the amount of a grant made available in paragraphs (1) through (5) under "Federal Emergency Management Agency—Federal Assistance", may be used by the recipient for expenses directly related to administration of the grant.

Applicability.

(b) The authority provided in subsection (a) shall also apply to a state recipient for the administration of a grant under such paragraph (3).

SEC. 304. Notwithstanding section 2004(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 605(e)(1)), the meaning of "total funds appropriated for grants under this section and section 2003" in each place that it appears shall not include any funds provided for the Nonprofit Security Grant Program in paragraph (3) under the heading "Federal Emergency Management Agency—Federal Assistance" in this Act.

Deadlines.

SEC. 305. Applications for grants under the heading "Federal Emergency Management Agency—Federal Assistance", for paragraphs (1) through (5), shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application.

Briefing.
Time periods.
Public information.

SEC. 306. (a) Under the heading "Federal Emergency Management Agency—Federal Assistance", for grants under paragraphs (1) through (5) and (9), the Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award.

Rescission.

(b) If any such public announcement is made before 5 full business days have elapsed following such briefing, $1,000,000 of amounts appropriated by this Act for "Federal Emergency Management Agency—Operations and Support" shall be rescinded.

SEC. 307. Under the heading "Federal Emergency Management Agency—Federal Assistance", for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility.

Applicability.

SEC. 308. The reporting requirements in paragraphs (1) and (2) under the heading "Federal Emergency Management Agency—Disaster Relief Fund" in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4), related to reporting on the Disaster Relief Fund, shall be applied in fiscal year 2023 with respect to budget year 2024 and current fiscal year 2023, respectively—

(1) in paragraph (1) by substituting "fiscal year 2024" for "fiscal year 2016"; and

Waiver authority.

(2) in paragraph (2) by inserting "business" after "fifth".

SEC. 309. In making grants under the heading "Federal Emergency Management Agency—Federal Assistance", for Staffing for Adequate Fire and Emergency Response grants, the Administrator of the Federal Emergency Management Agency may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

Fees.

SEC. 310. (a) The aggregate charges assessed during fiscal year 2023, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its Radiological Emergency Preparedness Program for the next fiscal year.

(b) The methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees.

(c) Such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2023, and remain available until expended.

Effective date.

SEC. 311. In making grants under the heading "Federal Emergency Management Agency—Federal Assistance", for Assistance to Firefighter Grants, the Administrator of the Federal Emergency Management Agency may waive subsection (k) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

Waiver authority.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Citizenship and Immigration Services for operations and support, including for the E-Verify Program and for the Refugee and International Operations Programs, $242,981,000: *Provided,* That such amounts shall be in addition to any other amounts made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)): *Provided further,* That not to exceed $5,000 shall be for official reception and representation expenses.

FEDERAL ASSISTANCE

For necessary expenses of U.S. Citizenship and Immigration Services for Federal assistance for the Citizenship and Integration Grant Program, $25,000,000, to remain available until September 30, 2024.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, $354,552,000, of which $66,665,000 shall remain available until September 30, 2024: *Provided,* That not to exceed $7,180 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Law Enforcement Training Centers for procurement, construction, and improvements, $51,995,000, to remain available until September 30, 2027, for acquisition of necessary additional real property and facilities,

construction and ongoing maintenance, facility improvements and related expenses of the Federal Law Enforcement Training Centers.

SCIENCE AND TECHNOLOGY DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, including the purchase or lease of not to exceed 5 vehicles, $384,107,000, of which $219,897,000 shall remain available until September 30, 2024: *Provided,* That not to exceed $10,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Science and Technology Directorate for procurement, construction, and improvements, $55,216,000, to remain available until September 30, 2027.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development, $461,218,000, to remain available until September 30, 2025.

COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

OPERATIONS AND SUPPORT

For necessary expenses of the Countering Weapons of Mass Destruction Office for operations and support, $151,970,000, of which $50,446,000 shall remain available until September 30, 2024: *Provided,* That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Countering Weapons of Mass Destruction Office for procurement, construction, and improvements, $75,204,000, to remain available until September 30, 2025.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Countering Weapons of Mass Destruction Office for research and development, $64,615,000, to remain available until September 30, 2025.

FEDERAL ASSISTANCE

For necessary expenses of the Countering Weapons of Mass Destruction Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, $139,183,000, to remain available until September 30, 2025.

ADMINISTRATIVE PROVISIONS

SEC. 401. (a) Notwithstanding any other provision of law, funds otherwise made available to U.S. Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease.

(b) The Director of U.S. Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

SEC. 402. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of U.S. Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

Biometrics.

SEC. 403. Notwithstanding any other provision of law, any Federal funds made available to U.S. Citizenship and Immigration Services may be used for the collection and use of biometrics taken at a U.S. Citizenship and Immigration Services Application Support Center that is overseen virtually by U.S. Citizenship and Immigration Services personnel using appropriate technology.

SEC. 404. The Director of the Federal Law Enforcement Training Centers is authorized to distribute funds to Federal law enforcement agencies for expenses incurred participating in training accreditation.

SEC. 405. The Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 406. (a) The Director of the Federal Law Enforcement Training Centers may accept transfers to its "Procurement, Construction, and Improvements" account from Government agencies requesting the construction of special use facilities, as authorized by the Economy Act (31 U.S.C. 1535(b)).

(b) The Federal Law Enforcement Training Centers shall maintain administrative control and ownership upon completion of such facilities.

SEC. 407. The functions of the Federal Law Enforcement Training Centers instructor staff shall be classified as inherently governmental for purposes of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

Notifications. Time periods.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2023, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

Contracts.

(2) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President's budget proposal for fiscal year 2023 for the Department of Homeland Security;

(3) augments funding for existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more; or

(5) results from any general savings from a reduction in personnel that would result in a change in funding levels for programs, projects, or activities as approved by the Congress.

(b) Subsection (a) shall not apply if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such reprogramming.

(c) Up to 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 30 days in advance of such transfer, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfer.

Termination date.

(d) Notwithstanding subsections (a), (b), and (c), no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

Applicability.

(e) The notification thresholds and procedures set forth in subsections (a), (b), (c), and (d) shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts that remain available for obligation in the current year.

(f) Notwithstanding subsection (c), the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall

notify the Committees on Appropriations of the Senate and the House of Representatives at least 5 days in advance of such transfer.

Applicability. 31 USC 501 note.

SEC. 504. (a) Section 504 of the Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115–31), related to the operations of a working capital fund, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

(b) Funds from such working capital fund may be obligated and expended in anticipation of reimbursements from components of the Department of Homeland Security.

Deadline.

SEC. 505. (a) Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2023, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2024, from appropriations for "Operations and Support" for fiscal year 2023 in this Act shall remain available through September 30, 2024, in the account and for the purposes for which the appropriations were provided.

Notification.

(b) Prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 503 of this Act.

SEC. 506. (a) Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2023 until the enactment of an Act authorizing intelligence activities for fiscal year 2023.

(b) Amounts described in subsection (a) made available for "Intelligence, Analysis, and Situational Awareness—Operations and Support" that exceed the amounts in such authorization for such account shall be transferred to and merged with amounts made available under the heading "Management Directorate—Operations and Support".

Briefing. Plan.

(c) Prior to the obligation of any funds transferred under subsection (b), the Management Directorate shall brief the Committees on Appropriations of the Senate and the House of Representatives on a plan for the use of such funds.

Notifications. Deadlines. Grants. Contracts. Public information.

SEC. 507. (a) The Secretary of Homeland Security, or the designee of the Secretary, shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of—

(1) making or awarding a grant allocation or grant in excess of $1,000,000;

(2) making or awarding a contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $4,000,000;

(3) awarding a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Department of Homeland Security funds;

(4) making a sole-source grant award; or

(5) announcing publicly the intention to make or award items under paragraph (1), (2), (3), or (4), including a contract covered by the Federal Acquisition Regulation.

Determination. Deadline.

(b) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human

life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(c) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

Contracts. Notification.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Centers' facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. No Federal funds may be available to pay the salary of any employee serving as a contracting officer's representative, or anyone acting in a similar capacity, who has not received contracting officer's representative training.

Applicability.

SEC. 511. Sections 522 and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 512. (a) None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act.

Definition.

(b) For purposes of subsection (a), the term "Buy American Act" means chapter 83 of title 41, United States Code.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452) unless explicitly authorized by the Congress.

National identification card.

SEC. 515. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

Delegation authority.

SEC. 516. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 517. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 518. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

Contracts.

SEC. 519. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

Pornography.

SEC. 520. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, territorial, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

Contracts.

SEC. 521. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

Firearms.

SEC. 522. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

Conference attendees. Determination. Notifications. Deadline.

SEC. 523. (a) None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination.

Definition.

(b) For purposes of this section the term "international conference" shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

(c) The total cost to the Department of Homeland Security of any such conference shall not exceed $500,000.

(d) Employees who attend a conference virtually without travel away from their permanent duty station within the United States shall not be counted for purposes of this section, and the prohibition contained in this section shall not apply to payments for the costs of attendance for such employees.

SEC. 524. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

Pay reform. Employment positions. Time periods. Notification.

SEC. 525. (a) None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for the implementation of any structural pay reform or the introduction of any new position classification that will affect more than 100 full-time positions or costs more than $5,000,000 in a single year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

(1) the number of full-time positions affected by such change;

(2) funding required for such change for the current fiscal year and through the Future Years Homeland Security Program;

(3) justification for such change; and

Analysis.

(4) for a structural pay reform, an analysis of compensation alternatives to such change that were considered by the Department.

(b) Subsection (a) shall not apply to such change if—

(1) it was proposed in the President's budget proposal for the fiscal year funded by this Act; and

(2) funds for such change have not been explicitly denied or restricted in this Act.

Web posting. Public information. Reports. Determination.

SEC. 526. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the Committees on Appropriations of the Senate and the House of Representatives for not less than 45 days except as otherwise specified in law.

SEC. 527. (a) Funding provided in this Act for "Operations and Support" may be used for minor procurement, construction, and improvements.

(b) For purposes of subsection (a), "minor" refers to end items with a unit cost of $250,000 or less for personal property, and $2,000,000 or less for real property.

Continuation.

SEC. 528. The authority provided by section 532 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141) regarding primary and secondary schooling of dependents shall continue in effect during fiscal year 2023.

Aliens. Congress.

SEC. 529. (a) None of the funds appropriated or otherwise made available to the Department of Homeland Security by this Act may be used to prevent any of the following persons from entering, for the purpose of conducting oversight, any facility operated by or for the Department of Homeland Security used to detain or otherwise house aliens, or to make any temporary modification at any such facility that in any way alters what is observed by

a visiting Member of Congress or such designated employee, compared to what would be observed in the absence of such modification:

(1) A Member of Congress.

(2) An employee of the United States House of Representatives or the United States Senate designated by such a Member for the purposes of this section.

(b) Nothing in this section may be construed to require a Member of Congress to provide prior notice of the intent to enter a facility described in subsection (a) for the purpose of conducting oversight.

Time period.

(c) With respect to individuals described in subsection (a)(2), the Department of Homeland Security may require that a request be made at least 24 hours in advance of an intent to enter a facility described in subsection (a).

SEC. 530. (a) For an additional amount for "Federal Emergency Management Agency—Federal Assistance", $3,000,000, to remain available until September 30, 2024, exclusively for providing reimbursement of extraordinary law enforcement or other emergency personnel costs for protection activities directly and demonstrably associated with any residence of the President that is designated or identified to be secured by the United States Secret Service.

Applicability.

(b) Subsections (b) through (f) of section 534 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141), shall be applied with respect to amounts made available by subsection (a) of this section by substituting "October 1, 2023" for "October 1, 2018" and "October 1, 2022" for "October 1, 2017".

Pregnant women. Determinations.

SEC. 531. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used to place restraints on a woman in the custody of the Department of Homeland Security (including during transport, in a detention facility, or at an outside medical facility) who is pregnant or in post-delivery recuperation.

(b) Subsection (a) shall not apply with respect to a pregnant woman if—

(1) an appropriate official of the Department of Homeland Security makes an individualized determination that the woman—

(A) is a serious flight risk, and such risk cannot be prevented by other means; or

(B) poses an immediate and serious threat to harm herself or others that cannot be prevented by other means; or

(2) a medical professional responsible for the care of the pregnant woman determines that the use of therapeutic restraints is appropriate for the medical safety of the woman.

(c) If a pregnant woman is restrained pursuant to subsection (b), only the safest and least restrictive restraints, as determined by the appropriate medical professional treating the woman, may be used. In no case may restraints be used on a woman who is in active labor or delivery, and in no case may a pregnant woman be restrained in a face-down position with four-point restraints, on her back, or in a restraint belt that constricts the area of the pregnancy. A pregnant woman who is immobilized by restraints shall be positioned, to the maximum extent feasible, on her left side.

Records.

SEC. 532. (a) None of the funds made available by this Act may be used to destroy any document, recording, or other record pertaining to any—

(1) death of,

(2) potential sexual assault or abuse perpetrated against, or

(3) allegation of abuse, criminal activity, or disruption committed by

an individual held in the custody of the Department of Homeland Security.

(b) The records referred to in subsection (a) shall be made available, in accordance with applicable laws and regulations, and Federal rules governing disclosure in litigation, to an individual who has been charged with a crime, been placed into segregation, or otherwise punished as a result of an allegation described in paragraph (3), upon the request of such individual.

Applicability.

SEC. 533. Section 519 of division F of Public Law 114–113, regarding a prohibition on funding for any position designated as a Principal Federal Official, shall apply with respect to any Federal funds in the same manner as such section applied to funds made available in that Act.

Reports.

SEC. 534. (a) Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Under Secretary for Management of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the unfunded priorities, for the Department of Homeland Security and separately for each departmental component, for which discretionary funding would be classified as budget function 050.

(b) Each report under this section shall specify, for each such unfunded priority—

Summary.

(1) a summary description, including the objectives to be achieved if such priority is funded (whether in whole or in part);

(2) the description, including the objectives to be achieved if such priority is funded (whether in whole or in part);

(3) account information, including the following (as applicable):

(A) appropriation account; and

(B) program, project, or activity name; and

(4) the additional number of full-time or part-time positions to be funded as part of such priority.

Definition.

(c) In this section, the term "unfunded priority", in the case of a fiscal year, means a requirement that—

(1) is not funded in the budget referred to in subsection (a);

(2) is necessary to fulfill a requirement associated with an operational or contingency plan for the Department; and

(3) would have been recommended for funding through the budget referred to in subsection (a) if—

(A) additional resources had been available for the budget to fund the requirement;

(B) the requirement has emerged since the budget was formulated; or

(C) the requirement is necessary to sustain prior-year investments.

SEC. 535. (a) Not later than 10 days after a determination is made by the President to evaluate and initiate protection under any authority for a former or retired Government official or employee, or for an individual who, during the duration of the directed protection, will become a former or retired Government official or employee (referred to in this section as a "covered individual"), the Secretary of Homeland Security shall submit a notification to congressional leadership and the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives (referred to in this section as the "appropriate congressional committees").

Deadlines. Determination. President. Evaluation. Notifications. Threat assessments.

(b) Such notification may be submitted in classified form, if necessary, and in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, as appropriate, and shall include the threat assessment, scope of the protection, and the anticipated cost and duration of such protection.

(c) Not later than 15 days before extending, or 30 days before terminating, protection for a covered individual, the Secretary of Homeland Security shall submit a notification regarding the extension or termination and any change to the threat assessment to the congressional leadership and the appropriate congressional committees.

(d) Not later than 45 days after the date of enactment of this Act, and quarterly thereafter, the Secretary shall submit a report to the congressional leadership and the appropriate congressional committees, which may be submitted in classified form, if necessary, detailing each covered individual, and the scope and associated cost of protection.

Reports.

SEC. 536. (a) None of the funds provided to the Department of Homeland Security in this or any prior Act may be used by an agency to submit an initial project proposal to the Technology Modernization Fund (as authorized by section 1078 of subtitle G of title X of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91)) unless, concurrent with the submission of an initial project proposal to the Technology Modernization Board, the head of the agency—

Project proposal.

(1) notifies the Committees on Appropriations of the Senate and the House of Representatives of the proposed submission of the project proposal;

Notifications.

(2) submits to the Committees on Appropriations a copy of the project proposal; and

Records.

(3) provides a detailed analysis of how the proposed project funding would supplement or supplant funding requested as part of the Department's most recent budget submission.

Analysis.

(b) None of the funds provided to the Department of Homeland Security by the Technology Modernization Fund shall be available for obligation until 15 days after a report on such funds has been transmitted to the Committees on Appropriations of the Senate and the House of Representatives.

Time period. Reports.

(c) The report described in subsection (b) shall include—

(1) the full project proposal submitted to and approved by the Fund's Technology Modernization Board;

Contracts.

(2) the finalized interagency agreement between the Department and the Fund including the project's deliverables and repayment terms, as applicable;

Analysis.

(3) a detailed analysis of how the project will supplement or supplant existing funding available to the Department for similar activities;

Repayment plan.

(4) a plan for how the Department will repay the Fund, including specific planned funding sources, as applicable; and

(5) other information as determined by the Secretary.

Deadline.
Budget.

SEC. 537. Within 60 days of any budget submission for the Department of Homeland Security for fiscal year 2024 that assumes revenues or proposes a reduction from the previous year based on user fees proposals that have not been enacted into law prior to the submission of the budget, the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives specific reductions in proposed discretionary budget authority commensurate with the revenues assumed in such proposals in the event that they are not enacted prior to October 1, 2023.

Treaty resolution.

SEC. 538. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

Contracts.
Memorandums.
Grants.
Loans.

SEC. 539. No Federal funds made available to the Department of Homeland Security may be used to enter into a procurement contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or guarantee to, any entity identified under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) or any subsidiary of such entity.

SEC. 540. Section 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135) is amended—

(1) in subsection (d)—

(A) in paragraph (2)—

(i) by striking subparagraph (C);

(ii) at the end of subparagraph (A), by adding "and"; and

(iii) at the end of subparagraph (B), by striking "; and" and inserting a period;

(B) in paragraph (3)(D), by striking "local governments, insular areas, and Indian tribal governments" and inserting "local governments and Tribal governments"; and

(C) by striking paragraph (4); and

(2) in subsection (m)—

(A) by striking paragraph (3) and inserting the following:

Definition.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or an Indian tribal government that has received a major disaster declaration pursuant to section 401.";

(B) by striking paragraphs (5) and (10);

(C) by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively; and

(D) by redesignating paragraph (11) as paragraph (9).

SEC. 541. For an additional amount for "Federal Emergency Management Agency—Federal Assistance", $3,000,000, to remain available until September 30, 2024, for an Emergency Operations Center grant under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c), in addition

to amounts otherwise available, for the project identified as the "Vermilion Safe Room" in the table entitled "Homeland Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" under the heading "Federal Emergency Management Agency—Federal Assistance" in the explanatory statement described in section 4 in the matter preceding division A of Public Law 117–103.

SEC. 542. The contents in the "Senate" sub column of the "Requestor(s)" column for the project identified as the "Emergency Operations Center" for the recipient "Baker County Sheriff's Office" in the table entitled "Community Project Funding/Congressionally Directed Spending" under the heading "Disclosure of Earmarks and Congressionally Directed Spending Items" in the explanatory statement described in section 4 in the matter preceding division A of Public Law 117–103 are deemed to be amended by striking "Wyden" and inserting "Merkley, Wyden".

Applicability. 6 USC 320 note.

SEC. 543. Subsection (c) of section 16005 of title VI of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) shall be applied as if the language read as follows: "Subsection (a) shall apply until September 30, 2023.".

Khalid Sheikh Mohammed. Detainees.

SEC. 544. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

Cuba.

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

Time period. Effective date. Estimates.

SEC. 545. (a) The Secretary of Homeland Security (in this section referred to as the "Secretary") shall, on a bimonthly basis beginning immediately after the date of enactment of this Act, develop estimates of the number of noncitizens anticipated to arrive at the southwest border of the United States.

(b) The Secretary shall ensure that, at a minimum, the estimates developed pursuant to subsection (a)—

(1) cover the current fiscal year and the following fiscal year;

(2) include a breakout by demographics, to include single adults, family units, and unaccompanied children;

Verification. Review.

(3) undergo an independent validation and verification review;

(4) are used to inform policy planning and budgeting processes within the Department of Homeland Security; and

(5) are included in the budget materials submitted to Congress in support of the President's annual budget request pursuant to section 1105 of title 31, United States Code, for each fiscal year beginning after the date of enactment of this Act and, for such budget materials shall include—

(A) the most recent bimonthly estimates developed pursuant to subsection (a);

(B) a description and quantification of the estimates used to justify funding requests for Department programs related to border security, immigration enforcement, and immigration services;

(C) a description and quantification of the anticipated workload and requirements resulting from such estimates; and

(D) a confirmation as to whether the budget requests for impacted agencies were developed using the same estimates.

(c) The Secretary shall share the bimonthly estimates developed pursuant to subsection (a) with the Secretary of Health and Human Services, the Attorney General, the Secretary of State, and the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 546. (a) For an additional amount for the accounts, in the amounts, and for the purposes specified, in addition to amounts otherwise made available for such purposes—

(1) "U.S. Customs and Border Protection—Operations and Support", $1,563,143,000 for border management requirements of the U.S. Customs and Border Protection; and

(2) "U.S. Immigration and Customs Enforcement—Operations and Support", $339,658,000 for non-detention border management requirements.

(b) None of the funds provided in subsection (a)(1) shall be used—

(1) to hire permanent Federal employees;

(2) for any flight hours other than those flown by U.S. Customs and Border Protection, Air and Marine Operations, except for internal transportation of noncitizens; or

(3) to acquire, maintain, or extend border security technology and capabilities, except for technology and capabilities to improve Border Patrol processing.

Deadline. Expenditure plan.

(c) Not later than 45 days after the date of enactment of this Act, the Under Secretary for Management shall provide an expenditure plan for the use of the funds made available in subsection (a).

Updates. Time period.

(d) The plan required in subsection (c) shall be updated to reflect changes and expenditures and submitted to the Committees on Appropriations of the Senate and the House of Representatives every 60 days until all funds are expended or expired.

Applicability. 6 USC 124n note.

SEC. 547. Section 210G(i) of the Homeland Security Act of 2002 (6 U.S.C. 124n(i)) shall be applied by substituting "September 30, 2023" for "the date that is 4 years after the date of enactment of this section".

(RESCISSIONS OF FUNDS)

SEC. 548. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided,* That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985:

(1) $139,928,000 from the unobligated balances available under the heading "U.S. Customs and Border Protection—Procurement, Construction, and Improvements".

(2) $12,207 from the unobligated balances available in the "Transportation Security Administration—Transportation Security Support" account (70 X 0554).

(3) $32,750,000 from the unobligated balances available in the "U.S. Citizenship and Immigration Services—Operations and Support" account (70 22/23 0300).

(4) $187,278 from the unobligated balances available in the "U.S. Citizenship and Immigration Services—Operations and Support" account (70 X 0300).

(5) $65,165 from the unobligated balances available in the "Federal Emergency Management Agency—State and Local Programs" account (70 X 0560).

(6) $50,880 from the unobligated balances available in the "Information Analysis and Infrastructure Protection—Operating Expenses" account (70 X 0900).

(7) $113,000,000 from the unobligated balances available under the heading "Management Directorate—Procurement, Construction, and Improvements".

(8) $42,730,000 from Public Law 116–93 under the heading "Coast Guard—Procurement, Construction, and Improvements".

(9) $19,000,000 from Public Law 116-6 under the heading "Coast Guard—Procurement, Construction, and Improvements".

SEC. 549. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of the Department of Homeland Security Appropriations Act, 2022 (Public Law 117–103) are rescinded:

(1) $23,858,130 from "Office of the Secretary and Executive Management—Operations and Support".

(2) $604,580 from "Management Directorate—Operations and Support".

(3) $636,170 from "Intelligence, Analysis, and Operations Coordination—Operations and Support".

(4) $338,830 from "U.S. Customs and Border Protection—Operations and Support".

(5) $8,972,900 from "U.S. Immigration and Customs Enforcement—Operations and Support".

(6) $6,332,670 from "United States Secret Service—Operations and Support".

(7) $1,250,420 from "Cybersecurity and Infrastructure Security Agency—Operations and Support".

(8) $10,899 from "Federal Emergency Management Agency—Operations and Support".

(9) $3,208,190 from "U.S. Citizenship and Immigration Services—Operations and Support".

(10) $459,790 from "Federal Law Enforcement Training Centers—Operations and Support".

(11) $141,630 from "Science and Technology Directorate—Operations and Support".

(12) $350,450 from "Countering Weapons of Mass Destruction Office—Operations and Support".

This division may be cited as the "Department of Homeland Security Appropriations Act, 2023".

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023.

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96–487 (16 U.S.C. 3150(a)), $1,368,969,000, to remain available until September 30, 2024; of which $76,187,000 for annual maintenance and deferred maintenance programs and $147,888,000 for the wild horse and burro program, as authorized by Public Law 92–195 (16 U.S.C. 1331 et seq.), shall remain available until expended: *Provided,* That amounts in the fee account of the BLM Permit Processing Improvement Fund may be used for any bureau-related expenses associated with the processing of oil and gas applications for permits to drill and related use of authorizations: *Provided further,* That of the amounts made available under this heading, up to $3,500,000 may be made available for the purposes described in section 122(e)(1)(A) of division G of Public Law 115–21 (43 U.S.C. 1748c(e)(1)(A)): *Provided further,* That of the amounts made available under this heading, $3,500,000 is for projects specified for Land Management Priorities in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Drilling permits.

In addition, $39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2023, so as to result in a final appropriation estimated at not more than $1,368,969,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

Reduction.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of

lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $120,334,000, to remain available until expended: *Provided,* That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 2605).

Transfer authority.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315b, 315m) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579 (43 U.S.C. 1701 et seq.), and under section 28 of the Mineral Leasing Act (30 U.S.C. 185), to remain available until expended: *Provided,* That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary of the Interior to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further,* That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

43 USC 1735 note.

43 USC 1735 note.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of Public Law 94–579 (43 U.S.C.

1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements, and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided,* That notwithstanding Public Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further,* That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis.

Contracts. Determination.

Reimbursements.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, $1,555,684,000, to remain available until September 30, 2024: *Provided,* That not to exceed $23,398,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii) of such section): *Provided further,* That of the amount appropriated under this heading, $25,641,000, to remain available until September 30, 2025, shall be for projects specified for Stewardship Priorities in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That amounts in the preceding proviso may be transferred to the appropriate program, project, or activity under this heading

and shall continue to only be available for the purposes and in such amounts as such funds were originally appropriated.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; $29,904,000, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535), $24,564,000, to remain available until expended, to be derived from the Cooperative Endangered Species Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $13,228,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), $50,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), $5,100,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), $21,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $73,812,000, to remain available until expended: *Provided,* That of the amount provided herein, $6,200,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further,* That $7,612,000 is for a competitive grant program to implement approved plans for

States, territories, and other jurisdictions and at the discretion of affected States, the regional Associations of fish and wildlife agencies, not subject to the remaining provisions of this appropriation: *Provided further,* That the Secretary shall, after deducting $13,812,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further,* That the Secretary of the Interior shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further,* That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further,* That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: *Provided further,* That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further,* That any amount apportioned in 2023 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2024, shall be reapportioned, together with funds appropriated in 2025, in the manner provided herein.

Apportionment. District of Columbia. Territories.

Apportionment.

Adjustment.

Reapportionment.

ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed one dollar for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided,* That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further,* That the Service may

Contracts. Grants.

Contracts. Determination.

Donations.

accept donated aircraft as replacements for existing aircraft: *Provided further,* That notwithstanding 31 U.S.C. 3302, all fees collected for non-toxic shot review and approval shall be deposited under the heading "United States Fish and Wildlife Service—Resource Management" and shall be available to the Secretary, without further appropriation, to be used for expenses of processing of such non-toxic shot type or coating applications and revising regulations as necessary, and shall remain available until expended: *Provided further,* That the second proviso under the heading "United States Fish and Wildlife Service—Resource Management" in title I of division E of Public Law 112–74 (16 U.S.C. 742l–1) is amended by striking "2012" and inserting "2023" and striking "$400,000" and inserting "$750,000".

Fees.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, $2,923,424,000, of which $11,661,000 for planning and interagency coordination in support of Everglades restoration and $135,980,000 for maintenance, repair, or rehabilitation projects for constructed assets and $188,184,000 for cyclic maintenance projects for constructed assets and cultural resources and $10,000,000 for uses authorized by section 101122 of title 54, United States Code shall remain available until September 30, 2024: *Provided,* That funds appropriated under this heading in this Act are available for the purposes of section 5 of Public Law 95–348: *Provided further,* That notwithstanding section 9 of the 400 Years of African-American History Commission Act (36 U.S.C. note prec. 101; Public Law 115–102), $3,300,000 of the funds provided under this heading shall be made available for the purposes specified by that Act: *Provided further,* That sections (7)(b) and (8) of that Act shall be amended by striking "July 1, 2023" and inserting "July 1, 2024".

36 USC note prec. 101.

In addition, for purposes described in section 2404 of Public Law 116–9, an amount equal to the amount deposited in this fiscal year into the National Park Medical Services Fund established pursuant to such section of such Act, to remain available until expended, shall be derived from such Fund.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $92,512,000, to remain available until September 30, 2024, of which $2,919,000 shall be for projects specified for Statutory and Contractual Aid in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (division A of subtitle III of title 54, United States Code), $204,515,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2024, of which $26,500,000 shall be for Save America's Treasures grants for preservation of nationally significant sites, structures and artifacts as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 3089): *Provided,* That an individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further,* That individual projects shall only be eligible for one grant: *Provided further,* That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further,* That of the funds provided for the Historic Preservation Fund, $1,250,000 is for competitive grants for the survey and nomination of properties to the National Register of Historic Places and as National Historic Landmarks associated with communities currently under-represented, as determined by the Secretary; $29,000,000 is for competitive grants to preserve the sites and stories of the Civil Rights movement; $11,000,000 is for grants to Historically Black Colleges and Universities; $12,500,000 is for competitive grants for the restoration of historic properties of national, State, and local significance listed on or eligible for inclusion on the National Register of Historic Places, to be made without imposing the usage or direct grant restrictions of section 101(e)(3) (54 U.S.C. 302904) of the National Historical Preservation Act; $10,000,000 is for a competitive grant program to honor the semiquincentennial anniversary of the United States by restoring and preserving sites and structures listed on the National Register of Historic Places that commemorate the founding of the nation; and $29,115,000 is for projects specified for the Historic Preservation Fund in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That such competitive grants shall be made without imposing the matching requirements in section 302902(b)(3) of title 54, United States Code to States and Indian tribes as defined in chapter 3003 of such title, Native Hawaiian organizations, local governments, including Certified Local Governments, and non-profit organizations.

Grants.

Approval.

Determination.

CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, and related equipment, and compliance and planning for programs and areas administered by the National Park Service, $239,803,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, for any project initially funded in fiscal year 2023 with a future phase indicated in the National Park Service 5–Year Line Item Construction Plan, a single procurement may be issued which includes the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause availability of funds found at 48 CFR 52.232–18: *Provided further,* That National Park Service Donations, Park

Contracts.

Concessions Franchise Fees, and Recreation Fees may be made available for the cost of adjustments and changes within the original scope of effort for projects funded by the National Park Service Construction appropriation: *Provided further,* That the Secretary of the Interior shall consult with the Committees on Appropriations, in accordance with current reprogramming thresholds, prior to making any charges authorized by this section.

Consultation.

CENTENNIAL CHALLENGE

For expenses necessary to carry out the provisions of section 101701 of title 54, United States Code, relating to challenge cost share agreements, $15,000,000, to remain available until expended, for Centennial Challenge projects and programs: *Provided,* That not less than 50 percent of the total cost of each project or program shall be derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 101917(c)(2) of title 54, United States Code, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

Fees.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 203. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify

lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(a)(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,497,178,000, to remain available until September 30, 2024; of which $92,184,000 shall remain available until expended for satellite operations; and of which $74,840,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: *Provided,* That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities: *Provided further,* That of the amount appropriated under this heading, $2,130,000 shall be for projects specified for Special Initiatives in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That amounts in the preceding proviso may be transferred to the appropriate program, project, or activity under this heading and shall continue to only be available for the purposes and in such amounts as such funds were originally appropriated.

43 USC 50.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations, observation wells, and seismic equipment; expenses of the United States National Committee for Geological Sciences; and payment of compensation and expenses of persons employed by the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: *Provided further,* That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 6101, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

Contracts.
Grants.

Contracts.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

For expenses necessary for granting and administering leases, easements, rights-of-way, and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $219,960,000, of which $182,960,000 is to remain available until September 30, 2024, and of which $37,000,000 is to remain available until expended: *Provided,* That this total appropriation shall be reduced by amounts collected by the Secretary of the Interior and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further,* That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2023 appropriation estimated at not more than $182,960,000: *Provided further,* That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

Reduction.

Reduction.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way, and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $175,886,000, of which $153,886,000 is to remain available until September 30, 2024, and of which $22,000,000 is to remain available until expended, including $3,000,000 for offshore decommissioning activities: *Provided,* That this total appropriation shall be reduced by amounts collected by the Secretary of the Interior and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further,* That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2023 appropriation estimated at not more than $156,886,000.

Reduction.

Reduction.

For an additional amount, $38,000,000, to remain available until expended, to be reduced by amounts collected by the Secretary and credited to this appropriation, which shall be derived from

Reduction.

non-refundable inspection fees collected in fiscal year 2023, as provided in this Act: *Provided,* That to the extent that amounts realized from such inspection fees exceed $38,000,000, the amounts realized in excess of $38,000,000 shall be credited to this appropriation and remain available until expended: *Provided further,* That for fiscal year 2023, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016; title IV, sections 4202 and 4303; title VII; and title VIII, section 8201 of the Oil Pollution Act of 1990, $15,099,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $121,026,000, to remain available until September 30, 2024, of which $65,000,000 shall be available for State and tribal regulatory grants: *Provided,* That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

30 USC 1211 note.

In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257), $40,000, to remain available until expended: *Provided,* That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary offsetting collections, to remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year 2023 appropriation estimated at not more than $121,026,000.

30 USC 1257 note.

Reduction.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $33,904,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided,* That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental

Debt collection. Contracts.

restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further,* That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further,* That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, $135,000,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further,* That of such additional amount, $88,042,000 shall be distributed in equal amounts to the three Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, $35,218,000 shall be distributed in equal amounts to the three Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and $11,740,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) and shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977: *Provided further,* That such additional amount shall be allocated to States and Indian Tribes within 60 days after the date of enactment of this Act.

Allocations. State and local governments. Native Americans. Deadline.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13) and the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), $1,906,998,000, to remain available until September 30, 2024, except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $78,494,000 shall be for welfare assistance payments: *Provided,* That in cases of designated Federal disasters, the Secretary of the Interior may exceed such cap for welfare payments from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster: *Provided further,* That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority

allocations for unmet welfare assistance costs: *Provided further,* That not to exceed $63,586,000 shall remain available until expended for housing improvement, road maintenance, land acquisition, attorney fees, litigation support, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further,* That of the amount appropriated under this heading, $4,240,000 shall be for projects specified for Special Initiatives (CDS) in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2024, may be transferred during fiscal year 2025 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further,* That any such unobligated balances not so transferred shall expire on September 30, 2025: *Provided further,* That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel: *Provided further,* That the Bureau of Indian Affairs may accept transfers of funds from United States Customs and Border Protection to supplement any other funding available for reconstruction or repair of roads owned by the Bureau of Indian Affairs as identified on the National Tribal Transportation Facility Inventory, 23 U.S.C. 202(b)(1).

Expiration date.

INDIAN LAND CONSOLIDATION

For the acquisition of fractional interests to further land consolidation as authorized under the Indian Land Consolidation Act Amendments of 2000 (Public Law 106–462), and the American Indian Probate Reform Act of 2004 (Public Law 108–374), $8,000,000, to remain available until expended: *Provided,* That any provision of the Indian Land Consolidation Act Amendments of 2000 (Public Law 106–462) that requires or otherwise relates to application of a lien shall not apply to the acquisitions funded herein.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs and the Bureau of Indian Education for fiscal year 2023, such sums as may be necessary, which shall be available for obligation through September 30, 2024: *Provided,* That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

PAYMENTS FOR TRIBAL LEASES

For payments to tribes and tribal organizations for leases pursuant to section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324(l)) for fiscal year 2023, such sums as may be necessary, which shall be available for obligation through September 30, 2024: *Provided,* That notwithstanding

any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483; $153,309,000, to remain available until expended: *Provided,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further,* That any funds provided for the Safety of Dams program pursuant to the Act of November 2, 1921 (25 U.S.C. 13), shall be made available on a nonreimbursable basis: *Provided further,* That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation: *Provided further,* That of the funds made available under this heading, $10,000,000 shall be derived from the Indian Irrigation Fund established by section 3211 of the WIIN Act (Public Law 114–322; 130 Stat. 1749): *Provided further,* That amounts provided under this heading are made available for the modernization of Federal field communication capabilities, in addition to amounts otherwise made available for such purpose.

Reimbursement.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 114–322, and 116–260, and for implementation of other land and water rights settlements, $825,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $13,884,000, to remain available until September 30, 2024, of which $2,680,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $150,213,551.

BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN EDUCATION PROGRAMS

For expenses necessary for the operation of Indian education programs, as authorized by law, including the Snyder Act of

November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), $1,133,552,000 to remain available until September 30, 2024, except as otherwise provided herein: *Provided,* That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further,* That not to exceed $833,592,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2023, and shall remain available until September 30, 2024: *Provided further,* That notwithstanding any other provision of law, including but not limited to the Indian Self–Determination Act of 1975 (25 U.S.C. 5301 et seq.) and section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008), not to exceed $95,822,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with grants approved prior to July 1, 2023: *Provided further,* That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

EDUCATION CONSTRUCTION

For construction, repair, improvement, and maintenance of buildings, utilities, and other facilities necessary for the operation of Indian education programs, including architectural and engineering services by contract; acquisition of lands, and interests in lands; $267,887,000 to remain available until expended: *Provided,* That in order to ensure timely completion of construction projects, the Secretary of the Interior may assume control of a project and all funds related to the project, if, not later than 18 months after the date of the enactment of this Act, any Public Law 100–297 (25 U.S.C. 2501, et seq.) grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction.

Deadline.

ADMINISTRATIVE PROVISIONS

Contracts.
Grants.

The Bureau of Indian Affairs and the Bureau of Indian Education may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Contracts.

Notwithstanding Public Law 87–279 (25 U.S.C. 15), the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs or the Bureau of Indian Education for central office oversight and Executive Direction and Administrative Services (except Executive Direction and Administrative Services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs or the Bureau of Indian Education under the

provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs or the Bureau of Indian Education, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Alaska.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Waiver authority. Determination.

No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school system as of October 1, 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education, or more than one grade to expand the elementary grade structure for Bureau-funded schools with a K–2 grade structure on October 1, 1996. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau's funding formula, only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Charter schools. Reimbursement.

Continuation.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

Waiver authority. Compliance.

Funds available under this Act may not be used to establish satellite locations of schools in the Bureau school system as of September 1, 1996, except that the Secretary may waive this prohibition in order for an Indian tribe to provide language and

cultural immersion educational programs for non-public schools located within the jurisdictional area of the tribal government which exclusively serve tribal members, do not include grades beyond those currently served at the existing Bureau-funded school, provide an educational environment with educator presence and academic facilities comparable to the Bureau-funded school, comply with all applicable Tribal, Federal, or State health and safety standards, and the Americans with Disabilities Act, and demonstrate the benefits of establishing operations at a satellite location in lieu of incurring extraordinary costs, such as for transportation or other impacts to students such as those caused by busing students extended distances: *Provided,* That no funds available under this Act may be used to fund operations, maintenance, rehabilitation, construction, or other facilities-related costs for such assets that are not owned by the Bureau: *Provided further,* That the term "satellite school" means a school location physically separated from the existing Bureau school by more than 50 miles but that forms part of the existing school in all other respects.

Definition.

Funds made available for Tribal Priority Allocations within Operation of Indian Programs and Operation of Indian Education Programs may be used to execute requested adjustments in tribal priority allocations initiated by an Indian Tribe.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $111,272,000, to remain available until expended, of which not to exceed $17,867,000 from this or any other Act, may be available for historical accounting: *Provided,* That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" and Bureau of Indian Education, "Operation of Indian Education Programs" accounts; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Departmental Operations" account: *Provided further,* That funds made available through contracts or grants obligated during fiscal year 2023, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee: *Provided further,* That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of $15 or less: *Provided further,* That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further,* That not to exceed $100,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further,* That erroneous payments that are recovered shall be credited to and remain available in this account for this

Time period.

Statement.
Records.

purpose: *Provided further,* That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than $500 unless the Office of the Special Trustee receives proof of ownership from a Special Deposit Accounts claimant: *Provided further,* That notwithstanding section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103–412) or any other provision of law, the Secretary may aggregate the trust accounts of individuals whose whereabouts are unknown for a continuous period of at least 5 years and shall not be required to generate periodic statements of performance for the individual accounts: *Provided further,* That with respect to the preceding proviso, the Secretary shall continue to maintain sufficient records to determine the balance of the individual accounts, including any accrued interest and income, and such funds shall remain available to the individual account holders.

Time period.

Records.
Determination.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for management of the Department of the Interior and for grants and cooperative agreements, as authorized by law, $135,884,000, to remain available until September 30, 2024; of which not to exceed $15,000 may be for official reception and representation expenses; of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which $14,295,000 for Indian land, mineral, and resource valuation activities shall remain available until expended: *Provided,* That funds for Indian land, mineral, and resource valuation activities may, as needed, be transferred to and merged with the Bureau of Indian Affairs "Operation of Indian Programs" and Bureau of Indian Education "Operation of Indian Education Programs" accounts and the Office of the Special Trustee "Federal Trust Programs" account: *Provided further,* That funds made available through contracts or grants obligated during fiscal year 2023, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee.

ADMINISTRATIVE PROVISIONS

For fiscal year 2023, up to $400,000 of the payments authorized by chapter 69 of title 31, United States Code, may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided,* That the amounts provided under this Act specifically for the Payments in Lieu of Taxes program are the only amounts available for payments authorized under chapter 69 of title 31, United States Code: *Provided further,* That in the event the sums appropriated for any fiscal year for payments pursuant to this chapter are insufficient to make the full payments authorized by that chapter to all units of local government, then the payment to each local government shall be made proportionally: *Provided further,* That the Secretary may make adjustments to payment

31 USC 6903 note.

to individual units of local government to correct for prior overpayments or underpayments: *Provided further,* That no payment shall be made pursuant to that chapter to otherwise eligible units of local government if the computed amount of the payment is less than $100.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, $120,357,000, of which: (1) $110,140,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, coral reef initiative and natural resources activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands, as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands, as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $10,217,000 shall be available until September 30, 2024, for salaries and expenses of the Office of Insular Affairs: *Provided,* That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further,* That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further,* That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further,* That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non–Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

Audits.
48 USC 1469b.

Determination.

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $8,463,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188: *Provided,* That of the funds appropriated under this heading, $5,000,000 is for deposit into the Compact

Trust Fund of the Republic of the Marshall Islands as compensation authorized by Public Law 108–188 for adverse financial and economic impacts.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Guam. Loans.

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further,* That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $101,050,000, to remain available until September 30, 2024.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $67,000,000, to remain available until September 30, 2024.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, fire suppression operations, fire science and research, emergency rehabilitation, fuels management activities, and rural fire assistance by the Department of the Interior, $663,786,000, to remain available until expended, of which not to exceed $10,000,000 shall be for the renovation or construction of fire facilities: *Provided,* That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further,* That of the funds provided $247,000,000

is for fuels management activities: *Provided further,* That of the funds provided $20,470,000 is for burned area rehabilitation: *Provided further,* That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further,* That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further,* That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for fuels management activities, and for training and monitoring associated with such fuels management activities on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further,* That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further,* That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of fuels management activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or microbusinesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further,* That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further,* That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further,* That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further,* That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000 between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further,* That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further,* That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State,

Contracts.
Grants.

Guidance.

Reimbursement.

Contracts.
Real property.
State and local governments.

shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

In addition to the amounts provided under the heading "Department of the Interior—Department-Wide Programs—Wildland Fire Management" for wildfire suppression operations, $340,000,000, to remain available until transferred, is additional new budget authority as specified for purposes of section 4004(b)(5) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(g) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022: *Provided,* That such amounts may be transferred to and merged with amounts made available under the headings "Department of Agriculture—Forest Service—Wildland Fire Management" and "Department of the Interior—Department-Wide Programs—Wildland Fire Management" for wildfire suppression operations in the fiscal year in which such amounts are transferred: *Provided further,* That amounts may be transferred to the "Wildland Fire Management" accounts in the Department of Agriculture or the Department of the Interior only upon the notification of the House and Senate Committees on Appropriations that all wildfire suppression operations funds appropriated under that heading in this and prior appropriations Acts to the agency to which the funds will be transferred will be obligated within 30 days: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided by law: *Provided further,* That, in determining whether all wildfire suppression operations funds appropriated under the heading "Wildland Fire Management" in this and prior appropriations Acts to either the Department of Agriculture or the Department of the Interior will be obligated within 30 days pursuant to the preceding proviso, any funds transferred or permitted to be transferred pursuant to any other transfer authority provided by law shall be excluded.

Notification. Deadline.

Determination. Deadline.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), $10,064,000, to remain available until expended.

ENERGY COMMUNITY REVITALIZATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of the Interior to inventory, assess, decommission, reclaim, respond to hazardous substance releases, remediate lands pursuant to section 40704 of Public Law 117–58 (30 U.S.C. 1245), and carry out the purposes of section

349 of the Energy Policy Act of 2005 (42 U.S.C. 15907), as amended, $5,000,000, to remain available until expended: *Provided,* That such amount shall be in addition to amounts otherwise available for such purposes: *Provided further,* That amounts appropriated under this heading are available for program management and oversight of these activities: *Provided further,* That the Secretary may transfer the funds provided under this heading in this Act to any other account in the Department to carry out such purposes, and may expend such funds directly, or through grants: *Provided further,* That these amounts are not available to fulfill Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) obligations agreed to in settlement or imposed by a court, whether for payment of funds or for work to be performed.

Grants.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and 54 U.S.C. 100721 et seq., $8,037,000, to remain available until expended.

WORKING CAPITAL FUND

For the operation and maintenance of a departmental financial and business management system, data management, information technology improvements of general benefit to the Department, cybersecurity, and the consolidation of facilities and operations throughout the Department, $112,198,000, to remain available until expended: *Provided,* That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That the Secretary of the Interior may assess reasonable charges to State, local, and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: *Provided further,* That the Secretary may lease or otherwise provide space and related facilities, equipment, or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further,* That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: *Provided further,* That the Secretary may enter into grants and cooperative agreements to support the Office of Natural

Advance approvals.

Contracts.
State and local governments.
Tribal governments.

Grants.
Contracts.

Resource Revenue's collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, aircraft which may be obtained by donation, purchase, or through available excess surplus property: *Provided,* That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

OFFICE OF NATURAL RESOURCES REVENUE

For necessary expenses for management of the collection and disbursement of royalties, fees, and other mineral revenue proceeds, and for grants and cooperative agreements, as authorized by law, $174,934,000, to remain available until September 30, 2024; of which $69,751,000 shall remain available until expended for the purpose of mineral revenue management activities: *Provided,* That notwithstanding any other provision of law, $15,000 shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary of the Interior concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary of the Interior, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary of the Interior may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression,

and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106–224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, with such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire suppression" shall be exhausted within 30 days: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

Reimbursement.

Determination. Deadline.

Reimbursement.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary of the Interior, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose. The Secretary shall notify the House and Senate Committees on Appropriations within 60 days of the expenditure or transfer of any funds under this section, including the amount expended or transferred and how the funds will be used.

Notification. Deadline.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2023. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

New York.
New Jersey.
Contracts.

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein, including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts, or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 107. (a) In fiscal year 2023, the Secretary of the Interior shall collect a nonrefundable inspection fee, which shall be deposited in the "Offshore Safety and Environmental Enforcement" account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2023 shall be—

(1) $10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) $17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) $31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2023. Fees for fiscal year 2023 shall be—

(1) $30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) $16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) Fees for inspection of well operations conducted via non-rig units as outlined in title 30 CFR 250 subparts D, E, F, and Q shall be assessed for all inspections completed in fiscal year 2023. Fees for fiscal year 2023 shall be—

(1) $13,260 per inspection for non-rig units operating in water depths of 2,500 feet or more;

(2) $11,530 per inspection for non-rig units operating in water depths between 500 and 2,499 feet; and

(3) $4,470 per inspection for non-rig units operating in water depths of less than 500 feet.

Time period. Deadlines.

(e) The Secretary shall bill designated operators under subsection (b) quarterly, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (d) with payment required by the end of the following quarter.

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

16 USC 1336 note.

SEC. 108. Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 3903 of title 41, United States Code (except that the 5-year term restriction in subsection (a) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

Time period.

MASS MARKING OF SALMONIDS

SEC. 109. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

SEC. 110. Notwithstanding any other provision of law, during fiscal year 2023, in carrying out work involving cooperation with State, local, and tribal governments or any political subdivision thereof, Indian Affairs may record obligations against accounts receivable from any such entities, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES PROGRAM

Grants. Contracts.

SEC. 111. (a) Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Secretary of the Interior is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Secretary and consistent with such provisions of law.

(b) Prior to awarding any grant or agreement under subsection (a), the Secretary shall ensure that the agreement would not—

(1) result in the displacement of individuals currently employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

(2) result in the use of an individual under the Department of the Interior Experienced Services Program for a job or function in a case in which a Federal employee is in a layoff status from the same or substantially equivalent job within the Department; or

(3) affect existing contracts for services.

OBLIGATION OF FUNDS

SEC. 112. Amounts appropriated by this Act to the Department of the Interior shall be available for obligation and expenditure not later than 60 days after the date of enactment of this Act. Deadline.

SEPARATION OF ACCOUNTS

SEC. 113. The Secretary of the Interior, in order to implement an orderly transition to separate accounts of the Bureau of Indian Affairs and the Bureau of Indian Education, may transfer funds among and between the successor offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in this Act.

PAYMENTS IN LIEU OF TAXES (PILT)

SEC. 114. Section 6906 of title 31, United States Code, shall be applied by substituting "fiscal year 2023" for "fiscal year 2019". Applicability. 31 USC 6906 note.

DISCLOSURE OF DEPARTURE OR ALTERNATE PROCEDURE APPROVAL

SEC. 115. (a) Subject to subsection (b), in any case in which the Bureau of Safety and Environmental Enforcement or the Bureau of Ocean Energy Management prescribes or approves any departure or use of alternate procedure or equipment, in regards to a plan or permit, under 30 CFR 585.103; 30 CFR 550.141; 30 CFR 550.142; 30 CFR 250.141; or 30 CFR 250.142, the head of such bureau shall post a description of such departure or alternate procedure or equipment use approval on such bureau's publicly available website not more than 15 business days after such issuance. Web posting. Public information. Deadline.

(b) The head of each bureau may exclude confidential business information.

LONG BRIDGE PROJECT

SEC. 116. (a) AUTHORIZATION OF CONVEYANCE.—On request by the State of Virginia or the District of Columbia for the purpose of the construction of rail and other infrastructure relating to the Long Bridge Project, the Secretary of the Interior may convey to the State or the District of Columbia, as applicable, all right, title, and interest of the United States in and to any portion of the approximately 4.4 acres of National Park Service land depicted as "Permanent Impact to NPS Land" on the Map dated Virginia. District of Columbia.

May 15, 2020, that is identified by the State or the District of Columbia.

(b) TERMS AND CONDITIONS.—Such conveyance of the National Park Service land under subsection (a) shall be subject to any terms and conditions that the Secretary may require. If such conveyed land is no longer being used for the purposes specified in this section, the lands or interests therein shall revert to the National Park Service after they have been restored or remediated to the satisfaction of the Secretary.

(c) CORRECTIONS.—The Secretary and the State or the District of Columbia, as applicable, by mutual agreement, may—

(1) make minor boundary adjustments to the National Park Service land to be conveyed to the State or the District of Columbia under subsection (a); and

(2) correct any minor errors in the Map referred to in subsection (a).

(d) DEFINITIONS.—For purposes of this section:

(1) LONG BRIDGE PROJECT.—The term "Long Bridge Project" means the rail project, as identified by the Federal Railroad Administration, from Rosslyn (RO) Interlocking in Arlington, Virginia, to L'Enfant (LE) Interlocking in Washington, DC, which includes a bicycle and pedestrian bridge.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(3) STATE.—The term "State" means the State of Virginia.

INTERAGENCY MOTOR POOL

SEC. 117. Notwithstanding any other provision of law or Federal regulation, federally recognized Indian tribes or authorized tribal organizations that receive Tribally-Controlled School Grants pursuant to Public Law 100–297 may obtain interagency motor vehicles and related services for performance of any activities carried out under such grants to the same extent as if they were contracting under the Indian Self-Determination and Education Assistance Act.

NATIONAL HERITAGE AREAS AND CORRIDORS

SEC. 118. (a) Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (title I of Public Law 103–449), is amended by striking "$17,000,000" and inserting "$19,000,000".

54 USC 320101 note.

(b) Section 409(a) of the Steel Industry American Heritage Area Act of 1996 (title IV of division II of Public Law 104–333) is amended by striking "$20,000,000" and inserting "$22,000,000".

54 USC 320101 note.

(c) Section 608(a) of the South Carolina National Heritage Corridor Act of 1996 (title VI of division II of Public Law 104–333) is amended by striking "$17,000,000" and inserting "$19,000,000".

54 USC 320101 note.

(d) Subsection 157(h)(1) of the Wheeling National Heritage Area Act of 2000 (section 157 of Public Law 106–291) is amended by striking "$15,000,000" and inserting "$17,000,000".

54 USC 320101 note.

(e) Sections 411, 432, and 451 of title IV of the Consolidated Natural Resources Act of 2008 (Public Law 110–229), are each amended by striking "the date that is 15 years after the date of" and all that follows through the end of each section and inserting "September 30, 2024.".

54 USC 320101 note.

(f) Section 512 of the National Aviation Heritage Area Act (title V of division J of Public Law 108–447), is amended by striking "2022" and inserting "2024". 54 USC 320101 note.

(g) Section 608 of the Oil Region National Heritage Area Act (title VI of Public Law 108–447) is amended by striking "2022" and inserting "2024". 54 USC 320101 note.

(h) Section 125(a) of Public Law 98–398, as amended by section 402 of Public Law 109–338 (120 Stat. 1853), is amended by striking "$10,000,000" and inserting "$12,000,000". 54 USC 320101 note. 120 Stat. 1853.

(i) Section 125(a) of Public Law 98–398 is amended by striking "$10,000,000" and inserting "$12,000,000".

APPRAISER PAY AUTHORITY

SEC. 119. For fiscal year 2023, funds made available in this or any other Act or otherwise made available to the Department of the Interior for the Appraisal and Valuation Services Office may be used by the Secretary of the Interior to establish higher minimum rates of basic pay for employees of the Department of the Interior in the Appraiser (GS–1171) job series at grades 11 through 15 carrying out appraisals of real property and appraisal reviews conducted in support of the Department's realty programs at rates no greater than 15 percent above the minimum rates of basic pay normally scheduled, and such higher rates shall be consistent with subsections (e) through (h) of section 5305 of title 5, United States Code.

SAGE-GROUSE

SEC. 120. None of the funds made available by this or any other Act may be used by the Secretary of the Interior to write or issue pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533)—

(1) a proposed rule for greater sage-grouse (Centrocercus urophasianus);

(2) a proposed rule for the Columbia basin distinct population segment of greater sage-grouse.

STATE CONSERVATION GRANTS

SEC. 121. For expenses necessary to carry out section 200305 of title 54, United States Code, the National Park Service may retain up to 7 percent of the State Conservation Grants program to provide to States, the District of Columbia, and insular areas, as matching grants to support state program administrative costs.

LOWELL NATIONAL HISTORIC PARK

SEC. 122. Section 103(a) of Public Law 95–290 (16 U.S.C. 410cc–13(a); 92 Stat. 292) is amended by striking paragraph (1) and redesignating paragraph (2) as paragraph (1).

VISITOR EXPERIENCE IMPROVEMENT AUTHORITY

SEC. 123. Section 101938 of title 54, United States Code, is amended by striking "7" and inserting "9".

DELAWARE WATER GAP AUTHORITY

Applicability.

SEC. 124. Section 4(b) of The Delaware Water Gap National Recreation Area Improvement Act, as amended by section 1 of Public Law 115–101, shall be applied by substituting "2023" for "2021".

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; hire, maintenance, and operation of aircraft; and other operating expenses in support of research and development, $802,276,000, to remain available until September 30, 2024: *Provided,* That of the funds included under this heading, $30,751,000 shall be for Research: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), of which $13,251,000 shall be for projects specified for Science and Technology in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; implementation of a coal combustion residual permit program under section 2301 of the Water and Waste Act of 2016; and not to exceed $9,000 for official reception and representation expenses, $3,286,330,000, to remain available until September 30, 2024: *Provided,* That funds included under this heading may be used for environmental justice implementation and training grants, and associated program support costs: *Provided further,* That of the funds included under this heading—

(1) $30,700,000 shall be for Environmental Protection: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(2) $681,726,000 shall be for Geographic Programs as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); and

(3) $20,000,000, to remain available until expended, shall be for grants, including grants that may be awarded on a non-competitive basis, interagency agreements, and associated program support costs to establish and implement a program to assist Alaska Native Regional Corporations, Alaskan Native Village Corporations, federally-recognized tribes in Alaska, Alaska Native Non-Profit Organizations and Alaska Native Nonprofit Associations, and intertribal consortia comprised of Alaskan tribal entities to address contamination on lands conveyed under or pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that were or are contaminated at the time of conveyance and are on an inventory of such lands developed and maintained by the Environmental Protection Agency: *Provided,* That grants awarded using funds made available in this paragraph may be used by a recipient to supplement other funds provided by the Environmental Protection Agency through individual media or multi-media grants or cooperative agreements: *Provided further,* That of the amounts made available in this paragraph, in addition to amounts otherwise available for such purposes, the Environmental Protection Agency may reserve up to $2,000,000 for salaries, expenses, and administration.

Grants. Contracts.

In addition, $9,000,000, to remain available until expended, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided,* That fees collected pursuant to that section of that Act and deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2023 shall be retained and used for necessary salaries and expenses in this appropriation and shall remain available until expended: *Provided further,* That the sum herein appropriated in this paragraph from the general fund for fiscal year 2023 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2023, so as to result in a final fiscal year 2023 appropriation from the general fund estimated at not more than $0: *Provided further,* That to the extent that amounts realized from such receipts exceed $9,000,000, those amount in excess of $9,000,000 shall be deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2023, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: *Provided further,* That of the funds included in the first paragraph under this heading, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees appropriated, not less than the amount of appropriations for that program project for fiscal year 2014.

Reduction.

Allocation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $44,030,000, to remain available until September 30, 2024.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $48,752,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and hire, maintenance, and operation of aircraft, $1,282,700,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2022, and not otherwise appropriated from the Trust Fund, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,282,700,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That of the funds appropriated under this heading, $11,800,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2024, and $31,607,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2024.

Allocations.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, $93,205,000, to remain available until expended, of which $67,425,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; $25,780,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: *Provided,* That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, including hire, maintenance, and operation of aircraft, $22,072,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING RESCISSION OF FUNDS)

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $4,480,428,000, to remain available until expended, of which—

(1) $1,638,861,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which

$1,126,101,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided,* That $863,108,642 of the funds made available for capitalization grants for the Clean Water State Revolving Funds and $609,255,899 of the funds made available for capitalization grants for the Drinking Water State Revolving Funds shall be for the construction of drinking water, wastewater, and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) for projects specified for "STAG—Drinking Water SRF" and "STAG—Clean Water SRF" in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and, for purposes of these grants, each grantee shall contribute not less than 20 percent of the cost of the project unless the grantee is approved for a waiver by the Agency: *Provided further,* That for fiscal year 2023, to the extent there are sufficient eligible project applications and projects are consistent with State Intended Use Plans, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further,* That for fiscal year 2023, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further,* That the Administrator is authorized to use up to $1,500,000 of funds made available for the Clean Water State Revolving Funds under this heading under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381) to conduct the Clean Watersheds Needs Survey: *Provided further,* That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2023 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further,* That for fiscal year 2023, notwithstanding the provisions of subsections (g)(1), (h), and (l) of section 201 of the Federal Water Pollution Control Act, grants made under title II of such Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, the United States Virgin Islands, and the District of Columbia may also be made for the purpose of providing assistance:

Territories. District of Columbia.

(1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further,* That for fiscal year 2023, notwithstanding the provisions of such subsections (g)(1), (h), and (l) of section 201 and section 518(c) of the Federal Water Pollution Control Act, funds reserved by the Administrator for grants under section 518(c) of the Federal Water Pollution Control Act may also be used to provide assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further,* That for fiscal year 2023, notwithstanding any provision of the Federal Water Pollution Control Act and regulations issued pursuant thereof, up to a total of $2,000,000 of the funds reserved by the Administrator for grants under section 518(c) of such Act may also be used for grants for training, technical assistance, and educational programs relating to the operation and management of the treatment works specified in section 518(c) of such Act: *Provided further,* That for fiscal year 2023, funds reserved under section 518(c) of such Act shall be available for grants only to Indian tribes, as defined in section 518(h) of such Act and former Indian reservations in Oklahoma (as determined by the Secretary of the Interior) and Native Villages as defined in Public Law 92–203: *Provided further,* That for fiscal year 2023, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, up to a total of 2 percent of the funds appropriated, or $30,000,000, whichever is greater, and notwithstanding the limitation on amounts in section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated, or $20,000,000, whichever is greater, for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further,* That for fiscal year 2023, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further,* That for fiscal year 2023, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further,* That 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and 14 percent of the funds made available under this title

Oklahoma. Determination.

Territories.

Determination.

to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act, or where such debt was incurred prior to the date of enactment of this Act if the State, with concurrence from the Administrator, determines that such funds could be used to help address a threat to public health from heightened exposure to lead in drinking water or if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply before the date of enactment of this Act: *Provided further,* That in a State in which such an emergency declaration has been issued, the State may use more than 14 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients: *Provided further,* That notwithstanding section 1452(o) of the Safe Drinking Water Act (42 U.S.C. 300j–12(o)), the Administrator shall reserve $12,000,000 of the amounts made available for fiscal year 2023 for making capitalization grants for the Drinking Water State Revolving Funds to pay the costs of monitoring for unregulated contaminants under section 1445(a)(2)(C) of such Act: *Provided further,* That of the unobligated balances available in the "State and Tribal Assistance Grants" account appropriated prior to fiscal year 2012 for "special project grants" or "special needs infrastructure grants," or for the administration, management, and oversight of such grants, $13,300,000 are permanently rescinded: *Provided further,* That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985;

(2) $36,386,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission: *Provided,* That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure;

(3) $39,686,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided,* That of these

Alaska.

funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the Statewide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

(4) $100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs: *Provided,* That at least 10 percent shall be allocated for assistance in persistent poverty counties: *Provided further,* That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1993 Small Area Income and Poverty Estimates, the 2000 decennial census, and the most recent Small Area Income and Poverty Estimates, or any territory or possession of the United States;

Allocations.
Definition.

(5) $100,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005;

(6) $69,927,000 shall be for targeted airshed grants in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(7) $30,158,000 shall be for grants under subsections (a) through (j) of section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a);

(8) $30,500,000 shall be for grants under section 1464(d) of the Safe Drinking Water Act (42 U.S.C. 300j–24(d));

(9) $25,011,000 shall be for grants under section 1459B of the Safe Drinking Water Act (42 U.S.C. 300j–19b);

(10) $7,000,000 shall be for grants under section 1459A(l) of the Safe Drinking Water Act (42 U.S.C. 300j–19a(l));

(11) $27,000,000 shall be for grants under section 104(b)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1254(b)(8));

(12) $50,000,000 shall be for grants under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301);

(13) $6,000,000 shall be for grants under section 4304(b) of the America's Water Infrastructure Act of 2018 (Public Law 115–270);

(14) $6,500,000 shall be for carrying out section 302(a) of the Save Our Seas 2.0 Act (33 U.S.C. 4283(a)), of which not more than 2 percent shall be for administrative costs to carry out such section: *Provided,* That notwithstanding section 302(a) of such Act, the Administrator may also provide grants pursuant to such authority to intertribal consortia consistent with the requirements in 40 CFR 35.504(a), to former Indian reservations in Oklahoma (as determined by the Secretary of

Oklahoma.
Determination.
Alaska.

the Interior), and Alaska Native Villages as defined in Public Law 92–203;

(15) $7,000,000 shall be for grants under section 103(b)(3) of the Clean Air Act for wildfire smoke preparedness grants in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That not more than 3 percent shall be for administrative costs to carry out such section;

(16) $16,973,000 shall be for State and Tribal Assistance Grants to be allocated in the amounts specified for those projects and for the purposes delineated in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) for remediation, construction, and related environmental management activities in accordance with the terms and conditions specified for such grants in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(17) $5,000,000 shall be for grants under section 1459F of the Safe Drinking Water Act (42 U.S.C. 300j–19g);

(18) $4,000,000 shall be for carrying out section 2001 of the America's Water Infrastructure Act of 2018 (Public Law 115–270, 42 U.S.C. 300j–3c note): *Provided,* That the Administrator may award grants to and enter into contracts with tribes, intertribal consortia, public or private agencies, institutions, organizations, and individuals, without regard to section 3324(a) and (b) of title 31 and section 6101 of title 41, United States Code, and enter into interagency agreements as appropriate;

Contracts.

(19) $3,000,000 shall be for grants under section 50217(b) of the Infrastructure Investment and Jobs Act (33 U.S.C. 1302f(b); Public Law 117–58);

(20) $4,000,000 shall be for grants under section 124 of the Federal Water Pollution Control Act (33 U.S.C. 1276); and

(21) $1,160,625,000 shall be for grants, including associated program support costs, to States, federally recognized Tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement, and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, and under section 2301 of the Water and Waste Act of 2016 to assist States in developing and implementing programs for control of coal combustion residuals, of which: $47,195,000 shall be for carrying out section 128 of CERCLA; $10,836,000 shall be for Environmental Information Exchange Network grants, including associated program support costs; $1,505,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, which shall be in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act

specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act; $18,512,000 of the funds available for grants under section 106 of the Federal Water Pollution Control Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

Loans.

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, $68,000,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed $12,500,000,000: *Provided further,* That of the funds made available under this heading, $5,000,000 shall be used solely for the cost of direct loans and for the cost of guaranteed loans for projects described in section 5026(9) of the Water Infrastructure Finance and Innovation Act of 2014 to State infrastructure financing authorities, as authorized by section 5033(e) of such Act: *Provided further,* That the use of direct loans or loan guarantee authority under this heading for direct loans or commitments to guarantee loans for any project shall be in accordance with the criteria published in the Federal Register on June 30, 2020 (85 FR 39189) pursuant to the fourth proviso under the heading "Water Infrastructure Finance and Innovation Program Account" in division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94): *Provided further,* That none of the direct loans or loan guarantee authority made available under this heading shall be available for any project unless the Administrator and the Director of the Office of Management and Budget have certified in advance in writing that the direct loan or loan guarantee, as applicable, and the project comply with the criteria referenced in the previous proviso: *Provided further,* That, for the purposes of carrying out the Congressional Budget Act of 1974, the Director of the Congressional Budget Office may request, and the Administrator shall promptly provide, documentation and information relating to a project identified in a Letter of Interest submitted to the Administrator pursuant to a Notice of Funding Availability for applications for credit assistance under the Water Infrastructure Finance and Innovation Act Program, including with respect to a project that was initiated or completed before the date of enactment of this Act.

Criteria.

Certification.
Compliance.

Records.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014, $7,640,000, to remain available until September 30, 2024.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS OF FUNDS)

For fiscal year 2023, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements. Contracts. Native Americans.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8), to remain available until expended. Fees.

Notwithstanding section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136w–8(d)(2)), the Administrator of the Environmental Protection Agency may assess fees under section 33 of FIFRA (7 U.S.C. 136w–8) for fiscal year 2023. Fees.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate fees in accordance with section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g) for fiscal year 2023, to remain available until expended. Fees.

The Administrator is authorized to transfer up to $368,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading "Environmental Programs and Management" to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities, provided that the cost does not exceed $300,000 per project.

For fiscal year 2023, and notwithstanding section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)), the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of the Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act. Grants.

Grants.

The Administrator is authorized to use the amounts appropriated under the heading "Environmental Programs and Management" for fiscal year 2023 to provide grants to implement the Southeastern New England Watershed Restoration Program.

Notwithstanding the limitations on amounts in section 320(i)(2)(B) of the Federal Water Pollution Control Act, not less than $2,500,000 of the funds made available under this title for the National Estuary Program shall be for making competitive awards described in section 320(g)(4).

Contracts.

For fiscal year 2023, the Office of Chemical Safety and Pollution Prevention and the Office of Water may, using funds appropriated under the headings "Environmental Programs and Management" and "Science and Technology", contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent personal services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purpose: *Provided,* That amounts used for this purpose by the Office of Chemical Safety and Pollution Prevention and the Office of Water collectively may not exceed $2,000,000.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $1,000,000: *Provided,* That funds made available by this Act to any agency in the Natural Resources and Environment mission area for salaries and expenses are available to fund up to one administrative support staff for the office.

FOREST SERVICE

FOREST SERVICE OPERATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $1,152,744,000, to remain available through September 30, 2026: *Provided,* That a portion of the funds made available under this heading shall be for the base salary and expenses of employees in the Chief's Office, the Work Environment and Performance Office, the Business Operations Deputy Area, and the Chief Financial Officer's Office to carry out administrative and general management support functions: *Provided further,* That funds provided under this heading shall be available for the costs of facility maintenance, repairs, and leases for buildings and sites where these administrative, general management and other Forest Service support functions take place; the costs of all utility and

telecommunication expenses of the Forest Service, as well as business services; and, for information technology, including cyber security requirements: *Provided further,* That funds provided under this heading may be used for necessary expenses to carry out administrative and general management support functions of the Forest Service not otherwise provided for and necessary for its operation.

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $307,273,000, to remain available through September 30, 2026: *Provided,* That of the funds provided, $32,197,000 is for the forest inventory and analysis program: *Provided further,* That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including for invasive plants, and conducting an international program and trade compliance activities as authorized, $337,758,000, to remain available through September 30, 2026, as authorized by law, of which $30,167,000 shall be for projects specified for Forest Resource Information and Analysis in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for hazardous fuels management on or adjacent to such lands, $1,974,388,000, to remain available through September 30, 2026: *Provided,* That of the funds provided, $32,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): *Provided further,* That for the funds provided in the preceding proviso, section 4003(d)(3)(A) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(d)(3)(A)) shall be applied by substituting "20" for "10" and section 4003(d)(3)(B) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(d)(3)(B)) shall be applied by substituting "4" for "2": *Provided further,* That of the funds provided, $40,000,000 shall be for forest products: *Provided further,* That of the funds provided, $207,000,000 shall be for hazardous fuels management activities, of which not to exceed $20,000,000 may be used to make grants, using any authorities available to the Forest Service under the "State and Private Forestry" appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: *Provided further,* That $20,000,000 may be used by the Secretary of Agriculture to enter into procurement

Applicability.

Determination.

contracts or cooperative agreements or to issue grants for hazardous fuels management activities, and for training or monitoring associated with such hazardous fuels management activities on Federal land, or on non-Federal land if the Secretary determines such activities benefit resources on Federal land: *Provided further,* That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the "State and Private Forestry" appropriation: *Provided further,* That notwithstanding section 33 of the Bankhead Jones Farm Tenant Act (7 U.S.C. 1012), the Secretary of Agriculture, in calculating a fee for grazing on a National Grassland, may provide a credit of up to 50 percent of the calculated fee to a Grazing Association or direct permittee for a conservation practice approved by the Secretary in advance of the fiscal year in which the cost of the conservation practice is incurred, and that the amount credited shall remain available to the Grazing Association or the direct permittee, as appropriate, in the fiscal year in which the credit is made and each fiscal year thereafter for use on the project for conservation practices approved by the Secretary: *Provided further,* That funds appropriated to this account shall be available for the base salary and expenses of employees that carry out the functions funded by the "Capital Improvement and Maintenance" account, the "Range Betterment Fund" account, and the "Management of National Forest Lands for Subsistence Uses" account.

Fees. Advance approval. 43 USC 1751 note.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $158,048,000, to remain available through September 30, 2026, for construction, capital improvement, maintenance, and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, and decommissioning of roads that are no longer needed, including unauthorized roads that are not part of the transportation system, and for maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided,* That $6,000,000 shall be for activities authorized by 16 U.S.C. 538(a): *Provided further,* That $5,048,000 shall be for projects specified for Construction Projects in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That funds becoming available in fiscal year 2023 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California; and the Ozark-St.

Francis and Ouachita National Forests, Arkansas; as authorized by law, $664,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), to remain available through September 30, 2026, (16 U.S.C. 516–617a, 555a; Public Law 96–586; Public Law 76–589, Public Law 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, to remain available through September 30, 2026, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $45,000, to remain available through September 30, 2026, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), $1,099,000, to remain available through September 30, 2026.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency wildland fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $945,956,000, to remain available until expended: *Provided,* That such funds, including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further,* That any unobligated funds appropriated in a previous fiscal year for hazardous fuels management may be transferred to the "National Forest System" account: *Provided further,* That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service

Reimbursements.

for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further,* That funds provided shall be available for support to Federal emergency response: *Provided further,* That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties.

WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

In addition to the amounts provided under the heading "Department of Agriculture—Forest Service—Wildland Fire Management" for wildfire suppression operations, $2,210,000,000, to remain available until transferred, is additional new budget authority as specified for purposes of section 4004(b)(5) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(g) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022: *Provided,* That such amounts may be transferred to and merged with amounts made available under the headings "Department of the Interior—Department-Wide Programs—Wildland Fire Management" and "Department of Agriculture—Forest Service—Wildland Fire Management" for wildfire suppression operations in the fiscal year in which such amounts are transferred: *Provided further,* That amounts may be transferred to the "Wildland Fire Management" accounts in the Department of the Interior or the Department of Agriculture only upon the notification of the House and Senate Committees on Appropriations that all wildfire suppression operations funds appropriated under that heading in this and prior appropriations Acts to the agency to which the funds will be transferred will be obligated within 30 days: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided by law: *Provided further,* That, in determining whether all wildfire suppression operations funds appropriated under the heading "Wildland Fire Management" in this and prior appropriations Acts to either the Department of Agriculture or the Department of the Interior will be obligated within 30 days pursuant to the preceding proviso, any funds transferred or permitted to be transferred pursuant to any other transfer authority provided by law shall be excluded.

Notifications. Deadline.

Determination. Deadline.

COMMUNICATIONS SITE ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

Amounts collected in this fiscal year pursuant to section 8705(f)(2) of the Agriculture Improvement Act of 2018 (Public Law 115–334), shall be deposited in the special account established by section 8705(f)(1) of such Act, shall be available to cover the costs described in subsection (c)(3) of such section of such Act, and shall remain available until expended: *Provided,* That such amounts shall be transferred to the "National Forest System" account.

ADMINISTRATIVE PROVISIONS—FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Funds made available to the Forest Service in this Act may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94): *Provided,* That any transfer of funds pursuant to this paragraph shall not increase or decrease the funds appropriated to any account in this fiscal year by more than ten percent: *Provided further,* That such transfer authority is in addition to any other transfer authority provided by law.

Notifications. Deadline.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary of Agriculture's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the heading "Wildland Fire Management" will be obligated within 30 days: *Provided,* That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Not more than $50,000,000 of funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior for wildland fire management, hazardous fuels management, and State fire assistance when such transfers would facilitate and expedite wildland fire management programs and projects.

Notwithstanding any other provision of this Act, the Forest Service may transfer unobligated balances of discretionary funds appropriated to the Forest Service by this Act to or within the National Forest System Account, or reprogram funds to be used for the purposes of hazardous fuels management and urgent rehabilitation of burned-over National Forest System lands and water: *Provided,* That such transferred funds shall remain available through September 30, 2026: *Provided further,* That none of the funds transferred pursuant to this paragraph shall be available

Notifications. Advance approvals.

for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States government, private sector, and international organizations: *Provided,* That the Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), United States private sector firms, institutions and organizations to provide technical assistance and training programs on forestry and rangeland management: *Provided further,* That to maximize effectiveness of domestic and international research and cooperation, the International Program may utilize all authorities related to forestry, research, and cooperative assistance regardless of program designations.

Contracts. Intergovernmental relations.

Funds appropriated to the Forest Service shall be available to enter into a cooperative agreement with the Section 509(a)(3) Supporting Organization, "Forest Service International Foundation" to assist the Foundation in meeting administrative, project, and other expenses, and may provide for the Foundation's use of Forest Service personnel and facilities.

Contracts.

Funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

Wild horses and burros.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–171 (7 U.S.C. 8316(b)).

16 USC 556i.

Not more than $82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges: *Provided,* That nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain information technology services, including telecommunications and system modifications or enhancements, from the Working Capital Fund of the Department of Agriculture.

Of the funds available to the Forest Service, up to $5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.).

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided,* That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: *Provided further,* That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match funds made available by the Forest Service on at least a one-for-one basis: *Provided further,* That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided,* That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further,* That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Contracts. Native Americans. State and local governments. Nonprofits.

Funds appropriated to the Forest Service under the National Forest System heading shall be available for the Secretary of Agriculture to enter into cooperative agreements with other Federal agencies, tribes, States, local governments, private and nonprofit entities, and educational institutions to support the work of forest or grassland collaboratives on activities benefitting Federal lands and adjacent non-Federal lands, including for technical assistance, administrative functions or costs, and other capacity support needs identified by the Forest Service.

Rural and urban areas.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(2)).

The Forest Service shall not assess funds for the purpose of performing fire, administrative, and other facilities maintenance and decommissioning.

Notwithstanding any other provision of law, of any appropriations or funds available to the Forest Service, not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred

as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations, and similar matters unrelated to civil litigation: *Provided,* That future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the sums requested for transfer.

An eligible individual who is employed in any project funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Funds appropriated to the Forest Service shall be available to pay, from a single account, the base salary and expenses of employees who carry out functions funded by other accounts for Enterprise Program, Geospatial Technology and Applications Center, remnant Natural Resource Manager, Job Corps, and National Technology and Development Program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $4,919,670,000, to remain available until September 30, 2024, except as otherwise provided herein; and, in addition, $4,627,968,000, which shall become available on October 1, 2023, and remain available through September 30, 2025, except as otherwise provided herein; together with payments received during each fiscal year pursuant to sections 231(b) and 233 of the Public Health Service Act (42 U.S.C. 238(b) and 238b), for services furnished by the Indian Health Service: *Provided,* That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That $2,500,000 shall be available for each of fiscal years 2023 and 2024 for grants or contracts with public or private institutions to provide alcohol or drug treatment services to Indians, including alcohol detoxification services: *Provided further,* That of the total amount of funds provided, $1,993,510,000 shall remain available until expended for Purchased/Referred Care, of which $996,755,000 shall be from funds that become available on October 1, 2023: *Provided further,* That of the total amount specified in the preceding proviso for Purchased/Referred Care, $108,000,000 shall be for the Indian Catastrophic Health Emergency Fund of which $54,000,000 shall be from funds that become available on October 1, 2023: *Provided further,* That for each of fiscal years 2023 and 2024, up to $51,000,000 shall

remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further,* That of the total amount of funds provided, $116,000,000, including $58,000,000 from funds that become available on October 1, 2023, shall be for costs related to or resulting from accreditation emergencies, including supplementing activities funded under the heading "Indian Health Facilities", of which up to $4,000,000 for each of fiscal years 2023 and 2024 may be used to supplement amounts otherwise available for Purchased/Referred Care: *Provided further,* That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited in the Fund authorized by section 108A of that Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of that Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of that Act (25 U.S.C. 1613a and 1616a): *Provided further,* That the amounts made available within this account for the Substance Abuse and Suicide Prevention Program, for Opioid Prevention, Treatment and Recovery Services, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for the housing subsidy authority for civilian employees, for Aftercare Pilot Programs at Youth Regional Treatment Centers, for transformation and modernization costs of the Indian Health Service Electronic Health Record system, for national quality and oversight activities, to improve collections from public and private insurance at Indian Health Service and tribally operated facilities, for an initiative to treat or reduce the transmission of HIV and HCV, for a maternal health initiative, for the Telebehaviorial Health Center of Excellence, for Alzheimer's grants, for Village Built Clinics, for a produce prescription pilot, and for accreditation emergencies shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further,* That funds provided in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: *Provided further,* That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further,* That the Bureau of Indian Affairs may collect from the Indian Health Service, and from tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the

Allocations.

Contracts.
Grants.
Time period.
Records.

Reports.

Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.): *Provided further,* That none of the funds provided that become available on October 1, 2023, may be used for implementation of the Electronic Health Record System or the Indian Health Care Improvement Fund: *Provided further,* That of the funds provided, $74,138,000 is for the Indian Health Care Improvement Fund and may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further,* That none of the funds appropriated by this Act, or any other Act, to the Indian Health Service for the Electronic Health Record system shall be available for obligation or expenditure for the selection or implementation of a new Information Technology infrastructure system, unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 90 days in advance of such obligation.

Consultation. Time period.

Of the unobligated balances under the heading "Indian Health Services" from amounts made available in title III of division G of Public Law 117–103 for the fiscal year 2022 costs of staffing and operating new facilities, $29,388,000 are hereby rescinded.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2023, such sums as may be necessary: *Provided,* That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account: *Provided further,* That amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs due for such agreements for subsequent fiscal years.

Applicability.

PAYMENTS FOR TRIBAL LEASES

For payments to tribes and tribal organizations for leases pursuant to section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324(l)) for fiscal year 2023, such sums as may be necessary, which shall be available for obligation through September 30, 2024: *Provided,* That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, demolition, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $958,553,000, to remain available

until expended; and, in addition, $501,490,000, which shall become available on October 1, 2023, and remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation, or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: *Provided further,* That not to exceed $500,000 may be used for each of fiscal years 2023 and 2024 by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further,* That none of the funds provided that become available on October 1, 2023, may be used for Health Care Facilities Construction or for Sanitation Facilities Construction: *Provided further,* That of the amount appropriated under this heading for fiscal year 2023 for Sanitation Facilities Construction, $15,192,000 shall be for projects specified for Sanitation Facilities Construction (CDS) in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation, and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary of Health and Human Services; uniforms, or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: *Provided,* That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further,* That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638: *Provided further,* That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further,* That none of the funds made available to the Indian Health Service in this Act shall be used

Assessments.

for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: *Provided further,* That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further,* That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: *Provided further,* That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead costs associated with the provision of goods, services, or technical assistance: *Provided further,* That the Indian Health Service may provide to civilian medical personnel serving in hospitals operated by the Indian Health Service housing allowances equivalent to those that would be provided to members of the Commissioned Corps of the United States Public Health Service serving in similar positions at such hospitals: *Provided further,* That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

Regulations.
Budget request.

Reimbursements.

Reimbursements.

Notifications.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $83,035,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and section 3019 of the Solid Waste Disposal Act, $85,020,000: *Provided,* That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: *Provided further,* That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further,* That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2023, and existing profiles may be updated as necessary.

Studies. Evaluations.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $4,676,000: *Provided,* That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

Appointment.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $14,400,000: *Provided,* That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further,* That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the

Career positions.

5 USC 415 note.

5 USC 415 note.

position of Inspector General of the Board: *Provided further,* That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $3,060,000, to remain available until expended, which shall be derived from unobligated balances from prior year appropriations available under this heading: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to section 11 of Public Law 93–531 (88 Stat. 1716).

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by part A of title XV of Public Law 99–498 (20 U.S.C. 4411 et seq.), $13,482,000, which shall become available on July 1, 2023, and shall remain available until September 30, 2024.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental,

repair, and cleaning of uniforms for employees, $892,855,000, to remain available until September 30, 2024, except as otherwise provided herein; of which not to exceed $26,974,000 for the instrumentation program, collections acquisition, exhibition reinstallation, Smithsonian American Women's History Museum, National Museum of the American Latino, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further,* That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to be available as trust funds for expenses associated with the purchase of a portion of the building at 600 Maryland Avenue, SW, Washington, DC, to the extent that federally supported activities will be housed there: *Provided further,* That the use of such amounts in the general trust funds of the Institution for such purpose shall not be construed as Federal debt service for, a Federal guarantee of, a transfer of risk to, or an obligation of the Federal Government: *Provided further,* That no appropriated funds may be used directly to service debt which is incurred to finance the costs of acquiring a portion of the building at 600 Maryland Avenue, SW, Washington, DC, or of planning, designing, and constructing improvements to such building: *Provided further,* That any agreement entered into by the Smithsonian Institution for the sale of its ownership interest, or any portion thereof, in such building so acquired may not take effect until the expiration of a 30 day period which begins on the date on which the Secretary of the Smithsonian submits to the Committees on Appropriations of the House of Representatives and Senate, the Committees on House Administration and Transportation and Infrastructure of the House of Representatives, and the Committee on Rules and Administration of the Senate a report, as outlined in the explanatory statement described in section 4 of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2536) on the intended sale.

Advance payments.

District of Columbia.

District of Columbia.

Contracts.
Effective date.
Time period.
Reports.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $251,645,000, to remain available until expended, of which not to exceed $10,000 shall be for services as authorized by 5 U.S.C. 3109.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of

April 13, 1939 (Public Resolution 9, 76th Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $170,240,000, to remain available until September 30, 2024, of which not to exceed $3,875,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of repair, restoration, and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, $39,000,000, to remain available until expended: *Provided,* That of this amount, $27,208,000 shall be available for design and construction of an off-site art storage facility in partnership with the Smithsonian Institution and may be transferred to the Smithsonian Institution for such purposes: *Provided further,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

Contracts.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance, and security of the John F. Kennedy Center for the Performing Arts, $27,640,000, to remain available until September, 30, 2024.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,740,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $15,000,000, to remain available until September 30, 2024.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $207,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $207,000,000 to remain available until expended, of which $188,250,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $18,750,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act, including $15,750,000 for the purposes of section 7(h): *Provided,* That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further,* That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further,* That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate the amount of such grants does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: *Provided further,* That such small

grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

Fees.

For expenses of the Commission of Fine Arts under chapter 91 of title 40, United States Code, $3,661,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further,* That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study, or education: *Provided further,* That one-tenth of one percent of the funds provided under this heading may be used for official reception and representation expenses.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

Applicability. 20 USC 956a note.

Determination. Time periods. 20 USC 956a note.

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), $5,000,000: *Provided,* That the item relating to "National Capital Arts and Cultural Affairs" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99–190 (20 U.S.C. 956a), shall be applied in fiscal year 2023 in the second paragraph by inserting ", calendar year 2020 excluded" before the first period: *Provided further,* That in determining an eligible organization's annual income for calendar years 2021, 2022, and 2023, funds or grants received by the eligible organization from any supplemental appropriations Act related to coronavirus or any other law providing appropriations for the purpose of preventing, preparing for, or responding to coronavirus shall be counted as part of the eligible organization's annual income.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665), $8,585,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, $8,750,000: *Provided,* That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $65,231,000, of which $1,000,000 shall remain available until September 30, 2025, for the Museum's equipment replacement program; and of which $4,000,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's outreach initiatives program shall remain available until expended.

PRESIDIO TRUST

The Presidio Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), in an amount not to exceed $90,000,000: *Provided,* That such section is amended by striking "$150,000,000" and inserting "$250,000,000".

16 USC 460bb note.

WORLD WAR I CENTENNIAL COMMISSION

SALARIES AND EXPENSES

Notwithstanding section 9 of the World War I Centennial Commission Act, as authorized by the World War I Centennial Commission Act (Public Law 112–272) and the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), for necessary expenses of the World War I Centennial Commission, $1,000,000, to remain available until September 30, 2024: *Provided,* That in addition to the authority provided by section 6(g) of such Act, the World War I Commission may accept money, in-kind personnel services, contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

UNITED STATES SEMIQUINCENTENNIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Semiquincentennial Commission to plan and coordinate observances and activities associated with the 250th anniversary of the founding of the United States, as authorized by Public Law 116–282, the technical amendments to Public Law 114–196, $15,000,000, to remain available until September 30, 2024.

ALYCE SPOTTED BEAR AND WALTER SOBOLEFF COMMISSION ON NATIVE CHILDREN

For necessary expenses of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children (referred to in this paragraph as the "Commission"), $550,000 to remain available until September 30, 2024: *Provided,* That in addition to the authority provided by section 3(g)(5) and 3(h) of Public Law 114–244, the Commission may hereafter accept in-kind personnel services,

contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

RESTRICTION ON USE OF FUNDS

SEC. 401. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

Estimates. Approvals.

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves, or holdbacks, including working capital fund charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

MINING APPLICATIONS

Patents and trademarks.

SEC. 404. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

Determination. Claims.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2024, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate

a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

SEC. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) shall continue in effect in fiscal year 2023. Continuation.

CONTRACT SUPPORT COSTS, FISCAL YEAR 2023 LIMITATION

SEC. 406. Amounts provided by this Act for fiscal year 2023 under the headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2023 with the Bureau of Indian Affairs, Bureau of Indian Education, and the Indian Health Service: *Provided,* That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

FOREST MANAGEMENT PLANS

SEC. 407. The Secretary of Agriculture shall not be considered to be in violation of section 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided,* That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis. 16 USC 1604 note. Courts.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 408. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either

the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

LIMITATION ON TAKINGS

Approvals.

SEC. 409. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided,* That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

PROHIBITION ON NO-BID CONTRACTS

SEC. 410. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes;

(2) such contract is authorized by the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

Public information. Web posting. Determination.

SEC. 411. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 412. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services. Procedures.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 413. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section: Definitions.

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965— Grants.

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and Reports.

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

STATUS OF BALANCES OF APPROPRIATIONS

Reports.

SEC. 414. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity within 60 days of enactment of this Act.

EXTENSION OF GRAZING PERMITS

SEC. 415. The terms and conditions of section 325 of Public Law 108–108 (117 Stat. 1307), regarding grazing permits issued by the Forest Service on any lands not subject to administration under section 402 of the Federal Lands Policy and Management Act (43 U.S.C. 1752), shall remain in effect for fiscal year 2023.

FUNDING PROHIBITION

Pornography.

SEC. 416. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

HUMANE TRANSFER AND TREATMENT OF ANIMALS

Wild horses and burros.

SEC. 417. (a) Notwithstanding any other provision of law, the Secretary of the Interior, with respect to land administered by the Bureau of Land Management, or the Secretary of Agriculture, with respect to land administered by the Forest Service (referred to in this section as the "Secretary concerned"), may transfer excess wild horses and burros that have been removed from land administered by the Secretary concerned to other Federal, State, and local government agencies for use as work animals.

(b) The Secretary concerned may make a transfer under subsection (a) immediately on the request of a Federal, State, or local government agency.

(c) An excess wild horse or burro transferred under subsection (a) shall lose status as a wild free-roaming horse or burro (as defined in section 2 of Public Law 92–195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1332)).

(d) A Federal, State, or local government agency receiving an excess wild horse or burro pursuant to subsection (a) shall not—

(1) destroy the horse or burro in a manner that results in the destruction of the horse or burro into a commercial product;

(2) sell or otherwise transfer the horse or burro in a manner that results in the destruction of the horse or burro for processing into a commercial product; or

(3) euthanize the horse or burro, except on the recommendation of a licensed veterinarian in a case of severe injury, illness, or advanced age.

(e) Amounts appropriated by this Act shall not be available for—

(1) the destruction of any healthy, unadopted, and wild horse or burro under the jurisdiction of the Secretary concerned (including a contractor); or

(2) the sale of a wild horse or burro that results in the destruction of the wild horse or burro for processing into a commercial product.

FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT AUTHORIZATION EXTENSION

SEC. 418. Section 503(f) of Public Law 109–54 (16 U.S.C. 580d note) shall be applied by substituting "September 30, 2023" for "September 30, 2019".

Applicability. 16 USC 580d note.

USE OF AMERICAN IRON AND STEEL

SEC. 419. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

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

Definition.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the "Administrator") finds that—

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

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

Waiver request. Public information. Records. Time period.

Web posting.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

Applicability.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANSFERS OF EXCESS EQUIPMENT AND SUPPLIES FOR WILDFIRES

Grants.

SEC. 420. The Secretary of the Interior is authorized to enter into grants and cooperative agreements with volunteer fire departments, rural fire departments, rangeland fire protection associations, and similar organizations to provide for wildland fire training and equipment, including supplies and communication devices. Notwithstanding section 121(c) of title 40, United States Code, or section 521 of title 40, United States Code, the Secretary is further authorized to transfer title to excess Department of the Interior firefighting equipment no longer needed to carry out the functions of the Department's wildland fire management program to such organizations.

RECREATION FEES

Applicability. 16 USC 6809 note.

SEC. 421. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) shall be applied by substituting "October 1, 2024" for "September 30, 2019".

REPROGRAMMING GUIDELINES

Advance approvals.

SEC. 422. None of the funds made available in this Act, in this and prior fiscal years, may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

LOCAL CONTRACTORS

Applicability. 16 USC 565a–1 note.

SEC. 423. Section 412 of division E of Public Law 112–74 shall be applied by substituting "fiscal year 2023" for "fiscal year 2019".

SHASTA-TRINITY MARINA FEE AUTHORITY AUTHORIZATION EXTENSION

Applicability.

SEC. 424. Section 422 of division F of Public Law 110–161 (121 Stat 1844), as amended, shall be applied by substituting "fiscal year 2023" for "fiscal year 2019".

INTERPRETIVE ASSOCIATION AUTHORIZATION EXTENSION

Applicability. 16 USC 565a–1 note.

SEC. 425. Section 426 of division G of Public Law 113–76 (16 U.S.C. 565a–1 note) shall be applied by substituting "September 30, 2023" for "September 30, 2019".

PUERTO RICO SCHOOLING AUTHORIZATION EXTENSION

Applicability.

SEC. 426. The authority provided by the 19th unnumbered paragraph under heading "Administrative Provisions, Forest

Service" in title III of Public Law 109–54, as amended, shall be applied by substituting "fiscal year 2023" for "fiscal year 2019".

FOREST BOTANICAL PRODUCTS FEE COLLECTION AUTHORIZATION EXTENSION

SEC. 427. Section 339 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by Public Law 106–113; 16 U.S.C. 528 note), as amended by section 335(6) of Public Law 108–108 and section 432 of Public Law 113–76, shall be applied by substituting "fiscal year 2023" for "fiscal year 2019". Applicability. 16 USC 528 note.

CHACO CANYON

SEC. 428. None of the funds made available by this Act may be used to accept a nomination for oil and gas leasing under 43 CFR 3120.3 et seq., or to offer for oil and gas leasing, any Federal lands within the withdrawal area identified on the map of the Chaco Culture National Historical Park prepared by the Bureau of Land Management and dated April 2, 2019, prior to the completion of the cultural resources investigation identified in the explanatory statement described in section 4 in the matter preceding division A of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

TRIBAL LEASES

SEC. 429. (a) Notwithstanding any other provision of law, in the case of any lease under section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324(l)), the initial lease term shall commence no earlier than the date of receipt of the lease proposal. Effective date.

(b) The Secretaries of the Interior and Health and Human Services shall, jointly or separately, during fiscal year 2023 consult with tribes and tribal organizations through public solicitation and other means regarding the requirements for leases under section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324(l)) on how to implement a consistent and transparent process for the payment of such leases. Consultation.

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

SEC. 430. The authority provided under the heading "Forest Ecosystem Health and Recovery Fund" in title I of Public Law 111–88, as amended by section 117 of division F of Public Law 113–235, shall be applied by substituting "fiscal year 2023" for "fiscal year 2020" each place it appears. Applicability.

ALLOCATION OF PROJECTS, NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND AND LAND AND WATER CONSERVATION FUND

SEC. 431. (a)(1) Within 45 days of enactment of this Act, the Secretary of the Interior shall allocate amounts made available from the National Parks and Public Land Legacy Restoration Fund for fiscal year 2023 pursuant to subsection (c) of section 200402 of title 54, United States Code, and as provided in subsection Deadlines. 54 USC 200303 note.

(e) of such section of such title, to the agencies of the Department of the Interior and the Department of Agriculture specified, in the amounts specified, for the stations and unit names specified, and for the projects and activities specified in the table titled "Allocation of Funds: National Parks and Public Land Legacy Restoration Fund Fiscal Year 2023" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) Within 45 days of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall allocate amounts made available for expenditure from the Land and Water Conservation Fund for fiscal year 2023 pursuant to subsection (a) of section 200303 of title 54, United States Code, to the agencies and accounts specified, in the amounts specified, and for the projects and activities specified in the table titled "Allocation of Funds: Land and Water Conservation Fund Fiscal Year 2023" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) Except as otherwise provided by subsection (c) of this section, neither the President nor his designee may allocate any amounts that are made available for any fiscal year under subsection (c) of section 200402 of title 54, United States Code, or subsection (a) of section 200303 of title 54, United States Code, other than in amounts and for projects and activities that are allocated by subsections (a)(1) and (a)(2) of this section: *Provided,* That in any fiscal year, the matter preceding this proviso shall not apply to the allocation of amounts for continuing administration of programs allocated funds from the National Parks and Public Land Legacy Restoration Fund or the Land and Water Conservation Fund, which may be allocated only in amounts that are no more than the allocation for such purposes in subsections (a)(1) and (a)(2) of this section.

Reallocation. Requirements.

(c) The Secretary of the Interior and the Secretary of Agriculture may reallocate amounts from each agency's "Contingency Fund" line in the table titled "Allocation of Funds: National Parks and Public Land Legacy Restoration Fund Fiscal Year 2023" to any project funded by the National Parks and Public Land Legacy Restoration Fund within the same agency, from any fiscal year, that experienced a funding deficiency due to unforeseen cost overruns, in accordance with the following requirements:

(1) "Contingency Fund" amounts may only be reallocated if there is a risk to project completion resulting from unforeseen cost overruns;

(2) "Contingency Fund" amounts may only be reallocated for cost of adjustments and changes within the original scope of effort for projects funded by the National Parks and Public Land Legacy Restoration Fund; and

Notifications.

(3) The Secretary of the Interior or the Secretary of Agriculture must provide written notification to the Committees on Appropriations 30 days before taking any actions authorized by this subsection if the amount reallocated from the "Contingency Fund" line for a project is projected to be 10 percent or greater than the following, as applicable:

(A) The amount allocated to that project in the table titled "Allocation of Funds: National Parks and Public Land

Legacy Restoration Fund Fiscal Year 2023" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); or

(B) The initial estimate in the most recent report submitted, prior to enactment of this Act, to the Committees on Appropriations pursuant to section 431(e) of division G of the Consolidated Appropriations Act, 2022 (Public Law 117–103).

Data sheets.

(d)(1) Concurrent with the annual budget submission of the President for fiscal year 2024, the Secretary of the Interior and the Secretary of Agriculture shall each submit to the Committees on Appropriations of the House of Representatives and the Senate project data sheets for the projects in the "Submission of Annual List of Projects to Congress" required by section 200402(h) of title 54, United States Code: *Provided,* That the "Submission of Annual List of Projects to Congress" must include a "Contingency Fund" line for each agency within the allocations defined in subsection (e) of section 200402 of title 54, United States Code: *Provided further,* That in the event amounts allocated by this Act or any prior Act for the National Parks and Public Land Legacy Restoration Fund are no longer needed to complete a specified project, such amounts may be reallocated in such submission to that agency's "Contingency Fund" line: *Provided further,* That any proposals to change the scope of or terminate a previously approved project must be clearly identified in such submission.

Lists.

(2)(A) Concurrent with the annual budget submission of the President for fiscal year 2024, the Secretary of the Interior and the Secretary of Agriculture shall each submit to the Committees on Appropriations of the House of Representatives and the Senate a list of supplementary allocations for Federal land acquisition and Forest Legacy Projects at the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the U.S. Forest Service that are in addition to the "Submission of Cost Estimates" required by section 200303(c)(1) of title 54, United States Code, that are prioritized and detailed by account, program, and project, and that total no less than half the full amount allocated to each account for that land management Agency under the allocations submitted under section 200303(c)(1) of title 54, United States Code: *Provided,* That in the event amounts allocated by this Act or any prior Act pursuant to subsection (a) of section 200303 of title 54, United States Code are no longer needed because a project has been completed or can no longer be executed, such amounts must be clearly identified if proposed for reallocation in the annual budget submission.

(B) The Federal land acquisition and Forest Legacy projects in the "Submission of Cost Estimates" required by section 200303(c)(1) of title 54, United States Code, and on the list of supplementary allocations required by subparagraph (A) shall be comprised only of projects for which a willing seller has been identified and for which an appraisal or market research has been initiated.

(C) Concurrent with the annual budget submission of the President for fiscal year 2024, the Secretary of the Interior and the Secretary of Agriculture shall each submit to the Committees on Appropriations of the House of Representatives and the Senate project data sheets in the same format and containing the same level of detailed information that is found on such sheets in the

Budget Justifications annually submitted by the Department of the Interior with the President's Budget for the projects in the "Submission of Cost Estimates" required by section 200303(c)(1) of title 54, United States Code, and in the same format and containing the same level of detailed information that is found on such sheets submitted to the Committees pursuant to section 427 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) for the list of supplementary allocations required by subparagraph (A).

Reports.

(e) The Department of the Interior and the Department of Agriculture shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of projects and activities funded by the National Parks and Public Land Legacy Restoration Fund for amounts allocated pursuant to subsection (a)(1) of this section and the status of balances of projects and activities funded by the Land and Water Conservation Fund for amounts allocated pursuant to subsection (a)(2) of this section, including all uncommitted, committed, and unobligated funds, and, for amounts allocated pursuant to subsection (a)(1) of this section, National Parks and Public Land Legacy Restoration Fund amounts reallocated pursuant to subsection (c) of this section.

POLICIES RELATING TO BIOMASS ENERGY

SEC. 432. To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—

(A) reflect the carbon neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use;

(B) encourage private investment throughout the forest biomass supply chain, including in—

(i) working forests;

(ii) harvesting operations;

(iii) forest improvement operations;

(iv) forest bioenergy production;

(v) wood products manufacturing; or

(vi) paper manufacturing;

(C) encourage forest management to improve forest health; and

(D) recognize State initiatives to produce and use forest biomass.

SMALL REMOTE INCINERATORS

SEC. 433. None of the funds made available in this Act may be used to implement or enforce the regulation issued on March 21, 2011 at 40 CFR part 60 subparts CCCC and DDDD with respect to units in the State of Alaska that are defined as "small, remote incinerator" units in those regulations and, until a subsequent regulation is issued, the Administrator shall implement the law and regulations in effect prior to such date.

Regulations. Alaska.

TIMBER SALE REQUIREMENTS

SEC. 434. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

Alaska.

TRANSFER AUTHORITY TO FEDERAL HIGHWAY ADMINISTRATION FOR THE NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND

SEC. 435. Funds made available or allocated in this Act to the Department of the Interior or the Department of Agriculture that are subject to the allocations and limitations in 54 U.S.C. 200402(e) and prohibitions in 54 U.S.C. 200402(f) may be further allocated or reallocated to the Federal Highway Administration for transportation projects of the covered agencies defined in 54 U.S.C. 200401(2).

PROHIBITION ON USE OF FUNDS

SEC. 436. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 437. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

FUNDING PROHIBITION

SEC. 438. None of the funds made available by this or any other Act may be used to regulate the lead content of ammunition, ammunition components, or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law.

ROAD CONSTRUCTION

SEC. 439. Section 8206(a)(4)(B)(i) of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)(4)(B)(i)) is amended by inserting "or Bureau of Land Management managed" after "National Forest System".

FIREFIGHTER PAY CAP

SEC. 440. Section 1701 of division B of the Extending Government Funding and Delivering Emergency Assistance Act (5 U.S.C. 5547 note), as amended by Public Law 117–103, is further amended—

(1) in subsection (a)(1), by striking the last sentence and inserting "Any Services during a given calendar year that generate payments payable in the subsequent calendar year shall be disregarded in applying this subsection"; and

(2) in subsections (a), (b), and (c) by inserting "or 2023" after "or 2022" each place it appears.

FOREST SERVICE INTEREST BEARING ACCOUNT

16 USC 579c–1.

SEC. 441. (a) INVESTMENT AUTHORITY.—Any monies covered into the Treasury under section 7 of the Act of June 20, 1958 (Public Law 85–464; 16 U.S.C. 579c), including all monies that were previously collected by the United States in a forfeiture, judgment, compromise, or settlement, shall be invested by the Secretary of the Treasury in interest bearing obligations of the United States to the extent the amounts are not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(b) AVAILABILITY OF FUNDS.—Any interest earned under subsection (a) shall be available in the same manner as the monies covered into the Treasury under section 7 of the Act of June 20, 1958 (Public Law 85–464; 16 U.S.C. 579c) to cover the costs to the United States specified in section 7 of that Act.

(c) USE OF FUNDS.—Any portion of the monies received or earned under subsection (a) in excess of the amount expended in performing the work necessitated by the action which led to their receipt may be used to cover the other work specified in section 7 of the Act of June 20, 1958 (Public Law 85–464; 16 U.S.C. 579c).

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2023 and each succeeding fiscal year.

TECHNICAL CORRECTION

SEC. 442. In the table entitled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" in the explanatory statement described in section 4 in the matter preceding division A of Public Law 117–103 and in the table under the heading "Disclosure of Earmarks

and Congressionally Directed Spending Items" in such explanatory statement, the project relating to "City of Metlakatla for Solid Waste Multi Use Portable Shredder" is deemed to be amended by striking "City of Metlakatla for Solid Waste Multi Use Portable Shredder" and inserting "Metlakatla Indian Community for Solid Waste Multi Use Portable Shredder".

HAZARDOUS SUBSTANCE SUPERFUND

SEC. 443. (a) Section 613 of title VI of division J of Public Law 117–58 is repealed.

Repeal.
26 USC 9507 note.

(b) For this fiscal year and each fiscal year thereafter, such sums as are available in the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 at the end of the preceding fiscal year from taxes received in the Treasury under subsection (b)(1) of such section shall be available, without further appropriation, to remain available until expended, to be used to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.): *Provided,* That the amount provided by this subsection is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

26 USC 9507 note.

(c) Expenditures made pursuant to section 613 of title VI of division J of Public Law 117–58 shall be charged to the appropriation in subsection (b).

GOLDEN GATE NATIONAL RECREATION AREA

SEC. 444. Section 3 of Public Law 92–592 (16 U.S.C. 460cc–2) is amended by adding at the end the following:

"(j) AUTHORITY TO GRANT EASEMENTS AND RIGHTS-OF-WAY PERMIT.—

"(1) IN GENERAL.—The Secretary of the Interior may grant, to any State or local government, an easement or right-of-way permit over Federal lands within Golden Gate National Recreation Area for operation and maintenance of projects for control and prevention of flooding and shoreline erosion and associated structures for continued public access.

"(2) CHARGES AND REIMBURSEMENTS OF COSTS.—The Secretary may grant such an easement or right-of-way permit without charge for the value of the use so conveyed, except for reimbursement of costs incurred by the United States for processing the application therefore and managing such use. Amounts received as such reimbursement shall be credited to the relevant appropriation account.".

ALASKA NATIVE REGIONAL HEALTH ENTITIES AUTHORIZATION EXTENSION

SEC. 445. Section 424(a) of title IV of division G of the Consolidated Appropriations Act, 2014 (Public Law 113–76) shall be applied by substituting "October 1, 2023" for "December 24, 2022".

Applicability.

This division may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023".

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023.
Department of Labor Appropriations Act, 2023.
Time periods.

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as "WIOA") and the National Apprenticeship Act, $4,140,911,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,929,332,000 as follows:

(A) $885,649,000 for adult employment and training activities, of which $173,649,000 shall be available for the period July 1, 2023 through June 30, 2024, and of which $712,000,000 shall be available for the period October 1, 2023 through June 30, 2024;

(B) $948,130,000 for youth activities, which shall be available for the period April 1, 2023 through June 30, 2024; and

(C) $1,095,553,000 for dislocated worker employment and training activities, of which $235,553,000 shall be available for the period July 1, 2023 through June 30, 2024, and of which $860,000,000 shall be available for the period October 1, 2023 through June 30, 2024:

Provided, That the funds available for allotment to outlying areas to carry out subtitle B of title I of the WIOA shall not be subject to the requirements of section 127(b)(1)(B)(ii) of such Act: *Provided further,* That notwithstanding the requirements of WIOA, outlying areas may submit a single application for a consolidated grant that awards funds that would otherwise be available to such areas to carry out the activities described in subtitle B of title I of the WIOA: *Provided further,* That such application shall be submitted to the Secretary of Labor (referred to in this title as "Secretary"), at such time, in such manner, and containing such information as the Secretary may require: *Provided further,* That outlying areas awarded a consolidated grant described in the preceding provisos may use the funds for any of the programs and activities authorized under such subtitle B of title I of the WIOA subject to approval of the application and such reporting requirements issued by the Secretary; and

(2) for national programs, $1,211,579,000 as follows:

(A) $325,859,000 for the dislocated workers assistance national reserve, of which $125,859,000 shall be available for the period July 1, 2023 through September 30, 2024, and of which $200,000,000 shall be available for the period October 1, 2023 through September 30, 2024: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for statewide or local use in order to address cases where

there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out sections 168(b) and 169(c) of the WIOA may be used for technical assistance and demonstration projects, respectively, that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That notwithstanding section 168(b) of the WIOA, of the funds provided under this subparagraph, the Secretary may reserve not more than 10 percent of such funds to provide technical assistance and carry out additional activities related to the transition to the WIOA: *Provided further*, That of the funds provided under this subparagraph, $115,000,000 shall be for training and employment assistance under sections 168(b), 169(c) (notwithstanding the 10 percent limitation in such section) and 170 of the WIOA as follows:

(i) $50,000,000 shall be for workers in the Appalachian region, as defined by 40 U.S.C. 14102(a)(1), workers in the Lower Mississippi, as defined in section 4(2) of the Delta Development Act (Public Law 100–460, 102 Stat. 2246; 7 U.S.C. 2009aa(2)), and workers in the region served by the Northern Border Regional Commission, as defined by 40 U.S.C. 15733; and

(ii) $65,000,000 shall be for the purpose of developing, offering, or improving educational or career training programs at community colleges, defined as public institutions of higher education, as described in section 101(a) of the Higher Education Act of 1965 and at which the associate's degree is primarily the highest degree awarded, with other eligible institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965, eligible to participate through consortia, with community colleges as the lead grantee: *Provided*, That the Secretary shall follow the requirements for the program in House Report 116–62: *Provided further*, That any grant funds used for apprenticeships shall be used to support only apprenticeship programs registered under the National Apprenticeship Act and as referred to in section 3(7)(B) of the WIOA;

Requirements.

(B) $60,000,000 for Native American programs under section 166 of the WIOA, which shall be available for the period July 1, 2023 through June 30, 2024;

(C) $97,396,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including $90,134,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $6,591,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $671,000 for other discretionary purposes, which shall be available for the period April 1, 2023 through June 30, 2024: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion

of eligible participants receiving related assistance services or discouraging grantees from providing such services: *Provided further*, That notwithstanding the definition of "eligible seasonal farmworker" in section 167(i)(3)(A) of the WIOA relating to an individual being "low-income", an individual is eligible for migrant and seasonal farmworker programs under section 167 of the WIOA under that definition if, in addition to meeting the requirements of clauses (i) and (ii) of section 167(i)(3)(A), such individual is a member of a family with a total family income equal to or less than 150 percent of the poverty line;

(D) $105,000,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2023 through June 30, 2024;

(E) $115,000,000 for ex-offender activities, under the authority of section 169 of the WIOA, which shall be available for the period April 1, 2023 through June 30, 2024: *Provided*, That of this amount, $30,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare for employment young adults with criminal legal histories, young adults who have been justice system-involved, or young adults who have dropped out of school or other educational programs, with a priority for projects serving high-crime, high-poverty areas;

(F) $6,000,000 for the Workforce Data Quality Initiative, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2023 through June 30, 2024;

(G) $285,000,000 to expand opportunities through apprenticeships only registered under the National Apprenticeship Act and as referred to in section 3(7)(B) of the WIOA, to be available to the Secretary to carry out activities through grants, cooperative agreements, contracts and other arrangements, with States and other appropriate entities, including equity intermediaries and business and labor industry partner intermediaries, which shall be available for the period July 1, 2023 through June 30, 2024; and

(H) $217,324,000 for carrying out Demonstration and Pilot projects under section 169(c) of the WIOA, which shall be available for the period April 1, 2023 through June 30, 2024, in addition to funds available for such activities under subparagraph (A) for the projects, and in the amounts, specified in the table titled "Community Project Funding/Congressionally Directed Spending" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such funds may be used for projects that are related to the employment and training needs of dislocated workers, other adults, or youth: *Provided further*, That the 10 percent funding limitation under such section of the WIOA shall not apply to such funds: *Provided further*, That section 169(b)(6)(C) of the WIOA shall not apply to such funds: *Provided further*, That sections 102 and 107 of this Act shall not apply to such funds.

JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIOA, $1,760,155,000, plus reimbursements, as follows:

(1) $1,603,325,000 for Job Corps Operations, which shall be available for the period July 1, 2023 through June 30, 2024;

(2) $123,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2023 through June 30, 2026, and which may include the acquisition, maintenance, and repair of major items of equipment: *Provided*, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: *Provided further*, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2023: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

Termination date.

Notifications.

(3) $33,830,000 for necessary expenses of Job Corps, which shall be available for obligation for the period October 1, 2022 through September 30, 2023:

Provided, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps Centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as "OAA"), $405,000,000, which shall be available for the period April 1, 2023 through June 30, 2024, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2023 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, sections 405(a) and 406 of the Trade Preferences Extension Act of 2015, and section 285(a) of the Trade Act of 1974, as amended, $494,400,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2023: *Provided,* That notwithstanding section 502 of this Act, any part of the appropriation provided under this heading may remain available for obligation

beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For authorized administrative expenses, $84,066,000, together with not to exceed $3,925,084,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which—

(1) $3,134,635,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than $375,000,000 to carry out reemployment services and eligibility assessments under section 306 of such Act, any claimants of regular compensation, as defined in such section, including those who are profiled as most likely to exhaust their benefits, may be eligible for such services and assessments: *Provided*, That of such amount, $117,000,000 is specified for grants under section 306 of the Social Security Act and is provided to meet the terms of a concurrent resolution on the budget in the Senate and section 1(j)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, and $258,000,000 is additional new budget authority specified for purposes of a concurrent resolution on the budget in the Senate and section 1(j) of such House resolution; and $9,000,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, sections 405(a) and 406 of the Trade Preferences Extension Act of 2015, and section 285(a) of the Trade Act of 1974, as amended, and shall be available for obligation by the States through December 31, 2023, except that funds used for automation shall be available for Federal obligation through December 31, 2023, and for State obligation through September 30, 2025, or, if the automation is being carried out through consortia of States, for State obligation through September 30, 2029, and for expenditure through September 30, 2030, and funds for competitive grants awarded to States for improved operations and to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews and provide reemployment services and referrals to training, as appropriate, shall be available for Federal obligation through December 31, 2023 (except that funds for outcome payments pursuant to section 306(f)(2) of the Social Security Act shall be available for Federal obligation through March 31, 2024), and for obligation by the States through September 30, 2025, and funds for the Unemployment Insurance Integrity Center of Excellence shall be available for obligation by the State through September

30, 2024, and funds used for unemployment insurance workloads experienced through September 30, 2023 shall be available for Federal obligation through December 31, 2023;

(2) $23,000,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $658,639,000 from the Trust Fund, together with $21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2023 through June 30, 2024;

(4) $25,000,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986 (including assisting States in adopting or modernizing information technology for use in the processing of certification requests), and the provision of technical assistance and staff training under the Wagner-Peyser Act;

(5) $83,810,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $60,528,000 shall be available for the Federal administration of such activities, and $23,282,000 shall be available for grants to States for the administration of such activities; and

(6) $62,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2023 through June 30, 2024, of which up to $9,800,000 may be used to carry out research and demonstration projects related to testing effective ways to promote greater labor force participation of people with disabilities: *Provided*, That the Secretary may transfer amounts made available for research and demonstration projects under this paragraph to the "Office of Disability Employment Policy" account for such purposes:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2023 is projected by the Department of Labor to exceed 1,778,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further,* That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further,* That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further,* That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career

Payments.

Payments.

Contracts.
Grants.

center system, or which are used to support the national activities of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: *Provided further,* That States awarded competitive grants for improved operations under title III of the Social Security Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States and non-State entities under such grants, subject to the conditions applicable to the grants: *Provided further,* That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the final rule entitled "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" at part 200 of title 2, Code of Federal Regulations: *Provided further,* That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium or to the entity operating the Unemployment Insurance Information Technology Support Center in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: *Provided further,* That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2024, for such purposes.

Grants.

Reallotment.

Fees.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal Unemployment Benefits and Allowances" account, such sums as may be necessary, which shall be available for obligation through September 30, 2024.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $118,900,000, together with not to exceed $54,015,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $191,100,000, of which up to $3,000,000 shall be made available through September 30, 2024, for the procurement of expert witnesses for enforcement litigation.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

Contracts.

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2023, for the Corporation: *Provided,* That none of the funds available to the Corporation for fiscal year 2023 shall be available for obligations for administrative expenses in excess of $493,314,000: *Provided further,* That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2023, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2027, for obligations for administrative expenses for every 20,000 additional terminated participants: *Provided further,* That obligations in excess of the amounts provided for administrative expenses in this paragraph may be incurred and shall be available through September 30, 2027 for obligation for unforeseen and extraordinary pre-termination or termination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That an additional amount shall be available for obligation through September 30, 2027 to the extent the Corporation's costs exceed $250,000 for the provision of credit or identity monitoring to affected individuals upon suffering a security incident or privacy breach, not to exceed an additional $100 per affected individual.

Approval.
Notifications.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $260,000,000.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, $48,515,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $110,976,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, $120,500,000, together with $2,205,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses not otherwise authorized) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2012); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $250,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year, for deposit into and to assume the attributes of the Employees' Compensation Fund established under 5 U.S.C. 8147(a): *Provided,* That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further,* That balances of reimbursements unobligated on September 30, 2022, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2023: *Provided further,* That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $81,752,000 shall be made available to the Secretary as follows:

Reimbursement.

Reimbursements.

Determination.

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, $27,727,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $26,125,000;

(3) For periodic roll disability management and medical review, $26,126,000;

(4) For program integrity, $1,744,000; and

(5) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $36,031,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2024, $10,250,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $64,564,000, to remain available until expended: *Provided,* That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund (the "Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2023 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $42,194,000 for transfer to the Office of Workers' Compensation Programs, "Salaries and Expenses"; not to exceed $38,407,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $353,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

26 USC 9501 note.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $632,309,000, including not to exceed $120,000,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided,* That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2023, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred ("DART") occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

Fees.

Farms and farming.

Small businesses.

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further,* That $12,787,000 shall be available for Susan Harwood training grants, of which not more than $6,500,000 is for Susan Harwood Training Capacity Building Developmental grants, for program activities starting not later than September 30, 2023 and lasting for a period of 12 months: *Provided further,* That not less than $3,500,000 shall be for Voluntary Protection Programs. Deadline.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $387,816,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities and not less than $10,537,000 for State assistance grants: *Provided,* That notwithstanding 31 U.S.C. 3302, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further,* That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to $2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further,* That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further,* That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further,* That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further,* That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

30 USC 966 note.
30 USC 962.
30 USC 962.
30 USC 962.
Approval.
30 USC 962.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $629,952,000,

together with not to exceed $68,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $43,000,000, of which not less than $9,000,000 shall be for research and demonstration projects related to testing effective ways to promote greater labor force participation of people with disabilities: *Provided,* That the Secretary may transfer amounts made available under this heading for research and demonstration projects to the "State Unemployment Insurance and Employment Service Operations" account for such purposes.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $391,889,000, together with not to exceed $308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided,* That $81,725,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2023: *Provided further,* That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further,* That not less than $30,175,000 shall be for programs to combat exploitative child labor internationally and not less than $30,175,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further,* That $8,281,000 shall be used for program evaluation and shall be available for obligation through September 30, 2024: *Provided further,* That funds available for program evaluation may be used to administer grants for the purpose of evaluation: *Provided further,* That grants made for the purpose of evaluation shall be awarded through fair and open competition: *Provided further,* That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further,* That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: *Provided further,* That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce: *Provided further,* That

Contracts.
Grants.

Notifications.

of the amounts made available to the Women's Bureau, not less than $5,000,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.

VETERANS' EMPLOYMENT AND TRAINING

Not to exceed $269,841,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which—

(1) $185,000,000 is for Jobs for Veterans State grants under 38 U.S.C. 4102A(b)(5) to support disabled veterans' outreach program specialists under section 4103A of such title and local veterans' employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for expenditure by the States through September 30, 2025, and not to exceed 3 percent for the necessary Federal expenditures for data systems and contract support to allow for the tracking of participant and performance information: *Provided*, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members;

(2) $34,379,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and 10 U.S.C. 1144;

(3) $47,048,000 is for Federal administration of chapters 41, 42, and 43 of title 38, and sections 2021, 2021A and 2023 of title 38, United States Code: *Provided*, That, up to $500,000 may be used to carry out the Hire VETS Act (division O of Public Law 115–31); and

(4) $3,414,000 is for the National Veterans' Employment and Training Services Institute under 38 U.S.C. 4109:

Provided, That the Secretary may reallocate among the appropriations provided under paragraphs (1) through (4) above an amount not to exceed 3 percent of the appropriation from which such reallocation is made. Reallocation.

In addition, from the General Fund of the Treasury, $65,500,000 is for carrying out programs to assist homeless veterans and veterans at risk of homelessness who are transitioning from certain institutions under sections 2021, 2021A, and 2023 of title 38, United States Code: *Provided,* That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2023, to provide services under such section: *Provided further,* That services provided under sections 2021 or under 2021A may include, in addition to services to homeless veterans described in section 2002(a)(1), services to veterans who were homeless at some point within the 60 days prior to program entry or veterans who are at risk of homelessness within the next 60 days, and that services provided under section 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from Grants.

incarceration who are at risk of homelessness: *Provided further,* That notwithstanding paragraph (3) under this heading, funds appropriated in this paragraph may be used for data systems and contract support to allow for the tracking of participant and performance information: *Provided further,* That notwithstanding sections 2021(e)(2) and 2021A(f)(2) of title 38, United States Code, such funds shall be available for expenditure pursuant to 31 U.S.C. 1553.

Data. Contracts.

In addition, fees may be assessed and deposited in the HIRE Vets Medallion Award Fund pursuant to section 5(b) of the HIRE Vets Act, and such amounts shall be available to the Secretary to carry out the HIRE Vets Medallion Award Program, as authorized by such Act, and shall remain available until expended: *Provided,* That such sums shall be in addition to any other funds available for such purposes, including funds available under paragraph (3) of this heading: *Provided further,* That section 2(d) of division O of the Consolidated Appropriations Act, 2017 (Public Law 115–31; 38 U.S.C. 4100 note) shall not apply.

Fees.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $34,269,000, which shall be available through September 30, 2024.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $91,187,000, together with not to exceed $5,841,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided,* That not more than $2,000,000 of the amount provided under this heading may be available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided,* That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further,* That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notifications.

SEC. 103. In accordance with Executive Order 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act. Child labor.

SEC. 104. Except as otherwise provided in this section, none of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a) may be used for any purpose other than competitive grants for training individuals who are older than 16 years of age and are not currently enrolled in school within a local educational agency in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds made available by this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(TRANSFER OF FUNDS)

SEC. 106. (a) Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to "Program Administration" when it is determined that those services will be more efficiently performed by Federal employees: *Provided*, That this section shall not apply to section 171 of the WIOA.

(b) Notwithstanding section 102, the Secretary may transfer not more than 0.5 percent of each discretionary appropriation made available to the Employment and Training Administration by this Act to "Program Administration" in order to carry out program integrity activities relating to any of the programs or activities that are funded under any such discretionary appropriations: *Provided*, That notwithstanding section 102 and the preceding proviso, the Secretary may transfer not more than 0.5 percent of funds made available in paragraphs (1) and (2) of the "Office of Job Corps" account to paragraph (3) of such account to carry out program integrity activities related to the Job Corps program: *Provided further*, That funds transferred under this subsection shall be available to the Secretary to carry out program integrity activities directly or through grants, cooperative agreements, contracts and other arrangements with States and other appropriate entities: Grants. Contracts.

Provided further, That funds transferred under the authority provided by this subsection shall be available for obligation through September 30, 2024.

(TRANSFER OF FUNDS)

Evaluations.

SEC. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to "Departmental Management" for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2024: *Provided*, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

Plan.

(b) The accounts referred to in subsection (a) are: "Training and Employment Services", "Job Corps", "Community Service Employment for Older Americans", "State Unemployment Insurance and Employment Service Operations", "Employee Benefits Security Administration", "Office of Workers' Compensation Programs", "Wage and Hour Division", "Office of Federal Contract Compliance Programs", "Office of Labor Management Standards", "Occupational Safety and Health Administration", "Mine Safety and Health Administration", "Office of Disability Employment Policy", funding made available to the "Bureau of International Labor Affairs" and "Women's Bureau" within the "Departmental Management, Salaries and Expenses" account, and "Veterans' Employment and Training".

Applicability.

SEC. 108. (a) Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall be applied as if the following text is part of such section:

"(s)(1) The provisions of this section shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—

"(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

"(B) who receives from such employer on average weekly compensation of not less than $591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and

"(C) whose duties include any of the following:

"(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;

"(ii) inspecting property damage or reviewing factual information to prepare damage estimates;

"(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;

"(iv) negotiating settlements; or

"(v) making recommendations regarding litigation.

"(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1).

"(3) For purposes of this subsection— Definitions.

"(A) the term 'major disaster' means any disaster or catastrophe declared or designated by any State or Federal agency or department;

"(B) the term 'employee employed to adjust or evaluate claims resulting from or relating to such major disaster' means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

"(C) the term 'affiliate' means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.".

(b) This section shall be effective on the date of enactment of this Act. Effective date.

SEC. 109. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if a petition for H–2B nonimmigrants filed by an employer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H–2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

(A) completes a new assessment of the local labor market by— Assessment.

(i) listing job orders in local newspapers on 2 separate Sundays; and

(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer's place of employment; and

(B) offers the job to an equally or better qualified United States worker who—

(i) applies for the job; and

(ii) will be available at the time and place of need.

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer in the seafood industry who brings H–2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.

(b) H–2B NONIMMIGRANTS DEFINED.—In this section, the term "H–2B nonimmigrants" means aliens admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

Determinations. Wages.

SEC. 110. The determination of prevailing wage for the purposes of the H–2B program shall be the greater of—(1) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position in the same location; or (2) the prevailing wage level for the occupational classification of the position in the geographic area in which the H–2B nonimmigrant will be employed, based on the best information available at the time of filing the petition. In the determination of prevailing wage for the purposes of the H–2B program, the Secretary shall accept private wage surveys even in instances where Occupational Employment Statistics survey data are available unless the Secretary determines that the methodology and data in the provided survey are not statistically supported.

SEC. 111. None of the funds in this Act shall be used to enforce the definition of corresponding employment found in 20 CFR 655.5 or the three-fourths guarantee rule definition found in 20 CFR 655.20, or any references thereto. Further, for the purpose of regulating admission of temporary workers under the H–2B program, the definition of temporary need shall be that provided in 8 CFR 214.2(h)(6)(ii)(B).

Determination.

SEC. 112. Notwithstanding any other provision of law, the Secretary may furnish through grants, cooperative agreements, contracts, and other arrangements, up to $2,000,000 of excess personal property, at a value determined by the Secretary, to apprenticeship programs for the purpose of training apprentices in those programs.

Applicability.

SEC. 113. (a) The Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (37 Stat. 736, chapter 141) shall be applied as if the following text is part of such Act:

"SEC. 12. SECURITY DETAIL.

Guidelines.

"(a) IN GENERAL.—The Secretary of Labor is authorized to employ law enforcement officers or special agents to—

"(1) provide protection for the Secretary of Labor during the workday of the Secretary and during any activity that is preliminary or postliminary to the performance of official duties by the Secretary;

"(2) provide protection, incidental to the protection provided to the Secretary, to a member of the immediate family of the Secretary who is participating in an activity or event relating to the official duties of the Secretary;

"(3) provide continuous protection to the Secretary (including during periods not described in paragraph (1)) and to the members of the immediate family of the Secretary if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary; and

"(4) provide protection to the Deputy Secretary of Labor or another senior officer representing the Secretary of Labor at a public event if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary.

"(b) AUTHORITIES.—The Secretary of Labor may authorize a law enforcement officer or special agent employed under subsection

(a), for the purpose of performing the duties authorized under subsection (a), to—

"(1) carry firearms;

"(2) make arrests without a warrant for any offense against the United States committed in the presence of such officer or special agent;

"(3) perform protective intelligence work, including identifying and mitigating potential threats and conducting advance work to review security matters relating to sites and events;

"(4) coordinate with local law enforcement agencies; and Coordination.

"(5) initiate criminal and other investigations into potential threats to the security of the Secretary, in coordination with the Inspector General of the Department of Labor. Investigations.

"(c) COMPLIANCE WITH GUIDELINES.—A law enforcement officer or special agent employed under subsection (a) shall exercise any authority provided under this section in accordance with any—

"(1) guidelines issued by the Attorney General; and

"(2) guidelines prescribed by the Secretary of Labor.".

(b) This section shall be effective on the date of enactment of this Act. Effective date.

SEC. 114. The Secretary is authorized to dispose of or divest, by any means the Secretary determines appropriate, including an agreement or partnership to construct a new Job Corps center, all or a portion of the real property on which the Treasure Island Job Corps Center is situated. Any sale or other disposition, to include any associated construction project, will not be subject to any requirement of any Federal law or regulation relating to the disposition of Federal real property or relating to Federal procurement, including but not limited to subchapter III of chapter 5 of title 40 of the United States Code, subchapter V of chapter 119 of title 42 of the United States Code, and chapter 33 of division C of subtitle I of title 41 of the United States Code. The net proceeds of such a sale shall be transferred to the Secretary, which shall be available until expended to carry out the Job Corps Program on Treasure Island. Real property.

SEC. 115. None of the funds made available by this Act may be used to—

(1) alter or terminate the Interagency Agreement between the United States Department of Labor and the United States Department of Agriculture; or

(2) close any of the Civilian Conservation Centers, except if such closure is necessary to prevent the endangerment of the health and safety of the students, the capacity of the program is retained, and the requirements of section 159(j) of the WIOA are met.

(RESCISSION)

SEC. 116. Of the unobligated funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)), $142,000,000 are hereby permanently rescinded not later than September 30, 2023. Deadline.

This title may be cited as the "Department of Labor Appropriations Act, 2023".

Department of Health and Human Services Appropriations Act, 2023.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health 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,* 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 $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 Department of Health and Human Services (referred to in this Act as "HHS") pertaining to administrative claims made under such law.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $1,390,376,000: *Provided,* That section 751(j)(2) of the PHS Act and the proportional funding amounts in paragraphs (1) through (4) of section 756(f) of the PHS Act shall not apply to funds made available under this heading: *Provided further,* That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the "Secretary") may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: *Provided further,* That section 756(c) of the PHS Act shall apply to paragraphs (1) through (4) of section 756(a) of such Act: *Provided further,* That no funds shall be available for section 340G–1 of the PHS Act: *Provided further,* That fees collected for the disclosure of information under section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: *Provided further,* That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such section and subpart: *Provided further,* That $125,600,000 shall remain available until expended for the purposes of providing primary health services, assigning National Health Service Corps ("NHSC") participants to expand the delivery of substance use disorder treatment services, notwithstanding the assignment priorities and limitations under sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of the PHS Act, and making payments under the NHSC Loan Repayment Program under section 338B of such Act: *Provided further,* That, within the amount made available in the previous proviso, $15,600,000 shall remain available until expended for the purposes of making payments under the NHSC Loan Repayment Program under section

Waiver authority. 42 USC 294a note.

Applicability.

Fees.

338B of the PHS Act to individuals participating in such program who provide primary health services in Indian Health Service facilities, Tribally-Operated 638 Health Programs, and Urban Indian Health Programs (as those terms are defined by the Secretary), notwithstanding the assignment priorities and limitations under section 333(b) of such Act: *Provided further,* That for purposes of the previous two provisos, section 331(a)(3)(D) of the PHS Act shall be applied as if the term "primary health services" includes clinical substance use disorder treatment services, including those provided by masters level, licensed substance use disorder treatment counselors: *Provided further,* That of the funds made available under this heading, $6,000,000 shall be available to make grants to establish, expand, or maintain optional community-based nurse practitioner fellowship programs that are accredited or in the accreditation process, with a preference for those in Federally Qualified Health Centers, for practicing postgraduate nurse practitioners in primary care or behavioral health: *Provided further,* That of the funds made available under this heading, $10,000,000 shall remain available until expended for activities under section 775 of the PHS Act: *Provided further,* That the United States may recover liquidated damages in an amount determined by the formula under section 338E(c)(1) of the PHS Act if an individual either fails to begin or complete the service obligated by a contract under section 775(b) of the PHS Act: *Provided further,* That for purposes of section 775(c)(1) of the PHS Act, the Secretary may include other mental and behavioral health disciplines as the Secretary deems appropriate: *Provided further,* That the Secretary may terminate a contract entered into under section 775 of the PHS Act in the same manner articulated in section 206 of this title for fiscal year 2023 contracts entered into under section 338B of the PHS Act.

Applicability. Definition.

Termination. Contracts.

Of the funds made available under this heading, $60,000,000 shall remain available until expended for grants to public institutions of higher education to expand or support graduate education for physicians provided by such institutions, including funding for infrastructure development, maintenance, equipment, and minor renovations or alterations: *Provided,* That, in awarding such grants, the Secretary shall give priority to public institutions of higher education located in States with a projected primary care provider shortage in 2025, as determined by the Secretary: *Provided further,* That grants so awarded are limited to such public institutions of higher education in States in the top quintile of States with a projected primary care provider shortage in 2025, as determined by the Secretary: *Provided further,* That the minimum amount of a grant so awarded to such an institution shall be not less than $1,000,000 per year: *Provided further,* That such a grant may be awarded for a period not to exceed 5 years: *Provided further,* That such a grant awarded with respect to a year to such an institution shall be subject to a matching requirement of non-Federal funds in an amount that is not less than 10 percent of the total amount of Federal funds provided in the grant to such institution with respect to such year.

Determination.

Determination.

Time period.

Matching funds.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health and title V of the Social

Security Act, $1,171,430,000: *Provided,* That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than $219,116,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,276,000 shall be available for projects described in subparagraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, $2,571,041,000, of which $2,045,630,000 shall remain available to the Secretary through September 30, 2025, for parts A and B of title XXVI of the PHS Act, and of which not less than $900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act; and of which $165,000,000, to remain available until expended, shall be available to the Secretary for carrying out a program of grants and contracts under title XXVI or section 311(c) of such Act focused on ending the nationwide HIV/AIDS epidemic, with any grants issued under such section 311(c) administered in conjunction with title XXVI of the PHS Act, including the limitation on administrative expenses.

HEALTH SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $99,009,000, of which $122,000 shall be available until expended for facilities-related expenses of the National Hansen's Disease Program.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, and sections 711 and 1820 of the Social Security Act, $352,407,000, of which $64,277,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: *Provided,* That of the funds made available under this heading for Medicare rural hospital flexibility grants, $20,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology, no less than $5,000,000 shall be available to award grants to public or non-profit private entities for the Rural Emergency Hospital Technical Assistance Program, and up to $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services and other efforts to improve health care coordination for rural veterans between rural providers and the Department of Veterans Affairs: *Provided further,* That notwithstanding section 338J(k) of the PHS Act, $12,500,000 shall be available for State Offices of Rural Health: *Provided further,* That $12,500,000 shall remain available through September 30, 2025, to support the Rural Residency Development Program: *Provided further,* That $145,000,000 shall be for the Rural Communities Opioids Response Program.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, $286,479,000: *Provided,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

Abortions.
Lobbying.

HRSA-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out title III of the Public Health Service Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Health Resources and Services Administration, $1,735,769,000, of which $38,050,000 shall be for expenses necessary for the Office for the Advancement of Telehealth, including grants, contracts, and cooperative agreements for the advancement of telehealth activities: *Provided,* That funds made available under this heading may be used to supplement program support funding provided under the headings "Primary Health Care", "Health Workforce", "Maternal and Child Health", "Ryan White HIV/AIDS Program", "Health Systems", and "Rural Health": *Provided further,* That of the amount made available under this heading, $1,521,681,000 shall be used for the projects financing the construction and renovation (including equipment) of health care and other facilities, and for the projects financing one-time grants that support health-related activities, including training and information technology, and in the amounts specified in the table titled "Community Project Funding/Congressionally Directed Spending" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That none of the funds made available for projects described in the preceding proviso shall be subject to section 241 of the PHS Act or section 205 of this Act.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the "Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: *Provided,* That for necessary administrative expenses, not to exceed $15,200,000 shall be available from the Trust Fund to the Secretary.

COVERED COUNTERMEASURES PROCESS FUND

For carrying out section 319F–4 of the PHS Act, $7,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $499,941,000.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,391,056,000.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $698,772,000: *Provided,* That of the amounts made available under this heading, up to $1,000,000 shall remain available until expended to pay for the transportation, medical care, treatment, and other related costs of persons quarantined or isolated under Federal or State quarantine law.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $1,175,464,000: *Provided,* That funds made available under this heading may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: *Provided further,* That of the funds made available under this heading, $16,500,000 shall be available to continue and expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: *Provided further,* That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $205,560,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, $754,497,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, $229,850,000: *Provided,* That of the amounts appropriated under this heading up to $4,000,000 may remain available until expended for carrying out the Vessel Sanitation Program, in addition to user fee collections available for such purpose: *Provided further,* That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any use of funds pursuant to the preceding proviso.

Notifications.
Time period.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, $761,379,000.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $362,800,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended: *Provided,* That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, $692,843,000, of which: (1) $128,921,000 shall remain available through September 30, 2024 for international HIV/AIDS; and (2) $293,200,000 shall remain available through September 30, 2025 for global public health protection: *Provided,* That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, $883,200,000: *Provided,* That the Director of the Centers for Disease Control and Prevention (referred to in this title as "CDC") or the Administrator of the Agency for Toxic Substances and Disease Registry may detail staff without reimbursement to support an activation of the CDC Emergency Operations Center, so long as the Director or Administrator, as applicable, provides a notice to the Committees on Appropriations of the House of

Detailees.
Notice.
Deadline.
Reports.
Updates.
Time period.

Representatives and the Senate within 15 days of the use of this authority, a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed, and an update of such report every 180 days until staff are no longer on detail without reimbursement to the CDC Emergency Operations Center.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construction, installation, demolition, and renovation of facilities, $40,000,000, which shall remain available until September 30, 2027: *Provided,* That funds made available to this account in this or any prior Act that are available for the acquisition of real property or for construction or improvement of facilities shall be available to make improvements on non-federally owned property, provided that any improvements that are not adjacent to federally owned property do not exceed $2,500,000, and that the primary benefit of such improvements accrues to CDC: *Provided further,* That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experimental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: *Provided further,* That funds made available to this account in this or any prior Act that are available for the acquisition of real property or for construction or improvement of facilities in conjunction with the new replacement mine safety research facility shall be available to make improvements on non-federally owned property, provided that any improvements that are not adjacent to federally owned property do not exceed $5,000,000: *Provided further,* That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for Disease Control and Prevention, $563,570,000, of which: (1) $350,000,000 shall remain available through September 30, 2024, for public health infrastructure and capacity; and (2) $50,000,000 shall remain available through September 30, 2024 for forecasting epidemics and outbreak analytics: *Provided,* That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further,* That of the amounts made available under this heading, $35,000,000, to remain available until expended, shall be available to the Director of the CDC for deposit in the Infectious Diseases Rapid Response Reserve Fund established by section 231 of division B of Public Law 115–245: *Provided further,* That funds appropriated

Contracts.

under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout CDC to ensure the agency is prepared to address public health preparedness emergencies: *Provided further,* That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: *Provided further,* That CDC may use up to $10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further,* That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: *Provided further,* That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program and the Respirator Certification Program shall be available through September 30, 2024.

Detailees.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, $7,104,159,000, of which up to $30,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,982,345,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, $520,163,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $2,300,721,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $2,588,925,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $6,562,279,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $3,239,679,000, of which $1,412,482,000 shall be from funds available under section 241 of the PHS Act: *Provided,* That not less than $425,956,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,749,078,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $896,549,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $913,979,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, $4,407,623,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, $685,465,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $534,333,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $197,693,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, $595,318,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,662,695,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, $2,112,843,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $663,200,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, $440,627,000.

NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to complementary and integrative health, $170,384,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, $524,395,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), $95,162,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $497,548,000: *Provided,* That of the amounts available for improvement of information systems, $4,000,000 shall be available until September 30, 2024: *Provided further,* That in fiscal year 2023, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as "NIH").

Contracts.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $923,323,000: *Provided,* That up to $70,000,000 shall be available to implement section 480 of the PHS Act, relating to the Cures Acceleration Network: *Provided further,* That at least $629,560,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, NIH, $2,642,914,000: *Provided,* That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further,* That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further,* That $180,000,000 shall be for the Environmental Influences on Child Health Outcomes study: *Provided further,* That $722,401,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further,* That of the funds provided, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further,* That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: *Provided further,* That $80,000,000 shall be used to carry out section 404I of the PHS Act (42 U.S.C. 283K), relating to biomedical and behavioral research facilities: *Provided further,* That $5,000,000 shall be transferred to and merged with the appropriation for the "Office of Inspector General" for oversight of grant programs and operations of the NIH, including agency efforts to ensure the integrity of its grant application evaluation and selection processes, and shall be in addition to funds otherwise made available for oversight of the NIH: *Provided further,* That the funds provided in the previous proviso may be transferred from one specified activity to another with 15 days prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That the Inspector General shall consult with the Committees on Appropriations of the House of Representatives and the Senate before submitting to the Committees an audit plan for fiscal years 2023 and 2024 no later than 30 days after the date of enactment of this Act: *Provided further,* That amounts made available under this heading are also available to establish, operate, and support the Research Policy Board authorized by section 2034(f) of the 21st Century Cures Act: *Provided further,* That the funds made available under this heading for the Office of Research on Women's Health shall also be available for making grants to serve and promote the interests of women in research, and the Director of such Office may, in making such grants, use the authorities available to NIH Institutes and Centers.

Time period. Advance approvals.

Consultation. Audit plan. Time periods. Deadline.

Grants.

In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, $12,600,000 is appropriated to the Common Fund from the 10-year Pediatric Research Initiative Fund described in section 9008 of the Internal Revenue Code of 1986 (26 U.S.C. 9008), for the purpose of carrying out section 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act.

BUILDINGS AND FACILITIES

For the study of, construction of, demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH,

including the acquisition of real property, $350,000,000, to remain available through September 30, 2027.

NIH INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described in section 1001(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes in the appropriations provided to the NIH in this Act, $1,085,000,000, to remain available until expended: *Provided,* That such amounts are appropriated pursuant to section 1001(b)(3) of such Act, are to be derived from amounts transferred under section 1001(b)(2)(A) of such Act, and may be transferred by the Director of the National Institutes of Health to other accounts of the National Institutes of Health solely for the purposes provided in such Act: *Provided further,* That upon a determination by the Director that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

Determination.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, the Protection and Advocacy for Individuals with Mental Illness Act, and the SUPPORT for Patients and Communities Act, $2,693,507,000: *Provided,* That of the funds made available under this heading, $93,887,000 shall be for the National Child Traumatic Stress Initiative: *Provided further,* That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: *Provided further,* That in addition to amounts provided herein, $21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: *Provided further,* That of the funds made available under this heading for subpart I of part B of title XIX of the PHS Act, at least 5 percent shall be available to support evidence-based crisis systems: *Provided further,* That up to 10 percent of the amounts made available to carry out the Children's Mental Health Services program may be used to carry out demonstration grants or contracts for early interventions with persons not more than 25 years of age at clinical high risk of developing a first episode of psychosis: *Provided further,* That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated in this Act for fiscal year 2023: *Provided further,* That $385,000,000 shall be available until September 30, 2025 for grants to communities and community organizations who meet criteria for Certified Community Behavioral Health Clinics pursuant to section 223(a) of Public Law 113–93: *Provided further,* That none of the funds provided for section 1911 of the PHS Act shall be subject to section

Grants.
Contracts.

241 of such Act: *Provided further,* That of the funds made available under this heading, $21,420,000 shall be to carry out section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

SUBSTANCE ABUSE TREATMENT

For carrying out titles III and V of the PHS Act with respect to substance abuse treatment and title XIX of such Act with respect to substance abuse treatment and prevention, and the SUPPORT for Patients and Communities Act, $4,076,098,000: *Provided,* That $1,575,000,000 shall be for State Opioid Response Grants for carrying out activities pertaining to opioids and stimulants undertaken by the State agency responsible for administering the substance abuse prevention and treatment block grant under subpart II of part B of title XIX of the PHS Act (42 U.S.C. 300x–21 et seq.): *Provided further,* That of such amount $55,000,000 shall be made available to Indian Tribes or tribal organizations: *Provided further,* That 15 percent of the remaining amount shall be for the States with the highest mortality rate related to opioid use disorders: *Provided further,* That in allocating the amount made available in the preceding proviso, the Secretary shall ensure that the formula avoids a significant cliff between States with similar overdose mortality rates to prevent unusually large funding changes in States when compared to prior year allocations: *Provided further,* That of the amounts provided for State Opioid Response Grants not more than 2 percent shall be available for Federal administrative expenses, training, technical assistance, and evaluation: *Provided further,* That of the amount not reserved by the previous four provisos, the Secretary shall make allocations to States, territories, and the District of Columbia according to a formula using national survey results that the Secretary determines are the most objective and reliable measure of drug use and drug-related deaths: *Provided further,* That the Secretary shall submit the formula methodology to the Committees on Appropriations of the House of Representatives and the Senate not less than 21 days prior to publishing a Funding Opportunity Announcement: *Provided further,* That prevention and treatment activities funded through such grants may include education, treatment (including the provision of medication), behavioral health services for individuals in treatment programs, referral to treatment services, recovery support, and medical screening associated with such treatment: *Provided further,* That each State, as well as the District of Columbia, shall receive not less than $4,000,000: *Provided further,* That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) $2,000,000 to evaluate substance abuse treatment programs: *Provided further,* That none of the funds provided for section 1921 of the PHS Act or State Opioid Response Grants shall be subject to section 241 of such Act.

State and local governments. Opioids. Allocations. State and local governments.

Allocations. State and local governments. Territories. District of Columbia. Determination. Deadline.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $236,879,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention" in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $301,932,000: *Provided,* That of the amount made available under this heading, $160,777,000 shall be used for the projects, and in the amounts, specified in the table titled "Community Project Funding/Congressionally Directed Spending" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That none of the funds made available for projects described in the preceding proviso shall be subject to section 241 of the PHS Act or section 205 of this Act: *Provided further,* That in addition to amounts provided herein, $31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: *Provided further,* That, in addition, fees may be collected for the costs of publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: *Provided further,* That amounts made available in this Act for carrying out section 501(o) of the PHS Act shall remain available through September 30, 2024: *Provided further,* That funds made available under this heading (other than amounts specified in the first proviso under this heading) may be used to supplement program support funding provided under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention".

Fees.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $373,500,000: *Provided,* That section 947(c) of the PHS Act shall not apply in fiscal year 2023: *Provided further,* That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2024.

CENTERS FOR MEDICARE & MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $367,357,090,000, to remain available until expended.

In addition, for carrying out such titles after May 31, 2023, for the last quarter of fiscal year 2023 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary, to remain available until expended.

In addition, for carrying out such titles for the first quarter of fiscal year 2024, $197,580,474,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO THE HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $548,130,000,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D–16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare & Medicaid Services, not to exceed $3,669,744,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 1893(h) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided,* That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further,* That the Secretary is directed to collect fees in fiscal year 2023 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further,* That of the amount

Fees.

made available under this heading, $397,334,000 shall remain available until September 30, 2024, and shall be available for the Survey and Certification Program: *Provided further,* That amounts available under this heading to support quality improvement organizations (as defined in section 1152 of the Social Security Act) shall not exceed the amount specifically provided for such purpose under this heading in division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $893,000,000, to remain available through September 30, 2024, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $665,648,000 shall be for the Centers for Medicare & Medicaid Services program integrity activities, of which $105,145,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, and of which $122,207,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided,* That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2023 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation: *Provided further,* That of the amount provided under this heading, $317,000,000 is provided to meet the terms of a concurrent resolution on the budget in the Senate, and $576,000,000 is additional new budget authority specified for purposes of a concurrent resolution on the budget in the Senate and section 1(h) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022 for additional health care fraud and abuse control activities: *Provided further,* That the Secretary shall provide not less than $35,000,000 from amounts made available under this heading and amounts made available for fiscal year 2023 under section 1817(k)(3)(A) of the Social Security Act for the Senior Medicare Patrol program to combat health care fraud and abuse.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,883,000,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2024, $1,300,000,000, to remain available until expended.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), $1,500,000,000: *Provided,* That notwithstanding section 2609A(a) of such Act, not more than $9,600,000 may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures, and to supplement funding otherwise available for necessary administrative expenses to carry out such Act, and the Secretary may, in addition to the authorities provided in section 2609A(a)(1), use such funds through contracts with private entities that do not qualify as nonprofit organizations: *Provided further,* That all but $884,848,000 of the amount appropriated under this heading in this Act and in the second paragraph under this heading in the Disaster Relief Supplemental Appropriations Act, 2023 shall be allocated as though the total appropriation for such payments for fiscal year 2023 was less than $1,975,000,000: *Provided further,* That, after applying all applicable provisions of section 2604 of such Act and the previous proviso, each State or territory that would otherwise receive an allocation, from the amount appropriated under this heading in this Act together with the amount appropriated in the second paragraph under this heading in the Disaster Relief Supplemental Appropriations Act, 2023, that is less than 97 percent of the amount that it received under this heading for fiscal year 2022 from amounts appropriated in Public Law 117–103 shall have its allocation increased to that 97 percent level, with the portions of other States' and territories' allocations that would exceed 100 percent of the amounts they respectively received in such fashion for fiscal year 2022 being ratably reduced.

Applicability. State and local governments. Territories. Allocations.

REFUGEE AND ENTRANT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 ("TVPA"), and the Torture Victims Relief Act of 1998, $6,427,214,000, of which $6,377,459,000 shall remain available through September 30, 2025 for carrying out such sections 414, 501, 462, and 235: *Provided,* That amounts available under this heading to carry out the TVPA shall also be available for research and evaluation with respect to activities under such Act: *Provided further,* That the limitation in section 205 of this Act regarding transfers increasing any appropriation shall apply to transfers to appropriations under this heading by substituting "15 percent" for "3 percent": *Provided further,* That the contribution of funds requirement under section 235(c)(6)(C)(iii) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 shall not apply to funds made available under this heading: *Provided further,* That for any month in fiscal year 2023 that the number of unaccompanied children referred to the Department of Health and Human Services pursuant to section

Applicability.

462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 exceeds 13,000, as determined by the Secretary of Health and Human Services, an additional $27,000,000, to remain available until September 30, 2024, shall be made available for obligation for every 500 unaccompanied children above that level (including a pro rata amount for any increment less than 500), for carrying out such sections 462 and 235.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 ("CCDBG Act"), $8,021,387,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided,* That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: *Provided further,* That all funds made available to carry out section 418 of the Social Security Act (42 U.S.C. 618), including funds appropriated for that purpose in such section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 658O(a) of the CCDBG Act: *Provided further,* That in addition to the amounts required to be reserved by the Secretary under section 658O(a)(2)(A) of such Act, $214,960,000 shall be for Indian tribes and tribal organizations: *Provided further,* That of the amounts made available under this heading, the Secretary may reserve up to 0.5 percent for Federal administrative expenses.

Contracts.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided,* That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX–A of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Every Student Succeeds Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act, and the Community Services Block Grant Act ("CSBG Act"); and for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960, and the Low-Income Home Energy Assistance Act of 1981, $14,618,437,000, of which $75,000,000, to remain available through September 30, 2024, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions and legal guardianships completed before September 30,

2023: *Provided,* That $11,996,820,000 shall be for making payments under the Head Start Act, including for Early Head Start–Child Care Partnerships, and, of which, notwithstanding section 640 of such Act:

(1) $596,000,000 shall be available for a cost of living adjustment, and with respect to any continuing appropriations act, funding available for a cost of living adjustment shall not be construed as an authority or condition under this Act;

(2) $25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of the Head Start Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12), and 645A(d) of such Act, and such funds shall not be included in the calculation of "base grant" in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of such Act;

(3) $262,000,000 shall be available for quality improvement consistent with section 640(a)(5) of such Act except that any amount of the funds may be used on any of the activities in such section, of which not less than $13,000,000 shall be available to migrant and seasonal Head Start programs for such activities, in addition to funds made available for migrant and seasonal Head Start programs under any other provision of section 640(a) of such Act;

(4) $100,000,000, in addition to funds otherwise available for such purposes under section 640 of the Head Start Act, shall be available through September 30, 2024, for awards to eligible entities for Head Start and Early Head Start programs and to entities defined as eligible under section 645A(d) of such Act for high quality infant and toddler care through Early Head Start–Child Care Partnerships, and for training and technical assistance for such activities: *Provided*, That of the funds made available in this paragraph, up to $21,000,000 shall be available to the Secretary for the administrative costs of carrying out this paragraph;

(5) $8,000,000 shall be available for the Tribal Colleges and Universities Head Start Partnership Program consistent with section 648(g) of such Act; and

(6) $21,000,000 shall be available to supplement funding otherwise available for research, evaluation, and Federal administrative costs:

Provided further, That the Secretary may reduce the reservation of funds under section 640(a)(2)(C) of such Act in lieu of reducing the reservation of funds under sections 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such Act: *Provided further,* That $315,000,000 shall be available until December 31, 2023 for carrying out sections 9212 and 9213 of the Every Student Succeeds Act: *Provided further,* That up to 3 percent of the funds in the preceding proviso shall be available for technical assistance and evaluation related to grants awarded under such section 9212: *Provided further,* That $804,383,000 shall be for making payments under the CSBG Act: *Provided further,* That for services furnished under the CSBG Act with funds made available for such purpose in this fiscal year and in fiscal year 2022, States may apply the last sentence of section 673(2) of the CSBG Act by substituting "200 percent" for "125 percent": *Provided further,* That $34,383,000 shall be for section 680 of the CSBG Act, of which not less than $22,383,000

State and local governments. Applicability.

shall be for section 680(a)(2) and not less than $12,000,000 shall be for section 680(a)(3)(B) of such Act: *Provided further,* That, notwithstanding section 675C(a)(3) of the CSBG Act, to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under such Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further,* That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further,* That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further,* That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further,* That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further,* That $240,000,000 shall be for carrying out section 303(a) of the Family Violence Prevention and Services Act, of which $7,000,000 shall be allocated notwithstanding section 303(a)(2) of such Act for carrying out section 309 of such Act: *Provided further,* That the percentages specified in section 112(a)(2) of the Child Abuse Prevention and Treatment Act shall not apply to funds appropriated under this heading: *Provided further,* That $1,864,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further,* That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further,* That $107,848,000 shall be used for the projects, and in the amounts, specified in the table titled "Community Project Funding/Congressionally Directed Spending" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That none of the funds made available for projects described in the preceding proviso shall be subject to section 241 of the PHS Act or section 205 of this Act.

Procedures. Time period. 42 USC 9921 note.

42 USC 9921 note.

Applicability. 42 USC 9921 note.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, $345,000,000 and, for carrying out, except as otherwise provided, section 437 of such Act, $86,515,000: *Provided,* That of the funds available to carry out section 437, $59,765,000 shall be allocated consistent with subsections (b) through (d) of such section: *Provided further,* That of the funds available to carry out section 437, to assist in meeting the requirements described in section 471(e)(4)(C), $20,000,000 shall be for

grants to each State, territory, and Indian tribe operating title IV–E plans for developing, enhancing, or evaluating kinship navigator programs, as described in section 427(a)(1) of such Act and $6,750,000, in addition to funds otherwise appropriated in section 476 for such purposes, shall be for the Family First Clearinghouse and to support evaluation and technical assistance relating to the evaluation of child and family services: *Provided further,* That section 437(b)(1) shall be applied to amounts in the previous proviso by substituting "5 percent" for "3.3 percent", and notwithstanding section 436(b)(1), such reserved amounts may be used for identifying, establishing, and disseminating practices to meet the criteria specified in section 471(e)(4)(C): *Provided further,* That the reservation in section 437(b)(2) and the limitations in section 437(d) shall not apply to funds specified in the second proviso: *Provided further,* That the minimum grant award for kinship navigator programs in the case of States and territories shall be $200,000, and, in the case of tribes, shall be $25,000.

Applicability.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, $7,606,000,000.

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, for the first quarter of fiscal year 2024, $3,200,000,000.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 ("OAA"), the RAISE Family Caregivers Act, the Supporting Grandparents Raising Grandchildren Act, titles III and XXIX of the PHS Act, sections 1252 and 1253 of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act of 2000, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of 2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, $2,482,545,000, together with $55,242,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That of amounts made available under this heading to carry out sections 311, 331, and 336 of the OAA, up to one percent of such amounts shall be available for developing and implementing evidence-based practices for enhancing senior nutrition, including medically-tailored meals: *Provided further,* That notwithstanding any other

provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: *Provided further,* That up to 5 percent of the funds provided for adult protective services grants under section 2042 of title XX of the Social Security Act may be used to make grants to Tribes and tribal organizations: *Provided further,* That $2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or an insurance program: *Provided further,* That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: *Provided further,* That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete: *Provided further,* That none of the funds made available under this heading may be used by an eligible system (as defined in section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10802)) to continue to pursue any legal action in a Federal or State court on behalf of an individual or group of individuals with a developmental disability (as defined in section 102(8)(A) of the Developmental Disabilities and Assistance and Bill of Rights Act of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to a mental impairment (or a combination of mental and physical impairments), that has as the requested remedy the closure of State operated intermediate care facilities for people with intellectual or developmental disabilities, unless reasonable public notice of the action has been provided to such individuals (or, in the case of mental incapacitation, the legal guardians who have been specifically awarded authority by the courts to make healthcare and residential decisions on behalf of such individuals) who are affected by such action, within 90 days of instituting such legal action, which informs such individuals (or such legal guardians) of their legal rights and how to exercise such rights consistent with current Federal Rules of Civil Procedure: *Provided further,* That the limitations in the immediately preceding proviso shall not apply in the case of an individual who is neither competent to consent nor has a legal guardian, nor shall the proviso apply in the case of individuals who are a ward of the State or subject to public guardianship: *Provided further,* That of the amount made available under this heading, $41,644,000 shall be used for the projects, and in the amounts, specified in the table titled "Community Project Funding/Congressionally Directed Spending" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That none of the funds made available for projects described in the preceding proviso shall be subject to section 241 of the PHS Act or section 205 of this Act.

Notice.
Deadline.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor

vehicles, and for carrying out titles III, XVII, XXI, and section 229 of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $537,144,000, together with $64,828,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided,* That of this amount, $60,000,000 shall be for minority AIDS prevention and treatment activities: *Provided further,* That of the funds made available under this heading, $101,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not more than 10 percent of the available funds shall be for training and technical assistance, evaluation, outreach, and additional program support activities, and of the remaining amount 75 percent shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, and 25 percent shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy: *Provided further,* That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $6,800,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further,* That of the funds made available under this heading, $35,000,000 shall be for making competitive grants which exclusively implement education in sexual risk avoidance (defined as voluntarily refraining from non-marital sexual activity): *Provided further,* That funding for such competitive grants for sexual risk avoidance shall use medically accurate information referenced to peer-reviewed publications by educational, scientific, governmental, or health organizations; implement an evidence-based approach integrating research findings with practical implementation that aligns with the needs and desired outcomes for the intended audience; and teach the benefits associated with self-regulation, success sequencing for poverty prevention, healthy relationships, goal setting, and resisting sexual coercion, dating violence, and other youth risk behaviors such as underage drinking or illicit drug use without normalizing teen sexual activity: *Provided further,* That no more than 10 percent of the funding for such competitive grants for sexual risk avoidance shall be available for technical assistance and administrative costs of such programs: *Provided further,* That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further,* That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further,* That of the funds made available under this heading, $5,000,000 shall be for carrying out prize competitions sponsored by the Office of the Secretary to accelerate innovation in the prevention, diagnosis, and treatment of kidney diseases (as authorized by section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719)).

Sexual risk avoidance.

Embryo adoption.

MEDICARE HEARINGS AND APPEALS

For expenses necessary for Medicare hearings and appeals in the Office of the Secretary, $196,000,000 shall remain available until September 30, 2024, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $66,238,000 shall be from amounts made available under section 241 of the PHS Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $87,000,000: *Provided,* That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: *Provided further,* That of the amount appropriated under this heading, necessary sums shall be available for carrying out activities authorized under section 3022 of the PHS Act (42 U.S.C. 300jj–52).

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $39,798,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $1,647,569,000, of which $950,000,000 shall remain available through September 30, 2024, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: *Provided,* That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: *Provided further,* That

products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F–2 of the PHS Act: *Provided further,* That $5,000,000 of the amounts made available to support emergency operations shall remain available through September 30, 2025: *Provided further*, That $75,000,000 of the amounts made available to support coordination of the development, production, and distribution of vaccines, therapeutics, and other medical countermeasures shall remain available through September 30, 2024.

For expenses necessary for procuring security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act), $820,000,000, to remain available until expended.

For expenses necessary to carry out section 319F–2(a) of the PHS Act, $965,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, $335,000,000; of which $300,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided,* That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

ADVANCED RESEARCH PROJECTS AGENCY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the PHS Act with respect to advanced research projects for health, $1,500,000,000, to remain available through September 30, 2025: *Provided,* That the President shall appoint in the Department of Health and Human Services a director of advanced research projects for health (Director): *Provided further,* That funds may be used to make or rescind appointments of scientific, medical, and professional personnel without regard to any provision in title 5 governing appointments under the civil service laws: *Provided further,* That funds may be used to fix the compensation of such personnel at a rate to be determined by the Director, up to the amount of annual compensation (excluding expenses) specified in section 102 of title 3, United States Code: *Provided further,* That the Director may use funds made available under this heading to make awards in the form of grants, contracts, cooperative agreements, and cash prizes, and enter into other transactions (as defined in section 319L(a)(3) of the PHS Act): *Provided further,* That activities supported with funds provided under this heading shall not be subject to the requirements of sections 406(a)(3)(A)(ii) or 492 of the PHS Act: *Provided further,* That the Secretary may transfer the Advanced Research Projects Agency for Health, including the functions, personnel, missions, activities, authorities, and funds, within 30 days of enactment of this Act to any agency or office of the Department of Health and Human Services, including the National Institutes of Health: *Provided further,* That the Committees on Appropriations of the House of Representatives and the Senate

President. Appointment. 42 USC 241 note. 42 USC 241 note.

Determination. 42 USC 241 note.

Grants. Contracts. Cash prizes. 42 USC 241 note.

42 USC 241 note.

Deadline. 42 USC 241 note.

Notifications. Time period. 42 USC 241 note.

shall be notified at least 15 days in advance of any transfer pursuant to the preceding proviso.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II: *Provided,* That none of the funds appropriated in this title shall be used to prevent the NIH from paying up to 100 percent of the salary of an individual at this rate.

Reports.

SEC. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

Determination.
Evaluation.

SEC. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further,* That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notifications.
Time period.

Time period.
Contracts.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the effective date of a contract awarded in fiscal year 2023 under section 338B of such Act, or at any time if the individual who has been awarded such contract has not received funds due under the contract.

Certification.
Children and youth.
Family planning.

SEC. 207. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

Child abuse.

SEC. 208. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

Abortions.

SEC. 209. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided,* That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further,* That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

Gun control.

SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

Government employees.
Children and youth.
AIDS.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2023:

Consultation.

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

Reimbursement.
Cooperation.
Compliance.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act.

Grants.
Contracts.
Nonprofits.
HIV/AIDS.

The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C.

4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

(TRANSFER OF FUNDS)

SEC. 213. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided,* That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notifications.
Time period.

(TRANSFER OF FUNDS)

SEC. 214. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

Determination.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of NIH ("Director") may use funds authorized under section 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

Procedures.
Assessments.

Applicability.

SEC. 216. Not to exceed $100,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $5,000,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health

Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under sections 736, 739, or 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

Contracts.

SEC. 218. (a) The Biomedical Advanced Research and Development Authority ("BARDA") may enter into a contract, for more than one but no more than 10 program years, for purchase of research services or of security countermeasures, as that term is defined in section 319F–2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)), if—

(1) funds are available and obligated—

(A) for the full period of the contract or for the first fiscal year in which the contract is in effect; and

(B) for the estimated costs associated with a necessary termination of the contract; and

Determination.

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA's programs.

(b) A contract entered into under this section—

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

(2) shall be subject to the congressional notice requirement stated in subsection (d) of such section.

Publication.
Web posting.

SEC. 219. (a) The Secretary shall publish in the fiscal year 2024 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the ACA, and the amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

Statement.

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).

(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who—

(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;

(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA; or

(3) work on contracts for which FTE reporting is not a requirement of their contract, such as fixed-price contracts.

Publication.

SEC. 220. The Secretary shall publish, as part of the fiscal year 2024 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare & Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2024. Such information shall include, for each such fiscal year, the amount of funds used for each activity specified under the heading "Health Insurance Exchange Transparency" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 221. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the "Centers for Medicare & Medicaid Services—Program Management" account, may be used for payments under section 1342(b)(1) of Public Law 111–148 (relating to risk corridors).

(TRANSFER OF FUNDS)

Deadline.

SEC. 222. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the ACA to the accounts specified, in the amounts specified, and for the activities specified under the heading "Prevention and Public Health Fund" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) Notwithstanding section 4002(c) of the ACA, the Secretary may not further transfer these amounts.

(c) Funds transferred for activities authorized under section 2821 of the PHS Act shall be made available without reference to section 2821(b) of such Act.

Effective date.
Time period.

SEC. 223. Effective during the period beginning on November 1, 2015 and ending January 1, 2025, any provision of law that refers (including through cross-reference to another provision of law) to the current recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention shall be administered by the Secretary involved as if—

(1) such reference to such current recommendations were a reference to the recommendations of such Task Force with respect to breast cancer screening, mammography, and prevention last issued before 2009; and

(2) such recommendations last issued before 2009 applied to any screening mammography modality under section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj)).

Applicability.

SEC. 224. In making Federal financial assistance, the provisions relating to indirect costs in part 75 of title 45, Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, shall continue to apply to the National Institutes of Health to the same extent and in the same manner as such provisions were applied in the third quarter of fiscal year 2017. None of the funds appropriated in this or prior Acts or otherwise made available to the Department of Health and Human

Services or to any department or agency may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter.

(TRANSFER OF FUNDS)

Opioids.
Time period.
Notifications.

SEC. 225. The NIH Director may transfer funds for opioid addiction, opioid alternatives, stimulant misuse and addiction, pain management, and addiction treatment to other Institutes and Centers of the NIH to be used for the same purpose 15 days after notifying the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That the transfer authority provided in the previous proviso is in addition to any other transfer authority provided by law.

Notifications.
Grants.

SEC. 226. (a) The Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate:

(1) Detailed monthly enrollment figures from the Exchanges established under the Patient Protection and Affordable Care Act of 2010 pertaining to enrollments during the open enrollment period; and

(2) Notification of any new or competitive grant awards, including supplements, authorized under section 330 of the Public Health Service Act.

Time period.

(b) The Committees on Appropriations of the House and Senate must be notified at least 2 business days in advance of any public release of enrollment information or the award of such grants.

SEC. 227. In addition to the amounts otherwise available for "Centers for Medicare & Medicaid Services, Program Management", the Secretary of Health and Human Services may transfer up to $455,000,000 to such account from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to support program management activity related to the Medicare Program: *Provided,* That except for the foregoing purpose, such funds may not be used to support any provision of Public Law 111–148 or Public Law 111–152 (or any amendment made by either such Public Law) or to supplant any other amounts within such account.

Reports.

SEC. 228. The Department of Health and Human Services shall provide the Committees on Appropriations of the House of Representatives and Senate a biannual report 30 days after enactment of this Act on staffing described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 229. Funds appropriated in this Act that are available for salaries and expenses of employees of the Department of Health and Human Services shall also be available to pay travel and related expenses of such an employee or of a member of his or her family, when such employee is assigned to duty, in the United States or in a U.S. territory, during a period and in a location that are the subject of a determination of a public health emergency under section 319 of the Public Health Service Act and such travel is necessary to obtain medical care for an illness, injury, or medical condition that cannot be adequately addressed in that location at that time. For purposes of this section, the term "U.S. territory" means Guam, the Commonwealth of Puerto Rico, the Northern

Definition.

Mariana Islands, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.

Donations.
Alien children.

SEC. 230. The Department of Health and Human Services may accept donations from the private sector, nongovernmental organizations, and other groups independent of the Federal Government for the care of unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))) in the care of the Office of Refugee Resettlement of the Administration for Children and Families, including medical goods and services, which may include early childhood developmental screenings, school supplies, toys, clothing, and any other items intended to promote the wellbeing of such children.

Alien children.
Determination.
Time periods.
Grants.
Contracts.

SEC. 231. None of the funds made available in this Act under the heading "Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance" may be obligated to a grantee or contractor to house unaccompanied alien children (as such term is defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))) in any facility that is not State-licensed for the care of unaccompanied alien children, except in the case that the Secretary determines that housing unaccompanied alien children in such a facility is necessary on a temporary basis due to an influx of such children or an emergency, provided that—

Requirements.
Compliance.

(1) the terms of the grant or contract for the operations of any such facility that remains in operation for more than six consecutive months shall require compliance with—

Determination.

(A) the same requirements as licensed placements, as listed in Exhibit 1 of the Flores Settlement Agreement that the Secretary determines are applicable to non-State licensed facilities; and

(B) staffing ratios of one (1) on-duty Youth Care Worker for every eight (8) children or youth during waking hours, one (1) on-duty Youth Care Worker for every sixteen (16) children or youth during sleeping hours, and clinician ratios to children (including mental health providers) as required in grantee cooperative agreements;

Waiver authority.
Certification.
Reports.

(2) the Secretary may grant a 60-day waiver for a contractor's or grantee's non-compliance with paragraph (1) if the Secretary certifies and provides a report to Congress on the contractor's or grantee's good-faith efforts and progress towards compliance;

(3) not more than four consecutive waivers under paragraph (2) may be granted to a contractor or grantee with respect to a specific facility;

(4) ORR shall ensure full adherence to the monitoring requirements set forth in section 5.5 of its Policies and Procedures Guide as of May 15, 2019;

(5) for any such unlicensed facility in operation for more than three consecutive months, ORR shall conduct a minimum of one comprehensive monitoring visit during the first three months of operation, with quarterly monitoring visits thereafter; and

Deadline.
Briefing.

(6) not later than 60 days after the date of enactment of this Act, ORR shall brief the Committees on Appropriations of the House of Representatives and the Senate outlining the

requirements of ORR for influx facilities including any requirement listed in paragraph (1)(A) that the Secretary has determined are not applicable to non-State licensed facilities.

Notification. Time periods. Analysis. Alien children. 6 USC 279 note.

SEC. 232. In addition to the existing Congressional notification for formal site assessments of potential influx facilities, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days before operationalizing an unlicensed facility, and shall (1) specify whether the facility is hard-sided or soft-sided, and (2) provide analysis that indicates that, in the absence of the influx facility, the likely outcome is that unaccompanied alien children will remain in the custody of the Department of Homeland Security for longer than 72 hours or that unaccompanied alien children will be otherwise placed in danger. Within 60 days of bringing such a facility online, and monthly thereafter, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report detailing the total number of children in care at the facility, the average length of stay and average length of care of children at the facility, and, for any child that has been at the facility for more than 60 days, their length of stay and reason for delay in release.

Reports.

Congress. Alien children. Time period.

SEC. 233. None of the funds made available in this Act may be used to prevent a United States Senator or Member of the House of Representatives from entering, for the purpose of conducting oversight, any facility in the United States used for the purpose of maintaining custody of, or otherwise housing, unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator or Member has coordinated the oversight visit with the Office of Refugee Resettlement not less than two business days in advance to ensure that such visit would not interfere with the operations (including child welfare and child safety operations) of such facility.

Public information. Web posting. Reports. Alien children. 6 USC 279 note.

SEC. 234. Not later than 14 days after the date of enactment of this Act, and monthly thereafter, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, and make publicly available online, a report with respect to children who were separated from their parents or legal guardians by the Department of Homeland Security (DHS) (regardless of whether or not such separation was pursuant to an option selected by the children, parents, or guardians), subsequently classified as unaccompanied alien children, and transferred to the care and custody of ORR during the previous month. Each report shall contain the following information:

(1) the number and ages of children so separated subsequent to apprehension at or between ports of entry, to be reported by sector where separation occurred; and

(2) the documented cause of separation, as reported by DHS when each child was referred.

SEC. 235. Funds appropriated in this Act that are available for salaries and expenses of employees of the Centers for Disease Control and Prevention shall also be available for the primary and secondary schooling of eligible dependents of personnel stationed in a U.S. territory as defined in section 229 of this Act at costs not in excess of those paid for or reimbursed by the Department of Defense.

(RESCISSION)

SEC. 236. Of the unobligated balances in the "Nonrecurring Expenses Fund" established in section 223 of division G of Public Law 110–161, $650,000,000 are hereby rescinded not later than September 30, 2023. Deadline.

SEC. 237. The Secretary of Health and Human Services may waive penalties and administrative requirements in title XXVI of the Public Health Service Act for awards under such title from amounts provided under the heading "Department of Health and Human Services—Health Resources and Services Administration" in this or any other appropriations Act for this fiscal year, including amounts made available to such heading by transfer. Waiver authority.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2023".

TITLE III

Department of Education Appropriations Act, 2023.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I and subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965 (referred to in this Act as "ESEA") and section 418A of the Higher Education Act of 1965 (referred to in this Act as "HEA"), $19,087,790,000, of which $8,159,490,000 shall become available on July 1, 2023, and shall remain available through September 30, 2024, and of which $10,841,177,000 shall become available on October 1, 2023, and shall remain available through September 30, 2024, for academic year 2023–2024: *Provided,* That $6,459,401,000 shall be for basic grants under section 1124 of the ESEA: *Provided further,* That up to $5,000,000 of these funds shall be available to the Secretary of Education (referred to in this title as "Secretary") on October 1, 2022, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further,* That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further,* That $5,282,550,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further,* That $5,282,550,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further,* That $224,000,000 shall be for carrying out subpart 2 of part B of title II: *Provided further,* That $52,123,000 shall be for carrying out section 418A of the HEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, $1,618,112,000, of which $1,468,242,000 shall be for basic support payments under section 7003(b), $48,316,000 shall be for payments for children with disabilities under section 7003(d), $18,406,000, to remain available through September 30, 2024, shall be for construction under section 7007(b), $78,313,000 shall be for Federal property payments under section 7002, and $4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008: *Provided,* That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for

school year 2022–2023, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by part B of title I, part A of title II, subpart 1 of part A of title IV, part B of title IV, part B of title V, and parts B and C of title VI of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,810,642,000, of which $3,952,312,000 shall become available on July 1, 2023, and remain available through September 30, 2024, and of which $1,681,441,000 shall become available on October 1, 2023, and shall remain available through September 30, 2024, for academic year 2023–2024: *Provided,* That $390,000,000 shall be for part B of title I: *Provided further,* That $1,329,673,000 shall be for part B of title IV: *Provided further,* That $45,897,000 shall be for part B of title VI, which may be used for construction, renovation, and modernization of any public elementary school, secondary school, or structure related to a public elementary school or secondary school that serves a predominantly Native Hawaiian student body, and that the 5 percent limitation in section 6205(b) of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further,* That $44,953,000 shall be for part C of title VI, which shall be awarded on a competitive basis, and may be used for construction, and that the 5 percent limitation in section 6305 of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further,* That $55,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002 and the Secretary shall make such arrangements as determined to be necessary to ensure that the Bureau of Indian Education has access to services provided under this section: *Provided further,* That $24,464,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further,* That the Secretary may reserve up to 5 percent of the amount referred to in the previous proviso to provide technical assistance in the implementation of these grants: *Provided further,* That $215,000,000 shall be for part B of title V: *Provided further,* That $1,380,000,000 shall be available for grants under subpart 1 of part A of title IV.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VI, part A of the ESEA, $194,746,000, of which

$72,000,000 shall be for subpart 2 of part A of title VI and $12,365,000 shall be for subpart 3 of part A of title VI: *Provided,* That the 5 percent limitation in sections 6115(d), 6121(e), and 6133(g) of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further,* That grants awarded under sections 6132 and 6133 of the ESEA with funds provided under this heading may be for a period of up to 5 years.

Applicability.

Time period.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by subparts 1, 3 and 4 of part B of title II, and parts C, D, and E and subparts 1 and 4 of part F of title IV of the ESEA, $1,253,000,000: *Provided,* That $286,000,000 shall be for subparts 1, 3 and 4 of part B of title II and shall be made available without regard to sections 2201, 2231(b) and 2241: *Provided further,* That $683,000,000 shall be for parts C, D, and E and subpart 4 of part F of title IV, and shall be made available without regard to sections 4311, 4409(a), and 4601 of the ESEA: *Provided further,* That section 4303(d)(3)(A)(i) shall not apply to the funds available for part C of title IV: *Provided further,* That of the funds available for part C of title IV, the Secretary shall use not less than $60,000,000 to carry out section 4304, of which not more than $10,000,000 shall be available to carry out section 4304(k), $140,000,000, to remain available through March 31, 2024, to carry out section 4305(b), and not more than $16,000,000 to carry out the activities in section 4305(a)(3): *Provided further,* That notwithstanding section 4601(b), $284,000,000 shall be available through December 31, 2023 for subpart 1 of part F of title IV: *Provided further,* That of the funds available for subpart 4 of part F of title IV, not less than $8,000,000 shall be used for continuation grants for eligible national nonprofit organizations, as described in the Applications for New Awards; Assistance for Arts Education Program published in the Federal Register on May 31, 2022, for activities described under section 4642(a)(1)(C).

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subparts 2 and 3 of part F of title IV of the ESEA, $457,000,000, to remain available through December 31, 2023: *Provided,* That $216,000,000 shall be available for section 4631, of which up to $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (Project SERV) program: *Provided further,* That $150,000,000 shall be available for section 4625: *Provided further,* That $91,000,000 shall be for section 4624.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $890,000,000, which shall become available on July 1, 2023, and shall remain available through September 30, 2024, except that 6.5 percent of such amount shall be available on October 1, 2022, and shall remain available through September 30, 2024, to carry out activities under section 3111(c)(1)(C).

State and local governments.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $15,453,264,000, of which $5,870,321,000 shall become available on July 1, 2023, and shall remain available through September 30, 2024, and of which $9,283,383,000 shall become available on October 1, 2023, and shall remain available through September 30, 2024, for academic year 2023–2024: *Provided,* That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2022, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2022: *Provided further,* That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611, from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further,* That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further,* That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): *Provided further,* That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: *Provided further,* That, notwithstanding the provision in section 612(a)(18)(B) regarding the fiscal year in which a State's allocation under section 611(d) is reduced for failure to comply with the requirement of section 612(a)(18)(A), the Secretary may apply the reduction specified in section 612(a)(18)(B) over a period of consecutive fiscal years, not to exceed 5, until the entire reduction is applied: *Provided further,* That the Secretary may, in any fiscal year in which a State's allocation under section 611 is reduced in accordance with section 612(a)(18)(B), reduce the amount a State may reserve under section 611(e)(1) by an amount that bears the same relation to the maximum amount described in that paragraph as the reduction under section 612(a)(18)(B) bears to the total allocation the State would have received in that fiscal year under section 611(d) in the absence of the reduction: *Provided further,* That the Secretary shall either reduce the allocation of funds under section 611 for any fiscal year following the fiscal year for which the State fails to comply with the requirement of section 612(a)(18)(A) as authorized by section 612(a)(18)(B), or seek to recover funds under section 452 of the General Education Provisions Act (20 U.S.C. 1234a): *Provided*

Allocations.

Reduction.
20 USC 1411 note.

Applicability.
Time period.

20 USC 1411 note.

20 USC 1411 note.

further, That the funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: *Provided further,* That the Secretary may use funds made available for the State Personnel Development Grants program under part D, subpart 1 of IDEA to evaluate program performance under such subpart: *Provided further,* That States may use funds reserved for other State-level activities under sections 611(e)(2) and 619(f) of the IDEA to make subgrants to local educational agencies, institutions of higher education, other public agencies, and private nonprofit organizations to carry out activities authorized by those sections: *Provided further,* That, notwithstanding section 643(e)(2)(A) of the IDEA, if 5 or fewer States apply for grants pursuant to section 643(e) of such Act, the Secretary shall provide a grant to each State in an amount equal to the maximum amount described in section 643(e)(2)(B) of such Act: *Provided further,* That if more than 5 States apply for grants pursuant to section 643(e) of the IDEA, the Secretary shall award funds to those States on the basis of the States' relative populations of infants and toddlers except that no such State shall receive a grant in excess of the amount described in section 643(e)(2)(B) of such Act: *Provided further,* That States may use funds allotted under section 643(c) of the IDEA to make subgrants to local educational agencies, institutions of higher education, other public agencies, and private nonprofit organizations to carry out activities authorized by section 638 of IDEA: *Provided further,* That, notwithstanding section 638 of the IDEA, a State may use funds it receives under section 633 of the IDEA to offer continued early intervention services to a child who previously received services under part C of the IDEA from age 3 until the beginning of the school year following the child's third birthday with parental consent and without regard to the procedures in section 635(c) of the IDEA.

Evaluation.

Grants.

Grants.

Grants.

Grants.

REHABILITATION SERVICES

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, $4,092,906,000, of which $3,949,707,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: *Provided,* That the Secretary may use amounts provided in this Act, and unobligated balances from title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2022, (division H of Public Law 117–103), that remain available subsequent to the reallotment of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at increasing competitive integrated employment as defined in section 7 of such Act for youth and other individuals with disabilities, including related Federal administrative expenses, and for improving monitoring and oversight of grants for vocational rehabilitation services under title I of the Rehabilitation Act, including information technology modernization: *Provided further,* That up to 15 percent of the amounts

Evaluation.

State and local governments. Grants.

available subsequent to reallotment for the activities described in the first proviso from funds provided under this paragraph in this Act, may be used for evaluation and technical assistance related to such activities: *Provided further,* That States may award subgrants for a portion of the funds to other public and private, nonprofit entities: *Provided further,* That any funds provided in this Act and made available subsequent to reallotment for the purposes described in the first proviso shall remain available until September 30, 2024: *Provided further,* That the Secretary may transfer funds provided in this Act and made available subsequent to the reallotment of funds to States pursuant to section 110(b) of the Rehabilitation Act to "Institute of Education Sciences" for the evaluation of outcomes for students receiving services and supports under IDEA and under title I, section 504 of title V, and title VI of the Rehabilitation Act: *Provided further,* That the transfer authority in the preceding proviso is in addition to any other transfer authority in this Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act to Promote the Education of the Blind of March 3, 1879, $43,431,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $92,500,000: *Provided,* That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $165,361,000, of which up to $15,000,000, to remain available until expended, shall be for construction, as defined by section 201(2) of such Act: *Provided,* That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 ("Perkins Act") and the Adult Education and Family Literacy Act ("AEFLA"), $2,191,436,000, of which $1,400,436,000 shall become available on July 1, 2023, and shall remain available through September 30, 2024, and of which $791,000,000 shall become available on October 1, 2023, and shall remain available through September 30, 2024: *Provided,* That $25,000,000 shall be available for innovation and modernization grants under such section 114(e) of the Perkins Act: *Provided further,* That of the amounts made available for AEFLA, $13,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, $24,615,352,000 which shall remain available through September 30, 2024.

The maximum Pell Grant for which a student shall be eligible during award year 2023–2024 shall be $6,335.

20 USC 1070a note.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act, $2,033,943,000, to remain available through September 30, 2024: *Provided,* That the Secretary shall allocate new student loan borrower accounts to eligible student loan servicers on the basis of their past performance compared to all loan servicers utilizing established common metrics, and on the basis of the capacity of each servicer to process new and existing accounts: *Provided further,* That for student loan contracts awarded prior to October 1, 2017, the Secretary shall allow student loan borrowers who are consolidating Federal student loans to select from any student loan servicer to service their new consolidated student loan: *Provided further,* That in order to promote accountability and high-quality service to borrowers, the Secretary shall not award funding for any contract solicitation for a new Federal student loan servicing environment, including the solicitation for the Federal Student Aid (FSA) Next Generation Processing and Servicing Environment, unless such an environment provides for the participation of multiple student loan servicers that contract directly with the Department of Education to manage a unique portfolio of borrower accounts and the full life-cycle of loans from disbursement to pay-off with certain limited exceptions, and allocates student loan borrower accounts to eligible student loan servicers based on performance: *Provided further,* That the Department shall re-allocate accounts from servicers for recurring noncompliance with FSA guidelines, contractual requirements, and applicable laws, including for failure to sufficiently inform borrowers of available repayment options: *Provided further,* That such servicers shall be evaluated based on their ability to meet contract requirements (including an understanding of Federal and State law), future performance on the contracts, and history of compliance with applicable consumer protections laws: *Provided further,* That to the extent FSA permits student loan servicing subcontracting, FSA shall hold prime contractors accountable for meeting the requirements of the contract, and the performance and expectations of subcontractors shall be accounted for in the prime contract and in the overall performance of the prime contractor: *Provided further,* That FSA shall ensure that the Next Generation Processing and Servicing Environment, or any new Federal loan servicing environment, incentivize more support to borrowers at risk of delinquency or default: *Provided further,* That FSA shall ensure that in such environment contractors have the capacity to meet and are held accountable for performance on service levels; are held accountable for and have a history of compliance with applicable consumer protection laws; and have relevant experience and demonstrated effectiveness: *Provided further,* That the Secretary shall provide

Allocations.

20 USC 1087f note.

Reallocation.

Evaluations. Contracts.

Time period. Briefings.

quarterly briefings to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Health, Education, Labor, and Pensions of the Senate on general progress related to solicitations for Federal student loan servicing contracts: *Provided further,* That FSA shall strengthen transparency through expanded publication of aggregate data on student loan and servicer performance: *Provided further,* That not later than 60 days after enactment of this Act, FSA shall provide to the Committees on Appropriations of the House of Representatives and the Senate a detailed spend plan of anticipated uses of funds made available in this account for fiscal year 2023 and provide quarterly updates on this plan (including contracts awarded, change orders, bonuses paid to staff, reorganization costs, and any other activity carried out using amounts provided under this heading for fiscal year 2023): *Provided further,* That the FSA Next Generation Processing and Servicing Environment, or any new Federal student loan servicing environment, shall include accountability measures that account for the performance of the portfolio and contractor compliance with FSA guidelines: *Provided further,* That notwithstanding the requirements of the Federal Property and Administration Services Act of 1949, 41 U.S.C. 3101 et seq., as amended; parts 6, 16, and 37 of title 48, Code of Federal Regulations; or any other procurement limitation on the period of performance, the Secretary may extend the period of performance for any contract under section 456 of the HEA for servicing activities for up to one year from the current date of expiration.

Publication. Data.

Deadline. Spend plan. Time period. Updates.

Extension authority. Contracts. Time period.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Perkins Act, $3,526,037,000, of which $184,000,000 shall remain available through December 31, 2023: *Provided,* That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further,* That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further,* That up to 1.5 percent of the funds made available under chapter 2 of subpart 2 of part A of title IV of the HEA may be used for evaluation: *Provided further,* That section 313(d) of the HEA shall not apply to an institution of higher education that is eligible to receive funding under section 318 of the HEA: *Provided further,* That amounts made available for carrying out section 419N of the HEA may be awarded notwithstanding the limitations in section 419N(b)(2) of the HEA: *Provided further,* That of the amounts made available under this heading, $429,587,000 shall be used for the projects, and in the amounts, specified in the table titled "Community Project Funding/Congressionally Directed Spending" included for this division in the

Evaluation.

Evaluation.

explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That none of the funds made available for projects described in the preceding proviso shall be subject to section 302 of this Act.

HOWARD UNIVERSITY

For partial support of Howard University, $354,018,000, of which not less than $3,405,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $298,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2024: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $752,065,725: *Provided further,* That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $528,000.

INSTITUTE OF EDUCATION SCIENCES

For necessary expenses for the Institute of Education Sciences as authorized by section 208 of the Department of Education Organization Act and carrying out activities authorized by the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $807,605,000, which shall remain available through September 30, 2024: *Provided,* That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: *Provided further,* That up to $6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

Data.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $426,907,000, of which up to $7,000,000, to remain available until expended, shall be available for relocation expenses, and for the renovation and repair of leased buildings: *Provided,* That, notwithstanding any other provision of law, none of the funds provided by this Act or provided by previous Appropriations Acts to the Department of Education available for obligation or expenditure in the current fiscal year may be used for any activity relating to implementing a reorganization that decentralizes, reduces the staffing level, or alters the responsibilities, structure, authority, or functionality of the Budget Service of the Department of Education, relative to the organization and operation of the Budget Service as in effect on January 1, 2018.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $140,000,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $67,500,000, of which $3,000,000 shall remain available until expended.

GENERAL PROVISIONS

Voluntary prayer. Meditation.

SEC. 301. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 302. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further,* That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notifications. Time period.

Time period.

SEC. 303. Funds appropriated in this Act and consolidated for evaluation purposes under section 8601(c) of the ESEA shall be available from July 1, 2023, through September 30, 2024.

Scholarships.

SEC. 304. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year 2023 may use the income

from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such income for such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

(b) Subsection (a) shall be in effect until titles III and V of the HEA are reauthorized. Effective date.

SEC. 305. Section 114(f) of the HEA (20 U.S.C. 1011c(f)) shall be applied by substituting "2023" for "2021". Applicability. 20 USC 1011c note.

SEC. 306. Section 458(a)(4) of the HEA (20 U.S.C. 1087h(a)) shall be applied by substituting "2023" for "2021". Applicability. 20 USC 1087h note.

SEC. 307. Funds appropriated in this Act under the heading "Student Aid Administration" may be available for payments for student loan servicing to an institution of higher education that services outstanding Federal Perkins Loans under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.).

(RESCISSION)

SEC. 308. Of the amounts appropriated under section 401(b)(7)(A)(iv)(XI) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)(XI)) for fiscal year 2023, $75,000,000 are hereby rescinded.

SEC. 309. Of the amounts made available in this title under the heading "Student Aid Administration", $2,300,000 shall be used by the Secretary of Education to conduct outreach to borrowers of loans made under part D of title IV of the Higher Education Act of 1965 who may intend to qualify for loan cancellation under section 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that borrowers are meeting the terms and conditions of such loan cancellation: *Provided,* That the Secretary shall specifically conduct outreach to assist borrowers who would qualify for loan cancellation under section 455(m) of such Act except that the borrower has made some, or all, of the 120 required payments under a repayment plan that is not described under section 455(m)(A) of such Act, to encourage borrowers to enroll in a qualifying repayment plan: *Provided further,* That the Secretary shall also communicate to all Direct Loan borrowers the full requirements of section 455(m) of such Act and improve the filing of employment certification by providing improved outreach and information such as outbound calls, electronic communications, ensuring prominent access to program requirements and benefits on each servicer's website, and creating an option for all borrowers to complete the entire payment certification process electronically and on a centralized website. Loan cancellation. Website.

SEC. 310. The Secretary may reserve not more than 0.5 percent from any amount made available in this Act for an HEA program, except for any amounts made available for subpart 1 of part A of title IV of the HEA, to carry out rigorous and independent evaluations and to collect and analyze outcome data for any program authorized by the HEA: *Provided,* That no funds made available in this Act for the "Student Aid Administration" account shall be subject to the reservation under this section: *Provided further,* That any funds reserved under this section shall be available through September 30, 2025: *Provided further,* That if, under any other provision of law, funds are authorized to be reserved or used for evaluation activities with respect to a program or project, Evaluations. Analysis. Data.

the Secretary may also reserve funds for such program or project for the purposes described in this section so long as the total reservation of funds for such program or project does not exceed any statutory limits on such reservations: *Provided further,* That not later than 30 days prior to the initial obligation of funds reserved under this section, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a plan that identifies the source and amount of funds reserved under this section, the impact on program grantees if funds are withheld for the purposes of this section, and the activities to be carried out with such funds.

Deadline.
Plan.

SEC. 311. In addition to amounts otherwise appropriated by this Act under the heading "Innovation and Improvement" for purposes authorized by the Elementary and Secondary Education Act of 1965, there are hereby appropriated an additional $200,443,000 which shall be used for the projects, and in the amounts, specified in the table titled "Community Project Funding/Congressionally Directed Spending" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That none of the funds made available for such projects shall be subject to section 302 of this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 312. Of the amounts appropriated in this Act for "Institute of Education Sciences", $19,000,000 shall be available for the Secretary of Education ("the Secretary") to provide support services to the Institute of Education Sciences (including, but not limited to information technology services, lease or procurement of office space, human resource services, financial management services, financial systems support, budget formulation and execution, legal counsel, equal employment opportunity services, physical security, facilities management, acquisition and contract management, grants administration and policy, and enterprise risk management): *Provided,* That the Secretary shall calculate the actual amounts obligated and expended for such support services by using a standard Department of Education methodology for allocating the cost of all such support services: *Provided further,* That the Secretary may transfer any amounts available for IES support services in excess of actual amounts needed for IES support services, as so calculated, to the "Program Administration" account from the "Institute of Education Sciences" account: *Provided further,* That in order to address any shortfall between amounts available for IES support services and amounts needed for IES support services, as so calculated, the Secretary may transfer necessary amounts to the "Institute of Education Sciences" account from the "Program Administration" account: *Provided further,* That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 14 days in advance of any transfer made pursuant to this section.

Notifications.
Time period.

SEC. 313. The Education Amendments Act of 1972 is amended by striking section 802.

20 USC 1652.

(RESCISSION)

SEC. 314. Of the unobligated balances available under the heading "Student Financial Assistance" for carrying out subpart 1 of part A of title IV of the HEA, $360,000,000 are hereby rescinded.

This title may be cited as the "Department of Education Appropriations Act, 2023".

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled (referred to in this title as "the Committee") established under section 8502 of title 41, United States Code, $13,124,000: *Provided,* That in order to authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform requirements of the Committee as prescribed under section 51–3.2 of title 41, Code of Federal Regulations, the Committee shall enter into a written agreement with any such central nonprofit agency: *Provided further,* That such agreement shall contain such auditing, oversight, and reporting provisions as necessary to implement chapter 85 of title 41, United States Code: *Provided further,* That such agreement shall include the elements listed under the heading "Committee For Purchase From People Who Are Blind or Severely Disabled—Written Agreement Elements" in the explanatory statement described in section 4 of Public Law 114–113 (in the matter preceding division A of that consolidated Act): *Provided further,* That any such central nonprofit agency may not charge a fee under section 51–3.5 of title 41, Code of Federal Regulations, prior to executing a written agreement with the Committee: *Provided further,* That no less than $3,150,000 shall be available for the Office of Inspector General.

Contracts.
Nonprofits.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as "CNCS") to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as "1973 Act") and the National and Community Service Act of 1990 (referred to in this title as "1990 Act"), $975,525,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided,* That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $19,538,000 shall be available

to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (3) $37,735,000 shall be available to carry out subtitle E of the 1990 Act; and (4) $8,558,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: *Provided further,* That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community.

Determination.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, $230,000,000, to remain available until expended: *Provided,* That CNCS may transfer additional funds from the amount provided within "Operating Expenses" allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

Determination.
Notice.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $99,686,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $7,595,000.

ADMINISTRATIVE PROVISIONS

Notice.
Public comment.

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2023, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

Requirements.
Time period.
42 USC 12571 note.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall

minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

Donations.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

SEC. 405. For the purpose of carrying out section 189D of the 1990 Act—

(1) entities described in paragraph (a) of such section shall be considered "qualified entities" under section 3 of the National Child Protection Act of 1993 ("NCPA");

(2) individuals described in such section shall be considered "volunteers" under section 3 of NCPA; and

(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92–544.

Time period.

SEC. 406. Notwithstanding sections 139(b), 146 and 147 of the 1990 Act, an individual who successfully completes a term of service of not less than 1,200 hours during a period of not more than one year may receive a national service education award having a value of 70 percent of the value of a national service education award determined under section 147(a) of the Act.

Applicability.

SEC. 407. Section 148(f)(2)(A)(i) of the 1990 Act shall be applied by substituting "an approved national service position" for "a national service program that receives grants under subtitle C".

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("CPB"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2025, $535,000,000: *Provided,* That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further,* That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further,* That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB.

Discrimination.

Political test.

In addition, for the costs associated with replacing and upgrading the public broadcasting interconnection system and other

technologies and services that create infrastructure and efficiencies within the public media system, $60,000,000.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

Fees.

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $53,705,000: *Provided,* That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further,* That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further,* That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $18,012,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $294,800,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, $9,405,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $13,824,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,850,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $299,224,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISION

Electronic voting.

SEC. 408. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $15,113,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $15,449,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $9,000,000, which shall include amounts becoming available in fiscal year 2023 pursuant to section 224(c)(1)(B) of Public Law 98–76;

and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

Payment schedule.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2024, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $128,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: *Provided,* That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: *Provided further,* That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013: *Provided further,* That notwithstanding section 7(b)(9) of the Railroad Retirement Act, this limitation may be used to hire students attending qualifying educational institutions or individuals who have recently completed qualifying educational programs using current excepted hiring authorities established by the Office of Personnel Management.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $14,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m) and 1131(b)(2) of the Social Security Act, $11,000,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–

66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $48,609,338,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further,* That not more than $86,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act, and remain available through September 30, 2025.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary. Effective date.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2024, $15,800,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, including the hire and purchase of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $13,985,978,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: *Provided,* That not less than $2,700,000 shall be for the Social Security Advisory Board: *Provided further,* That $55,000,000 shall remain available through September 30, 2024, for activities to address the disability hearings backlog within the Office of Hearings Operations: *Provided further,* That unobligated balances of funds provided under this paragraph at the end of fiscal year 2023 not needed for fiscal year 2023 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further,* That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: *Provided further,* That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made. Notification. Reimbursement.

Of the total amount made available in the first paragraph under this heading, not more than $1,784,000,000, to remain available through March 31, 2024, is for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act, including work-related continuing disability reviews to determine whether earnings derived from services demonstrate Reviews. Determination.

an individual's ability to engage in substantial gainful activity, for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys: *Provided,* That, of such amount, $273,000,000 is provided to meet the terms of a concurrent resolution on the budget in the Senate, and $1,511,000,000 is additional new budget authority specified for purposes of a concurrent resolution on the budget in the Senate and section 1(i) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022: *Provided further,* That, of the additional new budget authority described in the preceding proviso, up to $15,100,000 may be transferred to the "Office of Inspector General", Social Security Administration, for the cost of jointly operated co-operative disability investigation units: *Provided further,* That such transfer authority is in addition to any other transfer authority provided by law: *Provided further,* That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002: *Provided further,* That none of the funds described in this paragraph shall be available for transfer or reprogramming except as specified in this paragraph.

Reports.
Time periods.

In addition, $140,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended: *Provided,* That to the extent that the amounts collected pursuant to such sections in fiscal year 2023 exceed $140,000,000, the amounts shall be available in fiscal year 2024 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $32,000,000, together with not to exceed $82,665,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund: *Provided,* That $2,000,000 shall remain available until expended for information technology modernization, including related hardware and software infrastructure and equipment, and for administrative expenses directly associated with information technology modernization.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice

Notice.
Time period.

of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

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

Propaganda. Lobbying.

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

Gun control.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and

representation expenses not to exceed $5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and Expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "National Mediation Board, Salaries and Expenses".

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Abortions.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

Definition.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

Abortions.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

Discrimination.

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

Definition.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital,

a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

Human embryos.

SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

Definition.

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

Drugs and drug abuse.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

Health and health care.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

Contracts. Reports.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

Certifications.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

Consultations. Time periods. Notifications.

SEC. 514. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2023, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

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

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

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2023, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

Political disclosure.

SEC. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

Deadline. Operating plan.

SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2023 that are different than those specified in this Act, the explanatory statement described

in section 4 (in the matter preceding division A of this consolidated Act) or the fiscal year 2023 budget request.

Reports. Contracts. Grants.

SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000, individually or in total for a particular project, activity, or programmatic initiative, in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2023, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 518. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

Mexico.

SEC. 519. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

Pornography.

SEC. 520. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 521. For purposes of carrying out Executive Order 13589, Office of Management and Budget Memorandum M–12–12 dated May 11, 2012, and requirements contained in the annual appropriations bills relating to conference attendance and expenditures:

(1) the operating divisions of HHS shall be considered independent agencies; and

(2) attendance at and support for scientific conferences shall be tabulated separately from and not included in agency totals.

SEC. 522. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at United States taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts

made available to the agency for advertising or other communications regarding the programs and activities of the agency.

Applicability.

SEC. 523. (a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall be governed by the provisions of section 526 of division H of Public Law 113–76, except that in carrying out such Pilots section 526 shall be applied by substituting "Fiscal Year 2023" for "Fiscal Year 2014" in the title of subsection (b) and by substituting "September 30, 2027" for "September 30, 2018" each place it appears: *Provided*, That such pilots shall include communities that have experienced civil unrest.

(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, section 525 of division H of Public Law 115–31, section 525 of division H of Public Law 115–141, section 524 of division A of Public Law 116–94, section 524 of division H of Public Law 116–260, and section 523 of division H of Public Law 117–103.

Time period.

(c) Pilot sites selected under authorities in this Act and prior appropriations Acts may be granted by relevant agencies up to an additional 5 years to operate under such authorities.

Effective date.
Reports.
31 USC 1502 note.

SEC. 524. Not later than 30 days after the end of each calendar quarter, beginning with the first month of fiscal year 2023 the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a report on the status of balances of appropriations: *Provided,* That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the monthly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

Lists.
Grants.
Deadline.
Time period.

SEC. 525. The Departments of Labor, Health and Human Services, and Education shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of any new or competitive grant award notifications, including supplements, issued at the discretion of such Departments not less than 3 full business days before any entity selected to receive a grant award is announced by the Department or its offices (other than emergency response grants at any time of the year or for grant awards made during the last 10 business days of the fiscal year, or if applicable, of the program year).

Needles.
Syringes.
Drugs and drug abuse.
Determination.
HIV.

SEC. 526. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: *Provided,* That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

SEC. 527. Each department and related agency funded through this Act shall provide answers to questions submitted for the record by members of the Committee within 45 business days after receipt. Deadline.

SEC. 528. Of amounts deposited in the Child Enrollment Contingency Fund under section 2104(n)(2) of the Social Security Act and the income derived from investment of those funds pursuant to section 2104(n)(2)(C) of that Act, $14,628,000,000 shall not be available for obligation in this fiscal year.

SEC. 529. (a) This section applies to: (1) the Administration for Children and Families in the Department of Health and Human Services; and (2) the Chief Evaluation Office and the statistical-related cooperative and interagency agreements and contracting activities of the Bureau of Labor Statistics in the Department of Labor. Applicability. Contracts.

(b) Amounts made available under this Act which are either appropriated, allocated, advanced on a reimbursable basis, or transferred to the functions and organizations identified in subsection (a) for research, evaluation, or statistical purposes shall be available for obligation through September 30, 2027: *Provided*, That when an office referenced in subsection (a) receives research and evaluation funding from multiple appropriations, such offices may use a single Treasury account for such activities, with funding advanced on a reimbursable basis. Time period. Reimbursement.

(c) Amounts referenced in subsection (b) that are unexpended at the time of completion of a contract, grant, or cooperative agreement may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which such amounts are available.

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023".

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2023

Legislative Branch Appropriations Act, 2023. 2 USC 60a note.

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore Emeritus, $15,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $195,000.

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $258,677,000, which shall be paid from this appropriation as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,907,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $832,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore Emeritus, $359,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $6,196,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,876,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $17,900,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,891,000 for each such committee; in all, $3,782,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $940,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,931,000 for each such committee; in all, $3,862,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $598,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $29,282,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $108,929,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $2,126,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $77,088,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $8,150,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,350,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $145,615,000, of which $14,561,500 shall remain available until September 30, 2025.

U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $552,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $17,515,000, of which $13,254,193 shall remain available until September 30, 2027, and of which $4,260,807 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $171,844,000, of which $160,144,000 shall remain available until September 30, 2027: *Provided,* That of the amount provided under this heading, $5,000,000 shall be for Senate hearing room audiovisual equipment, to remain available until expended: *Provided further,* That of the amount provided under this heading, $2,500,000 shall be for a residential security system program, to remain available until expended.

SERGEANT AT ARMS FELLOWSHIPS FUND

For expenses authorized by the Sergeant at Arms Fellowships Fund established in section 102 of this Act, $6,277,000, to remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, $27,814,000 which shall remain available until September 30, 2025.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $512,000,000, of which $20,128,950 shall remain available until September 30, 2025, and of which $7,000,000 shall be allocated solely for the purpose of providing financial compensation to Senate interns.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 101. Notwithstanding any other provision of law, any amounts appropriated under this Act under the heading "SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT" shall be available for obligation only during the fiscal year or fiscal years for which such amounts are made available. Any unexpended balances under such allowances remaining after the end of the period of availability shall be returned to the Treasury in accordance with the undesignated paragraph under the center heading "GENERAL PROVISION" under chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 4107) and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

MCCAIN-MANSFIELD AND SFC SEAN COOLEY AND SPC CHRISTOPHER HORTON CONGRESSIONAL GOLD STAR FAMILY FELLOWSHIPS PROGRAMS

SEC. 102. (a) DEFINITIONS.—In this section— 2 USC 6519.

(1) the term "appropriate committees of the Senate" means the Committee on Appropriations and the Committee on Rules and Administration of the Senate;

(2) the term "Fellowships Programs" means the SFC Sean Cooley and SPC Christopher Horton Congressional Gold Star Family Fellowship Program (commonly referred to as the "Green and Gold Congressional Aide Program") established under Senate Resolution 442 (117th Congress), agreed to November 4, 2021, and the McCain-Mansfield Fellowship Program established under Senate Resolution 443 (117th Congress), agreed to November 4, 2021, or any successor program to such programs;

(3) the term "Fund" means the Sergeant at Arms Fellowships Fund established under subsection (b); and

(4) the term "Sergeant at Arms" means the Sergeant at Arms and Doorkeeper of the Senate.

(b) ESTABLISHMENT.—There is established under the heading "CONTINGENT EXPENSES OF THE SENATE" an account to be known as the "SERGEANT AT ARMS FELLOWSHIPS FUND".

(c) USE OF AMOUNTS.—

(1) IN GENERAL.—Amounts in the Fund shall be available to the Sergeant at Arms for the costs of compensation of fellows under the Fellowships Programs and the administration of the Fellowships Programs, except as provided in paragraph (2).

(2) AGENCY CONTRIBUTIONS.—Agency contributions for the Fellowships Programs shall be paid from the appropriations account for "Salaries, Officers and Employees" of the Senate.

(d) OVERSIGHT.—The Sergeant at Arms shall provide to the appropriate committees of the Senate—

(1) a plan regarding the administration of the Fund by the Sergeant at Arms prior to obligation of any funds, to be updated and resubmitted following any changes to the plan; and Plan.

(2) annual reports regarding the costs of the Fellowships Programs paid from the Fund. Reports.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund for fiscal year 2023, and each fiscal year thereafter, such sums as are necessary for the compensation of fellows under the Fellowships Programs during the fiscal year and for the administration of the Fellowships Programs.

(f) EXCLUSION FOR PURPOSES OF STAFFING LIMITS ON THE OFFICE OF THE SERGEANT AT ARMS.—The payment of compensation to any individual serving in a fellowship under the Fellowships Programs by the Sergeant at Arms shall not be included for purposes of any limitation on staffing levels of the Office of the Sergeant at Arms.

SENATE DEMOCRATIC LEADERSHIP OFFICES FUNDING AUTHORITIES

SEC. 103. (a) Section 104 of division I of the Consolidated Appropriations Act, 2021 (2 U.S.C. 6154 note) is amended—

(1) by striking "Office of the Assistant Leader" each place it appears and inserting "office of the designated officer";

(2) in subsection (a)—

(A) in paragraph (2), by striking "means the 117th Congress; and" and inserting "means the 118th Congress;";

(B) in paragraph (3), by striking "and ending on January 3, 2023." and inserting "and ending on January 7, 2025; and"; and

(C) by adding at the end the following:

Definition.

"(4) the term 'designated officer of the applicable conference' means the member of the leadership of the applicable conference to whom the duties and authorities of the Secretary of the applicable conference are assigned under subsection (b).";

(3) in subsection (b), in the matter preceding paragraph (1), by striking "January 3, 2021, assign to the Assistant Leader of the applicable conference" and inserting "January 3, 2023, at the direction of the Chair of the applicable conference, assign to a member of the leadership of the applicable conference"; and

(4) in subsection (c)(3), by striking "Assistant Leader" and inserting "designated officer".

2 USC 6154 note.

(b) The amendments made by subsection (a) shall take effect on January 3, 2023.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,847,571,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $36,560,000, including: Office of the Speaker, $10,499,000, including $35,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $3,730,000, including $15,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $10,499,000, including $17,500 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $3,099,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $2,809,000, including $5,000 for official expenses of the Minority Whip; Republican Conference, $2,962,000; Democratic Caucus, $2,962,000: *Provided*, That such amount for salaries and expenses shall remain available from January 3, 2023 until January 2, 2024.

Time period.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $810,000,000.

ALLOWANCE FOR COMPENSATION OF INTERNS IN MEMBER OFFICES

For the allowance established under section 120 of the Legislative Branch Appropriations Act, 2019 (2 U.S.C. 5322a) for the

compensation of interns who serve in the offices of Members of the House of Representatives, $20,638,800, to remain available through January 2, 2024: *Provided,* That notwithstanding section 120(b) of such Act, an office of a Member of the House of Representatives may use not more than $46,800 of the allowance available under this heading during legislative year 2023.

ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE LEADERSHIP OFFICES

For the allowance established under section 113 of the Legislative Branch Appropriations Act, 2020 (2 U.S.C. 5106) for the compensation of interns who serve in House leadership offices, $586,000, to remain available through January 2, 2024: *Provided,* That of the amount provided under this heading, $322,300 shall be available for the compensation of interns who serve in House leadership offices of the majority, to be allocated among such offices by the Speaker of the House of Representatives, and $263,700 shall be available for the compensation of interns who serve in House leadership offices of the minority, to be allocated among such offices by the Minority Floor Leader.

ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE STANDING, SPECIAL AND SELECT COMMITTEE OFFICES

For the allowance established under section 113(a)(1) of the Legislative Branch Appropriations Act, 2022 (Public Law 117–103) for the compensation of interns who serve in offices of standing, special, and select committees (other than the Committee on Appropriations), $2,600,000, to remain available through January 2, 2024: *Provided,* That of the amount provided under this heading, $1,300,000 shall be available for the compensation of interns who serve in offices of the majority, and $1,300,000 shall be available for the compensation of interns who serve in offices of the minority, to be allocated among such offices by the Chair, in consultation with the ranking minority member, of the Committee on House Administration.

ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE APPROPRIATIONS COMMITTEE OFFICES

For the allowance established under section 113(a)(2) of the Legislative Branch Appropriations Act, 2022 (Public Law 117–103) for the compensation of interns who serve in offices of the Committee on Appropriations, $463,000: *Provided,* That of the amount provided under this heading, $231,500 shall be available for the compensation of interns who serve in offices of the majority, and $231,500 shall be available for the compensation of interns who serve in offices of the minority, to be allocated among such offices by the Chair, in consultation with the ranking minority member, of the Committee on Appropriations.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $180,587,000: *Provided,*

That such amount shall remain available for such salaries and expenses until December 31, 2024, except that $5,800,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,294,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2024.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $324,057,000, including: for salaries and expenses of the Office of the Clerk, including the positions of the Chaplain and the Historian, and including not more than $25,000 for official representation and reception expenses, of which not more than $20,000 is for the Family Room and not more than $2,000 is for the Office of the Chaplain, $40,827,000, of which $9,000,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than $3,000 for official representation and reception expenses, $38,793,000, of which $22,232,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $211,572,000, of which $25,977,000 shall remain available until expended; for salaries and expenses of the Office of Diversity and Inclusion, $3,500,000, of which $1,000,000 shall remain available until expended; for salaries and expenses of the Office of the Whistleblower Ombuds, $1,250,000; for salaries and expenses of the Office of the Inspector General, $5,138,000; for salaries and expenses of the Office of General Counsel, $1,912,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,184,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,746,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $13,457,000, of which $2,000,000 shall remain available until expended; for salaries and expenses of the Office of Interparliamentary Affairs, $934,000; for other authorized employees, $744,000: *Provided,* That of the amount made available until expended under this heading to the Office of the Sergeant at Arms, $4,700,000 shall be for activities associated with securing the permanent residences of Members of the House of Representatives in the congressional districts the Members represent and securing the temporary residences of Members in the District of Columbia, and may not be transferred or merged under sections 101(b) or 101(c)(2) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 5507(b) and (c)(2)): *Provided further,* That as used in the preceding proviso,

Definition.

the term "Members of the House of Representatives" shall include a Delegate or Resident Commissioner to the Congress.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $430,785,200, including: supplies, materials, administrative costs and Federal tort claims, $1,555,000; official mail for committees, leadership offices, and administrative offices of the House, $190,000; Government contributions for health, retirement, Social Security, contractor support for actuarial projections, and other applicable employee benefits, $387,368,200, to remain available until March 31, 2024, except that $37,000,000 of such amount shall remain available until expended; salaries and expenses for Business Continuity and Disaster Recovery, $22,841,000, of which $6,776,000 shall remain available until expended; transition activities for new members and staff, $5,895,000, to remain available until expended; Green and Gold Congressional Aide Program, $9,674,000, to remain available until expended; Office of Congressional Ethics, $1,762,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $1,500,000.

HOUSE OF REPRESENTATIVES MODERNIZATION INITIATIVES ACCOUNT

For the House of Representatives Modernization Initiatives Account established under section 115 of the Legislative Branch Appropriations Act, 2021 (2 U.S.C. 5513), $10,000,000, to remain available until expended: *Provided,* That disbursement from this account is subject to approval of the Committee on Appropriations of the House of Representatives: *Provided further,* That funds provided in this account shall only be used for initiatives recommended by the Select Committee on Modernization or approved by the Committee on House Administration. Approval.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 110. (a) Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2023. Any amount remaining after all payments are made under such allowances for fiscal year 2023 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section. Regulations.

(c) As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress. Definition.

LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

SEC. 111. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds $1,000 for the vehicle in any month.

CYBERSECURITY ASSISTANCE FOR HOUSE OF REPRESENTATIVES

SEC. 112. The head of any Federal entity that provides assistance to the House of Representatives in the House's efforts to deter, prevent, mitigate, or remediate cybersecurity risks to, and incidents involving, the information systems of the House shall take all necessary steps to ensure the constitutional integrity of the separate branches of the government at all stages of providing the assistance, including applying minimization procedures to limit the spread or sharing of privileged House and Member information.

HOUSE INTERN RESOURCE OFFICE

2 USC 5549.

SEC. 113. (a) ESTABLISHMENT; COORDINATOR.—

(1) ESTABLISHMENT; COORDINATOR.—There is established in the Office of the Chief Administrative Officer of the House of Representatives the House Intern Resource Office (hereinafter referred to as the "Office").

(2) APPOINTMENT.—The Office shall be headed by the House Intern Resource Coordinator (hereinafter referred to as the "Coordinator"), who shall be employed by the Chief Administrative Officer in consultation with the chair and ranking minority member of the Committee on House Administration.

(b) DUTIES.—In consultation with the Office of Diversity and Inclusion and such other offices as the Coordinator considers appropriate, the Office shall—

(1) provide support services, such as accommodations, training, and professional development, to interns of offices of the House of Representatives;

(2) serve as a center for resources and best practices for the recruitment, hiring, training, and use of interns by offices of the House of Representatives; and

(3) gather demographic and other data about interns of offices of the House of Representatives.

(c) ADDRESSING INEQUITIES IN ACCESS TO INTERNSHIPS.—In carrying out its duties, the Office shall consider inequities in access to internships in offices of the House of Representatives, and shall consider the viability of establishing an intern stipend program for interns from underrepresented backgrounds, including those who attend Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities, Hispanic-Serving Institutions (HSIs), and other Minority Serving Institutions described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2023 and each succeeding fiscal year such sums as may be necessary to carry out this section.

(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2023 and each succeeding fiscal year.

EDUCATIONAL ASSISTANCE AND PROFESSIONAL DEVELOPMENT FOR HOUSE EMPLOYEES

SEC. 114. (a) EXPANSION OF STUDENT LOAN REPAYMENT PROGRAM TO COVER EDUCATIONAL ASSISTANCE AND PROFESSIONAL DEVELOPMENT.—Section 105(a) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 4536(a)) is amended to read as follows:

"(a) PROGRAM TO COVER STUDENT LOAN REPAYMENT, EDUCATIONAL ASSISTANCE, AND PROFESSIONAL DEVELOPMENT FOR HOUSE EMPLOYEES.—

"(1) ESTABLISHMENT.—The Chief Administrative Officer shall establish a program under which an employing office of the House of Representatives may agree— Reimbursement.

"(A) to repay (by direct payment on behalf of the employee) any student loan previously taken out by an employee of the office;

"(B) to make direct payments on behalf of an employee of the office or to reimburse an employee of the office for expenses paid by the employee for the employee's educational and professional development; and

"(C) to make direct payments on behalf of an employee of the office or to reimburse an employee of the office for credentialing, professional accreditation, professional licensure, and professional certification expenses paid by the employee.

"(2) EXCLUSION OF MEMBERS.—For purposes of this section, a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) shall not be considered to be an employee of the House of Representatives.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments made during fiscal year 2023 or any succeeding fiscal year. 2 USC 4536 note.

HOUSE SERVICES REVOLVING FUND

SEC. 115. (a) INCLUSION OF FUNDS RECEIVED FROM OPERATION OF DRY CLEANING AND LAUNDRY SERVICE.—Section 105(a) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 5545(a)) is amended by adding at the end the following new paragraphs:

"(8) The operation of the House Dry Cleaning and Laundry Service.

"(9) Other activities related to the operation of services offered by the House of Representatives, as approved by the Committee on Appropriations of the House of Representatives.".

(b) USE OF AMOUNTS SUBJECT TO NOTIFICATION PROVIDED TO COMMITTEE ON APPROPRIATIONS.—Section 105(b) of such Act (2 U.S.C. 5545(b)) is amended by striking "which is approved by" and inserting "upon notification provided by the Chief Administrative Officer to".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2023 and each succeeding fiscal year. Applicability. 2 USC 5545 note.

CLARIFICATION OF USE OF CHILD CARE CENTER REVOLVING FUND TO STAFF TRAINING CLASSES AND CONFERENCES

SEC. 116. (a) USE OF FUND.—Section 312(d)(3)(B) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062(d)(3)(B)) is

amended by striking "The reimbursement of individuals employed by the center for the cost of training classes and conferences" and inserting "The cost of training classes and conferences for individuals employed by the center".

Applicability.
2 USC 2062 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2023 and each succeeding fiscal year.

AVAILABILITY OF AUTHORITY OF EXECUTIVE AGENCIES TO USE APPROPRIATED AMOUNTS FOR CHILD CARE TO HOUSE OF REPRESENTATIVES

SEC. 117. (a) AVAILABILITY OF AUTHORITY.—Section 590(g) of title 40, United States Code, is amended by adding at the end the following new paragraph:

"(6) APPLICATION TO HOUSE OF REPRESENTATIVES.—This subsection shall apply with respect to the House of Representatives in the same manner as it applies to an Executive agency, except that—

Regulations.

"(A) the authority granted to the Office of Personnel Management shall be exercised with respect to the House of Representatives by the Speaker of the House of Representatives in accordance with regulations promulgated by the Committee on House Administration; and

"(B) amounts may be made available to implement this subsection with respect to the House of Representatives without advance notice to the Committee on Appropriations of the Senate.".

Applicability.
40 USC 590 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2023 and each succeeding fiscal year.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,283,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $12,948,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and their assistants, including:

(1) an allowance of $3,500 per month to the Attending Physician;

(2) an allowance of $2,500 per month to the Senior Medical Officer;

(3) an allowance of $900 per month each to three medical officers while on duty in the Office of the Attending Physician;

(4) an allowance of $900 per month to 2 assistants and $900 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and

(5) $2,880,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $4,181,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,702,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $541,730,000 of which overtime shall not exceed $64,912,000 unless the Committees on Appropriations of the House and Senate are notified, to be disbursed by the Chief of the Capitol Police or a duly authorized designee: *Provided,* That of the total amount appropriated, $16,000,000 shall be available for retention bonuses: *Provided further,* That of the total amount appropriated, $3,450,000 is for agreed upon protection activities for Members of Congress and shall be available until September 30, 2024, with notification to the Committees on Appropriations prior to the obligation of funds. Notifications.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Centers, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $192,846,000, to be disbursed by the Chief of the Capitol Police or a duly authorized designee, of which $6,028,000 shall be for agreed upon protection activities for Members of Congress and shall be available until September 30, 2025: *Provided,* That amounts made available for the Enhanced Member Protection Program may be obligated and expended only upon approval of the Committees Certification. Approval.

on Appropriations: *Provided further,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Centers for fiscal year 2023 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

VOLUNTEER CHAPLAIN SERVICES

2 USC 1912.

SEC. 120. (a) The Chief of the Capitol Police shall have authority to accept unpaid religious chaplain services, whereby volunteers from multiple faiths, authorized by their respective religious endorsing agency or organization, may advise, administer, and perform spiritual care and religious guidance for Capitol Police employees.

(b) Chaplains shall not be required to perform any rite, ritual, or ceremony, and employees shall not be required to receive such rite, ritual, or ceremony, if doing so would compromise the conscience, moral principles, or religious beliefs of such chaplain or employees or the chaplain's endorsing agency or organization.

Applicability.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2023 and each succeeding fiscal year.

Threat assessments. Protective details. Time period. Determinations. 2 USC 1966a.

SEC. 121. Notwithstanding any other provision of law (except section 1341 of title 31, United States Code), hereafter, the United States Capitol Police shall perform a threat assessment for former Speakers of the House of Representatives, and if warranted, any such former Speaker shall receive a United States Capitol Police protective detail for a period of not more than one year beginning on the date they leave such office, except that such former Speaker shall have the option to decline such protective detail at any time: *Provided,* That at the conclusion of the one year period, the United States Capitol Police shall perform a threat assessment to determine whether extension of the protective detail is warranted: *Provided further,* That, the protective detail may be extended beyond the initial one year period, with the concurrence of the relevant former Speaker, if the United States Capitol Police determines that information or conditions, including but not limited to violent threats, warrant such protection: *Provided further,* That the United States Capitol Police is authorized to enter into Memoranda of Understanding with relevant state and local law enforcement agencies, as needed, to carry out this section.

Extension authority.

Memorandums.

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

SALARIES AND EXPENSES

Certification.

For salaries and expenses necessary for the operation of the Office of Congressional Workplace Rights, $8,000,000, of which $2,500,000 shall remain available until September 30, 2024, and of which not more than $1,000 may be expended on the certification of the Executive Director in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $63,237,000: *Provided,* That the Director shall use not less than $500,000 of the amount made available under this heading for (1) improving technical systems, processes, and models for the purpose of improving the transparency of estimates of budgetary effects to Members of Congress, employees of Members of Congress, and the public, and (2) to increase the availability of models, economic assumptions, and data for Members of Congress, employees of Members of Congress, and the public.

Certification.

ARCHITECT OF THE CAPITOL

CAPITAL CONSTRUCTION AND OPERATIONS

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for all necessary expenses for surveys and studies, construction, operation, and general and administrative support in connection with facilities and activities under the care of the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $145,843,000: *Provided,* That none of the funds appropriated or made available under this heading in this Act or any other Act, including previous Acts, may be used for a home-to-work vehicle for the Architect or a duly authorized designee.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $80,589,000, of which $6,099,000 shall remain available until September 30, 2027, and of which $42,785,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $16,365,000, of which $2,000,000 shall remain available until September 30, 2027.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $184,596,000, of which $66,000,000 shall remain

available until September 30, 2027, and of which $36,100,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care and operation of the House office buildings, $126,279,000, of which $14,500,000 shall remain available until September 30, 2027, and of which $40,600,000 shall remain available until expended for the restoration and renovation of the Cannon House Office Building: *Provided,* That of the amount made available under this heading, $4,000,000 shall be derived by transfer from the House Office Building Fund established under section 176(d) of the Continuing Appropriations Act, 2017 (2 U.S.C. 2001 note).

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Publishing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $166,951,000, of which $68,600,000 shall remain available until September 30, 2027: *Provided,* That not more than $10,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2023.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $144,220,000, of which $108,000,000 shall remain available until September 30, 2027.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computing Facility, and Architect of the Capitol security operations, $402,907,000, of which $346,255,000 shall remain available until September 30, 2027: *Provided,* That of such amount, $80,000,000 shall be for design and construction of enhanced screening vestibules at the north and south Capitol Building entrances: *Provided further,* That of such amount, $238,455,000 shall be for the Capitol Complex Security Program: *Provided further,* That amounts made

available for the Capitol Complex Security Program may be obligated and expended only upon approval of the Committees on Appropriations.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $23,560,000, of which $8,200,000 shall remain available until September 30, 2027: *Provided,* That, of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $27,692,000.

ADMINISTRATIVE PROVISIONS

NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR OVER BUDGET

Determination.

SEC. 130. None of the funds made available in this Act for the Architect of the Capitol may be used to make incentive or award payments to contractors for work on contracts or programs for which the contractor is behind schedule or over budget, unless the Architect of the Capitol, or agency-employed designee, determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program.

REAUTHORIZATION OF FALLEN HEROES FLAG ACT OF 2016

SEC. 131. Section 5 of the Fallen Heroes Flag Act of 2016 (2 U.S.C. 1881c) is amended by striking "through 2022" and inserting "through 2028".

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For all necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; information technology services provided centrally; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board

not properly chargeable to the income of any trust fund held by the Board, $582,529,000, and, in addition, amounts credited to this appropriation during fiscal year 2023 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150), shall remain available until expended: *Provided,* That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That of the total amount appropriated, not more than $18,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses, including for the Overseas Field Offices: *Provided further,* That of the total amount appropriated, $12,245,000 shall remain available until expended for the Teaching with Primary Sources program: *Provided further,* That of the total amount appropriated, $1,459,000 shall remain available until expended for upgrade of the Legislative Branch Financial Management System: *Provided further,* That of the total amount appropriated, $250,000 shall remain available until expended for the Surplus Books Program to promote the program and facilitate a greater number of donations to eligible entities across the United States: *Provided further,* That of the total amount appropriated, $3,976,000 shall remain available until expended for the Veterans History Project to continue digitization efforts of already collected materials, reach a greater number of veterans to record their stories, and promote public access to the Project: *Provided further,* That of the total amount appropriated, $1,500,000 shall remain available until expended for the COVID–19 American History Project.

Certification.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, $100,674,000, of which not more than $39,702,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2023 under sections 708(d) and 1316 of title 17, United States Code: *Provided,* That the Copyright Office may not obligate or expend any funds derived from collections under such section in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That not more than $7,210,000 shall be derived from collections during fiscal year 2023 under sections 111(d)(2), 119(b)(3), 803(e), and 1005 of such title: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $46,912,000: *Provided further,* That of the funds provided under this heading, not less than $17,100,000 is for modernization initiatives, of which $10,000,000 shall remain available until September 30, 2024: *Provided further,* That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further,* That not more than $6,500 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses

Reduction.

Certification.

for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further,* That, notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $133,600,000: *Provided,* That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further,* That this prohibition does not apply to publication of non-confidential Congressional Research Service (CRS) products: *Provided further,* That a non-confidential CRS product includes any written product containing research or analysis that is currently available for general congressional access on the CRS Congressional Intranet, or that would be made available on the CRS Congressional Intranet in the normal course of business and does not include material prepared in response to Congressional requests for confidential analysis or research.

Advance approvals.

NATIONAL LIBRARY SERVICE FOR THE BLIND AND PRINT DISABLED

SALARIES AND EXPENSES

For all necessary expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $58,657,000: *Provided,* That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and print disabled residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 140. (a) IN GENERAL.—For fiscal year 2023, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $308,554,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the Legislative Branch.

USE OF APPROPRIATED FUNDS TO COVER SALARIES OF CERTAIN PERSONNEL OF LITTLE SCHOLARS CHILD DEVELOPMENT CENTER

SEC. 141. (a) USE OF FUNDS.—Section 210 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 162b) is amended—

(1) in subsection (f)(1), by striking "pay to the Library of Congress" and inserting "except as provided in subsection (g), pay to the Library of Congress";

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection:

"(g) REIMBURSEMENT FOR CERTAIN COMPENSATION.—Notwithstanding paragraph (1) of subsection (f), in the case of expenses described in such paragraph which are attributable to the compensation of the Executive Director and Deputy Executive Director of the Center, the Librarian of Congress may reimburse the Center for such expenses from amounts appropriated or otherwise made available for salaries and expenses of the Library of Congress.".

Applicability.
2 USC 162b note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to fiscal year 2023 and each succeeding fiscal year.

GOVERNMENT PUBLISHING OFFICE

CONGRESSIONAL PUBLISHING

(INCLUDING TRANSFER OF FUNDS)

For authorized publishing of congressional information and the distribution of congressional information in any format; publishing of Government publications authorized by law to be distributed to Members of Congress; and publishing, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $82,992,000: *Provided,* That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further,* That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further,* That unobligated or unexpended balances of expired discretionary funds made available under this heading in this Act for this fiscal year may be transferred to, and merged with, funds under the heading "GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING FUND" no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, to be available for carrying out the purposes of this

Time periods.

Deadline.
Time periods.
Approval.

heading, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the public information programs of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications in any format, and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $35,257,000: *Provided,* That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for the preceding two fiscal years to depository and other designated libraries: *Provided further,* That unobligated or unexpended balances of expired discretionary funds made available under this heading in this Act for this fiscal year may be transferred to, and merged with, funds under the heading "GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING FUND" no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, to be available for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate.

Deadline.
Time periods.
Approval.

GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING FUND

For payment to the Government Publishing Office Business Operations Revolving Fund, $11,605,000, to remain available until expended, for information technology development and facilities repair: *Provided,* That the Government Publishing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Publishing Office Business Operations Revolving Fund: *Provided further,* That not more than $7,500 may be expended on the certification of the Director of the Government Publishing Office in connection with official representation and reception expenses: *Provided further,* That the Business Operations Revolving Fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Director of the Government Publishing Office shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided*

Contracts.

Certification.

further, That the Business Operations Revolving Fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That activities financed through the Business Operations Revolving Fund may provide information in any format: *Provided further,* That the Business Operations Revolving Fund and the funds provided under the heading "PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF DOCUMENTS" may not be used for contracted security services at Government Publishing Office's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

Certification.

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $790,319,000, of which $5,000,000 shall remain available until expended: *Provided,* That, in addition, $55,865,000 of payments received under sections 782, 791, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: *Provided further,* That amounts provided under this heading and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further,* That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

Determination.

Reimbursements.

CONGRESSIONAL OFFICE FOR INTERNATIONAL LEADERSHIP FUND

For a payment to the Congressional Office for International Leadership Fund for financing activities of the Congressional Office for International Leadership under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $6,000,000: *Provided,* That funds made available to support Russian participants shall only be used for those engaging in free market development, humanitarian activities, and civic engagement, and shall not be used for officials of the central government of Russia.

Russia.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2023 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided,* That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

Contracts. Public information.

COSTS OF LEGISLATIVE BRANCH FINANCIAL MANAGERS COUNCIL

SEC. 205. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating

Determination.

legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LIMITATION ON TRANSFERS

SEC. 206. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 207. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate, unless through regulations as authorized by section 402(b)(8) of the Capitol Visitor Center Act of 2008 (2 U.S.C. 2242(b)(8)).

Approval.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

LIMITATION ON TELECOMMUNICATIONS EQUIPMENT PROCUREMENT

Huawei Technologies Company.
ZTE Corporation.
Reviews.

SEC. 208. (a) None of the funds appropriated or otherwise made available under this Act may be used to acquire telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation for a high or moderate impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency, office, or other entity acquiring the equipment or system has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high or moderate impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation and other appropriate agencies; and

Assessment.
Cyber threats.
Country listing.

(3) in consultation with the Federal Bureau of Investigation or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such telecommunications equipment for inclusion in a high or moderate impact system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the

People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Russian Federation.

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

(1) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks; Mitigation strategy.

(2) determined, in consultation with NIST and the Federal Bureau of Investigation, that the acquisition of such telecommunications equipment for inclusion in a high or moderate impact system is in the vital national security interest of the United States; and Determination.

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate in a manner that identifies the telecommunications equipment for inclusion in a high or moderate impact system intended for acquisition and a detailed description of the mitigation strategies identified in paragraph (1), provided that such report may include a classified annex as necessary. Reports.

PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

SEC. 209. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities or other official government activities.

PLASTIC WASTE REDUCTION

SEC. 210. All agencies and offices funded by this Act that contract with a food service provider or providers shall confer and coordinate with such food service provider or providers, in consultation with disability advocacy groups, to eliminate or reduce plastic waste, including waste from plastic straws, explore the use of biodegradable items, and increase recycling and composting opportunities. Contracts. Coordination.

CAPITOL COMPLEX HEALTH AND SAFETY

SEC. 211. In addition to the amounts appropriated under this Act under the heading "OFFICE OF THE ATTENDING PHYSICIAN", there is hereby appropriated to the Office of the Attending Physician $5,000,000, to remain available until expended, for response to COVID–19, including testing, subject to the same terms and conditions as the amounts appropriated under such heading.

This division may be cited as the "Legislative Branch Appropriations Act, 2023".

Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023. Notifications.

DIVISION J—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,553,825,000, to remain available until September 30, 2027: *Provided,* That, of this amount, not to exceed $275,651,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That of the amount made available under this heading, $658,260,000 shall be for the projects and activities, and in the amounts, specified in the table under the heading "Military Construction, Army" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

Determination.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $4,345,320,000, to remain available until September 30, 2027: *Provided,* That, of this amount, not to exceed $515,473,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That of the amount made available under this heading, $492,929,000 shall be for the projects and activities, and in the amounts, specified in the table under the heading "Military Construction, Navy and Marine Corps" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

Determination.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized

by law, $2,614,996,000, to remain available until September 30, 2027: *Provided,* That, of this amount, not to exceed $251,634,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That of the amount made available under this heading, $509,540,000 shall be for the projects and activities, and in the amounts, specified in the table under the heading "Military Construction, Air Force" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

Determination.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $2,626,078,000, to remain available until September 30, 2027: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That, of the amount, not to exceed $506,927,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That of the amount made available under this heading, $109,680,000 shall be for the projects and activities, and in the amounts, specified in the table under the heading "Military Construction, Defense-Wide" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

Determination.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $459,018,000, to remain available until September 30, 2027: *Provided,* That, of the amount, not to exceed $83,435,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That of the amount

Determination.

made available under this heading, $151,540,000 shall be for the projects and activities, and in the amounts, specified in the table under the heading "Military Construction, Army National Guard" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $279,353,000, to remain available until September 30, 2027: *Provided,* That, of the amount, not to exceed $56,982,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That of the amount made available under this heading, $112,970,000 shall be for the projects and activities, and in the amounts, specified in the table under the heading "Military Construction, Air National Guard" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

Determination.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $193,878,000, to remain available until September 30, 2027: *Provided,* That, of the amount, not to exceed $24,829,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That of the amount made available under this heading, $74,000,000 shall be for the projects and activities, and in the amounts, specified in the table under the heading "Military Construction, Army Reserve" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

Determination.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $36,837,000, to remain available until September 30, 2027: *Provided,* That, of the amount, not to exceed $9,090,000 shall be available for study, planning, design,

Determination.

and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $85,423,000, to remain available until September 30, 2027: *Provided,* That, of the amount, not to exceed $27,573,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That of the amount made available under this heading, $35,800,000 shall be for the projects and activities, and in the amounts, specified in the table under the heading "Military Construction, Air Force Reserve" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

Determination.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $220,139,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $574,687,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $169,339,000, to remain available until September 30, 2027.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $446,411,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $337,297,000, to remain available until September 30, 2027.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $378,224,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $232,788,000, to remain available until September 30, 2027.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $365,222,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $50,113,000.

DEPARTMENT OF DEFENSE

FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $6,442,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

DEPARTMENT OF DEFENSE

MILITARY UNACCOMPANIED HOUSING IMPROVEMENT FUND

For the Department of Defense Military Unaccompanied Housing Improvement Fund, $494,000, to remain available until

expended, for unaccompanied housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military unaccompanied housing and supporting facilities.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor. Contracts. Approval.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense. Certification.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest. Determinations.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress. Notification.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement. Steel.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Contracts. Japan.

Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

Kwajalein Atoll. Contracts.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided,* That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further,* That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

Military exercise. Time period.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

Time periods. Determination.

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the

Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided,* That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

10 USC 2821 note.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided,* That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further,* That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

Time periods.

Reports.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

Time period. Determination.

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for

obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 123. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 124. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2027:

"Military Construction, Army", $243,490,000;

"Military Construction, Navy and Marine Corps", $423,300,000;

"Military Construction, Air Force", $527,300,000;

"Military Construction, Defense-Wide", $151,000,000;

"Military Construction, Army National Guard", $54,743,000;

"Military Construction, Army Reserve", $56,600,000;

"Military Construction, Navy Reserve", $116,964,000;

"Military Construction, Air Force Reserve", $9,000,000;

"Family Housing Construction, Army", $321,722,000; and

"Family Housing Construction, Air Force", $18,800,000:

Provided, That such funds may only be obligated to carry out construction and cost to complete projects identified in the respective military department's unfunded priority list for fiscal year 2023 submitted to Congress: *Provided further,* That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further,* That not later than 60 days after enactment of this Act, the Secretary of the military department concerned, or their designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

Deadline. Expenditure plan.

Allotment. Contracts.

SEC. 125. All amounts appropriated to the "Department of Defense—Military Construction, Army", "Department of Defense—Military Construction, Navy and Marine Corps", "Department of Defense—Military Construction, Air Force", and "Department of Defense—Military Construction, Defense-Wide" accounts pursuant to the authorization of appropriations in a National Defense Authorization Act specified for fiscal year 2023 in the funding table in section 4601 of that Act shall be immediately available and allotted to contract for the full scope of authorized projects.

SEC. 126. Notwithstanding section 116 of this Act, funds made available in this Act or any available unobligated balances from prior appropriations Acts may be obligated before October 1, 2024

for fiscal year 2017 and fiscal year 2018 military construction projects for which project authorization has not lapsed or for which authorization is extended for fiscal year 2023 by a National Defense Authorization Act: *Provided,* That no amounts may be obligated pursuant to this section from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

Definition.

SEC. 127. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

SEC. 128. For an additional amount for the accounts and in the amounts specified for planning and design, unspecified minor construction, and authorized major construction projects, for construction improvements to Department of Defense laboratory facilities, to remain available until September 30, 2027:

"Military Construction, Army", $20,000,000;

"Military Construction, Navy and Marine Corps", $10,000,000; and

"Military Construction, Air Force", $90,000,000:

Deadline. Expenditure plan.

Provided, That not later than 60 days after enactment of this Act, the Secretary of the military department concerned, or their designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: *Provided further,* That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

Approvals.

SEC. 129. For an additional amount for the accounts and in the amounts specified for planning and design and unspecified minor construction, for improving military installation resilience, to remain available until September 30, 2027:

"Military Construction, Army", $25,000,000;

"Military Construction, Navy and Marine Corps", $40,000,000; and

"Military Construction, Air Force", $25,000,000:

Deadline. Expenditure plan.

Provided, That not later than 60 days after enactment of this Act, the Secretary of the military department concerned, or their designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: *Provided further,* That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

Approvals.

SEC. 130. For an additional amount for "Military Construction, Air Force", $360,000,000, to remain available until September 30, 2027, for expenses incurred as a result of natural disasters: *Provided,* That not later than 60 days after the date of enactment of this Act, the Secretary of the Air Force, or their designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

Deadline. Expenditure plan.

SEC. 131. For an additional amount for the accounts and in the amounts specified to address cost increases identified subsequent to the fiscal year 2023 budget request for authorized major construction projects included either in that request or funded in Title I of Division J of Public Law 117–103, to remain available until September 30, 2027:

"Military Construction, Army", $103,000,000;

"Military Construction, Navy and Marine Corps", $331,000,000;

"Military Construction, Air Force", $273,000,000;

"Military Construction, Defense-Wide", $279,347,000;

"Military Construction, Army National Guard", $66,000,000;

"Military Construction, Air National Guard", $17,000,000;

"Military Construction, Army Reserve", $24,000,000;

"Military Construction, Navy Reserve", $5,500,000; and

"Military Construction, Air Force Reserve", $11,000,000:

Deadline. Expenditure plan.

Provided, That not later than 60 days after the date of enactment of this Act, the Secretary of the military department concerned, or their designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 132. For an additional amount for the accounts and in the amounts specified for planning and design and authorized major construction projects, for child development centers, to remain available until September 30, 2027:

"Military Construction, Army", $15,000,000;

"Military Construction, Navy and Marine Corps", $15,000,000; and

"Military Construction, Air Force", $37,400,000:

Deadline. Expenditure plan.

Provided, That not later than 60 days after the date of enactment of this Act, the Secretary of the military department concerned, or their designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 133. For an additional amount for "Military Construction, Navy and Marine Corps", $25,000,000, to remain available until September 30, 2027, for planning and design of water treatment and distribution facilities construction, including relating to improvements of infrastructure and defueling at the Red Hill Bulk Fuel Storage Facility: *Provided,* That not later than 180 days after the date of enactment of this Act, the Secretary of the Navy, or their designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

Deadline. Expenditure plan.

SEC. 134. For an additional amount for the accounts and in the amounts specified to address cost increases for authorized major construction projects funded by this Act, to remain available until September 30, 2027:

"Military Construction, Army", $48,600,000;

"Military Construction, Navy and Marine Corps", $166,500,000;

"Military Construction, Air Force", $63,350,000;

"Military Construction, Defense-Wide", $14,200,000;

"Military Construction, Army National Guard", $18,900,000;

"Military Construction, Air National Guard", $4,900,000;

"Military Construction, Army Reserve", $2,000,000; and
"Military Construction, Air Force Reserve", $500,000:

Provided, That not later than 60 days after the date of enactment of this Act, the Secretary of the military department concerned, or their designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: *Provided further,* That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

Deadline. Expenditure plan.

Approvals.

SEC. 135. For an additional amount for "Military Construction, Air National Guard", $10,000,000, to remain available until September 30, 2027, for planning and design for construction at future foreign military training sites: *Provided,* That not later than 60 days after enactment of this Act, the Secretary of the Air Force, or their designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

Deadline. Expenditure plan.

SEC. 136. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

Cuba.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $146,778,136,000, which shall become available on October 1, 2023, to remain available until expended: *Provided,* That not to exceed $21,423,000 of the amount made available for fiscal year 2024 under this heading shall be reimbursed to "General Operating Expenses, Veterans Benefits Administration", and "Information Technology Systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and Pensions" appropriation: *Provided further,* That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical Care Collections Fund" to augment the funding of

Reimbursement.

Reimbursement.

individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, $8,452,500,000, which shall become available on October 1, 2023, to remain available until expended: *Provided,* That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21 of title 38, United States Code, $121,126,000, which shall become available on October 1, 2023, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That, during fiscal year 2023, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $282,361,131.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $7,171, as authorized by chapter 31 of title 38, United States Code: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $942,330.

In addition, for administrative expenses necessary to carry out the direct loan program, $445,698, which may be paid to the appropriation for "General Operating Expenses, Veterans Benefits Administration".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,400,000.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $3,863,000,000: *Provided,* That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further,* That, of the funds made available under this heading, not to exceed 10 percent shall remain available until September 30, 2024.

Determination.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), monthly assistance allowances authorized by section 322(d) of title 38, United States Code, grants authorized by section 521A of title 38, United States Code, and administrative expenses necessary to carry out sections 322(d) and 521A of title 38, United States Code, and hospital care and medical services authorized by section 1787 of title 38, United States Code; $261,000,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2022; and, in addition, $74,004,000,000, plus reimbursements, shall become available on October 1, 2023, and shall remain available until September 30, 2024: *Provided,* That, of the amount made available on October 1, 2023, under this heading, $2,000,000,000 shall remain available until September 30, 2025: *Provided further,* That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further,* That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further,* That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans

Drugs and drug abuse.

with privately written prescriptions based on requirements established by the Secretary: *Provided further,* That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further,* That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans: *Provided further*, That nothing in section 2044(e)(1) of title 38, United States Code, may be construed as limiting amounts that may be made available under this heading for fiscal years 2023 and 2024 in this or prior Acts.

MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, $4,300,000,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2022; and, in addition, $33,000,000,000, plus reimbursements, shall become available on October 1, 2023, and shall remain available until September 30, 2024: *Provided,* That, of the amount made available on October 1, 2023, under this heading, $2,000,000,000 shall remain available until September 30, 2025.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $1,400,000,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2022; and, in addition, $12,300,000,000, plus reimbursements, shall become available on October 1, 2023, and shall remain available until September 30, 2024: *Provided,* That, of the amount made available on October 1, 2023, under this heading, $350,000,000 shall remain available until September 30, 2025.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services;

$1,500,000,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2022; and, in addition, $8,800,000,000, plus reimbursements, shall become available on October 1, 2023, and shall remain available until September 30, 2024: *Provided,* That, of the amount made available on October 1, 2023, under this heading, $500,000,000 shall remain available until September 30, 2025.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $916,000,000, plus reimbursements, shall remain available until September 30, 2024: *Provided,* That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $430,000,000, of which not to exceed 10 percent shall remain available until September 30, 2024.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $433,000,000, of which not to exceed 10 percent shall remain available until September 30, 2024: *Provided,* That funds provided under this heading may be transferred to "General Operating Expenses, Veterans Benefits Administration".

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, $285,000,000, of which not to exceed 10 percent shall remain available until September 30, 2024.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $5,782,000,000, plus reimbursements: *Provided,* That $1,494,230,000 shall be for pay and associated costs, of which not to exceed 3 percent shall remain available until September 30, 2024: *Provided further,* That $4,145,678,000 shall be for operations and maintenance, of which not to exceed 5 percent shall remain available until September 30, 2024: *Provided further,* That $142,092,000 shall be for information technology systems development, and shall remain available until September 30, 2024: *Provided further,* That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further,* That amounts made available for the "Information Technology Systems" account for development may be transferred among projects or to newly defined projects: *Provided further,* That no project may be increased or decreased by more than $3,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further,* That the funds made available under this heading for information technology systems development shall be for the projects, and in the amounts, specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Time period.

VETERANS ELECTRONIC HEALTH RECORD

For activities related to implementation, preparation, development, interface, management, rollout, and maintenance of a Veterans Electronic Health Record system, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, and salaries and expenses of employees hired under titles 5 and 38, United States Code, $1,759,000,000, to remain available until September 30, 2025: *Provided,* That the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress quarterly reports detailing obligations, expenditures, and deployment implementation by facility, including any changes from the deployment plan or schedule: *Provided further,* That the funds provided in this account shall only be available to the Office of the Deputy Secretary, to be administered by that Office: *Provided further,* That 25 percent of the funds made available under this heading shall not be available until July 1, 2023, and are contingent upon the Secretary of Veterans Affairs—

Reports.

Effective date.
Certifications.
Deadlines.

(1) providing the Committees on Appropriations a report detailing the status of outstanding issues impacting the stability and usability of the new electronic health record system, including those that contributed to the October 13, 2022, deployment delay, along with a timeline and measurable metrics to resolve issues, no later than 60 days after enactment of this Act;

Reports. Timeline.

(2) certifying and detailing any changes to the full deployment schedule, no later than 60 days prior to July 1, 2023; and

(3) certifying in writing no later than 30 days prior to July 1, 2023, the following—

(A) the status of issues included in the report referenced in paragraph (1), including issues that have not been closed but have been suitably resolved or mitigated in a manner that will enhance provider productivity and minimize the potential for patient harm; and

(B) whether the system is stable, ready, and optimized for further deployment at VA sites.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $273,000,000, of which not to exceed 10 percent shall remain available until September 30, 2024.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,447,890,000, of which $731,722,000 shall remain available until September 30, 2027, and of which $716,168,000 shall remain available until expended, of which $1,500,000 shall be available for seismic improvement projects and seismic program management activities, including for projects that would otherwise be funded by the Construction, Minor Projects, Medical Facilities or National Cemetery Administration accounts: *Provided,* That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and planning, cost estimating, and design for major medical facility projects and major medical facility leases and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, staffing

Notification. Approval.

expenses, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: *Provided further,* That such sums as may be necessary shall be available to reimburse the "General Administration" account for payment of salaries and expenses of all Office of Construction and Facilities Management employees to support the full range of capital infrastructure services provided, including minor construction and leasing services: *Provided further,* That funds made available under this heading for fiscal year 2023, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2023; and (2) by the awarding of a construction contract by September 30, 2024: *Provided further,* That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further,* That notwithstanding the requirements of section 8104(a) of title 38, United States Code, amounts made available under this heading for seismic improvement projects and seismic program management activities shall be available for the completion of both new and existing seismic projects of the Department.

Reimbursement.

Contracts. Deadlines.

Reports.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $626,110,000, of which $563,499,000 shall remain available until September 30, 2027, and of which $62,611,000 shall remain available until expended, along with unobligated balances of previous "Construction, Minor Projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided,* That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $150,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, $50,000,000, to remain available until expended.

COST OF WAR TOXIC EXPOSURES FUND

For investment in the delivery of veterans' health care associated with exposure to environmental hazards, the expenses incident to the delivery of veterans' health care and benefits associated with exposure to environmental hazards, and medical and other research relating to exposure to environmental hazards, as authorized by section 324 of title 38, United States Code, and in addition to amounts otherwise available for such purposes in the appropriations provided in this or prior Acts, $5,000,000,000, to remain available until September 30, 2027: *Provided,* That not later than 30 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading for fiscal year 2023.

Deadline. Expenditure plan.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2023 for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided,* That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

Approvals. Time period.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2023, in this or any other Act, under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities" accounts may be transferred among the accounts: *Provided,* That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both

Notifications. Approvals.

Houses of Congress of the amount and purpose of the transfer: *Provided further,* That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further,* That any transfers to or from the "Medical Facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, Major Projects", and "Construction, Minor Projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

Reimbursement.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical Services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

Time period.

SEC. 206. Appropriations available in this title for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2022.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and Pensions".

(INCLUDING TRANSFER OF FUNDS)

Reimbursement.

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2023, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the "General Operating Expenses, Veterans Benefits Administration" and "Information Technology Systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided,*

That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2023 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further,* That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further,* That the Secretary shall determine the cost of administration for fiscal year 2023 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

Determination.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services shall be available until expended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management, Diversity and Inclusion, the Office of Employment Discrimination Complaint Adjudication, and the Alternative Dispute Resolution function within the Office of Human Resources and Administration for all services provided at rates which will recover actual costs but not to exceed $86,481,000 for the Office of Resolution Management, Diversity and Inclusion, $6,812,000 for the Office of Employment Discrimination Complaint Adjudication, and $4,576,000 for the Alternative Dispute Resolution function within the Office of Human Resources and Administration: *Provided,* That payments may be made in advance for services to be furnished based on estimated costs: *Provided further,* That amounts received shall be credited to the "General Administration" and "Information Technology Systems" accounts for use by the office that provided the service.

Disclosure.
Reimbursement.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided,* That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further,* That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, Major Projects" and "Construction, Minor Projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction

or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, Major Projects" and "Construction, Minor Projects".

SEC. 213. Amounts made available under "Medical Services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited into the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the "Medical Services" and "Medical Community Care" accounts to remain available until expended for the purposes of these accounts.

Contracts. Alaska. Native Americans.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian Tribes and Tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

Requirement. Compliance.

Definition.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited into the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, Major Projects" and "Construction, Minor Projects" accounts, to remain available until expended for the purposes of these accounts.

Reports.

SEC. 217. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided,* That, at a minimum, the report shall include the direction contained in the paragraph entitled "Quarterly reporting", under the heading "General Administration" in the joint explanatory statement accompanying Public Law 114–223.

(INCLUDING TRANSFER OF FUNDS)

SEC. 218. Amounts made available under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", "Medical Facilities", "General Operating Expenses, Veterans Benefits Administration", "Board of Veterans Appeals", "General Administration", and "National Cemetery Administration" accounts for fiscal year 2023 may be transferred to or from the "Information Technology Systems" account: *Provided,* That such transfers may not result in a more than 10 percent aggregate increase in the

total amount made available by this Act for the "Information Technology Systems" account: *Provided further,* That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

Approvals.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2023 for "Medical Services", "Medical Community Care", "Medical Support and Compliance", "Medical Facilities", "Construction, Minor Projects", and "Information Technology Systems", up to $330,140,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided,* That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: *Provided further,* That section 220 of title II of division J of Public Law 117–103 is repealed.

Notification.

Repeal.
136 Stat. 552.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2023, for "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities", up to $314,825,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided,* That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

Effective date.

Notification.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Such sums as may be deposited into the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense—

Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided,* That, notwithstanding section 1704(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), amounts transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund shall remain available until expended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts available in this title for "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities", a minimum of $15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 223. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

Notifications. Deadlines.

SEC. 224. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided,* That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further,* That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

Approvals.

SEC. 225. None of the funds made available for "Construction, Major Projects" may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

Reports. Data.

SEC. 226. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: *Provided,* That, at a minimum, the report shall include the direction contained in the section entitled "Disability claims backlog", under the heading "General Operating Expenses, Veterans Benefits Administration" in the joint explanatory statement accompanying Public Law 114–223: *Provided further,* That the report shall also include information on the number of appeals pending at the Veterans Benefits Administration as well as the Board of Veterans Appeals on a quarterly basis.

Time period.

SEC. 227. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

Notifications. Deadline.

SEC. 228. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $1,000,000.

Time period. Notifications.

(INCLUDING TRANSFER OF FUNDS)

SEC. 229. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the "Medical Services" account any discretionary appropriations made available for fiscal year 2023 in this title (except appropriations made to the "General Operating Expenses, Veterans Benefits Administration" account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2023, that were provided in advance by appropriations Acts: *Provided,* That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further,* That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further,* That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further,* That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: *Provided further,* That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

Determinations.

Approval.

Approvals.

(INCLUDING TRANSFER OF FUNDS)

SEC. 230. Amounts made available for the Department of Veterans Affairs for fiscal year 2023, under the "Board of Veterans Appeals" and the "General Operating Expenses, Veterans Benefits Administration" accounts may be transferred between such accounts: *Provided,* That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

Approvals.

SEC. 231. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such

instance of reprogramming will exceed $7,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

Suicide hotline.

SEC. 232. (a) The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

(b)(1) None of the funds made available by this Act may be used to enforce or otherwise carry out any Executive action that prohibits the Secretary of Veterans Affairs from appointing an individual to occupy a vacant civil service position, or establishing a new civil service position, at the Department of Veterans Affairs with respect to such a position relating to the hotline specified in subsection (a).

Definitions.

(2) In this subsection—

(A) the term "civil service" has the meaning given such term in section 2101(1) of title 5, United States Code; and

(B) the term "Executive action" includes—

(i) any Executive order, Presidential memorandum, or other action by the President; and

(ii) any agency policy, order, or other directive.

Study.
Time period.
Analysis.
Data.

(c)(1) The Secretary of Veterans Affairs shall conduct a study on the effectiveness of the hotline specified in subsection (a) during the 5-year period beginning on January 1, 2016, based on an analysis of national suicide data and data collected from such hotline.

Determinations.

(2) At a minimum, the study required by paragraph (1) shall—

(A) determine the number of veterans who contact the hotline specified in subsection (a) and who receive follow up services from the hotline or mental health services from the Department of Veterans Affairs thereafter;

(B) determine the number of veterans who contact the hotline who are not referred to, or do not continue receiving, mental health care who commit suicide; and

(C) determine the number of veterans described in subparagraph (A) who commit or attempt suicide.

Effective date.
Time period.

SEC. 233. Effective during the period beginning on October 1, 2018, and ending on January 1, 2024, none of the funds made available to the Secretary of Veterans Affairs by this or any other Act may be obligated or expended in contravention of the "Veterans Health Administration Clinical Preventive Services Guidance Statement on the Veterans Health Administration's Screening for Breast Cancer Guidance" published on May 10, 2017, as issued by the Veterans Health Administration National Center for Health Promotion and Disease Prevention.

SEC. 234. (a) Notwithstanding any other provision of law, the amounts appropriated or otherwise made available to the Department of Veterans Affairs for the "Medical Services" account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

Definitions.

(b) In this section:

(1) The term "service-connected" has the meaning given such term in section 101 of title 38, United States Code.

(2) The term "covered veteran" means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term "assisted reproductive technology" means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members" issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member except that—

(A) the time periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(B) such term includes embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

(4) The term "adoption reimbursement" means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

SEC. 235. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

Contracts.

SEC. 236. Section 842 of Public Law 109–115 shall not apply to conversion of an activity or function of the Veterans Health Administration, Veterans Benefits Administration, or National Cemetery Administration to contractor performance by a business concern that is at least 51 percent owned by one or more Indian Tribes as defined in section 5304(e) of title 25, United States Code, or one or more Native Hawaiian Organizations as defined in section 637(a)(15) of title 15, United States Code.

Discontinuation. Deadlines. 38 USC note prec. 5701.

SEC. 237. (a) Except as provided in subsection (b), the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Labor, shall discontinue using Social Security account numbers to identify individuals in all information systems of the Department of Veterans Affairs as follows:

(1) For all veterans submitting to the Secretary of Veterans Affairs new claims for benefits under laws administered by the Secretary, not later than March 23, 2023.

(2) For all individuals not described in paragraph (1), not later than March 23, 2026.

(b) The Secretary of Veterans Affairs may use a Social Security account number to identify an individual in an information system of the Department of Veterans Affairs if and only if the use of such number is required to obtain information the Secretary requires from an information system that is not under the jurisdiction of the Secretary.

(c) The matter in subsections (a) and (b) shall supersede section 238 of division F of Public Law 116–94.

Applicability.

SEC. 238. For funds provided to the Department of Veterans Affairs for each of fiscal year 2023 and 2024 for "Medical Services", section 239 of division A of Public Law 114–223 shall apply.

SEC. 239. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

Time periods.

SEC. 240. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2023 and fiscal year 2024 for "Medical Services", funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111–163, notwithstanding subsection (e) of such section.

Contracts.

SEC. 241. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Time periods.
Applicability.

SEC. 242. For funds provided to the Department of Veterans Affairs for each of fiscal year 2023 and 2024, section 258 of division A of Public Law 114–223 shall apply.

Records.
Compliance.

SEC. 243. (a) None of the funds appropriated or otherwise made available by this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede the access of the Inspector General to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to such Inspector General and expressly limits the right of access.

(b) A department or agency covered by this section shall provide its Inspector General access to all records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

Reports.

(d) Each Inspector General covered by this section shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives within

5 calendar days of any failure by any department or agency covered by this section to comply with this requirement.

SEC. 244. None of the funds made available in this Act may be used in a manner that would increase wait times for veterans who seek care at medical facilities of the Department of Veterans Affairs.

Notifications. Proposal. Deadline.

SEC. 245. None of the funds appropriated or otherwise made available by this Act to the Veterans Health Administration may be used in fiscal year 2023 to convert any program which received specific purpose funds in fiscal year 2022 to a general purpose funded program unless the Secretary of Veterans Affairs submits written notification of any such proposal to the Committees on Appropriations of both Houses of Congress at least 30 days prior to any such action and an approval is issued by the Committees.

Time periods. Applicability.

SEC. 246. For funds provided to the Department of Veterans Affairs for each of fiscal year 2023 and 2024, section 248 of division A of Public Law 114–223 shall apply.

Research and development. Effective date. Animals. Approval. 38 USC 303 note.

SEC. 247. (a) None of the funds appropriated or otherwise made available by this Act may be used to conduct research commencing on or after October 1, 2019, that uses any canine, feline, or non-human primate unless the Secretary of Veterans Affairs approves such research specifically and in writing pursuant to subsection (b).

Determination.

(b)(1) The Secretary of Veterans Affairs may approve the conduct of research commencing on or after October 1, 2019, using canines, felines, or non-human primates if the Secretary determines that—

(A) the scientific objectives of the research can only be met by using such canines, felines, or non-human primates;

(B) such scientific objectives are directly related to an illness or injury that is combat-related; and

(C) the research is consistent with the revised Department of Veterans Affairs canine research policy document dated December 15, 2017, including any subsequent revisions to such document.

(2) The Secretary may not delegate the authority under this subsection.

Reports.

(c) If the Secretary approves any new research pursuant to subsection (b), not later than 30 days before the commencement of such research, the Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives a report describing—

(1) the nature of the research to be conducted using canines, felines, or non-human primates;

(2) the date on which the Secretary approved the research;

(3) the justification for the determination of the Secretary that the scientific objectives of such research could only be met using canines, felines, or non-human primates;

(4) the frequency and duration of such research; and

(5) the protocols in place to ensure the necessity, safety, and efficacy of the research.

Reports.

(d) Not later than 180 days after the date of the enactment of this Act, and biannually thereafter, the Secretary shall submit to such Committees a report describing—

(1) any research being conducted by the Department of Veterans Affairs using canines, felines, or non-human primates as of the date of the submittal of the report;

(2) the circumstances under which such research was conducted using canines, felines, or non-human primates;

(3) the justification for using canines, felines, or non-human primates to conduct such research; and

(4) the protocols in place to ensure the necessity, safety, and efficacy of such research.

Plan.
Deadline.

(e) The Department shall implement a plan under which the Secretary will eliminate or reduce the research conducted using canines, felines, or non-human primates by not later than 5 years after the date of enactment of Public Law 116–94.

SEC. 248. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

Reports.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including—

Assessment.

(1) an assessment of the veteran-to-staff ratio for each such program; and

Recommendations.

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program.

SEC. 249. Amounts made available for the "Veterans Health Administration, Medical Community Care" account in this or any other Act for fiscal years 2023 and 2024 may be used for expenses that would otherwise be payable from the Veterans Choice Fund established by section 802 of the Veterans Access, Choice, and Accountability Act, as amended (38 U.S.C. 1701 note).

Time periods.

SEC. 250. Obligations and expenditures applicable to the "Medical Services" account in fiscal years 2017 through 2019 for aid to state homes (as authorized by section 1741 of title 38, United States Code) shall remain in the "Medical Community Care" account for such fiscal years.

SEC. 251. Of the amounts made available for the Department of Veterans Affairs for fiscal year 2023, in this or any other Act, under the "Veterans Health Administration—Medical Services", "Veterans Health Administration—Medical Community Care", "Veterans Health Administration—Medical Support and Compliance", and "Veterans Health Administration—Medical Facilities" accounts, $840,446,000 shall be made available for gender-specific care and programmatic efforts to deliver care for women veterans.

SEC. 252. Of the unobligated balances available in fiscal year 2023 in the "Recurring Expenses Transformational Fund" established in section 243 of division J of Public Law 114–113, and in addition to any funds otherwise made available for such purposes in this, prior, or subsequent fiscal years, the following amounts shall be available for the following purposes during the period of availability of the Fund:

(1) $804,510,000, for constructing, altering, extending, and improving medical facilities of the Veterans Health Administration, including all supporting activities and required contingencies;

(2) $88,490,000, for facilities improvements at existing medical facilities of the Veterans Health Administration; and

(3) $75,000,000, for the deployment, upgrade, or installation of infrastructure or equipment to support goals established in Executive Order 14057:

Provided, That prior to obligation of any of the funds provided in this subsection, the Secretary of Veterans Affairs must provide a plan for the execution of the funds appropriated in this subsection to the Committees on Appropriations of both Houses of Congress and such Committees issue an approval, or absent a response, a period of 30 days has elapsed: *Provided further,* That funds may be reprogrammed among the three purposes subject to the Secretary of Veterans Affairs providing a request with the amount and purpose of the reprogramming to the Committees on Appropriations of both Houses of Congress and such Committees issuing an approval, or absent a response, a period of 30 days has elapsed.

Execution plan. Approvals. Time period.

Reprogramming request. Approvals. Time period.

SEC. 253. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the status of the "Veterans Medical Care and Health Fund", established to execute section 8002 of the American Rescue Plan Act of 2021 (Public Law 117–2): *Provided,* That, at a minimum, the report shall include an update on obligations by program, project or activity and a plan for expending the remaining funds: *Provided further,* That the Secretary of Veterans Affairs must submit notification of any plans to reallocate funds from the current apportionment categories of "Medical Services", "Medical Support and Compliance", "Medical Facilities", "Medical Community Care", or "Medical and Prosthetic Research", including the amount and purpose of each reallocation to the Committees on Appropriations of both Houses of Congress and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

Reports.

Update. Expenditure plan.

Notification. Reallocation plan. Approvals. Time period.

SEC. 254. Any amounts transferred to the Secretary and administered by a corporation referred to in section 7364(b) of title 38, United States Code, between October 1, 2017 and September 30, 2018 for purposes of carrying out an order placed with the Department of Veterans Affairs pursuant to section 1535 of title 31, United States Code, that are available for obligation pursuant to section 7364(b)(1) of title 38, United States Code, are to remain available for the liquidation of valid obligations incurred by such corporation during the period of performance of such order, provided that the Secretary of Veterans Affairs determines that such amounts need to remain available for such liquidation.

Time period. Determination.

(RESCISSIONS OF FUNDS)

SEC. 255. Of the unobligated balances available to the Department of Veterans Affairs from prior appropriations Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

"Asset and Infrastructure Review", $5,000,000;

"Departmental Administration—Veterans Electronic Health Record", $150,000,000; and

"Departmental Administration—Construction, Major Projects", $76,000,000:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.
Analysis.
Rural and urban areas.

SEC. 256. None of the funds in this or any other Act may be used to close Department of Veterans Affairs hospitals, domiciliaries, or clinics, conduct an environmental assessment, or to diminish healthcare services at existing Veterans Health Administration medical facilities as part of a planned realignment of services until the Secretary provides to the Committees on Appropriations of both Houses of Congress a report including an analysis of how any such planned realignment of services will impact access to care for veterans living in rural or highly rural areas, including travel distances and transportation costs to access a Department medical facility and availability of local specialty and primary care.

(RESCISSION OF FUNDS)

SEC. 257. Of the unobligated balances in the "Recurring Expenses Transformational Fund" established in section 243 of division J of Public Law 114–113, $90,874,000 is hereby rescinded.

SEC. 258. Unobligated balances available under the headings "Construction, Major Projects" and "Construction, Minor Projects" may be obligated by the Secretary of Veterans Affairs for a facility pursuant to section 2(e)(1) of the Communities Helping Invest through Property and Improvements Needed for Veterans Act of 2016 (Public Law 114–294; 38 U.S.C. 8103 note), as amended, to provide additional funds or to fund an escalation clause under such section of such Act: *Provided,* That before such unobligated balances are obligated pursuant to this section, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to obligate such unobligated balances and such Committees issue an approval, or absent a response, a period of 30 days has elapsed: *Provided further,* That the request to obligate such unobligated balances must provide Congress notice that the entity described in section 2(a)(2) of Public Law 114–294, as amended, has exhausted available cost containment approaches as set forth in the agreement under section 2(c) of such Public Law.

Obligation request.
Approvals.
Time period.

Notice.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $15,000 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $87,500,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $46,900,000: *Provided,* That $3,385,000 shall be available for the purpose of providing financial assistance as described and in accordance with the process and reporting procedures set forth under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $2,000 for official reception and representation expenses, $93,400,000, of which not to exceed $15,000,000 shall remain available until September 30, 2025. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the "Lease of Department of Defense Real Property for Defense Agencies" account.

CONSTRUCTION

For necessary expenses for planning and design and construction at Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, $62,500,000, to remain available until expended, of which $2,500,000 shall be for study, planning and design, and architect and engineering services for Memorial Avenue improvements at Arlington National Cemetery; and $60,000,000 shall be for planning and design and construction associated with the Southern Expansion project at Arlington National Cemetery.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $75,360,000, to remain available until September 30, 2024, of which $7,300,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—

Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided,* That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, $25,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

MAJOR CONSTRUCTION

For an additional amount for necessary expenses related to design, planning, and construction for renovation of the Sheridan Building at the Armed Forces Retirement Home—Washington, District of Columbia, $77,000,000, to remain available until expended, shall be paid from the general fund of the Treasury to the Armed Forces Retirement Home Trust Fund.

ADMINISTRATIVE PROVISION

SEC. 301. Amounts deposited into the special account established under 10 U.S.C. 7727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 403. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 404. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 405. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 406. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

Web posting. Public information. Reports. Determination.

SEC. 407. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public

Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days. Time period.

SEC. 408. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 409. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 410. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989. Contracts.

SEC. 411. None of the funds made available by this Act may be used in contravention of section 101(e)(8) of title 10, United States Code.

SEC. 412. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense. Detainees. Cuba.

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

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

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

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

This division may be cited as the "Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023".

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2023

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $9,463,159,000, of which $844,418,000 may remain available until September 30, 2024, and of which up to $3,813,707,000 may remain available until expended for Worldwide Security Protection: *Provided,* That funds made available under this heading shall be allocated in accordance with paragraphs (1) through (4), as follows:

Allocations.

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 11; Chapter 36), $3,420,898,000, of which up to $684,767,000 is for Worldwide Security Protection.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $1,841,831,000.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State, including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation, and disarmament activities as authorized, $1,043,372,000.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $3,157,058,000, of which up to $3,128,940,000 is for Worldwide Security Protection.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(B) not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

(6) TRANSFER OF FUNDS, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any other provision of this Act, funds may be reprogrammed within and between paragraphs (1) through (4) under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading for Worldwide Security Protection, not to exceed $50,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized: *Provided,* That the exercise of the authority provided by this subparagraph shall be subject to prior consultation with the Committees on Appropriations.

Consultation.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to section 1108(g) of title 31, United States Code, for the field examination of programs and activities in the United States funded from any account contained in this title.

Contracts.

(D) Funds appropriated under this heading shall be made available to support the activities of the Ambassador-at-Large for the Arctic Region, as described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(E) Of the amount made available under this heading, up to $75,000,000 may be transferred to, and merged with, funds made available in title I of this Act under the heading "Capital Investment Fund": *Provided,* That the exercise of the authority provided by this subparagraph shall be subject to prior consultation with the Committees on Appropriations.

Consultation.

(F) The eleventh proviso under the heading "Diplomatic and Consular Programs" in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (title I of division J of Public Law 110–161) is amended by inserting "and for expenses of rewards programs" after "for rewards payments".

22 USC 2706a.

(G) Consistent with section 204 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2452b), up to $25,000,000 of the amounts made available under this heading may be obligated and expended for United States participation in international fairs and expositions abroad, including for construction and operation of a United States pavilion at Expo 2025.

(H) Of the funds appropriated under this heading, not less than $2,000,000 shall be made available for a grant to a postsecondary educational institution for the purpose of establishing a program to increase the participation of undergraduate students in the Foreign Service, as authorized by section 150 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2719): *Provided,* That such grant program shall hereafter be named the "Nancy Pelosi Fellowship Program".

22 USC 2719 note.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, as authorized, $389,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $98,500,000, of which $14,775,000 may remain available until September 30, 2024: *Provided,* That funds appropriated under this heading are made available notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)), as it relates to post inspections.

In addition, for the Special Inspector General for Afghanistan Reconstruction (SIGAR) for reconstruction oversight, $35,200,000, to remain available until September 30, 2024: *Provided,* That funds appropriated under this heading that are made available for the printing and reproduction costs of SIGAR shall not exceed amounts for such costs during the prior fiscal year.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For necessary expenses of educational and cultural exchange programs, as authorized, $777,500,000, to remain available until expended, of which not less than $287,500,000 shall be for the Fulbright Program and not less than $115,000,000 shall be for Citizen Exchange Program: *Provided,* That fees or other payments received from, or in connection with, English teaching, educational advising and counseling programs, and exchange visitor programs as authorized may be credited to this account, to remain available until expended: *Provided further,* That a portion of the Fulbright awards from the Eurasia and Central Asia regions shall be designated as Edmund S. Muskie Fellowships, following consultation with the Committees on Appropriations: *Provided further,* That funds appropriated under this heading that are made available for the Benjamin Gilman International Scholarships Program shall also be made available for the John S. McCain Scholars Program, pursuant to section 7075 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6): *Provided further,* That funds appropriated under this heading shall be made available for the Arctic Exchange Program: *Provided further,* That any substantive modifications from the prior fiscal year to programs funded by this Act under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Fellowships and scholarships. Consultation.

Consultation. Notification.

REPRESENTATION EXPENSES

For representation expenses as authorized, $7,415,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For necessary expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $30,890,000, to remain available until September 30, 2024.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292 et seq.), preserving, maintaining, repairing, and planning for real property that are owned or leased by the Department of State, and renovating, in addition to funds otherwise available, the Harry S Truman Building, $902,615,000, to remain available until September 30, 2027, of which not to exceed $25,000 may be used for overseas representation expenses as authorized: *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies of the United States Government.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $1,055,206,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, as authorized, $8,885,000, to remain available until expended, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account".

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,300,000, as authorized: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,753,048.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $34,083,000.

INTERNATIONAL CENTER, WASHINGTON, DISTRICT OF COLUMBIA

Not to exceed $1,842,732 shall be derived from fees collected from other executive agencies for lease or use of facilities at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), and, in addition, as authorized by section 5 of such Act, $743,000, to be derived from the reserve authorized by such section, to be used for the purposes set out in that section.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

22 USC 269a note.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

United Nations. Notifications.

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions, or specific Acts of Congress, $1,438,000,000, of which $96,240,000 may remain available until September 30, 2024: *Provided,* That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further,* That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further,* That any payment of arrearages under this heading shall be directed to activities that are mutually agreed upon by the United States and the respective international organization and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

Budget.

Time period.

Effective date.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

United Nations.

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,481,915,000, of which $740,958,000 may remain available until September 30, 2024: *Provided,* That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for such mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified of: (1) the estimated cost and duration of the mission, the objectives of the mission, the national interest that will be served, and the exit strategy; and (2) the sources of funds, including any reprogrammings or transfers, that will be used to pay the cost of the new or expanded mission, and the estimated cost in future fiscal years: *Provided further,* That none of the funds appropriated under this heading may be made available for obligation unless the Secretary of State certifies and reports to the Committees on Appropriations on a peacekeeping mission-by-mission basis that the United Nations is implementing effective policies and procedures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in such mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation and abuse or other violations of human rights, and to hold accountable individuals who engage in such acts while participating in such mission,

Time period. Notification. Cost estimates.

Certification. Reports. Human rights. Public information. Web posting.

including prosecution in their home countries and making information about such prosecutions publicly available on the website of the United Nations: *Provided further,* That the Secretary of State shall work with the United Nations and foreign governments contributing peacekeeping troops to implement effective vetting procedures to ensure that such troops have not violated human rights: *Provided further,* That funds shall be available for peacekeeping expenses unless the Secretary of State determines that United States manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further,* That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interest of the United States and the President has submitted to Congress such a recommendation: *Provided further,* That any payment of arrearages with funds appropriated by this Act shall be subject to the regular notification procedures of the Committees on Appropriations.

Procedures. Human rights.

Determination.

President. Recommendations.

Notification.

INTERNATIONAL COMMISSIONS

22 USC 269a note.

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation expenses, as follows:

Compliance.

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $57,935,000, of which $8,690,000 may remain available until September 30, 2024.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $53,030,000, to remain available until expended, as authorized: *Provided,* That of the funds appropriated under this heading in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for the United States Section, up to $5,000,000 may be transferred to, and merged with, funds appropriated under the heading "Salaries and Expenses" to carry out the purposes of the United States Section, which shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further,* That such transfer authority is in addition to any other transfer authority provided in this Act.

Transfer authority. Notification.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for technical assistance grants and the Community Assistance Program of the North American Development Bank, $16,204,000: *Provided,* That of the amount provided under this heading for the International Joint Commission, up to $1,250,000 may remain available until September 30, 2024, and up to $9,000 may be made available for representation expenses: *Provided further,* That of the amount provided under this heading for the International Boundary Commission, up to $1,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $65,719,000: *Provided,* That the United States share of such expenses may be advanced to the respective commissions pursuant to section 3324 of title 31, United States Code.

RELATED AGENCY

UNITED STATES AGENCY FOR GLOBAL MEDIA

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the United States Agency for Global Media (USAGM), as authorized, to carry out international communication activities, and to make and supervise grants for radio, Internet, and television broadcasting to the Middle East, $875,000,000, of which $43,750,000 may remain available until September 30, 2024: *Provided,* That in addition to amounts otherwise available for such purposes, up to $60,708,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which not less than $40,000,000 shall be for Internet freedom programs: *Provided further,* That of the total amount appropriated under this heading, not to exceed $35,000 may be used for representation expenses, of which $10,000 may be used for such expenses within the United States as authorized, and not to exceed $30,000 may be used for representation expenses of Radio Free Europe/Radio Liberty: *Provided further,* That funds appropriated under this heading shall be allocated in accordance with the table included under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That notwithstanding the previous proviso, funds may be reprogrammed within and between amounts designated in such table, subject to the regular notification procedures of the Committees on Appropriations, except that no such reprogramming may reduce a designated amount by more than 5 percent: *Provided further,* That funds appropriated under this heading shall be made available in accordance with the principles and standards set forth in section 303(a) and (b) of the United States International Broadcasting Act of 1994 (22 U.S.C.

Allocations.

Notification.

6202) and section 305(b) of such Act (22 U.S.C. 6204): *Provided further,* That the USAGM Chief Executive Officer shall notify the Committees on Appropriations within 15 days of any determination by the USAGM that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in section 303(a) and (b) of such Act or the entity's journalistic code of ethics: *Provided further,* That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $5,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, shall remain available until expended for carrying out authorized purposes: *Provided further,* That significant modifications to USAGM broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all USAGM language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That up to $5,000,000 from the USAGM Buying Power Maintenance account may be transferred to, and merged with, funds appropriated by this Act under the heading "International Broadcasting Operations", which shall remain available until expended: *Provided further,* That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law and shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Notification. Deadline. Determination. Terrorism.

Notification.

Transfer authority.

Consultation. Notification.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, repair, preservation, and improvement of facilities for radio, television, and digital transmission and reception; the purchase, rent, and installation of necessary equipment for radio, television, and digital transmission and reception, including to Cuba, as authorized; and physical security worldwide, in addition to amounts otherwise available for such purposes, $9,700,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $22,000,000, to remain available until expended.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act (22 U.S.C. 4601 et seq.), $55,000,000, to remain available until September 30, 2024, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2023, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2023, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by section 5376 of title 5, United States Code; or for purposes which are not in accordance with section 200 of title 2 of the Code of Federal Regulations, including the restrictions on compensation for personal services.

Salaries.
Contracts.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2023, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $22,000,000.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act (22 U.S.C. 4412), $315,000,000, to remain available until expended, of which $205,632,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $109,368,000 shall be for democracy programs: *Provided*, That the requirements of section 7062(a) of this Act shall not apply to funds made available under this heading.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $819,000, as authorized by chapter 3123 of title 54, United States Code: *Provided,* That the Commission may procure temporary, intermittent, and other services notwithstanding paragraph (3) of section 312304(b) of such chapter: *Provided further,* That such authority shall terminate on October 1, 2023: *Provided further,* That the Commission shall notify the Committees on Appropriations prior to exercising such authority.

Contracts.

Termination date.
Notification.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 et seq.), $3,500,000, to remain available until September 30, 2024, including not more than $4,000 for representation expenses.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304 (22 U.S.C. 3001 et seq.), $2,908,000, including not more than $6,000 for representation expenses, to remain available until September 30, 2024.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

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 2000 (22 U.S.C. 6911 et seq.), $2,300,000, including not more than $3,000 for representation expenses, to remain available until September 30, 2024.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), $4,000,000, including not more than $4,000 for representation expenses, to remain available until

Extension.
Applicability.

September 30, 2024: *Provided,* That the authorities, requirements, limitations, and conditions contained in the second through fifth provisos under this heading in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall continue in effect during fiscal year 2023 and shall apply to funds appropriated under this heading.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,743,350,000, of which up to $261,503,000 may remain available until September 30, 2024: *Provided,* That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further,* That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further,* That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further,* That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses, and not to exceed $100,500 shall be for official residence expenses, for USAID during the current fiscal year: *Provided further,* That of the funds appropriated under this heading, up to $20,000,000 may be transferred to, and merged with, funds appropriated or otherwise made available in title II of this Act under the heading "Capital Investment Fund", subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Contracts.
Reports.

Contracts.
Time period.

Transfer
authority.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $259,100,000, to remain available until expended: *Provided,* That this amount is in addition to funds otherwise available for such purposes: *Provided further,* That funds appropriated under this heading shall be available

Notification.

subject to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $80,500,000, of which up to $12,075,000 may remain available until September 30, 2024, for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

GLOBAL HEALTH PROGRAMS

Apportionment.

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $4,165,950,000, to remain available until September 30, 2024, and which shall be apportioned directly to the United States Agency for International Development: *Provided,* That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; (6) disaster preparedness training for health crises; (7) programs to prevent, prepare for, and respond to unanticipated and emerging global health threats, including zoonotic diseases; and (8) family planning/reproductive health: *Provided further,* That funds appropriated under this paragraph may be made available for United States contributions to The GAVI Alliance and to a multilateral vaccine development partnership to support epidemic preparedness: *Provided further,* That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further,* That any determination made under the previous proviso must be made not later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the

HIV/AIDS.
Tuberculosis.
Polio.
Malaria.
Zoonotic diseases.

Determination.
President.
Abortion.

Deadline.

Abortion.

determination: *Provided further,* That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further,* That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further,* That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further,* That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further,* That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further,* That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further,* That information provided about the use of condoms as part of projects or activities

Lobbying.
Abortion.

Family planning.
Requirements.
Determination.
Reports.

Grants.
Discrimination.
Compliance.

Definition.

Condoms.

that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

Apportionment.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $6,395,000,000, to remain available until September 30, 2027, which shall be apportioned directly to the Department of State: *Provided,* That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund): *Provided further,* That the amount of such contribution shall be $2,000,000,000: *Provided further,* That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2023 may be made available to USAID for technical assistance related to the activities of the Global Fund, subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That of the funds appropriated under this paragraph, up to $17,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

Notification.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $4,368,613,000, to remain available until September 30, 2024: *Provided,* That funds made available under this heading shall be apportioned to the United States Agency for International Development.

Apportionment.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $3,905,460,000, to remain available until expended: *Provided,* That funds made available under this heading shall be apportioned to the United States Agency for International Development not later than 60 days after the date of enactment of this Act.

Apportionment.
Deadline.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance administered by the Office of Transition Initiatives, United States Agency for International Development, pursuant to section 491 of the Foreign Assistance Act of 1961, and to support transition to democracy and long-term development of countries in crisis, $80,000,000, to remain available until expended: *Provided,* That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further,* That the USAID Administrator shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new, or terminating a, program

Reports.

Determination.

of assistance: *Provided further,* That if the Secretary of State determines that it is important to the national interest of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further,* That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

Consultation.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of section 509(b) of the Global Fragility Act of 2019 (title V of division J of Public Law 116–94), $60,000,000, to remain available until expended: *Provided,* That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961: *Provided further,* That funds appropriated under this heading shall be apportioned to the United States Agency for International Development.

Apportionment.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $4,301,301,000, to remain available until September 30, 2024.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, including to carry out the purposes of section 502(b)(3) and (5) of Public Law 98–164 (22 U.S.C. 4411), $222,450,000, to remain available until September 30, 2024, which shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State: *Provided,* That funds appropriated under this heading that are made available to the National Endowment for Democracy and its core institutes are in addition to amounts otherwise made available by this Act for such purposes: *Provided further,* That the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall consult with the Committees on Appropriations prior to the initial obligation of funds appropriated under this paragraph.

Consultation.

For an additional amount for such purposes, $133,250,000, to remain available until September 30, 2024, which shall be made available for the Bureau for Development, Democracy, and Innovation, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act (Public Law 102–511), and the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179), $500,334,000, to remain

available until September 30, 2024, which shall be available, notwithstanding any other provision of law, except section 7047 of this Act, for assistance and related programs for countries identified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801) and section 3(c) of the SEED Act of 1989 (22 U.S.C. 5402), in addition to funds otherwise available for such purposes: *Provided,* That funds appropriated by this Act under the headings "Global Health Programs", "Economic Support Fund", and "International Narcotics Control and Law Enforcement" that are made available for assistance for such countries shall be administered in accordance with the responsibilities of the coordinator designated pursuant to section 102 of the FREEDOM Support Act and section 601 of the SEED Act of 1989: *Provided further,* That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further,* That funds appropriated under this heading may be made available for contributions to multilateral initiatives to counter hybrid threats.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601), and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.); allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $2,912,188,000, to remain available until expended, of which $5,000,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)), $100,000, to remain available until expended: *Provided,* That amounts in excess of the limitation contained in paragraph (2) of such section shall be transferred to, and merged with, funds made available by this Act under the heading "Migration and Refugee Assistance".

Transfer authority.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501 et seq.), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $430,500,000, of which

$7,300,000 is for the Office of Inspector General, to remain available until September 30, 2024: *Provided,* That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by section 16 of the Peace Corps Act (22 U.S.C. 2515), an amount not to exceed $5,000,000: *Provided further,* That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further,* That of the funds appropriated under this heading, not to exceed $104,000 may be available for representation expenses, of which not to exceed $4,000 may be made available for entertainment expenses: *Provided further,* That in addition to the requirements under section 7015(a) of this Act, the Peace Corps shall consult with the Committees on Appropriations prior to any decision to open, close, or suspend a domestic or overseas office or a country program unless there is a substantial risk to volunteers or other Peace Corps personnel: *Provided further,* That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further,* That notwithstanding the previous proviso, section 614 of division E of Public Law 113–76 shall apply to funds appropriated under this heading.

Consultation.

Abortions.

Applicability.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) (MCA), $930,000,000, to remain available until expended: *Provided,* That of the funds appropriated under this heading, up to $130,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: *Provided further,* That section 605(e) of the MCA (22 U.S.C. 7704(e)) shall apply to funds appropriated under this heading: *Provided further,* That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the MCA (22 U.S.C. 7708) only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further,* That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses.

Applicability.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $47,000,000, to remain available until September 30, 2024: *Provided,* That of the funds appropriated under this heading, not to exceed $2,000 may be available for representation expenses.

UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the African Development Foundation Act (title V of Public Law 96–533; 22 U.S.C. 290h et seq.), $45,000,000, to remain available until September 30, 2024, of which not to exceed $2,000 may be available for representation

expenses: *Provided,* That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the United States African Development Foundation (USADF): *Provided further,* That interest earned shall be used only for the purposes for which the grant was made: *Provided further,* That notwithstanding section 505(a)(2) of the African Development Foundation Act (22 U.S.C. 290h–3(a)(2)), in exceptional circumstances the Board of Directors of the USADF may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further,* That the USADF shall submit a report to the appropriate congressional committees after each time such waiver authority is exercised: *Provided further,* That the USADF may make rent or lease payments in advance from appropriations available for such purpose for offices, buildings, grounds, and quarters in Africa as may be necessary to carry out its functions: *Provided further,* That the USADF may maintain bank accounts outside the United States Treasury and retain any interest earned on such accounts, in furtherance of the purposes of the African Development Foundation Act: *Provided further,* That the USADF may not withdraw any appropriation from the Treasury prior to the need of spending such funds for program purposes.

Waiver authority.

Reports.

Payments.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $38,000,000, to remain available until expended, of which not more than $9,500,000 may be used for administrative expenses: *Provided,* That amounts made available under this heading may be made available to contract for services as described in section 129(d)(3)(A) of the Foreign Assistance Act of 1961, without regard to the location in which such services are performed.

Contracts.

DEBT RESTRUCTURING

For "Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring" there is appropriated $52,000,000, to remain available until September 30, 2026, for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees for, or credits extended to, such countries as the President may determine, including the costs of selling, reducing, or canceling amounts owed to the United States pursuant to multilateral debt restructurings, including Paris Club debt restructurings and the "Common Framework for Debt Treatments beyond the Debt Service Suspension Initiative": *Provided,* That such amounts may be used notwithstanding any other provision of law.

President. Determination.

TROPICAL FOREST AND CORAL REEF CONSERVATION

For the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as

President. Determination.

the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the costs of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries pursuant to part V of the Foreign Assistance Act of 1961, $20,000,000, to remain available until September 30, 2026.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

Notifications.

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,391,004,000, to remain available until September 30, 2024: *Provided,* That the Department of State may use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing such property to a foreign country or international organization under chapter 8 of part I of such Act, subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading, except that any funds made available notwithstanding such section shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds appropriated under this heading shall be made available to support training and technical assistance for foreign law enforcement, corrections, judges, and other judicial authorities, utilizing regional partners: *Provided further,* That funds made available under this heading that are transferred to another department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $5,000,000, and any agreement made pursuant to section 632(a) of such Act, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds made available under this heading for Program Development and Support may be made available notwithstanding pre-obligation requirements contained in this Act, except for the notification requirements of section 7015.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $921,000,000, to remain available until September 30, 2024, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act (22 U.S.C. 5854), section 23 of the Arms Export Control Act (22 U.S.C. 2763), or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other

provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, and for a voluntary contribution to the International Atomic Energy Agency (IAEA): *Provided,* That funds made available under this heading for the Nonproliferation and Disarmament Fund shall be made available, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament, and weapons destruction, and shall remain available until expended: *Provided further,* That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further,* That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further,* That funds made available for conventional weapons destruction programs, including demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of such programs and activities, subject to the regular notification procedures of the Committees on Appropriations.

Notification.

Determination. Israel.

Notification.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $460,759,000, of which $330,000,000 may remain available until September 30, 2024: *Provided,* That funds appropriated under this heading may be used, notwithstanding section 660 of the Foreign Assistance Act of 1961, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further,* That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further,* That funds appropriated under this heading may be made available to pay assessed expenses of international peacekeeping activities in Somalia under the same terms and conditions, as applicable, as funds appropriated by this Act under the heading "Contributions for International Peacekeeping Activities": *Provided further,* That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $112,925,000, to remain available until September 30, 2024: *Provided,* That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to

Consultation.

improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further,* That of the funds appropriated under this heading, $3,000,000 shall remain available until expended to increase the participation of women in programs and activities funded under this heading, following consultation with the Committees on Appropriations: *Provided further,* That of the funds appropriated under this heading, not to exceed $50,000 may be available for entertainment expenses.

FOREIGN MILITARY FINANCING PROGRAM

Consultation.
Notification.
Contracts.

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763), $6,053,049,000: *Provided,* That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further,* That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further,* That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of section 1501(a) of title 31, United States Code.

Apportionment.

Contracts.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided,* That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further,* That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further,* That a country that is a member of the North Atlantic Treaty Organization (NATO) or is a major non-NATO ally designated by section 517(b) of the Foreign Assistance Act of 1961 may utilize funds made available under this heading for procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further,* That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That not more than $70,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees

Notification.

Notification.

on Appropriations: *Provided further,* That of the funds made available under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation expenses: *Provided further,* That not more than $1,253,810,229 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A)) may be obligated for expenses incurred by the Department of Defense during fiscal year 2023 pursuant to section 43(b) of the Arms Export Control Act (22 U.S.C. 2792(b)), except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

Notification.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, $508,600,000: *Provided,* That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund: *Provided further,* That not later than 60 days after the date of enactment of this Act, such funds shall be made available for core contributions for each entity listed in the table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) unless otherwise provided for in this Act, or if the Secretary of State has justified to the Committees on Appropriations the proposed uses of funds other than for core contributions following prior consultation with, and subject to the regular notification procedures of, such Committees.

Deadline.
Consultation.
Notification.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, $150,200,000, to remain available until expended.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For contribution to the Clean Technology Fund, $125,000,000, to remain available until expended: *Provided,* That up to $125,000,000 of such amount shall be available to cover costs, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans issued to the Clean Technology Fund: *Provided further,* That such funds are available to subsidize gross obligations for the principal amount of direct loans without limitation.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury for the United States share of the paid-in portion of the increases in capital stock, $206,500,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $1,421,275,728.70.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,430,256,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, $43,610,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increases in capital stock, $54,648,752, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $856,174,624.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $171,300,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $43,000,000, to remain available until expended.

GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, $10,000,000, to remain available until expended.

CONTRIBUTIONS TO THE INTERNATIONAL MONETARY FUND FACILITIES AND TRUST FUNDS

For contribution by the Secretary of the Treasury to the Poverty Reduction and Growth Trust or the Resilience and Sustainability Trust of the International Monetary Fund, $20,000,000, to remain available until September 30, 2031.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $7,500,000, of which up to $1,125,000 may remain available until September 30, 2024.

PROGRAM ACCOUNT

Contracts.

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of enactment of this Act.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $125,000,000, of which up to $18,750,000 may remain available until September 30, 2024: *Provided,* That the Export-Import Bank (the Bank) may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further,* That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) of such section shall remain in effect until September 30, 2023: *Provided further,* That the Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection

Extension.
12 USC 635a note.

Fees.

with the collection of moneys owed the Bank, repossession or sale of pledged collateral or other assets acquired by the Bank in satisfaction of moneys owed the Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: *Provided further,* That in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account for such purposes, to remain available until expended.

PROGRAM BUDGET APPROPRIATIONS

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $15,000,000, to remain available until September 30, 2026: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such funds shall remain available until September 30, 2038, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2023 through 2026.

Disbursement.
Loans.
Grants.
Time periods.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945 (Public Law 79–173) and the Federal Credit Reform Act of 1990, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided,* That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0.

Reduction.

UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $5,583,000, to remain available until September 30, 2024.

CORPORATE CAPITAL ACCOUNT

The United States International Development Finance Corporation (the Corporation) is authorized to make such expenditures and commitments within the limits of funds and borrowing authority available to the Corporation, and in accordance with the law, and to make such expenditures and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs for the current fiscal year for the Corporation: *Provided,* That for necessary expenses of the activities described in subsections (b), (c), (e), (f), and (g) of section 1421 of the BUILD

Act of 2018 (division F of Public Law 115–254) and for administrative expenses to carry out authorized activities and project-specific transaction costs described in section 1434(d) of such Act, $1,000,000,000: *Provided further,* That of the amount provided—

(1) $220,000,000 shall remain available until September 30, 2025, for administrative expenses to carry out authorized activities (including an amount for official reception and representation expenses which shall not exceed $25,000) and project-specific transaction costs as described in section 1434(k) of such Act; and

(2) $780,000,000 shall remain available until September 30, 2025, for the activities described in subsections (b), (c), (e), (f), and (g) of section 1421 of the BUILD Act of 2018, except such amounts obligated in a fiscal year for activities described in section 1421(c) of such Act shall remain available for disbursement for the term of the underlying project: *Provided further,* That amounts made available under this paragraph may be paid to the "United States International Development Finance Corporation—Program Account" for programs authorized by subsections (b), (e), (f), and (g) of section 1421 of the BUILD Act of 2018:

Provided further, That funds may only be obligated pursuant to section 1421(g) of the BUILD Act of 2018 subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for support by the Corporation in upper-middle income countries shall be subject to prior consultation with the Committees on Appropriations: *Provided further,* That in fiscal year 2023 collections of amounts described in section 1434(h) of the BUILD Act of 2018 shall be credited as offsetting collections to this appropriation: *Provided further,* That such collections collected in fiscal year 2023 in excess of $1,000,000,000 shall be credited to this account and shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further,* That in fiscal year 2023, if such collections are less than $1,000,000,000, receipts collected pursuant to the BUILD Act of 2018 and the Federal Credit Reform Act of 1990, in an amount equal to such shortfall, shall be credited as offsetting collections to this appropriation: *Provided further,* That funds appropriated or otherwise made available under this heading may not be used to provide any type of assistance that is otherwise prohibited by any other provision of law or to provide assistance to any foreign country that is otherwise prohibited by any other provision of law: *Provided further,* That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by the offsetting collections described under this heading so as to result in a final fiscal year appropriation from the General Fund estimated at $588,000,000.

Consultation.
Notification.

Consultation.

Collections.

Reduction.

PROGRAM ACCOUNT

Loans.

Amounts paid from "United States International Development Finance Corporation—Corporate Capital Account" (CCA) shall remain available until September 30, 2025: *Provided,* That amounts

paid to this account from CCA or transferred to this account pursuant to section 1434(j) of the BUILD Act of 2018 (division F of Public Law 115–254) shall be available for the costs of direct and guaranteed loans provided by the Corporation pursuant to section 1421(b) of such Act and the costs of modifying loans and loan guarantees transferred to the Corporation pursuant to section 1463 of such Act: *Provided further,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such amounts obligated in a fiscal year shall remain available for disbursement for the following 8 fiscal years: *Provided further,* That funds made available in this Act and transferred to carry out the Foreign Assistance Act of 1961 pursuant to section 1434(j) of the BUILD Act of 2018 may remain available for obligation for 1 additional fiscal year: *Provided further,* That the total loan principal or guaranteed principal amount shall not exceed $8,000,000,000.

Disbursement. Time periods.

Time period.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $87,000,000, to remain available until September 30, 2024, of which no more than $21,000,000 may be used for administrative expenses: *Provided,* That of the funds appropriated under this heading, not more than $5,000 may be available for representation and entertainment expenses.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by section 3109 of such title and for hire of passenger transportation pursuant to section 1343(b) of title 31, United States Code.

UNOBLIGATED BALANCES REPORT

Time periods.

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2023 or any previous fiscal year, disaggregated by fiscal year: *Provided,* That the report required by this section shall be submitted not later than 30 days after the end of each fiscal quarter and should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law. Contracts.

DIPLOMATIC FACILITIES

SEC. 7004. (a) CAPITAL SECURITY COST SHARING EXCEPTION.—Notwithstanding paragraph (2) of section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act), as amended by section 111 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), a project to construct a facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(b) CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property or award of construction contracts for overseas United States diplomatic facilities during fiscal year 2023, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided,* That notifications pursuant to this subsection shall include the information enumerated under the heading "Embassy Security, Construction, and Maintenance" in House Report 117–401.

(c) INTERIM AND TEMPORARY FACILITIES ABROAD.—

(1) SECURITY VULNERABILITIES.—Funds appropriated by this Act under the heading "Embassy Security, Construction, and Maintenance" may be made available, following consultation with the appropriate congressional committees, to address security vulnerabilities at interim and temporary United States diplomatic facilities abroad, including physical security upgrades and local guard staffing. Consultation.

(2) CONSULTATION.—Notwithstanding any other provision of law, the opening, closure, or any significant modification to an interim or temporary United States diplomatic facility shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations, except that such consultation and notification may be waived if there is a security risk to personnel. Notification. Waiver authority.

(d) SOFT TARGETS.—Funds appropriated by this Act under the heading "Embassy Security, Construction, and Maintenance" may be made available for security upgrades to soft targets, including schools, recreational facilities, and residences used by United States diplomatic personnel and their dependents.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken

Transfer authority.

in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7006. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before enactment of this Act by Congress: *Provided,* That up to $25,000 may be made available to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 22 U.S.C. 2151a note).

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided,* That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. (a) PROHIBITION.—None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: *Provided,* That assistance may be resumed to such government if the Secretary of State certifies and reports to the appropriate congressional committees that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further,* That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes, or to support a democratic transition: *Provided further,* That funds made available pursuant to the previous provisos shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Certification. Reports.

Consultation. Notification.

(b) WAIVER.—The Secretary of State, following consultation with the heads of relevant Federal agencies, may waive the restriction in this section on a program-by-program basis if the Secretary certifies and reports to the Committees on Appropriations that such waiver is in the national security interest of the United States: *Provided,* That funds made available pursuant to such waiver shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultations. Certification. Reports.

Notification.

TRANSFER OF FUNDS AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR GLOBAL MEDIA.—

(1) DEPARTMENT OF STATE.—

(A) IN GENERAL.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers, and no such transfer may be made to increase the appropriation under the heading "Representation Expenses".

Determination. Reports. Consultation. Notification.

(B) EMBASSY SECURITY.—Funds appropriated under the headings "Diplomatic Programs", including for Worldwide Security Protection, "Embassy Security, Construction, and Maintenance", and "Emergencies in the Diplomatic and Consular Service" in this Act may be transferred to, and merged with, funds appropriated under such headings if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to implement the recommendations of the Benghazi Accountability Review Board, for emergency evacuations, or to prevent or respond to security situations and requirements, following consultation with, and subject to the regular notification procedures of, such Committees: *Provided,* That such transfer authority is in addition to any transfer authority otherwise available in this Act and under any other provision of law.

(2) UNITED STATES AGENCY FOR GLOBAL MEDIA.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Agency for Global Media under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) TREATMENT AS REPROGRAMMING.—Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) LIMITATION ON TRANSFERS OF FUNDS BETWEEN AGENCIES.—

(1) IN GENERAL.—None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

(2) ALLOCATION AND TRANSFERS.—Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961, and section

1434(j) of the BUILD Act of 2018 (division F of Public Law 115–254).

Contracts.

(3) NOTIFICATION.—Any agreement entered into by the United States Agency for International Development or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided,* That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(c) UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.—

(1) TRANSFERS.—Amounts transferred pursuant to section 1434(j) of the BUILD Act of 2018 (division F of Public Law 115–254) may only be transferred from funds made available under title III of this Act: *Provided,* That any such transfers, and any amounts transferred to the United States International Development Finance Corporation (the Corporation) pursuant to section 632 of the Foreign Assistance Act of 1961, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further,* That the Secretary of State, the Administrator of the United States Agency for International Development, and the Chief Executive Officer of the Corporation, as appropriate, shall ensure that the programs funded by such transfers are coordinated with, and complement, foreign assistance programs implemented by the Department of State and USAID: *Provided further,* That no funds transferred pursuant to section 1434(j) of the BUILD Act of 2018 may be used by the Corporation to post personnel abroad.

Consultation.
Notification.

Coordination.

(2) TRANSFER OF FUNDS FROM MILLENNIUM CHALLENGE CORPORATION.—Funds appropriated under the heading "Millennium Challenge Corporation" in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be transferred to accounts under the heading "United States International Development Finance Corporation" and, when so transferred, may be used for the costs of activities described in subsections (b) and (c) of section 1421 of the BUILD Act of 2018: *Provided,* That such funds shall be subject to the limitations provided in the second, third, and fifth provisos under the heading "United States International Development Finance Corporation—Program Account" in this Act: *Provided further,* That any transfer executed pursuant to the transfer authority provided in this paragraph shall not exceed 10 percent of an individual Compact awarded pursuant to section 609(a) of the Millennium Challenge Act of 2003 (title VI of Public Law 108–199): *Provided further,* That such funds shall not be available for administrative expenses of

the United States International Development Finance Corporation: *Provided further,* That such authority shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further,* That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further,* That within 60 days of the termination in whole or in part of the Compact from which funds were transferred under this authority to the United States International Development Finance Corporation, any unobligated balances shall be transferred back to the Millennium Challenge Corporation, subject to the regular notification procedures of the Committees on Appropriations.

Consultation. Notification.

Deadline. Notification.

(d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriations account to which such funds were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

President. Time period. Consultation. Policy justification.

(e) AUDIT OF INTER-AGENCY TRANSFERS OF FUNDS.—Any agreement for the transfer or allocation of funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961, or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds and report to the Department of State or USAID, as appropriate, upon completion of such audits: *Provided,* That such audits shall be transmitted to the Committees on Appropriations by the Department of State or USAID, as appropriate: *Provided further,* That funds transferred under such authority may be made available for the cost of such audits.

Reports.

Transmittals.

PROHIBITION AND LIMITATION ON CERTAIN EXPENSES

SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the funds made available by this Act may be used for first-class travel by employees of United States Government departments and agencies funded by this Act in contravention of section 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

(b) COMPUTER NETWORKS.—None of the funds made available by this Act for the operating expenses of any United States Government department or agency may be used to establish or maintain a computer network for use by such department or agency unless such network has filters designed to block access to sexually explicit websites: *Provided,* That nothing in this subsection shall limit the use of funds necessary for any Federal, State, Tribal, or local

Pornography.

law enforcement agency, or any other entity carrying out the following activities: criminal investigations, prosecutions, and adjudications; administrative discipline; and the monitoring of such websites undertaken as part of official business.

(c) PROHIBITION ON PROMOTION OF TOBACCO.—None of the funds made available by this Act shall be available to promote the sale or export of tobacco or tobacco products (including electronic nicotine delivery systems), or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products (including electronic nicotine delivery systems), except for restrictions which are not applied equally to all tobacco or tobacco products (including electronic nicotine delivery systems) of the same type.

(d) EMAIL SERVERS OUTSIDE THE .GOV DOMAIN.—None of the funds appropriated by this Act under the headings "Diplomatic Programs" and "Capital Investment Fund" in title I, and "Operating Expenses" and "Capital Investment Fund" in title II that are made available to the Department of State and the United States Agency for International Development may be made available to support the use or establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program in contravention of the Presidential and Federal Records Act Amendments of 2014 (Public Law 113–187).

(e) REPRESENTATION AND ENTERTAINMENT EXPENSES.—Each Federal department, agency, or entity funded in titles I or II of this Act, and the Department of the Treasury and independent agencies funded in titles III or VI of this Act, shall take steps to ensure that domestic and overseas representation and entertainment expenses further official agency business and United States foreign policy interests, and—

(1) are primarily for fostering relations outside of the Executive Branch;

(2) are principally for meals and events of a protocol nature;

(3) are not for employee-only events; and

(4) do not include activities that are substantially of a recreational character.

(f) LIMITATIONS ON ENTERTAINMENT EXPENSES.—None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" may be obligated or expended to pay for—

Alcohol and alcoholic beverages. Fees.

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events, theatrical and musical productions, and amusement parks.

AVAILABILITY OF FUNDS

Time periods.

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided by this Act: *Provided,* That funds appropriated for the purposes of chapters

1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act (22 U.S.C. 2763), and funds made available for "United States International Development Finance Corporation" and under the heading "Assistance for Europe, Eurasia and Central Asia" shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That the Secretary of State and the Administrator of the United States Agency for International Development shall provide a report to the Committees on Appropriations not later than October 31, 2023, detailing by account and source year, the use of this authority during the previous fiscal year.

Reports.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultation with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

Time period.
Loans.
President.
Determination.
Consultation.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State and the Administrator of the United States Agency for International Development shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

Negotiation.

(b) NOTIFICATION AND REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2023 on funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs by a foreign government or entity against United States assistance programs, either directly

Deadline.

or through grantees, contractors, and subcontractors, shall be withheld from obligation from funds appropriated for assistance for fiscal year 2024 and for prior fiscal years and allocated for the central government of such country or for the West Bank and Gaza program, as applicable, if, not later than September 30, 2024, such taxes have not been reimbursed.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each foreign government or entity pursuant to subsection (b) shall be reprogrammed for assistance for countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes, and that can reasonably accommodate such assistance in a programmatically responsible manner.

(e) DETERMINATIONS.—

Assessments.
Reports.

(1) IN GENERAL.—The provisions of this section shall not apply to any foreign government or entity that assesses such taxes if the Secretary of State reports to the Committees on Appropriations that—

(A) such foreign government or entity has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

Time period.

(2) CONSULTATION.—The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any foreign government or entity.

Regulations.
Guidance.

(f) IMPLEMENTATION.—The Secretary of State shall issue and update rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section:

(1) BILATERAL AGREEMENT.—The term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

(2) TAXES AND TAXATION.—The term "taxes and taxation" shall include value added taxes and customs duties but shall not include individual income taxes assessed to local staff.

RESERVATIONS OF FUNDS

SEC. 7014. (a) REPROGRAMMING.—Funds appropriated under titles III through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided,* That any such reprogramming shall be subject

Notification.

to the regular notification procedures of the Committees on Appropriations: *Provided further,* That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) EXTENSION OF AVAILABILITY.—In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Department of State or the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act may be extended for an additional fiscal year if the Secretary of State or the USAID Administrator, as appropriate, determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided,* That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

Determination. Reports.

(c) OTHER ACTS.—Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided,* That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

SEC. 7015. (a) NOTIFICATION OF CHANGES IN PROGRAMS, PROJECTS, AND ACTIVITIES.—None of the funds made available in titles I, II, and VI, and under the headings "Peace Corps" and "Millennium Challenge Corporation", of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs to the departments and agencies funded by this Act that remain available for obligation in fiscal year 2023, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the departments and agencies funded by this Act, shall be available for obligation to—

Time period.

(1) create new programs;

(2) suspend or eliminate a program, project, or activity;

(3) close, suspend, open, or reopen a mission or post;

(4) create, close, reorganize, downsize, or rename bureaus, centers, or offices; or

(5) contract out or privatize any functions or activities presently performed by Federal employees;

Contracts.

unless previously justified to the Committees on Appropriations or such Committees are notified 15 days in advance of such obligation.

(b) NOTIFICATION OF REPROGRAMMING OF FUNDS.—None of the funds provided under titles I, II, and VI of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, to the departments and agencies funded under such titles that remain available for obligation in fiscal year 2023, or provided from any accounts in the Treasury of the United States derived by the collection of fees available

to the department and agency funded under title I of this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that—

(1) augments or changes existing programs, projects, or activities;

(2) relocates an existing office or employees;

(3) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(4) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects, or activities as approved by Congress;

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Time period.

(c) NOTIFICATION REQUIREMENT.—None of the funds made available by this Act under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", "Peace Corps", "Millennium Challenge Corporation", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Peacekeeping Operations", "International Military Education and Training", "Foreign Military Financing Program", "International Organizations and Programs", "United States International Development Finance Corporation", and "Trade and Development Agency" shall be available for obligation for programs, projects, activities, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance of such obligation: *Provided,* That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further,* That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for a program, project, or activity for which funds are appropriated under titles III through VI of this Act of less than 10 percent of the amount previously justified to Congress for obligation for such program, project, or activity for the current fiscal year: *Provided further,* That any notification submitted pursuant to subsection (f) of this section shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority.

President.

(d) DEPARTMENT OF DEFENSE PROGRAMS AND FUNDING NOTIFICATIONS.—

(1) PROGRAMS.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to support or continue any program initially funded under any authority of title 10, United States Code, or any

Act making or authorizing appropriations for the Department of Defense, unless the Secretary of State, in consultation with the Secretary of Defense and in accordance with the regular notification procedures of the Committees on Appropriations, submits a justification to such Committees that includes a description of, and the estimated costs associated with, the support or continuation of such program.

(2) FUNDING.—Notwithstanding any other provision of law, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations shall be subject to the regular notification procedures of the Committees on Appropriations.

(3) NOTIFICATION ON EXCESS DEFENSE ARTICLES.—Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided,* That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further,* That such Committees shall also be informed of the original acquisition cost of such defense articles.

(e) WAIVER.—The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided,* That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further,* That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Deadline.

(f) COUNTRY NOTIFICATION REQUIREMENTS.—None of the funds appropriated under titles III through VI of this Act may be obligated or expended for assistance for Afghanistan, Bahrain, Burma, Cambodia, Colombia, Cuba, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mexico, Nicaragua, Pakistan, Philippines, the Russian Federation, Rwanda, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Tunisia, Venezuela, Yemen, and Zimbabwe except as provided through the regular notification procedures of the Committees on Appropriations.

(g) TRUST FUNDS.—Funds appropriated or otherwise made available in title III of this Act and prior Acts making funds available for the Department of State, foreign operations, and

related programs that are made available for a trust fund held by an international financial institution shall be subject to the regular notification procedures of the Committees on Appropriations, and such notification shall include the information specified under this section in House Report 117–401.

(h) OTHER PROGRAM NOTIFICATION REQUIREMENT.—

(1) DIPLOMATIC PROGRAMS.—Funds appropriated under title I of this Act under the heading "Diplomatic Programs" that are made available for lateral entry into the Foreign Service shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) OTHER PROGRAMS.—Funds appropriated by this Act that are made available for the following programs and activities shall be subject to the regular notification procedures of the Committees on Appropriations:

(A) the Global Engagement Center;

(B) the Power Africa and Prosper Africa initiatives;

(C) community-based police assistance conducted pursuant to the authority of section 7035(a)(1) of this Act;

(D) the Prevention and Stabilization Fund and the Multi-Donor Global Fragility Fund;

(E) the Indo-Pacific Strategy;

(F) the Countering PRC Influence Fund and the Countering Russian Influence Fund;

(G) the Gender Equity and Equality Action Fund; and

(H) funds specifically allocated for the Partnership for Global Infrastructure and Investment.

Consultation.

(3) DEMOCRACY PROGRAM POLICY AND PROCEDURES.—Modifications to democracy program policy and procedures, including relating to the use of consortia, by the Department of State and USAID shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Reports.
Certifications.

(4) ARMS SALES.—The reports, notifications, and certifications, and any other documents, required to be submitted pursuant to section 36(a) of the Arms Export Control Act (22 U.S.C. 2776), and such documents submitted pursuant to section 36(b) through (d) of such Act with respect to countries that have received assistance provided with funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall be concurrently submitted to the Committees on Appropriations and shall include information about the source of funds for any sale or transfer, as applicable, if known at the time of submission.

(i) WITHHOLDING OF FUNDS.—Funds appropriated by this Act under titles III and IV that are withheld from obligation or otherwise not programmed as a result of application of a provision of law in this or any other Act shall, if reprogrammed, be subject to the regular notification procedures of the Committees on Appropriations.

Deadline.

(j) PRIOR CONSULTATION REQUIREMENT.—The Secretary of State, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the United States International Development Finance Corporation, and the Chief Executive Officer of the Millennium Challenge Corporation shall consult with the Committees on Appropriations at least 7

days prior to informing a government of, or publicly announcing a decision on, the suspension or early termination of assistance to a country or a territory, including as a result of an interagency review of such assistance, from funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs: *Provided,* That such consultation shall include a detailed justification for such suspension, including a description of the assistance being suspended.

DOCUMENTS, REPORT POSTING, RECORDS MANAGEMENT, AND RELATED CYBERSECURITY PROTECTIONS

SEC. 7016. (a) DOCUMENT REQUESTS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Department of State and the United States Agency for International Development.

(b) PUBLIC POSTING OF REPORTS.—

(1) Except as provided in paragraphs (2) and (3), any report required by this Act to be submitted to Congress by any Federal agency receiving funds made available by this Act shall be posted on the public Web site of such agency not later than 45 days following the receipt of such report by Congress.

(2) Paragraph (1) shall not apply to a report if—

(A) the public posting of the report would compromise national security, including the conduct of diplomacy;

(B) the report contains proprietary or other privileged information; or

(C) the public posting of the report is specifically exempted in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(3) The agency posting such report shall do so only after the report has been made available to the Committees on Appropriations.

(c) RECORDS MANAGEMENT AND RELATED CYBERSECURITY PROTECTIONS.—The Secretary of State and USAID Administrator shall—

Review. Updates. Compliance.

(1) regularly review and update the policies, directives, and oversight necessary to comply with Federal statutes, regulations, and presidential executive orders and memoranda concerning the preservation of all records made or received in the conduct of official business, including record emails, instant messaging, and other online tools;

(2) use funds appropriated by this Act under the headings "Diplomatic Programs" and "Capital Investment Fund" in title I, and "Operating Expenses" and "Capital Investment Fund" in title II, as appropriate, to improve Federal records management pursuant to the Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and 33) and other applicable Federal records management statutes, regulations, or policies for the Department of State and USAID;

(3) direct departing employees, including senior officials, that all Federal records generated by such employees belong to the Federal Government;

(4) substantially reduce, compared to the previous fiscal year, the response time for identifying and retrieving Federal records, including requests made pursuant to section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"); and

Guidance. Implementation.

(5) strengthen cybersecurity measures to mitigate vulnerabilities, including those resulting from the use of personal email accounts or servers outside the .gov domain, improve the process to identify and remove inactive user accounts, update and enforce guidance related to the control of national security information, and implement the recommendations of the applicable reports of the cognizant Office of Inspector General.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

President. Determination. Notification. Deadline.

SEC. 7017. If the President makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program or policy.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

President. Certification.

ALLOCATIONS AND REPORTS

SEC. 7019. (a) ALLOCATION TABLES.—Subject to subsection (b), funds appropriated by this Act under titles III through V shall be made available in the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That such designated amounts for foreign countries and international organizations shall serve as the amounts for such countries and international organizations transmitted to Congress in the report required by section 653(a) of the Foreign Assistance Act of 1961, and shall be made available for such foreign

countries and international organizations notwithstanding the date of the transmission of such report.

(b) AUTHORIZED DEVIATIONS.—Unless otherwise provided for by this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as applicable, may only deviate up to 10 percent from the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That such percentage may be exceeded only if the Secretary of State or USAID Administrator, as applicable, determines and reports in writing to the Committees on Appropriations on a case-by-case basis that such deviation is necessary to respond to significant, exigent, or unforeseen events, or to address other exceptional circumstances directly related to the national security interest of the United States, including a description of such events or circumstances: *Provided further,* That deviations pursuant to the preceding proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Determination.

Consultation.
Notification.

(c) LIMITATION.—For specifically designated amounts that are included, pursuant to subsection (a), in the report required by section 653(a) of the Foreign Assistance Act of 1961, deviations authorized by subsection (b) may only take place after submission of such report.

(d) EXCEPTIONS.—

(1) Subsections (a) and (b) shall not apply to—

(A) amounts designated for "International Military Education and Training" in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(B) funds for which the initial period of availability has expired; and

(C) amounts designated by this Act as minimum funding requirements.

(2) The authority of subsection (b) to deviate from amounts designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall not apply to the table included under the heading "Global Health Programs" in such statement.

(3) With respect to the amounts designated for "Global Programs" in the table under the heading "Economic Support Fund" included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), the matter preceding the first proviso in subsection (b) of this section shall be applied by substituting "5 percent" for "10 percent", and the provisos in such subsection (b) shall not apply.

Applicability.

(e) REPORTS.—The Secretary of State, USAID Administrator, and other designated officials, as appropriate, shall submit the reports required, in the manner described, in House Report 117–401 and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), unless otherwise directed in such explanatory statement.

(f) CLARIFICATION.—Funds appropriated by this Act under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" shall not be included for purposes of meeting

amounts designated for countries in this Act, unless such headings are specifically designated as the source of funds.

MULTI-YEAR PLEDGES

Notification. Consultation. Deadline.

SEC. 7020. None of the funds appropriated or otherwise made available by this Act may be used to make any pledge for future year funding for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge was: (1) previously justified, including the projected future year costs, in a congressional budget justification; (2) included in an Act making appropriations for the Department of State, foreign operations, and related programs or previously authorized by an Act of Congress; (3) notified in accordance with the regular notification procedures of the Committees on Appropriations, including the projected future year costs; or (4) the subject of prior consultation with the Committees on Appropriations and such consultation was conducted at least 7 days in advance of the pledge.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

President. Determinations.

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) PROHIBITION.—None of the funds appropriated or otherwise made available under titles III through VI of this Act may be made available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)): *Provided,* That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further,* That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

Termination date.

Applicability.

(2) DETERMINATION.—Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interest of the United States.

Estimate.

(3) REPORT.—Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers the United States national interest.

(b) BILATERAL ASSISTANCE.—

(1) LIMITATIONS.—Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) WAIVER.—The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided,* That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

Federal Register, publication. Deadline. Notification.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "Foreign Military Financing Program" accounts, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account, and for the development assistance accounts of the United States Agency for International Development, "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as—

(1) justified to Congress; or

(2) allocated by the Executive Branch in accordance with the report required by section 653(a) of the Foreign Assistance Act of 1961 or as modified pursuant to section 7019 of this Act.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION, AND UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act: *Provided,* That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

Consultation. Reports.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) WORLD MARKETS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the United States International Development Finance Corporation shall be obligated or expended to finance any loan, any assistance, or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided,* That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further,* That this subsection shall not prohibit—

Notification.

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

President. Determination.

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) EXPORTS.—None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided,* That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit United States producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

President. Determination.

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

22 USC 262h note.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and

vote of the United States to oppose any assistance by such institution, using funds appropriated or otherwise made available by this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.— 22 USC 2362 note.

(1) AGREEMENTS.—If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government; Requirement.

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) IN GENERAL.—If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act Requirement.

of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance, including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

Deadline.
President.

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by such assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

Notification.

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of paragraph (1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and from funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided,* That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations pursuant to the regular notification procedures, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

President.
Notification.

Abortion.
Sterilization.

Notification.

(b) PUBLIC LAW 480.—During fiscal year 2023, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.): *Provided,* That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting

assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

DISABILITY PROGRAMS

SEC. 7028. (a) ASSISTANCE.—Funds appropriated by this Act under the heading "Development Assistance" shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, political and electoral participation, and integration of individuals with disabilities, including for the cost of translation: *Provided,* That funds shall be made available to support disability rights advocacy organizations in developing countries.

(b) MANAGEMENT, OVERSIGHT, AND TECHNICAL SUPPORT.—Of the funds made available pursuant to this section, 5 percent may be used by USAID for management, oversight, and technical support.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) EVALUATIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage such institution to adopt and implement a publicly available policy, including the strategic use of peer reviews and external experts, to conduct independent, in-depth evaluations of the effectiveness of at least 35 percent of all loans, grants, programs, and significant analytical non-lending activities in advancing the institution's goals of reducing poverty and promoting equitable economic growth, consistent with relevant safeguards, to ensure that decisions to support such loans, grants, programs, and activities are based on accurate data and objective analysis.

Public information.

(b) SAFEGUARDS.—

(1) STANDARD.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to oppose any loan, grant, policy, or strategy if such institution has adopted and is implementing any social or environmental safeguard relevant to such loan, grant, policy, or strategy that provides less protection than World Bank safeguards in effect on September 30, 2015.

(2) ACCOUNTABILITY, STANDARDS, AND BEST PRACTICES.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose loans or other financing for projects unless such projects—

(A) provide for accountability and transparency, including the collection, verification, and publication of beneficial ownership information related to extractive

industries and on-site monitoring during the life of the project;

(B) will be developed and carried out in accordance with best practices regarding environmental conservation, cultural protection, and empowerment of local populations, including free, prior and informed consent of affected Indigenous communities;

Human rights.

(C) do not provide incentives for, or facilitate, forced displacement or other violations of human rights; and

(D) do not partner with or otherwise involve enterprises owned or controlled by the armed forces.

(c) COMPENSATION.—None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) HUMAN RIGHTS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to promote human rights due diligence and risk management, as appropriate, in connection with any loan, grant, policy, or strategy of such institution in accordance with the requirements specified under this section in House Report 117–401.

(e) FRAUD AND CORRUPTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to include in loan, grant, and other financing agreements improvements in borrowing countries' financial management and judicial capacity to investigate, prosecute, and punish fraud and corruption.

(f) BENEFICIAL OWNERSHIP INFORMATION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage such institution to collect, verify, and publish, to the maximum extent practicable, beneficial ownership information (excluding proprietary information) for any corporation or limited liability company, other than a publicly listed company, that receives funds from any such financial institution.

(g) WHISTLEBLOWER PROTECTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage such institution to effectively implement and enforce policies and procedures which meet or exceed best practices in the United States for the protection of whistleblowers from retaliation, including—

(1) protection against retaliation for internal and lawful public disclosure;

(2) legal burdens of proof;

(3) statutes of limitation for reporting retaliation;

(4) access to binding independent adjudicative bodies, including shared cost and selection external arbitration; and

(5) results that eliminate the effects of proven retaliation, including provision for the restoration of prior employment.

(h) GRIEVANCE MECHANISMS AND PROCEDURES.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support independent investigative and adjudicative mechanisms and procedures that meet or exceed best practices in the United States to provide due process and fair compensation, including the right to reinstatement, for employees who are subjected to harassment, discrimination, retaliation, false allegations, or other misconduct.

President. Budget request. Determination. Reports.

(i) CAPITAL INCREASES.—None of the funds appropriated by this Act may be made available to support a new capital increase for an international financial institution unless the President submits a budget request for such increase to Congress and determines and reports to the Committees on Appropriations that—

(1) the institution has completed a thorough analysis of the development challenges facing the relevant geographical region, the role of the institution in addressing such challenges and its role relative to other financing partners, and the steps to be taken to enhance the efficiency and effectiveness of the institution; and

(2) the governors of such institution have approved the capital increase.

TECHNOLOGY SECURITY

SEC. 7030. (a) INSECURE COMMUNICATIONS NETWORKS.—Funds appropriated by this Act shall be made available for programs, including through the Digital Connectivity and Cybersecurity Partnership, to—

(1) advance the adoption of secure, next-generation communications networks and services, including 5G, and cybersecurity policies, in countries receiving assistance under this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs;

China.

(2) counter the establishment of insecure communications networks and services, including 5G, promoted by the People's Republic of China and other state-backed enterprises that are subject to undue or extrajudicial control by their country of origin; and

(3) provide policy and technical training on deploying open, interoperable, reliable, and secure networks to information communication technology professionals in countries receiving assistance under this Act, as appropriate:

Consultation.

Provided, That such funds, including funds appropriated under the heading "Economic Support Fund", may be used to strengthen civilian cybersecurity and information and communications technology capacity, including participation of foreign law enforcement and military personnel in non-military activities, notwithstanding any other provision of law and following consultation with the Committees on Appropriations.

Allocations.

(b) CHIPS FOR AMERICA INTERNATIONAL TECHNOLOGY SECURITY AND INNOVATION FUND.—

Deadline.

(1) Within 45 days of enactment of this Act, the Secretary of State shall allocate amounts made available from the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America International Technology Security and Innovation Fund for fiscal year 2023 pursuant to the transfer authority in section 102(c)(1) of the CHIPS Act of 2022 (division A of Public Law 117–167), to the accounts specified and in the amounts specified, in the table titled "CHIPS for America International Technology Security and Innovation Fund" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation. Notification.

(2) Neither the President nor his designee may allocate any amounts that are made available for any fiscal year under section 102(c)(2) of the CHIPS Act of 2022 if there is in effect an Act making or continuing appropriations for part of a fiscal year for the Department of State, Foreign Operations, and Related Programs: *Provided,* That in any fiscal year, the matter preceding this proviso shall not apply to the allocation, apportionment, or allotment of amounts for continuing administration of programs allocated using funds transferred from the CHIPS for America International Technology Security and Innovation Fund, which may be allocated pursuant to the transfer authority in section 102(c)(1) of the CHIPS Act of 2022 only in amounts that are no more than the allocation for such purposes in paragraph (1) of this subsection.

(3) Concurrent with the annual budget submission of the President for fiscal year 2024, the Secretary of State shall submit to the Committees on Appropriations proposed allocations by account and by program, project, or activity, with detailed justifications, for amounts made available under section 102(c)(2) of the CHIPS Act of 2022 for fiscal year 2024.

Reports.

(4) The Secretary of State shall provide the Committees on Appropriations quarterly reports on the status of balances of projects and activities funded by the CHIPS for America International Technology Security and Innovation Fund for amounts allocated pursuant to paragraph (1) of this subsection, including all uncommitted, committed, and unobligated funds.

FINANCIAL MANAGEMENT, BUDGET TRANSPARENCY, AND ANTI-CORRUPTION

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) REQUIREMENTS.—Funds appropriated by this Act may be made available for direct government-to-government assistance only if—

(A) the requirements included in section 7031(a)(1)(A) through (E) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6) are fully met; and

(B) the government of the recipient country is taking steps to reduce corruption.

(2) CONSULTATION AND NOTIFICATION.—In addition to the requirements in paragraph (1), funds may only be made available for direct government-to-government assistance subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided,* That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): *Provided further,* That the requirements of this paragraph shall only apply to direct government-to-government assistance in excess of $10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.

Applicability.

(3) SUSPENSION OF ASSISTANCE.—The Administrator of the United States Agency for International Development or the Secretary of State, as appropriate, shall suspend any direct government-to-government assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance, including a justification, or that such misuse has been appropriately addressed.

Reports.

(4) SUBMISSION OF INFORMATION.—The Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2024 congressional budget justification materials, amounts planned for assistance described in paragraph (1) by country, proposed funding amount, source of funds, and type of assistance.

(5) DEBT SERVICE PAYMENT PROHIBITION.—None of the funds made available by this Act may be used by the government of any foreign country for debt service payments owed by any country to any international financial institution.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) MINIMUM REQUIREMENTS OF FISCAL TRANSPARENCY.—The Secretary of State shall continue to update and strengthen the "minimum requirements of fiscal transparency" for each government receiving assistance appropriated by this Act, as identified in the report required by section 7031(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

Updates.

(2) DETERMINATION AND REPORT.—For each government identified pursuant to paragraph (1), the Secretary of State, not later than 180 days after the date of enactment of this Act, shall make or update any determination of "significant progress" or "no significant progress" in meeting the minimum requirements of fiscal transparency, and make such determinations publicly available in an annual "Fiscal Transparency Report" to be posted on the Department of State website: *Provided,* That such report shall include the elements included under this section in House Report 117–401.

Public information. Web posting.

(3) ASSISTANCE.—Not less than $7,000,000 of the funds appropriated by this Act under the heading "Economic Support Fund" shall be made available for programs and activities to assist governments identified pursuant to paragraph (1) to improve budget transparency and to support civil society organizations in such countries that promote budget transparency.

8 USC 1182 note.

(c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

(1) INELIGIBILITY.—

(A) Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved, directly or indirectly, in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights, including the wrongful detention of locally employed staff of a United States diplomatic mission or a United States citizen or national, shall be ineligible for entry into the United States.

Determination.

(B) Concurrent with the application of subparagraph (A), the Secretary shall, as appropriate, refer the matter to the Office of Foreign Assets Control, Department of the Treasury, to determine whether to apply sanctions authorities in accordance with United States law to block the transfer of property and interests in property, and all financial transactions, in the United States involving any person described in such subparagraph.

(C) The Secretary shall also publicly or privately designate or identify the officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa.

(2) EXCEPTION.—Individuals shall not be ineligible for entry into the United States pursuant to paragraph (1) if such entry would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided,* That nothing in paragraph (1) shall be construed to derogate from United States Government obligations under applicable international agreements.

Determination.

(3) WAIVER.—The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

Termination date.
Time period.
List.

(4) REPORT.—Not later than 30 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2024, the Secretary of State shall submit a report, including a classified annex if necessary, to the appropriate congressional committees and the Committees on the Judiciary describing the information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to paragraph (1)(A) as well as the individuals who the Secretary designated or identified pursuant to paragraph (1)(B), or who would be ineligible but for the application of paragraph (2), a list of any waivers provided under paragraph (3), and the justification for each waiver.

(5) POSTING OF REPORT.—Any unclassified portion of the report required under paragraph (4) shall be posted on the Department of State website.

(6) CLARIFICATION.—For purposes of paragraphs (1), (4), and (5), the records of the Department of State and of diplomatic and consular offices of the United States pertaining to

the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

(d) EXTRACTION OF NATURAL RESOURCES.—

(1) ASSISTANCE.—Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2052) and the amendments made by such section, and to prevent the sale of conflict diamonds, and for technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2) PUBLIC DISCLOSURE AND INDEPENDENT AUDITS.—

(A) The Secretary of the Treasury shall instruct the executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institutions (including any loan, credit, grant, or guarantee) to any country for the extraction and export of a natural resource if the government of such country has in place laws, regulations, or procedures to prevent or limit the public disclosure of company payments as required by United States law, and unless such government has adopted laws, regulations, or procedures in the sector in which assistance is being considered that: (1) accurately account for and publicly disclose payments to the government by companies involved in the extraction and export of natural resources; (2) include independent auditing of accounts receiving such payments and the public disclosure of such audits; and (3) require public disclosure of agreement and bidding documents, as appropriate.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of such subparagraph.

DEMOCRACY PROGRAMS

SEC. 7032. (a) FUNDING.—

(1) IN GENERAL.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement", $2,900,000,000 should be made available for democracy programs.

(2) PROGRAMS.—Of the funds made available for democracy programs under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and Central Asia" pursuant to paragraph (1), not less than $117,040,000 shall be made available to the Bureau of Democracy, Human Rights, and Labor, Department of State.

(b) AUTHORITIES.—

(1) AVAILABILITY.—Funds made available by this Act for democracy programs pursuant to subsection (a) and under the

heading "National Endowment for Democracy" may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy (NED), any regulation.

(2) BENEFICIARIES.—Funds made available by this Act for the NED are made available pursuant to the authority of the National Endowment for Democracy Act (title V of Public Law 98–164), including all decisions regarding the selection of beneficiaries.

(c) DEFINITION OF DEMOCRACY PROGRAMS.—For purposes of funds appropriated by this Act, the term "democracy programs" means programs that support good governance, credible and competitive elections, freedom of expression, association, assembly, and religion, human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states and institutions that are responsive and accountable to citizens.

(d) PROGRAM PRIORITIZATION.—Funds made available pursuant to this section that are made available for programs to strengthen government institutions shall be prioritized for those institutions that demonstrate a commitment to democracy and the rule of law.

(e) RESTRICTIONS ON FOREIGN GOVERNMENT INTERFERENCE.—

(1) PRIOR APPROVAL.—With respect to the provision of assistance for democracy programs in this Act, the organizations implementing such assistance, the specific nature of the assistance, and the participants in such programs shall not be subject to prior approval by the government of any foreign country.

Determination. Negotiation

(2) DISCLOSURE OF IMPLEMENTING PARTNER INFORMATION.—If the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, determines that the government of the country is undemocratic or has engaged in or condoned harassment, threats, or attacks against organizations implementing democracy programs, any new bilateral agreement governing the terms and conditions under which assistance is provided to such country shall not require the disclosure of the names of implementing partners of democracy programs, and the Secretary of State and the USAID Administrator shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform to this requirement.

(f) CONTINUATION OF CURRENT PRACTICES.—USAID shall continue to implement civil society and political competition and consensus building programs abroad with funds appropriated by this Act in a manner that recognizes the unique benefits of grants and cooperative agreements in implementing such programs.

(g) DIGITAL SECURITY AND COUNTERING DISINFORMATION.—Funds appropriated by this Act shall be made available to advance digital security and counter disinformation as described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(h) INFORMING THE NATIONAL ENDOWMENT FOR DEMOCRACY.—The Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Development, Democracy, and Innovation, USAID, shall regularly inform

the NED of democracy programs that are planned and supported with funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(i) PROTECTION OF CIVIL SOCIETY ACTIVISTS AND JOURNALISTS.—Of the funds appropriated by this Act under the headings "Economic Support Fund" and "Democracy Fund", not less than $30,000,000 shall be made available to support and protect civil society activists and journalists who have been threatened, harassed, or attacked, including journalists affiliated with the United States Agency for Global Media.

(j) INTERNATIONAL FREEDOM OF EXPRESSION AND INDEPENDENT MEDIA.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $20,000,000 shall be made available for programs to protect international freedom of expression and independent media, as described under this section in House Report 117–401.

(k) DAVID E. PRICE LEGISLATIVE STRENGTHENING PROGRAM.—Funds appropriated by this Act under the heading "Democracy Fund" shall be made available for legislative strengthening programs: *Provided,* That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further,* That such programs shall hereafter be collectively named the "David E. Price Legislative Strengthening Program".

22 USC 8201 note.

Consultation. Notification.

INTERNATIONAL RELIGIOUS FREEDOM

SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREEDOM OFFICE.—Funds appropriated by this Act under the heading "Diplomatic Programs" shall be made available for the Office of International Religious Freedom, Department of State.

(b) ASSISTANCE.—Funds appropriated by this Act under the headings "Economic Support Fund", "Democracy Fund", and "International Broadcasting Operations" shall be made available for international religious freedom programs and funds appropriated by this Act under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" shall be made available for humanitarian assistance for vulnerable and persecuted ethnic and religious minorities: *Provided,* That funds made available by this Act under the headings "Economic Support Fund" and "Democracy Fund" pursuant to this section shall be the responsibility of the Ambassador-at-Large for International Religious Freedom, in consultation with other relevant United States Government officials, and shall be subject to prior consultation with the Committees on Appropriations.

Consultation.

(c) AUTHORITY.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Economic Support Fund" may be made available notwithstanding any other provision of law for assistance for ethnic and religious minorities in Iraq and Syria.

(d) DESIGNATION OF NON-STATE ACTORS.—Section 7033(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) shall continue in effect during fiscal year 2023.

Extension.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in title III of this Act that are made available for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking may be made available notwithstanding any other provision of law.

(b) FORENSIC ASSISTANCE.—

(1) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $20,000,000 shall be made available for forensic anthropology assistance related to the exhumation and identification of victims of war crimes, crimes against humanity, and genocide, which shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State: *Provided,* That such funds shall be in addition to funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for assistance for countries.

(2) Of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement", not less than $10,000,000 shall be made available for DNA forensic technology programs to combat human trafficking in Central America and Mexico.

(c) WORLD FOOD PROGRAMME.—Funds managed by the Bureau for Humanitarian Assistance, United States Agency for International Development, from this or any other Act, may be made available as a general contribution to the World Food Programme, notwithstanding any other provision of law.

(d) DIRECTIVES AND AUTHORITIES.—

(1) RESEARCH AND TRAINING.—Funds appropriated by this Act under the heading "Assistance for Europe, Eurasia and Central Asia" shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501 et seq.).

Notification.

(2) GENOCIDE VICTIMS MEMORIAL SITES.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and Central Asia" may be made available as contributions to establish and maintain memorial sites of genocide, subject to the regular notification procedures of the Committees on Appropriations.

Consultation.
Notification.

(3) PRIVATE SECTOR PARTNERSHIPS.—Of the funds appropriated by this Act under the headings "Development Assistance" and "Economic Support Fund" that are made available for private sector partnerships, including partnerships with philanthropic foundations, up to $50,000,000 may remain available until September 30, 2025: *Provided,* That funds made available pursuant to this paragraph may only be made available following prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(4) ADDITIONAL AUTHORITY.—Of the amounts made available by this Act under the heading "Diplomatic Programs",

up to $500,000 may be made available for grants pursuant to section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d), including to facilitate collaboration with Indigenous communities.

(5) INNOVATION.—The USAID Administrator may use funds appropriated by this Act under title III to make innovation incentive awards in accordance with the terms and conditions of section 7034(e)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6): *Provided,* That each individual award may not exceed $100,000.

(6) DEVELOPMENT INNOVATION VENTURES.—Funds appropriated by this Act under the heading "Development Assistance" and made available for the Development Innovation Ventures program may be made available for the purposes of chapter I of part I of the Foreign Assistance Act of 1961.

Consultation. Notification.

(7) EXCHANGE VISITOR PROGRAM.—None of the funds made available by this Act may be used to modify the Exchange Visitor Program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256; 22 U.S.C. 2451 et seq.), except through the formal rulemaking process pursuant to the Administrative Procedure Act (5 U.S.C. 551 et seq.) and notwithstanding the exceptions to such rulemaking process in such Act: *Provided,* That funds made available for such purpose shall only be made available after consultation with, and subject to the regular notification procedures of, the Committees on Appropriations, regarding how any proposed modification would affect the public diplomacy goals of, and the estimated economic impact on, the United States: *Provided further,* That such consultation shall take place not later than 30 days prior to the publication in the Federal Register of any regulatory action modifying the Exchange Visitor Program.

Deadline. Federal Register, publication.

(8) PAYMENTS.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic Programs" and "Operating Expenses", except for funds designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, are available to provide payments pursuant to section 901(i)(2) of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b(i)(2)): *Provided,* That funds made available pursuant to this paragraph shall be subject to prior consultation with the Committees on Appropriations.

Consultation.

(9) AFGHAN ALLIES.—Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(A) in the heading, by striking "2022" and inserting "2023";

(B) in the matter preceding clause (i), in the first sentence, by striking "34,500" and inserting "38,500"; and

(C) in clauses (i) and (ii), by striking "December 31, 2023" and inserting "December 31, 2024".

(10) TRANSATLANTIC ENGAGEMENT.—Funds appropriated by this Act under the heading "Diplomatic Programs" are available for support of an institute for transatlantic engagement if legislation establishing such an institute is enacted into law by

September 30, 2023: *Provided,* That in the event that such legislation is not enacted into law by such date, the amounts described in this paragraph shall be available under the heading "Diplomatic Programs" for the purposes therein.

Consultation.

(e) PARTNER VETTING.—Prior to initiating a partner vetting program, providing a direct vetting option, or making a significant change to the scope of an existing partner vetting program, the Secretary of State and USAID Administrator, as appropriate, shall consult with the Committees on Appropriations: *Provided,* That the Secretary and the Administrator shall provide a direct vetting option for prime awardees in any partner vetting program initiated or significantly modified after the date of enactment of this Act, unless the Secretary of State or USAID Administrator, as applicable, informs the Committees on Appropriations on a case-by-case basis that a direct vetting option is not feasible for such program.

Notification.

President.

(f) CONTINGENCIES.—During fiscal year 2023, the President may use up to $145,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(g) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State should withhold funds appropriated under title III of this Act for assistance for the central government of any country that is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided,* That the Secretary shall report to the Committees on Appropriations within 15 days of withholding funds under this subsection.

Reports.

Deadline.

(h) TRANSFER OF FUNDS FOR EXTRAORDINARY PROTECTION.—The Secretary of State may transfer to, and merge with, funds under the heading "Protection of Foreign Missions and Officials" unobligated balances of expired funds appropriated under the heading "Diplomatic Programs" for fiscal year 2023, at no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated: *Provided,* That not more than $50,000,000 may be transferred.

(i) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The terms and conditions of section 7034(k) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94) shall continue in effect during fiscal year 2023.

Consultation.

(j) PERSONNEL.—Funds appropriated under the heading "Migration and Refugee Assistance" may be used to carry out section 5(a)(6) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2605(a)(6)) for employing up to 50 individuals domestically without regard to the geographic limitation in such section, following consultation with the Committees on Appropriations.

Extension.

(k) IMPACT ON JOBS.—Section 7056 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116–260) shall continue in effect during fiscal year 2023.

(l) EXTENSION OF AUTHORITIES.—

5 USC 5753 note.

(1) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations

Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2023.

(2) CATEGORICAL ELIGIBILITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(A) in section 599D (8 U.S.C. 1157 note)—

(i) in subsection (b)(3), by striking "and 2022" and inserting "2022, and 2023"; and

(ii) in subsection (e), by striking "2022" each place it appears and inserting "2023"; and

(B) in section 599E(b)(2) (8 U.S.C. 1255 note), by striking "2022" and inserting "2023".

(3) SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION COMPETITIVE STATUS.—Notwithstanding any other provision of law, any employee of the Special Inspector General for Afghanistan Reconstruction (SIGAR) who completes at least 12 months of continuous service after enactment of this Act or who is employed on the date on which SIGAR terminates, whichever occurs first, shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

Time period.

(4) TRANSFER OF BALANCES.—Section 7081(h) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) shall continue in effect during fiscal year 2023.

8 USC 1715 note.

(5) PROTECTIVE SERVICES.—Section 7071 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117–103) shall continue in effect during fiscal year 2023.

(6) EXTENSION OF LOAN GUARANTEES TO ISRAEL.—Chapter 5 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 576) is amended under the heading "Loan Guarantees to Israel"—

(A) in the matter preceding the first proviso, by striking "September 30, 2023" and inserting "September 30, 2028"; and

(B) in the second proviso, by striking "September 30, 2023" and inserting "September 30, 2028".

(m) MONITORING AND EVALUATION.—

(1) BENEFICIARY FEEDBACK.—Funds appropriated by this Act that are made available for monitoring and evaluation of assistance under the headings "Development Assistance", "International Disaster Assistance", and "Migration and Refugee Assistance" shall be made available for the regular and systematic collection of feedback obtained directly from beneficiaries to enhance the quality and relevance of such assistance: *Provided,* That not later than 90 days after the date of enactment of this Act, the Secretary of State and USAID Administrator shall submit to the Committees on Appropriations, and post on their respective websites, updated procedures for implementing partners that receive funds under such headings for regularly and systematically collecting and responding to such feedback, including guidelines for the reporting on actions taken in response to the feedback received: *Provided further,* That the Secretary of State and USAID Administrator shall regularly—

Deadline.
Web posting.
Procedures.
Guidelines.

Oversight.

(A) conduct oversight to ensure that such feedback is regularly collected and used by implementing partners to maximize the cost-effectiveness and utility of such assistance; and

Consultation.

(B) consult with the Committees on Appropriations on the results of such oversight.

(2) EX-POST EVALUATIONS.—Of the funds appropriated by this Act under titles III and IV, not less than $10,000,000 shall be made available for ex-post evaluations of the effectiveness and sustainability of United States Government-funded assistance programs.

(n) HIV/AIDS WORKING CAPITAL FUND.—Funds available in the HIV/AIDS Working Capital Fund established pursuant to section 525(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–447) may be made available for pharmaceuticals and other products for child survival, malaria, tuberculosis, and emerging infectious diseases to the same extent as HIV/AIDS pharmaceuticals and other products, subject to the terms and conditions in such section: *Provided,* That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2005 (Public Law 108–447) shall be exercised by the Assistant Administrator for Global Health, USAID, with respect to funds deposited for such non-HIV/AIDS pharmaceuticals and other products, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That the Secretary of State shall include in the congressional budget justification an accounting of budgetary resources, disbursements, balances, and reimbursements related to such fund.

Notification.

(o) LOANS, CONSULTATION, AND NOTIFICATION.—

Foreign countries.

(1) LOAN GUARANTEES.—Funds appropriated under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and Central Asia" by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Egypt, Jordan, Small Island Developing States, Tunisia, and Ukraine, which are authorized to be provided: *Provided,* That amounts made available under this paragraph for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

(2) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to the authorities of this subsection shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations.

Deadline. President. Designation.

(3) ADMINISTRATION.—Not less than 30 days prior to exercising the authority of this subsection, but not later than 90 days after the date of enactment of this Act, the President shall designate, and concurrently report such designation to the appropriate congressional committees, the Federal agency or agencies responsible for managing the legacy loan guarantee portfolio, maintaining the current and future financial exposure of loan guarantees, and executing future loan guarantees.

(p) LOCAL WORKS.—

(1) FUNDING.—Of the funds appropriated by this Act under the headings "Development Assistance" and "Economic Support Fund", not less than $100,000,000 shall be made available for Local Works pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), which may remain available until September 30, 2027.

Definition.
Time period.
22 USC 2152i note.

(2) ELIGIBLE ENTITIES.—For the purposes of section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), "eligible entities" shall be defined as small local, international, and United States-based nongovernmental organizations, educational institutions, and other small entities that have received less than a total of $5,000,000 from USAID over the previous 5 fiscal years: *Provided,* That departments or centers of such educational institutions may be considered individually in determining such eligibility.

(q) EXTENSION OF PROCUREMENT AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect during fiscal year 2023.

Waiver authority.
Consultation.

(r) SECTION 889.—For the purposes of obligations and expenditures made with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, the waiver authority in section 889(d)(2) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) may also be available to the Secretary of State, following consultation with the Director of National Intelligence: *Provided,* That not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing the use of the authority of this subsection since the date of enactment of this Act, which shall include the scope and duration of any waiver granted, the entity covered by such waiver, and a detailed description of the national security interest served: *Provided further,* That such report shall be updated every 60 days until September 30, 2024.

Reports.

Updates.
Termination date.

(s) DEFINITIONS.—

8 USC 1182 note.

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Unless otherwise defined in this Act, for purposes of this Act the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) FUNDS APPROPRIATED BY THIS ACT AND PRIOR ACTS.—Unless otherwise defined in this Act, for purposes of this Act the term "funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs" means funds that remain available for obligation, and have not expired.

22 USC 262h note.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—In this Act "international financial institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the International Fund for Agricultural

Development, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, the African Development Fund, and the Multilateral Investment Guarantee Agency.

(4) SPEND PLAN.—In this Act, the term "spend plan" means a plan for the uses of funds appropriated for a particular entity, country, program, purpose, or account and which shall include, at a minimum, a description of—

(A) realistic and sustainable goals, criteria for measuring progress, and a timeline for achieving such goals;

(B) amounts and sources of funds by account;

(C) how such funds will complement other ongoing or planned programs; and

(D) implementing partners, to the maximum extent practicable.

(5) SUCCESSOR OPERATING UNIT.—Any reference to a particular operating unit or office in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be deemed to include any successor operating unit performing the same or similar functions.

22 USC 2152i note.

(6) USAID.—In this Act, the term "USAID" means the United States Agency for International Development.

LAW ENFORCEMENT AND SECURITY

SEC. 7035. (a) ASSISTANCE.—

(1) COMMUNITY-BASED POLICE ASSISTANCE.—Funds made available under titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance, including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(2) COMBAT CASUALTY CARE.—

(A) Consistent with the objectives of the Foreign Assistance Act of 1961 and the Arms Export Control Act, funds appropriated by this Act under the headings "Peacekeeping Operations" and "Foreign Military Financing Program" shall be made available for combat casualty training and equipment in an amount above the prior fiscal year.

Applicability. Determination.

(B) The Secretary of State shall offer combat casualty care training and equipment as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings "Peacekeeping Operations" and "Foreign Military Financing Program": *Provided,* That the requirement of this subparagraph shall apply to a country in conflict, unless the Secretary determines that such country has in place, to the maximum extent practicable, functioning combat casualty care treatment and equipment

that meets or exceeds the standards recommended by the Committee on Tactical Combat Casualty Care: *Provided further,* That any such training and equipment for combat casualty care shall be made available through an open and competitive process.

(3) TRAINING RELATED TO INTERNATIONAL HUMANITARIAN LAW.—The Secretary of State shall offer training related to the requirements of international humanitarian law as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings "Peacekeeping Operations" and "Foreign Military Financing Program": *Provided,* That the requirement of this paragraph shall not apply to a country that is a member of the North Atlantic Treaty Organization (NATO), is a major non-NATO ally designated by section 517(b) of the Foreign Assistance Act of 1961, or is complying with international humanitarian law: *Provided further,* That any such training shall be made available through an open and competitive process.

(4) INTERNATIONAL PRISON CONDITIONS.—Funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", and "International Narcotics Control and Law Enforcement" shall be made available for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities, notwithstanding section 660 of the Foreign Assistance Act of 1961: *Provided,* That the Secretary of State and the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of such funds prior to obligation and not later than 60 days after the date of enactment of this Act: *Provided further,* That such funds shall be in addition to funds otherwise made available by this Act for such purpose.

Consultation.
Deadline.

(b) AUTHORITIES.—

(1) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(2) DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION.—Section 7034(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2023.

Extension.

(3) COMMERCIAL LEASING OF DEFENSE ARTICLES.—Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act (22 U.S.C. 2763) may be used to provide financing to Israel, Egypt, the North Atlantic Treaty Organization (NATO), and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by

Notification.
Israel.
Egypt.
President.
Determination.

commercial lease rather than by government-to-government sale under such Act.

(4) SPECIAL DEFENSE ACQUISITION FUND.—Not to exceed $900,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act (22 U.S.C. 2795(c)(2)) for the purposes of the Special Defense Acquisition Fund (the Fund), to remain available for obligation until September 30, 2025: *Provided,* That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

Consultation. Compliance.

(5) OVERSIGHT AND ACCOUNTABILITY.—(A) Prior to the signing of a new Letter of Offer and Acceptance (LOA) involving funds appropriated under the heading "Foreign Military Financing Program", the Secretary of State shall consult with each recipient government to ensure that the LOA between the United States and such recipient government complies with the purposes of section 4 of the Arms Export Control Act (22 U.S.C. 2754) and that the defense articles, services, and training procured with funds appropriated under such heading are consistent with United States national security policy.

Notification.

(B) The Secretary of State shall promptly inform the appropriate congressional committees of any instance in which the Secretary of State has credible information that such assistance was used in a manner contrary to such agreement.

(c) LIMITATIONS.—

(1) CHILD SOLDIERS.—Funds appropriated by this Act should not be used to support any military training or operations that include child soldiers.

(2) LANDMINES AND CLUSTER MUNITIONS.—

(A) AUTHORITY.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(B) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the appropriate congressional committees on implementation of the United States policy regarding anti-personnel landmines (APLs) announced on June 21, 2022, to include progress on the destruction of APLs, and the number and types of APLs required by such policy for the defense of the Republic of Korea and the methodology used to determine such number: *Provided,* That the report shall include the types (by Department of Defense Ammunition Code) and quantities of landmines demilitarized and removed from the demilitarization account of the United States Armed Forces, and demilitarization accomplished by contract or outside the continental United States.

(C) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster

munitions or cluster munitions technology shall be sold or transferred, unless—

(i) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments, and the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians; or

(ii) such assistance, license, sale, or transfer is for the purpose of demilitarizing or permanently disposing of such cluster munitions.

(3) CROWD CONTROL.—If the Secretary of State has information that a unit of a foreign security force uses excessive force to repress peaceful expression or assembly concerning corruption, harm to the environment or human health, or the fairness of electoral processes, or in countries that are undemocratic or undergoing democratic transition, the Secretary shall promptly determine if such information is credible: *Provided,* That if the information is determined to be credible, funds appropriated by this Act should not be used for tear gas, small arms, light weapons, ammunition, or other items for crowd control purposes for such unit, unless the Secretary of State determines that the foreign government is taking effective measures to bring the responsible members of such unit to justice. Determinations.

(d) REPORTS.—

(1) SECURITY ASSISTANCE REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on funds obligated and expended during fiscal year 2022, by country and purpose of assistance, under the headings "Peacekeeping Operations", "International Military Education and Training", and "Foreign Military Financing Program".

(2) ANNUAL FOREIGN MILITARY TRAINING REPORT.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961, the term "military training provided to foreign military personnel by the Department of Defense and the Department of State" shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated by section 517(b) of such Act (22 U.S.C. 2321k(b)) as a major non-North Atlantic Treaty Organization ally: *Provided,* That such third-country training shall be clearly identified in the report submitted pursuant to section 656 of such Act. Definition.

ASSISTANCE FOR INNOCENT VICTIMS OF CONFLICT

SEC. 7036. Of the funds appropriated under title III of this Act, not less than $10,000,000 shall be made available for the Marla Ruzicka Fund for Innocent Victims of Conflict: *Provided,* That the USAID Administrator shall consult with the Committees Consultation. Deadline.

on Appropriations not later than 60 days after the date of enactment of this Act on the proposed uses of such funds.

PALESTINIAN STATEHOOD

Determination.
Certification.

SEC. 7037. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel; and

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

President.
Determination.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interest of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act ("Limitation on Assistance for the Palestinian Authority").

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2023, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

Time period. Deadline. Certification. Procedures. Records. Review.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided,* That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

Terrorism. Determinations.

Procedures. Termination.

(c) PROHIBITION.—

(1) RECOGNITION OF ACTS OF TERRORISM.—None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for—

(A) the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism; and

(B) any educational institution located in the West Bank or Gaza that is named after an individual who the Secretary of State determines has committed an act of terrorism.

Determination.

(2) SECURITY ASSISTANCE AND REPORTING REQUIREMENT.—Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on—

(A) the benchmarks that have been established for security assistance for the West Bank and Gaza and on the extent of Palestinian compliance with such benchmarks; and

(B) the steps being taken by the Palestinian Authority to end torture and other cruel, inhuman, and degrading treatment of detainees, including by bringing to justice members of Palestinian security forces who commit such crimes.

(d) OVERSIGHT BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

Audits.
Contracts.
Grants.
Deadline.
Compliance.

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act, up to $1,300,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, investigations, and other activities in furtherance of the requirements of this subsection: *Provided,* That such funds are in addition to funds otherwise available for such purposes.

Investigation.

(e) COMPTROLLER GENERAL OF THE UNITED STATES AUDIT.—Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2023 under the heading "Economic Support Fund", and such audit shall address—

Compliance.

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

Examination.

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) NOTIFICATION PROCEDURES.—Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

President.

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

Certification.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interest of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided,* That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll, and the Palestinian Authority is acting to counter incitement of violence against Israelis and is supporting activities aimed at promoting peace, coexistence, and security cooperation with Israel.

Reports.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of paragraph (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended.

Certification.
Reports.
Compliance.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act of 1961, as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

Reports.
Compliance.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

MIDDLE EAST AND NORTH AFRICA

SEC. 7041. (a) EGYPT.—

(1) CERTIFICATION AND REPORT.—Funds appropriated by this Act that are available for assistance for Egypt may be made available notwithstanding any other provision of law restricting assistance for Egypt, except for this subsection and section 620M of the Foreign Assistance Act of 1961, and may only be made available for assistance for the Government of

Egypt if the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

(A) sustaining the strategic relationship with the United States; and

(B) meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(2) ECONOMIC SUPPORT FUND.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $125,000,000 shall be made available for assistance for Egypt, of which not less than $40,000,000 should be made available for higher education programs, including not less than $15,000,000 for scholarships for Egyptian students with high financial need to attend not-for-profit institutions of higher education in Egypt that are currently accredited by a regional accrediting agency recognized by the United States Department of Education, or meets standards equivalent to those required for United States institutional accreditation by a regional accrediting agency recognized by such Department: *Provided,* That such funds shall be made available for democracy programs, and for development programs in the Sinai.

Reports.
Consultation.
Notification.

(3) FOREIGN MILITARY FINANCING PROGRAM.—

(A) CERTIFICATION.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $1,300,000,000, to remain available until September 30, 2024, should be made available for assistance for Egypt: *Provided,* That such funds may be transferred to an interest bearing account in the Federal Reserve Bank of New York, following consultation with the Committees on Appropriations, and the uses of any interest earned on such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That $225,000,000 of such funds shall be withheld from obligation until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Egypt is taking sustained and effective steps to—

Human rights.

(i) strengthen the rule of law, democratic institutions, and human rights in Egypt, including to protect religious minorities and the rights of women, which are in addition to steps taken during the previous calendar year for such purposes;

(ii) implement reforms that protect freedoms of expression, association, and peaceful assembly, including the ability of civil society organizations, human rights defenders, and the media to function without interference;

(iii) hold Egyptian security forces accountable, including officers credibly alleged to have violated human rights;

(iv) investigate and prosecute cases of extrajudicial killings and forced disappearances;

(v) provide regular access for United States officials to monitor such assistance in areas where the assistance is used; and

Compliance.

(vi) comply with the requirement under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(B) WAIVER.—The Secretary of State may waive the certification requirement in subparagraph (A) if the Secretary determines and reports to the Committees on Appropriations that such funds are necessary for counterterrorism, border security, or nonproliferation programs or that it is otherwise important to the national security interest of the United States to do so, and submits a report to such Committees containing a detailed justification for the use of such waiver and the reasons why any of the requirements of subparagraph (A) cannot be met: *Provided,* That the report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

Determination.

(C) In addition to the funds withheld pursuant to subparagraph (A), $95,000,000 of the funds made available pursuant to this paragraph shall be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Egypt is making clear and consistent progress in releasing political prisoners, providing detainees with due process of law, and preventing the intimidation and harassment of American citizens.

Determination. Political prisoners. Detainees.

(b) IRAN.—

(1) FUNDING.—Funds appropriated by this Act under the headings "Diplomatic Programs", "Economic Support Fund", and "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be made available for the programs and activities described under this section in House Report 117–401.

(2) REPORTS.—

(A) SEMI-ANNUAL REPORT.—The Secretary of State shall submit to the Committees on Appropriations the semi-annual report required by section 135(d)(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2160e(d)(4)), as added by section 2 of the Iran Nuclear Agreement Review Act of 2015 (Public Law 114–17).

(B) SANCTIONS REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report on—

(i) the status of United States bilateral sanctions on Iran;

(ii) the reimposition and renewed enforcement of secondary sanctions; and

(iii) the impact such sanctions have had on Iran's destabilizing activities throughout the Middle East.

(c) IRAQ.—

(1) PURPOSES.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Iraq for—

(A) bilateral economic assistance and international security assistance, including in the Kurdistan Region of Iraq;

(B) stabilization assistance, including in Anbar Province;

(C) programs to support government transparency and accountability, support judicial independence, protect the

right of due process, end the use of torture, and combat corruption;

(D) humanitarian assistance, including in the Kurdistan Region of Iraq;

(E) programs to protect and assist religious and ethnic minority populations; and

(F) programs to increase United States private sector investment.

(2) BASING RIGHTS.—None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

Disbursement. Deadline.

(d) ISRAEL.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not less than $3,300,000,000 shall be available for grants only for Israel which shall be disbursed within 30 days of enactment of this Act: *Provided,* That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $775,300,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.

(e) JORDAN.—Of the funds appropriated by this Act under titles III and IV, not less than $1,650,000,000 shall be made available for assistance for Jordan, of which not less than $845,100,000 shall be made available for budget support for the Government of Jordan and not less than $425,000,000 shall be made available under the heading "Foreign Military Financing Program".

(f) LEBANON.—

(1) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Lebanon: *Provided,* That such funds made available under the heading "Economic Support Fund" may be made available notwithstanding section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2346 note).

(2) SECURITY ASSISTANCE.—

Consultation. Lebanese Internal Security Forces. Lebanese Armed Forces.

(A) Funds appropriated by this Act under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" that are made available for assistance for Lebanon may be made available for programs and equipment for the Lebanese Internal Security Forces (ISF) and the Lebanese Armed Forces (LAF) to address security and stability requirements in areas affected by conflict in Syria, following consultation with the appropriate congressional committees.

Terrorism.

(B) Funds appropriated by this Act under the heading "Foreign Military Financing Program" that are made available for assistance for Lebanon may only be made available for programs to—

(i) professionalize the LAF to mitigate internal and external threats from non-state actors, including Hizballah;

(ii) strengthen border security and combat terrorism, including training and equipping the LAF to secure the borders of Lebanon and address security

and stability requirements in areas affected by conflict in Syria, interdicting arms shipments, and preventing the use of Lebanon as a safe haven for terrorist groups; and

(iii) implement United Nations Security Council Resolution 1701:

Provided, That prior to obligating funds made available by this subparagraph for assistance for the LAF, the Secretary of State shall submit to the Committees on Appropriations a spend plan, including actions to be taken to ensure equipment provided to the LAF is used only for the intended purposes, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961: *Provided further,* That any notification submitted pursuant to such section shall include any funds specifically intended for lethal military equipment.

Spend plan.

Notification.

(3) LIMITATION.—None of the funds appropriated by this Act may be made available for the ISF or the LAF if the ISF or the LAF is controlled by a foreign terrorist organization, as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(g) LIBYA.—Funds appropriated under titles III and IV of this Act shall be made available for stabilization assistance for Libya, including support for a United Nations-facilitated political process and border security: *Provided,* That the limitation on the uses of funds for certain infrastructure projects in section 7041(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76) shall apply to such funds.

Applicability.

(h) MOROCCO.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Morocco.

(i) SAUDI ARABIA.—

(1) PROHIBITION.—None of the funds appropriated by this Act under the heading "International Military Education and Training" may be made available for assistance for the Government of Saudi Arabia.

(2) EXPORT-IMPORT BANK.—None of the funds appropriated or otherwise made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs should be obligated or expended by the Export-Import Bank of the United States to guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of nuclear technology, equipment, fuel, materials, or other nuclear technology-related goods or services to Saudi Arabia unless the Government of Saudi Arabia—

(A) has in effect a nuclear cooperation agreement pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153);

(B) has committed to renounce uranium enrichment and reprocessing on its territory under that agreement; and

(C) has signed and implemented an Additional Protocol to its Comprehensive Safeguards Agreement with the International Atomic Energy Agency.

(j) SYRIA.—

(1) NON-LETHAL ASSISTANCE.—Funds appropriated by this Act under titles III and IV may be made available, notwithstanding any other provision of law, for non-lethal stabilization assistance for Syria, including for emergency medical and rescue response and chemical weapons investigations.

(2) LIMITATIONS.—Funds made available pursuant to paragraph (1) of this subsection—

(A) may not be made available for a project or activity that supports or otherwise legitimizes the Government of Iran, foreign terrorist organizations (as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)), or a proxy of Iran in Syria;

Determination.

(B) may not be made available for activities that further the strategic objectives of the Government of the Russian Federation that the Secretary of State determines may threaten or undermine United States national security interests; and

Bashar al-Assad.

(C) should not be used in areas of Syria controlled by a government led by Bashar al-Assad or associated forces.

(3) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to this subsection may only be made available following consultation with the appropriate congressional committees, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(k) TUNISIA.—

Consultation.

(1) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Tunisia for programs to improve economic growth and opportunity, support democratic governance and civil society, protect due process of law, and maintain regional stability and security, following consultation with the Committees on Appropriations.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations on the extent to which—

(A) the Government of Tunisia is implementing economic reforms, countering corruption, and taking credible steps to restore constitutional order and democratic governance, including respecting freedoms of expression, association, and the press, and the rights of members of political parties, that are in addition to steps taken in the preceding fiscal year;

(B) the Government of Tunisia is maintaining the independence of the judiciary and holding security forces who commit human rights abuses accountable; and

(C) the Tunisian military has remained an apolitical and professional institution.

(l) WEST BANK AND GAZA.—

(1) ASSISTANCE.—Funds appropriated by this Act under the heading "Economic Support Fund" shall be made available for programs in the West Bank and Gaza, which may include water, sanitation, and other infrastructure improvements.

(2) REPORT ON ASSISTANCE.—Prior to the initial obligation of funds made available by this Act under the heading "Economic Support Fund" for assistance for the West Bank and

Gaza, the Secretary of State shall report to the Committees on Appropriations that the purpose of such assistance is to—

(A) advance Middle East peace;

(B) improve security in the region;

(C) continue support for transparent and accountable government institutions;

(D) promote a private sector economy; or

(E) address urgent humanitarian needs.

(3) LIMITATIONS.—

(A)(i) None of the funds appropriated under the heading "Economic Support Fund" in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act—

(I) the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or

(II) the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

Waiver authority. Certification. Reports.

(ii) The Secretary of State may waive the restriction in clause (i) of this subparagraph resulting from the application of subclause (I) of such clause if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

President. Waiver authority. Determination. Certification.

(B)(i) The President may waive the provisions of section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the appropriate congressional committees that the Palestinians have not, after the date of enactment of this Act—

(I) obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians; and

(II) initiated or actively supported an ICC investigation against Israeli nationals for alleged crimes against Palestinians.

Deadline.

(ii) Not less than 90 days after the President is unable to make the certification pursuant to clause (i) of this subparagraph, the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: *Provided,* That any waiver of the provisions of section 1003 of Public Law 100–204 under clause (i) of this

subparagraph or under previous provisions of law must expire before the waiver under this clause may be exercised.

(iii) Any waiver pursuant to this subparagraph shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(4) APPLICATION OF TAYLOR FORCE ACT.—Funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for the West Bank and Gaza shall be made available consistent with section 1004(a) of the Taylor Force Act (title X of division S of Public Law 115–141).

Applicability.

(5) SECURITY REPORT.—The reporting requirements in section 1404 of the Supplemental Appropriations Act, 2008 (Public Law 110–252) shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority.

(6) INCITEMENT REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees detailing steps taken by the Palestinian Authority to counter incitement of violence against Israelis and to promote peace and coexistence with Israel.

AFRICA

Determination.
Reports.

SEC. 7042. (a) AFRICAN GREAT LAKES REGION ASSISTANCE RESTRICTION.—Funds appropriated by this Act under the heading "International Military Education and Training" for the central government of a country in the African Great Lakes region may be made available only for Expanded International Military Education and Training and professional military education until the Secretary of State determines and reports to the Committees on Appropriations that such government is not facilitating or otherwise participating in destabilizing activities in a neighboring country, including aiding and abetting armed groups.

(b) CENTRAL AFRICAN REPUBLIC.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $3,000,000 shall be made available for a contribution to the Special Criminal Court in Central African Republic.

Lord's Resistance Army.
Child soldiers.

(c) COUNTER ILLICIT ARMED GROUPS.—Funds appropriated by this Act shall be made available for programs and activities in areas affected by the Lord's Resistance Army (LRA) or other illicit armed groups in Eastern Democratic Republic of the Congo and the Central African Republic, including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers.

Ebola.

(d) DEMOCRATIC REPUBLIC OF THE CONGO.—Funds appropriated by this Act shall be made available for assistance for the Democratic Republic of the Congo (DRC) for stabilization, democracy, global health, and bilateral economic assistance, including in areas affected by, and at risk from, the Ebola virus disease: *Provided,* That such funds shall also be made available to support security, stabilization, development, and democracy in Eastern DRC: *Provided further,* That funds appropriated by this Act under the headings "Peacekeeping Operations" and "International Military Education and

Training" that are made available for such purposes may be made available notwithstanding any other provision of law, except section 620M of the Foreign Assistance Act of 1961.

(e) ETHIOPIA.—Funds appropriated by this Act that are made available for assistance for Ethiopia should be used to support—

(1) implementation of the cessation of hostilities agreement in Tigray;

(2) political dialogues and confidence building measures to end other conflicts in the country;

(3) civil society and protect human rights;

(4) efforts to provide unimpeded access to humanitarian assistance;

(5) investigations and prosecutions of gross violations of human rights; and

(6) restoration of basic services in areas impacted by conflict.

(f) MALAWI.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for higher education programs in Malawi shall be made available for higher education and workforce development programs in agriculture as described under this section in House Report 117–401.

(g) SOUTH SUDAN.—None of the funds appropriated by this Act under title IV may be made available for assistance for the central Government of South Sudan, except to support implementation of outstanding issues of the Comprehensive Peace Agreement, mutual arrangements related to post-referendum issues associated with such Agreement, or any other viable peace agreement in South Sudan: *Provided,* That funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for any new program, project, or activity in South Sudan shall be subject to prior consultation with the appropriate congressional committees.

Consultation.

(h) SUDAN.—

(1) ASSISTANCE.—Funds appropriated by this Act under title III that are made available for assistance for Sudan may be made available to support a civilian-led transition in Sudan.

(2) LIMITATION.—None of the funds appropriated by this Act under title IV may be made available for assistance for the central Government of Sudan, except to support implementation of outstanding issues of the Comprehensive Peace Agreement, mutual arrangements related to post-referendum issues associated with such Agreement, or any other viable peace agreement in Sudan.

(3) CONSULTATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for any new program, project, or activity in Sudan shall be subject to prior consultation with the appropriate congressional committees.

(i) ZIMBABWE.—

Certification.
Reports.
22 USC 2151 note.

(1) INSTRUCTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loan or grant to the Government of Zimbabwe, except to meet basic human needs or to

promote democracy, unless the Secretary of State certifies and reports to the Committees on Appropriations that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

(2) LIMITATION.—None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health and education, unless the Secretary of State certifies and reports as required in paragraph (1).

EAST ASIA AND THE PACIFIC

SEC. 7043. (a) BURMA.—

(1) USES OF FUNDS.—Of the funds appropriated by this Act, not less than $136,127,000 shall be made available for assistance for Burma, which—

Consultations.

(A) may be made available notwithstanding any other provision of law and following consultation with the appropriate congressional committees;

(B) may be made available for support for the administrative operations and programs of entities that support peaceful efforts to establish an inclusive and representative democracy in Burma and a federal union to foster equality among Burma's diverse ethnic groups, following consultation with the Committees on Appropriations;

(C) shall be made available for programs to promote ethnic and religious tolerance, unity, and accountability and to combat gender-based violence, including in Kachin, Chin, Mon, Karen, Karenni, Rakhine, and Shan states;

(D) shall be made available for community-based organizations with experience operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees from funds appropriated by this Act under the heading "Migration and Refugee Assistance"; and

Human rights.

(E) shall be made available for programs and activities to investigate and document violations of human rights in Burma committed by the military junta.

(2) INTERNATIONAL SECURITY ASSISTANCE.—None of the funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Burma.

Determination.

(3) LIMITATIONS.—None of the funds appropriated by this Act that are made available for assistance for Burma may be made available to the State Administration Council or any organization or entity controlled by, or an affiliate of, the armed forces of Burma, or to any individual or organization that has committed a gross violation of human rights or advocates violence against ethnic or religious groups or individuals in Burma, as determined by the Secretary of State for programs administered by the Department of State and USAID or the President of the National Endowment for Democracy (NED) for programs administered by NED.

(4) CONSULTATION.—Any new program or activity in Burma initiated in fiscal year 2023 shall be subject to prior consultation with the appropriate congressional committees.

(b) CAMBODIA.—

(1) ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than $82,505,000 shall be made available for assistance for Cambodia.

(2) CERTIFICATION AND EXCEPTIONS.—

(A) CERTIFICATION.—None of the funds appropriated by this Act that are made available for assistance for the Government of Cambodia may be obligated or expended unless the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective steps to— Reports.

(i) strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea and the enforcement of international sanctions with respect to North Korea;

(ii) assert its sovereignty against interference by the People's Republic of China, including by verifiably maintaining the neutrality of Ream Naval Base, other military installations in Cambodia, and dual use facilities such as the runway at the Dara Sakor development project;

(iii) cease violence, threats, and harassment against civil society and the political opposition in Cambodia, and dismiss any politically motivated criminal charges against critics of the government; and

(iv) respect the rights, freedoms, and responsibilities enshrined in the Constitution of the Kingdom of Cambodia as enacted in 1993.

(B) EXCEPTIONS.—The certification required by subparagraph (A) shall not apply to funds appropriated by this Act and made available for democracy, health, education, and environment programs, programs to strengthen the sovereignty of Cambodia, and programs to educate and inform the people of Cambodia of the influence activities of the People's Republic of China in Cambodia.

(3) USES OF FUNDS.—Funds appropriated under title III of this Act for assistance for Cambodia shall be made available for—

(A) research, documentation, and education programs associated with the Khmer Rouge in Cambodia; and

(B) programs in the Khmer language to monitor, map, and publicize the efforts by the People's Republic of China to expand its influence in Cambodia.

(c) INDO-PACIFIC STRATEGY AND THE ASIA REASSURANCE INITIATIVE ACT OF 2018.—

(1) ASSISTANCE.—Of the funds appropriated under titles III and IV of this Act, not less than $1,800,000,000 shall be made available to support implementation of the Indo-Pacific Strategy and the Asia Reassurance Initiative Act of 2018 (Public Law 115–409).

(2) COUNTERING PRC INFLUENCE FUND.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Consultation.

Demining and Related Programs", and "Foreign Military Financing Program", not less than $325,000,000 shall be made available for a Countering PRC Influence Fund to counter the influence of the Government of the People's Republic of China and the Chinese Communist Party and entities acting on their behalf globally, which shall be subject to prior consultation with the Committees on Appropriations: *Provided,* That such funds are in addition to amounts otherwise made available for such purposes: *Provided further*, That up to 10 percent of such funds shall be held in reserve to respond to unanticipated opportunities to counter PRC influence: *Provided further,* That the uses of such funds shall be the joint responsibility of the Secretary of State and the USAID Administrator, and shall be allocated as specified under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That funds made available pursuant to this paragraph under the heading "Foreign Military Financing Program" may remain available until September 30, 2024: *Provided further,* That funds appropriated by this Act for such Fund under the headings "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", and "Foreign Military Financing Program" may be transferred to, and merged with, funds appropriated under such headings: *Provided further,* That such transfer authority is in addition to any other transfer authority provided by this Act or any other Act, and is subject to the regular notification procedures of the Committees on Appropriations.

Allocation.

Transfer authority.

Notification.

(3) RESTRICTION ON USES OF FUNDS.—None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for any project or activity that directly supports or promotes—

(A) the Belt and Road Initiative or any dual-use infrastructure projects of the People's Republic of China; and

(B) the use of technology, including biotechnology, digital, telecommunications, and cyber, developed by the People's Republic of China unless the Secretary of State, in consultation with the USAID Administrator and the heads of other Federal agencies, as appropriate, determines that such use does not adversely impact the national security of the United States.

Determination.

(4) MAPS.—None of the funds made available by this Act should be used to create, procure, or display any map that inaccurately depicts the territory and social and economic system of Taiwan and the islands or island groups administered by Taiwan authorities.

(d) LAOS.—Of the funds appropriated by this Act under titles III and IV, not less than $93,000,000 shall be made available for assistance for Laos, including for assistance for persons with disabilities caused by unexploded ordnance accidents, and of which not less than $1,500,000 should be made available for programs to assist persons with severe physical mobility, cognitive, or developmental disabilities in areas sprayed with Agent Orange: *Provided,* That funds made available pursuant to this subsection may be used, in consultation with the Government of Laos, for assessments

Agent Orange.

Assessments.
Determination.

of the existence of dioxin contamination resulting from the use of Agent Orange in Laos and the feasibility and cost of remediation.

(e) NORTH KOREA.—

(1) CYBERSECURITY.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the central government of a country the Secretary of State determines and reports to the appropriate congressional committees engages in significant transactions contributing materially to the malicious cyber-intrusion capabilities of the Government of North Korea: *Provided,* That the Secretary of State shall submit the report required by section 209 of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122; 22 U.S.C. 9229) to the Committees on Appropriations: *Provided further,* That the Secretary of State may waive the application of the restriction in this paragraph with respect to assistance for the central government of a country if the Secretary determines and reports to the appropriate congressional committees that to do so is important to the national security interest of the United States, including a description of such interest served.

Determination. Reports.

Waiver authority. Determination.

(2) BROADCASTS.—Funds appropriated by this Act under the heading "International Broadcasting Operations" shall be made available to maintain broadcasting hours into North Korea at levels not less than the prior fiscal year.

(3) HUMAN RIGHTS.—Funds appropriated by this Act under the headings "Economic Support Fund" and "Democracy Fund" shall be made available for the promotion of human rights in North Korea: *Provided,* That the authority of section 7032(b)(1) of this Act shall apply to such funds.

Applicability.

(4) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act under the heading "Economic Support Fund" may be made available for assistance for the Government of North Korea.

(f) PACIFIC ISLANDS COUNTRIES.—

Consultation.

(1) OPERATIONS.—Funds appropriated under title I in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for establishing and operating diplomatic facilities in Kiribati, Tonga, Solomon Islands, and Vanuatu, subject to section 7015(a)(3) of this Act and following consultation with the Committees on Appropriations.

(2) ASSISTANCE.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", and "Foreign Military Financing Program", not less than $150,000,000 shall be made available for assistance for Pacific Islands countries, as specified under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), following consultation with the Committees on Appropriations: *Provided,* That funds made available pursuant to this paragraph shall be made available for joint development and security programs between the United States and such countries in coordination with regional allies and partners, including Taiwan.

(g) PEOPLE'S REPUBLIC OF CHINA.—

Deadline.
Notification.

(1) LIMITATION ON USE OF FUNDS.—None of the funds appropriated under the heading "Diplomatic Programs" in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China (PRC) unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

Applicability.

(2) PEOPLE'S LIBERATION ARMY.—The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the PRC, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided,* That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) HONG KONG.—

(A) DEMOCRACY PROGRAMS.—Of the funds appropriated by this Act under the first paragraph under the heading "Democracy Fund", not less than $5,000,000 shall be made available for democracy and Internet freedom programs for Hong Kong, including legal and other support for democracy activists.

(B) RESTRICTIONS ON ASSISTANCE.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Hong Kong should be obligated for assistance for the Government of the People's Republic of China and the Chinese Communist Party or any entity acting on their behalf in Hong Kong.

Update.

(C) REPORT.—The report required under section 7043(f)(3)(C) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116–260) shall be updated and submitted to the Congress in the manner described.

(h) PHILIPPINES.—None of the funds appropriated by this Act may be made available for counternarcotics assistance for the Philippines, except for drug demand reduction, maritime law enforcement, or transnational interdiction.

(i) TAIWAN.—

(1) GLOBAL COOPERATION AND TRAINING FRAMEWORK.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $4,000,000 shall be made available for the Global Cooperation and Training Framework, which shall be administered by the American Institute in Taiwan.

(2) FOREIGN MILITARY FINANCING.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Foreign Military Financing Program", except for amounts designated as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees

for Taiwan, if otherwise authorized: *Provided,* That such costs may include the costs of selling, reducing, or cancelling any amounts owed to the United States or any agency of the United States: *Provided further,* That the gross principal balance of such direct loans shall not exceed $2,000,000,000, and the gross principal balance of guaranteed loans shall not exceed $2,000,000,000: *Provided further,* That the Secretary of State may use amounts charged to the borrower as origination fees to pay for the cost of such loans.

(3) FELLOWSHIP PROGRAM.—Funds appropriated by this Act under the heading "Payment to the American Institute in Taiwan" shall be made available to establish a Taiwan Fellowship Program.

(4) CONSULTATION.—Not later than 60 days after the date of enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations on the uses of funds made available pursuant to this subsection: *Provided,* That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

Deadline.

Notification.

(j) TIBET.—

(1) FINANCING OF PROJECTS IN TIBET.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support financing of projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions, and are subject to effective monitoring.

(2) PROGRAMS FOR TIBETAN COMMUNITIES.—

(A) Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $10,000,000 shall be made available to nongovernmental organizations with experience working with Tibetan communities to support activities which preserve cultural traditions and promote sustainable development, education, and environmental conservation in Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China.

(B) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $8,000,000 shall be made available for programs to promote and preserve Tibetan culture and language in the refugee and diaspora Tibetan communities, development, and the resilience of Tibetan communities and the Central Tibetan Administration in India and Nepal, and to assist in the education and development of the next generation of Tibetan leaders from such communities: *Provided,* That such funds are in addition to amounts made available in subparagraph (A) for programs inside Tibet.

(C) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $3,000,000 shall be made available for programs to strengthen the capacity of the Central Tibetan Administration: *Provided,*

That such funds shall be administered by the United States Agency for International Development.

(k) VIETNAM.—

(1) Of the funds appropriated under titles III and IV of this Act, not less than $197,000,000 shall be made available for assistance for Vietnam, of which not less than—

Agent Orange.

(A) $30,000,000 shall be made available for health and disability programs to assist persons with severe physical mobility, cognitive, or developmental disabilities: *Provided,* That such funds shall be prioritized to assist persons whose disabilities may be related to the use of Agent Orange and exposure to dioxin, or are the result of unexploded ordnance accidents;

(B) $20,000,000 shall be made available, notwithstanding any other provision of law, for activities related to the remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes;

(C) $3,000,000 shall be made available for the Reconciliation/Vietnamese Wartime Accounting Initiative; and

(D) $15,000,000 shall be made available for higher education programs.

(2) Section 7043(i)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117–103) is amended by striking "that" and inserting ": *Provided,* That such funds shall be prioritized to assist persons whose disabilities".

Ante, p. 650.

SOUTH AND CENTRAL ASIA

SEC. 7044. (a) AFGHANISTAN.—

(1) RESTRICTION.—None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs and made available for assistance for Afghanistan may be made available for direct assistance to the Taliban.

(2) AFGHAN SPECIAL IMMIGRANT VISAS.—Funds appropriated or otherwise made available by this Act under the heading "Administration for Foreign Affairs" and fees available for obligation during fiscal year 2023 in the Consular and Border Security Programs account shall be made available for additional Department of State personnel necessary to eliminate processing backlogs and expedite adjudication of Afghan Special Immigrant Visa cases, including for the National Visa Center and the Afghan Special Immigrant Visa Unit.

(3) AFGHAN STUDENTS.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be made available to support the higher education of students from Afghanistan studying outside of the country, including the costs of reimbursement to institutions hosting such students, as appropriate: *Provided,* That the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, shall consult with the Committees on Appropriations prior to the initial obligation of funds for such purposes.

Consultation.

(4) REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of State and the USAID Administrator shall submit a report to the appropriate congressional committees detailing plans, consistent with the restriction contained in paragraph (1), to—

(A) protect and strengthen the rights of Afghan women and girls;

(B) support higher education programs, including continued support for the American University of Afghanistan's (AUAF) online programs and support for other higher education institutions in South Asia and the Middle East that are hosting AUAF and other Afghan students;

(C) support Afghan civil society activists, journalists, and independent media, including in third countries; and

(D) support health, education, including community-based education, and other programs to address the basic needs of the people of Afghanistan.

(b) BANGLADESH.—Of the funds appropriated under titles III and IV of this Act that are made available for assistance for Bangladesh—

(1) not less than $23,500,000 shall be made available to address the needs of communities impacted by refugees from Burma;

(2) not less than $10,000,000 shall be made available for programs to protect freedom of expression and association, and the right of due process; and

(3) not less than $23,300,000 shall be made available for democracy programs.

(c) NEPAL.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" that are made available for assistance for Nepal shall only be made available for humanitarian and disaster relief and reconstruction activities, and in support of international peacekeeping operations, military professionalization and training, and border security activities: *Provided,* That such funds may only be made available for additional uses if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Nepal is investigating and prosecuting violations of human rights and the laws of war by the Nepal Army, and the Nepal Army is cooperating fully with civilian judicial authorities in such cases.

Certification.
Reports.
Human rights.

(d) PAKISTAN.—

(1) ASSISTANCE.—

(A) SECURITY ASSISTANCE.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" for assistance for Pakistan may be made available only to support counterterrorism and counterinsurgency capabilities in Pakistan.

(B) BILATERAL ECONOMIC ASSISTANCE.—Prior to the obligation of funds made available by this Act under the heading "Economic Support Fund" for assistance for the central Government of Pakistan, the Secretary of State shall submit a report to the appropriate congressional committees detailing—

Reports.

(i) the amount of financing and other support, if any, provided by the Government of Pakistan to schools supported by, affiliated with, or run by the

Taliban or any domestic or foreign terrorist organization in Pakistan;

(ii) the extent of cooperation by such government in issuing visas in a timely manner for United States visitors, including officials and representatives of nongovernmental organizations, engaged in assistance and security programs in Pakistan;

(iii) the extent to which such government is providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by conflict in Pakistan and the region; and

(iv) the extent to which such government is strengthening democracy in Pakistan, including protecting freedom of expression, assembly, and religion.

(2) AUTHORITY AND USES OF FUNDS.—(A) Funds appropriated by this Act for assistance for Pakistan may be made available notwithstanding any other provision of law, except for section 620M of the Foreign Assistance Act of 1961.

Consultation.

(B) Funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" shall be made available for border security programs in Pakistan, following consultation with the Committees on Appropriations.

(C) Funds appropriated by title III of this Act shall be made available for programs to promote democracy and for gender programs in Pakistan.

Reports.
Shakil Afridi.

(3) WITHHOLDING.—Of the funds appropriated under titles III and IV of this Act that are made available for assistance for Pakistan, $33,000,000 shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that Dr. Shakil Afridi has been released from prison and cleared of all charges relating to the assistance provided to the United States in locating Osama bin Laden.

(e) SRI LANKA.—

(1) ASSISTANCE.—Funds appropriated under title III of this Act shall be made available for assistance for Sri Lanka for democracy and economic development programs, particularly in areas recovering from ethnic and religious conflict.

Reports.

(2) CERTIFICATION.—Funds appropriated by this Act for assistance for the central Government of Sri Lanka may be made available only if the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective and consistent steps to—

Human rights.

(A) protect the rights and freedoms of the people of Sri Lanka regardless of ethnicity and religious belief, including by investigating violations of human rights and the laws of war and holding perpetrators of such violations accountable;

(B) address the basic needs of the people of Sri Lanka and responsibly mitigate the impact of the country's economic collapse, including by increasing transparency and accountability in governance;

(C) combat corruption, including bringing to justice public officials who have engaged in significant acts of corruption;

(D) assert its sovereignty against influence by the People's Republic of China; and

(E) promote reconciliation between ethnic and religious groups, particularly arising from past conflict in Sri Lanka, including by—

(i) addressing land confiscation and ownership issues;

(ii) resolving cases of missing persons, including by maintaining a functioning and credible office of missing persons;

(iii) reducing the presence of the armed forces in former conflict zones and restructuring the armed forces for a peacetime role that contributes to post-conflict reconciliation and regional security;

(iv) repealing or amending laws on arrest and detention by security forces to comply with international standards; and

(v) investigating allegations of arbitrary arrest and torture, and supporting a credible justice mechanism for resolving cases of war crimes:

Provided, That the limitations of this paragraph shall not apply to funds made available for humanitarian assistance and disaster relief; to protect human rights, locate and identify missing persons, and assist victims of torture and trauma; to promote justice, accountability, and reconciliation; to enhance maritime security and domain awareness; to promote fiscal transparency and sovereignty; and for International Military Education and Training.

(3) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for the Sri Lankan armed forces, except for humanitarian assistance, disaster relief, instruction in human rights and related curricula development, maritime security and domain awareness, including professionalization and training for the navy and coast guard, and funds appropriated by this Act under the heading "International Military Education and Training".

(4) CONSULTATION.—Funds made available for assistance for Sri Lanka other than for the purposes specified in paragraph (1) shall be subject to prior consultation with the Committees on Appropriations.

(f) REGIONAL PROGRAMS.—Funds appropriated by this Act shall be made available for assistance for countries in South and Central Asia to significantly increase the recruitment, training, and retention of women in the judiciary, police, and other security forces, and to train judicial and security personnel in such countries to prevent and address gender-based violence, human trafficking, and other practices that disproportionately harm women and girls.

LATIN AMERICA AND THE CARIBBEAN

SEC. 7045. (a) CENTRAL AMERICA.—

(1) ASSISTANCE.—Funds appropriated by this Act under titles III and IV shall be made available for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, including through the Central America Regional Security Initiative: *Provided,* That such assistance shall be prioritized for programs that address the violence, poverty, corruption, and other factors that contribute to irregular migration, particularly of unaccompanied minors, to the

Migration.

United States, including for programs to reduce violence against women and girls, protect the rights of Indigenous people, support civil society and other independent institutions, enhance economic opportunity, combat corruption and impunity, and dismantle illegal armed groups and drug trafficking organizations.

(A) Of the funds made available pursuant to paragraph (1)—

(i) $61,500,000 should be made available to support entities and activities to combat corruption and impunity in such countries, including, as appropriate, offices of Attorneys General; and

(ii) $70,000,000 should be made available for programs to reduce violence against women and girls, including for Indigenous women and girls.

(B) Within the funds made available pursuant to paragraph (1) and made available for assistance for El Salvador, Guatemala, and Honduras, up to $100,000,000 should be made available for programs that support locally-led development in such countries: *Provided,* That up to 15 percent of the funds made available to carry out this subparagraph may be used by the Administrator of the United States Agency for International Development for administrative and oversight expenses related to the purposes of this subparagraph: *Provided further,* That the USAID Administrator shall consult with the Committees on Appropriations on the planned uses of funds to carry out this subparagraph prior to the initial obligation of funds: *Provided further,* That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

Consultation.

Notification.

(C) Funds made available pursuant to paragraph (1) shall be made available for the youth empowerment program established pursuant to section 7045(a)(1)(C) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117–103).

(2) LIMITATION ON ASSISTANCE TO CERTAIN CENTRAL GOVERNMENTS.—

(A) Of the funds made available pursuant to paragraph (1) under the heading "Economic Support Fund" and under title IV of this Act, 60 percent of such funds that are made available for assistance for each of the central governments of El Salvador and Guatemala, and 45 percent of such funds that are made available for assistance for the central government of Honduras, may only be obligated after the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

Certification.
Reports.

(i) combating corruption and impunity, including investigating and prosecuting government officials, military personnel, and police officers credibly alleged to be corrupt;

(ii) implementing reforms, policies, and programs to strengthen the rule of law, including increasing the transparency of public institutions, strengthening the independence of judicial and electoral institutions,

and improving the transparency of political campaign and political party financing;

(iii) protecting the rights of human rights defenders, trade unionists, journalists, civil society groups, opposition political parties, and the independence of the media;

(iv) providing effective and accountable law enforcement and security for its citizens, curtailing the role of the military in public security, and upholding due process of law;

(v) implementing programs to reduce violence against women and girls;

(vi) implementing policies to reduce poverty and promote economic growth and opportunity, including the implementation of reforms to strengthen educational systems, vocational training programs, and programs for at-risk youth;

(vii) improving border security and combating human smuggling and trafficking and countering the activities of criminal gangs, drug traffickers, and transnational criminal organizations;

(viii) informing its citizens of the dangers of the journey to the southwest border of the United States; and

(ix) implementing policies that improve the environment for foreign investment, including executing tax reform in a transparent manner, ensuring effective legal mechanisms for reimbursements of tax refunds owed to United States businesses, and resolving disputes involving the confiscation of real property of United States entities.

(B) REPROGRAMMING.—If the Secretary is unable to make the certification required by subparagraph (A) for one or more of the central governments, such assistance shall be reprogrammed for assistance for civil society organizations in such country, or for other countries in Latin America and the Caribbean, notwithstanding the funding provisions in this subsection and the limitations in section 7019 of this Act: *Provided,* That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(C) EXCEPTIONS.—The limitation of subparagraph (A) shall not apply to funds appropriated by this Act that are made available for—

(i) judicial entities and activities related to combating corruption and impunity;

(ii) programs to combat gender-based violence;

(iii) programs to promote and protect human rights, including those of Indigenous communities and Afro-descendants;

(iv) humanitarian assistance; and

(v) food security programs.

(D) FOREIGN MILITARY FINANCING PROGRAM.—None of the funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for El Salvador, Guatemala, or Honduras.

(b) COLOMBIA.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under titles III and IV, $487,375,000 should be made available for assistance for Colombia: *Provided,* That such funds shall be made available for the programs and activities described under this section in House Report 117–401: *Provided further,* That of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" and made available for assistance pursuant to this paragraph, not less than $40,000,000 shall be made available to enhance rural security in coca producing municipalities and other municipalities with high levels of illicit activities: *Provided further,* That funds made available pursuant to the preceding proviso shall be prioritized in such municipalities that are also targeted for assistance programs that provide viable economic alternatives and improve access to public services.

Certifications.
Reports.

(2) WITHHOLDING OF FUNDS.—

(A) COUNTERNARCOTICS.—Of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" that are made available for assistance for Colombia, 20 percent may be obligated only if the Secretary of State certifies and reports to the Committees on Appropriations that—

(i) the Government of Colombia is implementing an effective whole-of-government strategy to substantially and sustainably reduce coca cultivation and cocaine production levels in Colombia, including programs and activities that support illicit crop eradication, alternative development, drug interdiction, dismantling of drug trafficking and money laundering networks, rural security, environmental protection, judicial sector strengthening, and public health services; and

(ii) such strategy is in accordance with the 2016 peace accord between the Government of Colombia and the Revolutionary Armed Forces of Colombia.

(B) HUMAN RIGHTS.—

(i) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program" and made available for assistance for Colombia, 20 percent may be obligated only if the Secretary of State certifies and reports to the Committees on Appropriations that—

(I) the Special Jurisdiction for Peace and other judicial authorities, as appropriate, are sentencing perpetrators of gross violations of human rights, including those with command responsibility, to deprivation of liberty;

(II) the Government of Colombia is making consistent progress in reducing threats and attacks against human rights defenders and other civil society activists, and judicial authorities are prosecuting and punishing those responsible for ordering and carrying out such attacks;

(III) the Government of Colombia is making consistent progress in protecting Afro-Colombian and Indigenous communities and is respecting their rights and territories;

(IV) senior military officers credibly alleged, or whose units are credibly alleged, to be responsible for ordering, committing, and covering up cases of false positives and other extrajudicial killings, or of committing other gross violations of human rights, or of conducting illegal communications intercepts or other illicit surveillance, are being held accountable, including removal from active duty if found guilty through criminal, administrative, or disciplinary proceedings; and

(V) the Colombian Armed Forces are cooperating fully with the requirements described in subclauses (I) through (IV).

(ii) Of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" and made available for assistance for the Colombian National Police (CNP), five percent may be obligated only if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Colombia is bringing to justice the police personnel who ordered, directed, and used excessive force and engaged in other illegal acts against protesters in 2020 and 2021, and that the CNP is cooperating fully with such efforts.

(3) EXCEPTIONS.—The limitations of paragraph (2) shall not apply to funds made available for aviation instruction and maintenance, and maritime and riverine security programs.

(4) AUTHORITY.—Aircraft supported by funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs and made available for assistance for Colombia may be used to transport personnel and supplies involved in drug eradication and interdiction, including security for such activities, and to provide transport in support of alternative development programs and investigations by civilian judicial authorities.

(5) LIMITATION.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Colombia may be made available for payment of reparations to conflict victims or compensation to demobilized combatants associated with a peace agreement between the Government of Colombia and illegal armed groups.

(c) HAITI.—

(1) ASSISTANCE.—Funds appropriated by this Act under titles III and IV shall be made available for assistance for Haiti to support the basic needs of the Haitian people.

(2) CERTIFICATION.—Funds appropriated by this Act that are made available for assistance for Haiti may only be made available for the central Government of Haiti if the Secretary of State certifies and reports to the appropriate congressional committees that a democratically elected government has taken office, or the country is being led by a transitional governing authority that is broadly representative of Haitian society, and it is in the national interest of the United States to provide such assistance.

(3) EXCEPTIONS.—Notwithstanding paragraph (1), funds may be made available to support—

(A) free and fair elections;

(B) anti-gang police and administration of justice programs, including to reduce pre-trial detention and eliminate inhumane prison conditions;

(C) public health, food security, subsistence farmers, water and sanitation, education, and other programs to meet basic human needs; and

(D) disaster relief and recovery.

(4) CONSULTATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Haiti shall be subject to prior consultation with the Committees on Appropriations: *Provided*, That the requirement of this paragraph shall also apply to any funds from such Acts that are made available for support for an international security force in Haiti.

Applicability.

(5) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act may be used for assistance for the armed forces of Haiti.

(6) HAITIAN COAST GUARD.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(d) NICARAGUA.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $15,000,000 shall be made available for democracy programs for Nicaragua, including to support civil society.

(e) THE CARIBBEAN.—Of the funds appropriated by this Act under titles III and IV, not less than $82,000,000 shall be made available for the Caribbean Basin Security Initiative.

(f) VENEZUELA.—

(1) Of the funds appropriated by this Act under the heading "Economic Support Fund", $50,000,000 should be made available for democracy programs for Venezuela.

Consultation.
Notification.

(2) Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under title III shall be made available for assistance for communities in countries supporting or otherwise impacted by refugees from Venezuela, including Colombia, Peru, Ecuador, Curacao, and Trinidad and Tobago: *Provided,* That such amounts are in addition to funds otherwise made available for assistance for such countries, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

EUROPE AND EURASIA

SEC. 7046. (a) ASSISTANCE.—

(1) GEORGIA.—Of the funds appropriated by this Act under titles III and IV, not less than $132,025,000 shall be made available for assistance for Georgia.

(2) UKRAINE.—Funds appropriated by this Act under titles III and IV shall be made available for assistance for Ukraine.

(b) TERRITORIAL INTEGRITY.—None of the funds appropriated by this Act may be made available for assistance for a government

of an Independent State of the former Soviet Union if such government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided,* That except as otherwise provided in section 7047(a) of this Act, funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further,* That prior to executing the authority contained in the previous proviso, the Secretary of State shall consult with the Committees on Appropriations on how such assistance supports the national security interest of the United States.

President. Determination.

Consultation.

(c) SECTION 907 OF THE FREEDOM SUPPORT ACT.—Section 907 of the FREEDOM Support Act (22 U.S.C. 5812 note) shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act (22 U.S.C. 5851 et seq.) and section 1424 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2333) or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961;

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the United States International Development Finance Corporation as authorized by the BUILD Act of 2018 (division F of Public Law 115–254);

(5) any financing provided under the Export-Import Bank Act of 1945 (Public Law 79–173); or

(6) humanitarian assistance.

(d) TURKEY.—None of the funds made available by this Act may be used to facilitate or support the sale of defense articles or defense services to the Turkish Presidential Protection Directorate (TPPD) under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) unless the Secretary of State determines and reports to the appropriate congressional committees that members of the TPPD who are named in the July 17, 2017, indictment by the Superior Court of the District of Columbia, and against whom there are pending charges, have returned to the United States to stand trial in connection with the offenses contained in such indictment or have otherwise been brought to justice: *Provided,* That the limitation in this paragraph shall not apply to the use of funds made available by this Act for border security purposes, for North Atlantic Treaty Organization or coalition operations, or to enhance the protection of United States officials and facilities in Turkey.

Determination. Reports.

COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

SEC. 7047. (a) PROHIBITION.—None of the funds appropriated by this Act may be made available for assistance for the central Government of the Russian Federation.

(b) ANNEXATION OF TERRITORY.—

Determination.
Reports.

(1) PROHIBITION.—None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has taken affirmative steps intended to support or be supportive of the Russian Federation annexation of Crimea or other territory in Ukraine: *Provided,* That except as otherwise provided in subsection (a), the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to such Committees that to do so is in the national interest of the United States, and includes a justification for such interest.

Waiver authority.

(2) LIMITATION.—None of the funds appropriated by this Act may be made available for—

(A) the implementation of any action or policy that recognizes the sovereignty of the Russian Federation over Crimea or other territory in Ukraine;

(B) the facilitation, financing, or guarantee of United States Government investments in Crimea or other territory in Ukraine under the control of the Russian Federation or Russian-backed forces, if such activity includes the participation of Russian Government officials, or other Russian owned or controlled financial entities; or

(C) assistance for Crimea or other territory in Ukraine under the control of the Russian Federation or Russian-backed forces, if such assistance includes the participation of Russian Government officials, or other Russian owned or controlled financial entities.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institution (including any loan, credit, grant, or guarantee) for any program that violates the sovereignty or territorial integrity of Ukraine.

(4) DURATION.—The requirements and limitations of this subsection shall cease to be in effect if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Ukraine has reestablished sovereignty over Crimea and other territory in Ukraine under the control of the Russian Federation or Russian-backed forces.

(c) OCCUPATION OF THE GEORGIAN TERRITORIES OF ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

Determination.
Reports.

(1) PROHIBITION.—None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has recognized the independence of, or has established diplomatic relations with, the Russian Federation occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia: *Provided,* That the Secretary shall publish on the Department of State website a list of any such central governments in a timely manner: *Provided further,* That the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States, and includes a justification for such interest.

Web posting.
List.

Waiver authority.
Determination.
Reports.

(2) LIMITATION.—None of the funds appropriated by this Act may be made available to support the Russian Federation occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institution (including any loan, credit, grant, or guarantee) for any program that violates the sovereignty and territorial integrity of Georgia.

(d) COUNTERING RUSSIAN INFLUENCE FUND.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under the headings "Assistance for Europe, Eurasia and Central Asia", "International Narcotics Control and Law Enforcement", "International Military Education and Training", and "Foreign Military Financing Program", not less than $300,000,000 shall be made available to carry out the purposes of the Countering Russian Influence Fund, as authorized by section 254 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44; 22 U.S.C. 9543) and notwithstanding the country limitation in subsection (b) of such section, and programs to enhance the capacity of law enforcement and security forces in countries in Europe, Eurasia, and Central Asia and strengthen security cooperation between such countries and the United States and the North Atlantic Treaty Organization, as appropriate: *Provided,* That funds made available pursuant to this paragraph under the heading "Foreign Military Financing Program" may remain available until September 30, 2024.

(2) ECONOMICS AND TRADE.—Funds appropriated by this Act and made available for assistance for the Eastern Partnership countries shall be made available to advance the implementation of Association Agreements and trade agreements with the European Union, and to reduce their vulnerability to external economic and political pressure from the Russian Federation.

(e) DEMOCRACY PROGRAMS.—Funds appropriated by this Act shall be made available to support democracy programs in the Russian Federation and other countries in Europe, Eurasia, and Central Asia, including to promote Internet freedom: *Provided,* That of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", not less than $20,000,000 shall be made available to strengthen democracy and civil society in Central Europe, including for transparency, independent media, rule of law, minority rights, and programs to combat anti-Semitism.

UNITED NATIONS

SEC. 7048. (a) TRANSPARENCY AND ACCOUNTABILITY.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall report to the Committees on Appropriations whether each organization, department, or agency receiving a contribution from funds appropriated by this Act under the headings "Contributions to International Organizations" and "International Organizations and Programs"— Reports. Web postings.

Public information. Audits.

(1) is posting on a publicly available website, consistent with privacy regulations and due process, regular financial and programmatic audits of such organization, department, or agency, and providing the United States Government with necessary access to such financial and performance audits;

(2) has submitted a report to the Department of State, which shall be posted on the Department's website in a timely manner, demonstrating that such organization is effectively implementing and enforcing policies and procedures which meet or exceed best practices in the United States for the protection of whistleblowers from retaliation, including—

(A) protection against retaliation for internal and lawful public disclosures;

(B) legal burdens of proof;

(C) statutes of limitation for reporting retaliation;

(D) access to binding independent adjudicative bodies, including shared cost and selection of external arbitration; and

(E) results that eliminate the effects of proven retaliation, including provision for the restoration of prior employment; and

(3) effectively implementing and enforcing policies and procedures on the appropriate use of travel funds, including restrictions on first-class and business-class travel.

Determinations. Terrorism.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) RESTRICTIONS ON UNITED STATES DELEGATIONS.—None of the funds made available by this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such agency, body, or commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)), supports international terrorism.

(2) RESTRICTIONS ON CONTRIBUTIONS.—None of the funds made available by this Act may be used by the Secretary of State as a contribution to any organization, agency, commission, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

Reports.

(3) WAIVER.—The Secretary of State may waive the restriction in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interest of the United States, including a description of the national interest served.

Determination. Reports. Israel.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—None of the funds appropriated by this Act may be made available in support of the United Nations Human Rights Council unless the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is important to the national

interest of the United States and that such Council is taking significant steps to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided,* That such report shall include a description of the national interest served and the steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided further,* That the Secretary of State shall report to the Committees on Appropriations not later than September 30, 2023, on the resolutions considered in the United Nations Human Rights Council during the previous 12 months, and on steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such council.

Resolution.
Time period.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—Prior to the initial obligation of funds for the United Nations Relief and Works Agency (UNRWA), the Secretary of State shall report to the Committees on Appropriations, in writing, on whether UNRWA is—

Reports.

(1) utilizing Operations Support Officers in the West Bank, Gaza, and other fields of operation to inspect UNRWA installations and reporting any inappropriate use;

(2) acting promptly to address any staff or beneficiary violation of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961;

(3) implementing procedures to maintain the neutrality of its facilities, including implementing a no-weapons policy, and conducting regular inspections of its installations, to ensure they are only used for humanitarian or other appropriate purposes;

Procedure.

(4) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961 and continuing regular reporting to the Department of State on actions it has taken to ensure conformance with such conditions;

Compliance.

(5) taking steps to ensure the content of all educational materials currently taught in UNRWA-administered schools and summer camps is consistent with the values of human rights, dignity, and tolerance and does not induce incitement;

(6) not engaging in operations with financial institutions or related entities in violation of relevant United States law, and is taking steps to improve the financial transparency of the organization; and

(7) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations.

Compliance.

(e) PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

(f) REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit a report to the

Updates.

Committees on Appropriations detailing the amount of funds available for obligation or expenditure in fiscal year 2023 for contributions to any organization, department, agency, or program within the United Nations system or any international program that are withheld from obligation or expenditure due to any provision of law: *Provided,* That the Secretary shall update such report each time additional funds are withheld by operation of any provision of law: *Provided further,* That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

(g) SEXUAL EXPLOITATION AND ABUSE IN PEACEKEEPING OPERATIONS.—The Secretary of State shall, to the maximum extent practicable, withhold assistance to any unit of the security forces of a foreign country if the Secretary has credible information that such unit has engaged in sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation, until the Secretary determines that the government of such country is taking effective steps to hold the responsible members of such unit accountable and to prevent future incidents: *Provided,* That the Secretary shall promptly notify the government of each country subject to any withholding of assistance pursuant to this paragraph, and shall notify the appropriate congressional committees of such withholding not later than 10 days after a determination to withhold such assistance is made: *Provided further,* That the Secretary shall, to the maximum extent practicable, assist such government in bringing the responsible members of such unit to justice: *Provided further,* That not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations detailing the policies, mechanisms, and procedures established to implement this subsection, following consultation with the Committees on Appropriations.

Determinations.
Notification.
Deadline.
Reports.
Consultation.

(h) ADDITIONAL AVAILABILITY.—Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated by this Act which are returned or not made available due to the second proviso under the heading "Contributions for International Peacekeeping Activities" in title I of this Act or section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)), shall remain available for obligation until September 30, 2024: *Provided*, That the requirement to withhold funds for programs in Burma under section 307(a) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated by this Act.

Notification.

WAR CRIMES TRIBUNAL

SEC. 7049. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided,* That the determination required under this section shall be in lieu of any determinations otherwise required under section

President.
Determination.
Drawdown.
United Nations.

552(c): *Provided further,* That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

Notification.

GLOBAL INTERNET FREEDOM

SEC. 7050. (a) FUNDING.—Of the funds available for obligation during fiscal year 2023 under the headings "International Broadcasting Operations", "Economic Support Fund", "Democracy Fund", and "Assistance for Europe, Eurasia and Central Asia", not less than $90,500,000 shall be made available for programs to promote Internet freedom globally: *Provided,* That such programs shall be prioritized for countries whose governments restrict freedom of expression on the Internet, and that are important to the national interest of the United States: *Provided further,* That funds made available pursuant to this section shall be matched, to the maximum extent practicable, by sources other than the United States Government, including from the private sector.

(b) REQUIREMENTS.—

(1) DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Funds appropriated by this Act under the headings "Economic Support Fund", "Democracy Fund", and "Assistance for Europe, Eurasia and Central Asia" that are made available pursuant to subsection (a) shall be—

(A) coordinated with other democracy programs funded by this Act under such headings, and shall be incorporated into country assistance and democracy promotion strategies, as appropriate;

(B) for programs to implement the May 2011, International Strategy for Cyberspace, the Department of State International Cyberspace Policy Strategy required by section 402 of the Cybersecurity Act of 2015 (division N of Public Law 114–113), and the comprehensive strategy to promote Internet freedom and access to information in Iran, as required by section 414 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8754);

(C) made available for programs that support the efforts of civil society to counter the development of repressive Internet-related laws and regulations, including countering threats to Internet freedom at international organizations; to combat violence against bloggers and other users; and to enhance digital security training and capacity building for democracy activists;

(D) made available for research of key threats to Internet freedom; the continued development of technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other censorship techniques used by authoritarian governments; and maintenance of the technological advantage of the United States Government over such censorship techniques: *Provided,* That the Secretary of State, in consultation with the United States Agency for Global Media Chief Executive Officer (USAGM CEO) and the President of the Open Technology Fund (OTF), shall coordinate any such research and development programs with other relevant United States Government departments and agencies

Coordination.
Assessment.

in order to share information, technologies, and best practices, and to assess the effectiveness of such technologies; and

(E) made available only with the concurrence of the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, that such funds are allocated consistent with—

(i) the strategies referenced in subparagraph (B) of this paragraph;

(ii) best practices regarding security for, and oversight of, Internet freedom programs; and

(iii) sufficient resources and support for the development and maintenance of anti-censorship technology and tools.

(2) UNITED STATES AGENCY FOR GLOBAL MEDIA.—Funds appropriated by this Act under the heading "International Broadcasting Operations" that are made available pursuant to subsection (a) shall be—

(A) made available only for open-source tools and techniques to securely develop and distribute USAGM digital content, facilitate audience access to such content on websites that are censored, coordinate the distribution of USAGM digital content to targeted regional audiences, and to promote and distribute such tools and techniques, including digital security techniques;

(B) coordinated by the USAGM CEO, in consultation with the OTF President, with programs funded by this Act under the heading "International Broadcasting Operations", and shall be incorporated into country broadcasting strategies, as appropriate;

(C) coordinated by the USAGM CEO, in consultation with the OTF President, to solicit project proposals through an open, transparent, and competitive process, seek input from technical and subject matter experts to select proposals, and support Internet circumvention tools and techniques for audiences in countries that are strategic priorities for the OTF and in a manner consistent with the United States Government Internet freedom strategy; and

Evaluation.

(D) made available for the research and development of new tools or techniques authorized in subparagraph (A) only after the USAGM CEO, in consultation with the Secretary of State, the OTF President, and other relevant United States Government departments and agencies, evaluates the risks and benefits of such new tools or techniques, and establishes safeguards to minimize the use of such new tools or techniques for illicit purposes.

Deadline.

(c) COORDINATION AND SPEND PLANS.—After consultation among the relevant agency heads to coordinate and de-conflict planned activities, but not later than 90 days after the date of enactment of this Act, the Secretary of State and the USAGM CEO, in consultation with the OTF President, shall submit to the Committees on Appropriations spend plans for funds made available by this Act for programs to promote Internet freedom globally, which shall include a description of safeguards established by relevant agencies to ensure that such programs are not used for illicit purposes: *Provided,* That the Department of State spend plan shall include funding for all such programs for all relevant

Department of State and United States Agency for International Development offices and bureaus.

(d) SECURITY AUDITS.—Funds made available pursuant to this section to promote Internet freedom globally may only be made available to support open-source technologies that undergo comprehensive security audits consistent with the requirements of the Bureau of Democracy, Human Rights, and Labor, Department of State to ensure that such technology is secure and has not been compromised in a manner detrimental to the interest of the United States or to individuals and organizations benefiting from programs supported by such funds: *Provided,* That the security auditing procedures used by such Bureau shall be reviewed and updated periodically to reflect current industry security standards.

Review. Updates.

TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

SEC. 7051. (a) PROHIBITION.—None of the funds made available by this Act may be used to support or justify the use of torture and other cruel, inhuman, or degrading treatment or punishment by any official or contract employee of the United States Government.

(b) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961 and following consultation with the Committees on Appropriations, for assistance to eliminate torture and other cruel, inhuman, or degrading treatment or punishment by foreign police, military, or other security forces in countries receiving assistance from funds appropriated by this Act.

Consultation.

AIRCRAFT TRANSFER, COORDINATION, AND USE

SEC. 7052. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic Programs", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", and "Andean Counterdrug Programs" may be used for any other program and in any region.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided,* That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Applicability. Determination.

Consultation. Notification.

(c) AIRCRAFT COORDINATION.—

(1) AUTHORITY.—The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided,* That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: *Provided further,* That official travel

for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: *Provided further,* That funds received by the Department of State in connection with the use of aircraft owned, leased, or chartered by the Department of State may be credited to the Working Capital Fund of the Department and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such aircraft.

Applicability.

(2) SCOPE.—The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

(d) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act shall be borne by the recipient country.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

Applicability.

SEC. 7053. The terms and conditions of section 7055 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act: *Provided,* That subsection (f)(2)(B) of such section shall be applied by substituting "September 30, 2022" for "September 30, 2009".

INTERNATIONAL MONETARY FUND

Applicability.

SEC. 7054. (a) EXTENSIONS.—The terms and conditions of sections 7086(b)(1) and (2) and 7090(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act.

(b) REPAYMENT.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private or multilateral creditors.

EXTRADITION

SEC. 7055. (a) LIMITATION.—None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings "Development Assistance", "International Disaster Assistance", "Complex Crises Fund", "International Narcotics Control and Law Enforcement", "Migration and Refugee Assistance", "United States Emergency Refugee and Migration Assistance Fund", and "Nonproliferation, Anti-terrorism, Demining and Related Assistance") for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

Applicability.

(b) CLARIFICATION.—Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) WAIVER.—The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interest of the United States.

Certification.

ENTERPRISE FUNDS

SEC. 7056. (a) NOTIFICATION.—None of the funds made available under titles III through VI of this Act may be made available for Enterprise Funds unless the appropriate congressional committees are notified at least 15 days in advance.

President.
Plans.
Time period.
Advance notice.

(b) DISTRIBUTION OF ASSETS PLAN.—Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the appropriate congressional committees a plan for the distribution of the assets of the Enterprise Fund.

(c) TRANSITION OR OPERATING PLAN.—Prior to a transition to and operation of any private equity fund or other parallel investment fund under an existing Enterprise Fund, the President shall submit such transition or operating plan to the appropriate congressional committees.

UNITED NATIONS POPULATION FUND

SEC. 7057. (a) CONTRIBUTION.—Of the funds made available under the heading "International Organizations and Programs" in this Act for fiscal year 2023, $32,500,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the "Global Health Programs" account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

Transfer authority.
Notification.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

Abortion.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made

available to UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading "Global Health Programs" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided,* That of the funds appropriated under title III of this Act, not less than $575,000,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) PANDEMICS AND OTHER INFECTIOUS DISEASE OUTBREAKS.—

(1) GLOBAL HEALTH SECURITY.—Funds appropriated by this Act under the heading "Global Health Programs" shall be made available for global health security programs to accelerate the capacity of countries to prevent, detect, and respond to infectious disease outbreaks, including by strengthening public health capacity where there is a high risk of emerging zoonotic infectious diseases: *Provided,* That not later than 60 days after the date of enactment of this Act, the USAID Administrator and the Secretary of State, as appropriate, shall consult with the Committees on Appropriations on the planned uses of such funds.

Deadline.
Consultation.

(2) FINANCIAL INTERMEDIARY FUND.—Funds appropriated by this Act under the heading "Global Health Programs" may be made available for contributions to a financial intermediary fund for pandemic preparedness and global heath security.

Determination.
Reports.

(3) EXTRAORDINARY MEASURES.—If the Secretary of State determines and reports to the Committees on Appropriations that an international infectious disease outbreak is sustained, severe, and is spreading internationally, or that it is in the national interest to respond to a Public Health Emergency of International Concern, not to exceed an aggregate total of $200,000,000 of the funds appropriated by this Act under the headings "Global Health Programs", "Development Assistance", "International Disaster Assistance", "Complex Crises Fund", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", "Migration and Refugee Assistance", and "Millennium Challenge Corporation" may be made available to combat such infectious disease or public health emergency, and may be transferred to, and merged with, funds appropriated under such headings for the purposes of this paragraph.

(4) EMERGENCY RESERVE FUND.—Up to $90,000,000 of the funds made available under the heading "Global Health Programs" may be made available for the Emergency Reserve Fund established pursuant to section 7058(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31):

Provided, That such funds shall be made available under the same terms and conditions of such section.

(5) CONSULTATION AND NOTIFICATION.—Funds made available by this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) LIMITATION.—Notwithstanding any other provision of law, none of the funds made available by this Act may be made available to the Wuhan Institute of Virology located in the City of Wuhan in the People's Republic of China. China.

GENDER EQUALITY AND WOMEN'S EMPOWERMENT

SEC. 7059. (a) IN GENERAL.—

(1) GENDER EQUALITY.—Funds appropriated by this Act shall be made available to promote gender equality in United States Government diplomatic and development efforts by raising the status, increasing the economic participation and opportunities for political leadership, and protecting the rights of women and girls worldwide.

(2) WOMEN'S ECONOMIC EMPOWERMENT.—Funds appropriated by this Act are available to implement the Women's Entrepreneurship and Economic Empowerment Act of 2018 (Public Law 115–428): *Provided,* That the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, shall consult with the Committees on Appropriations on the implementation of such Act. Consultation.

(3) GENDER EQUITY AND EQUALITY ACTION FUND.—Of the funds appropriated under title III of this Act, up to $200,000,000 may be made available for the Gender Equity and Equality Action Fund.

(b) MADELEINE K. ALBRIGHT WOMEN'S LEADERSHIP PROGRAM.—Of the funds appropriated under title III of this Act, not less than $50,000,000 shall be made available for programs specifically designed to increase leadership opportunities for women in countries where women and girls suffer discrimination due to law, policy, or practice, by strengthening protections for women's political status, expanding women's participation in political parties and elections, and increasing women's opportunities for leadership positions in the public and private sectors at the local, provincial, and national levels: *Provided,* That such programs shall hereafter be collectively named the "Madeleine K. Albright Women's Leadership Program". 22 USC 2151–2 note.

(c) GENDER-BASED VIOLENCE.—

(1) Of the funds appropriated under titles III and IV of this Act, not less than $250,000,000 shall be made available to implement a multi-year strategy to prevent and respond to gender-based violence in countries where it is common in conflict and non-conflict settings.

(2) Funds appropriated under titles III and IV of this Act that are available to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons, and shall promote the integration of women into the police and other security forces.

(d) WOMEN, PEACE, AND SECURITY.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement", $150,000,000 should be made available to support a multi-year strategy to expand, and improve coordination of, United States Government efforts to empower women as equal partners in conflict prevention, peace building, transitional processes, and reconstruction efforts in countries affected by conflict or in political transition, and to ensure the equitable provision of relief and recovery assistance to women and girls.

SECTOR ALLOCATIONS

SEC. 7060. (a) BASIC EDUCATION AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—

22 USC 2151c note.

(A) Of the funds appropriated under title III of this Act, not less than $970,000,000 shall be made available for the Nita M. Lowey Basic Education Fund, and such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries: *Provided,* That such funds shall also be used for secondary education activities: *Provided further,* That of the funds made available by this paragraph, $150,000,000 should be available for the education of girls in areas of conflict: *Provided further,* That section 7(a) of Public Law 115–56 shall be implemented by substituting "the thirtieth day of June following" for "180 days after".

Implementation.

(B) Of the funds appropriated under title III of this Act for assistance for basic education programs, not less than $160,000,000 shall be made available for contributions to multilateral partnerships that support education.

(2) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than $285,000,000 shall be made available for assistance for higher education: *Provided,* That such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That of such amount, not less than $35,000,000 shall be made available for new and ongoing partnerships between higher education institutions in the United States and developing countries focused on building the capacity of higher education institutions and systems in developing countries: *Provided further,* That of such amount and in addition to the previous proviso, not less than $35,000,000 shall be made available for higher education programs pursuant to section 7060(a)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116–260): *Provided further,* That not later than 45 days after the date of enactment of this Act, the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of funds for such partnerships.

Notification.

Deadline. Consultation.

(3) SCHOLAR RESCUE PROGRAMS.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia", not less than $7,000,000 shall be made

available for scholar rescue programs, including for scholars from Afghanistan, Burma, Ethiopia, the Russian Federation, Ukraine, and Yemen: *Provided,* That the Secretary of State and Administrator of the United States Agency for International Development, as appropriate, shall consult with the Committees on Appropriations on such programs not later than 90 days after the date of enactment of this Act.

Consultation. Deadline.

(b) DEVELOPMENT PROGRAMS.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $18,500,000 shall be made available for USAID cooperative development programs and not less than $31,500,000 shall be made available for the American Schools and Hospitals Abroad program.

(c) FOOD SECURITY AND AGRICULTURAL DEVELOPMENT.—

(1) Of the funds appropriated by title III of this Act, not less than $1,010,600,000 shall be made available for food security and agricultural development programs to carry out the purposes of the Global Food Security Act of 2016 (Public Law 114–195): *Provided,* That funds may be made available for a contribution as authorized by section 3202 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by section 3310 of the Agriculture Improvement Act of 2018 (Public Law 115–334).

(2) The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the heads of other relevant Federal agencies, shall seek to enter into negotiations with key foreign governments and multilateral, philanthropic, and private sector entities, including the United Nations Rome-based agencies and the World Bank, regarding the potential establishment of a multilateral fund focused on food security, as described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(d) MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES.—Of the funds appropriated by this Act, not less than $265,000,000 shall be made available to support the development of, and access to financing for, micro, small, and medium-sized enterprises that benefit the poor, especially women.

(e) PROGRAMS TO COMBAT TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement", not less than $116,400,000 shall be made available for activities to combat trafficking in persons internationally, including for the Program to End Modern Slavery, of which not less than $87,000,000 shall be from funds made available under the heading "International Narcotics Control and Law Enforcement": *Provided,* That funds made available by this Act under the headings "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" that are made available for activities to combat trafficking in persons should be obligated and programmed consistent with the country-specific recommendations included in the annual Trafficking in Persons Report, and shall be coordinated with the Office to Monitor and Combat Trafficking in Persons, Department of State.

Coordination.

(f) RECONCILIATION PROGRAMS.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $25,000,000 shall be made available to support people-to-

people reconciliation programs which bring together individuals of different ethnic, racial, religious, and political backgrounds from areas of civil strife and war: *Provided,* That the USAID Administrator shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That to the maximum extent practicable, such funds shall be matched by sources other than the United States Government: *Provided further,* That such funds shall be administered by the Center for Conflict and Violence Prevention, USAID.

Consultation. Notification.

(g) WATER AND SANITATION.—Of the funds appropriated by this Act, not less than $475,000,000 shall be made available for water supply and sanitation projects pursuant to section 136 of the Foreign Assistance Act of 1961, of which not less than $237,000,000 shall be for programs in sub-Saharan Africa, and of which not less than $17,000,000 shall be made available to support initiatives by local communities in developing countries to build and maintain safe latrines.

(h) DEVIATION.—Unless otherwise provided for by this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as applicable, may deviate below the minimum funding requirements designated in sections 7059, 7060, and 7061 of this Act by up to 10 percent, notwithstanding such designation: *Provided,* That concurrent with the submission of the report required by section 653(a) of the Foreign Assistance Act of 1961, the Secretary of State shall submit to the Committees on Appropriations in writing any proposed deviations utilizing such authority that are planned at the time of submission of such report: *Provided further,* That any deviations proposed subsequent to the submission of such report shall be subject to prior consultation with such Committees: *Provided further,* That not later than November 1, 2024, the Secretary of State shall submit a report to the Committees on Appropriations on the use of the authority of this subsection.

Proposals.

Consultation.

Reports.

ENVIRONMENT PROGRAMS

SEC. 7061. (a) Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, except for the provisions of this section and only subject to the reporting procedures of the Committees on Appropriations, to support environment programs.

(b)(1) Of the funds appropriated under title III of this Act, not less than $385,000,000 shall be made available for biodiversity conservation programs.

(2) Not less than $125,000,000 of the funds appropriated under titles III and IV of this Act shall be made available to combat the transnational threat of wildlife poaching and trafficking.

Determination. Poaching. Reports.

(3) None of the funds appropriated under title IV of this Act may be made available for training or other assistance for any military unit or personnel that the Secretary of State determines has been credibly alleged to have participated in wildlife poaching or trafficking, unless the Secretary reports to the appropriate congressional committees that to do so is in the national security interest of the United States.

(4) Funds appropriated by this Act for biodiversity programs shall not be used to support the expansion of industrial scale logging, agriculture, livestock production, mining, or any other industrial scale extractive activity into areas that were primary/intact tropical forests as of December 30, 2013, and the Secretary of the Treasury shall instruct the United States executive directors of each international financial institution (IFI) to use the voice and vote of the United States to oppose any financing of any such activity.

(5) Funds appropriated by this Act shall be made available to support a new public-private partnership for conservation to promote long-term management of protected areas in developing countries, if legislation establishing a foundation to facilitate such partnership is enacted into law.

(c) The Secretary of the Treasury shall instruct the United States executive director of each IFI that it is the policy of the United States to use the voice and vote of the United States, in relation to any loan, grant, strategy, or policy of such institution, regarding the construction of any large dam consistent with the criteria set forth in Senate Report 114–79, while also considering whether the project involves important foreign policy objectives.

(d) Of the funds appropriated under title III of this Act, not less than $185,000,000 shall be made available for sustainable landscapes programs.

(e) Of the funds appropriated under title III of this Act, not less than $270,000,000 shall be made available for adaptation programs, including in support of the implementation of the Indo-Pacific Strategy.

(f) Of the funds appropriated under title III of this Act, not less than $260,000,000 shall be made available for clean energy programs, including in support of carrying out the purposes of the Electrify Africa Act (Public Law 114–121) and implementing the Power Africa initiative.

(g) Funds appropriated by this Act under title III may be made available for United States contributions to the Adaptation Fund and the Least Developed Countries Fund.

(h) Of the funds appropriated under title III of this Act, not less than $50,000,000 shall be made available for the purposes enumerated under section 7060(c)(7) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116–260): *Provided,* That such funds may only be made available following consultation with the Committees on Appropriations.

Consultation.

(i) Of the funds appropriated under title III of this Act, not less than $20,000,000 shall be made available to support Indigenous and other civil society organizations in developing countries that are working to protect the environment, including threatened and endangered species, as described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(j) The Secretary of State and USAID Administrator shall implement the directive regarding law enforcement in national parks and protected areas as described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Implementation.

BUDGET DOCUMENTS

Deadlines.

SEC. 7062. (a) OPERATING PLANS.—Not later than 45 days after the date of enactment of this Act, each department, agency, or organization funded in titles I, II, and VI of this Act, and the Department of the Treasury and Independent Agencies funded in title III of this Act, including the Inter-American Foundation and the United States African Development Foundation, shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2023, that provides details of the uses of such funds at the program, project, and activity level: *Provided,* That such plans shall include, as applicable, a comparison between the congressional budget justification funding levels, the most recent congressional directives or approved funding levels, and the funding levels proposed by the department or agency; and a clear, concise, and informative description/justification: *Provided further,* That operating plans that include changes in levels of funding for programs, projects, and activities specified in the congressional budget justification, in this Act, or amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as applicable, shall be subject to the notification and reprogramming requirements of section 7015 of this Act.

Notification.

(b) SPEND PLANS.—

(1) Prior to the initial obligation of funds, the Secretary of State or Administrator of the United States Agency for International Development, as appropriate, shall submit to the Committees on Appropriations spend plans as described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a detailed spend plan for funds made available by this Act under the heading "Department of the Treasury, International Affairs Technical Assistance" in title III.

(3) Notwithstanding paragraph (1), up to 10 percent of the funds contained in a spend plan required by this subsection may be obligated prior to the submission of such spend plan if the Secretary of State, the USAID Administrator, or the Secretary of the Treasury, as applicable, determines that the obligation of such funds is necessary to avoid significant programmatic disruption: Provided, That not less than seven days prior to such obligation, the Secretary or Administrator, as appropriate, shall consult with the Committees on Appropriations on the justification for such obligation and the proposed uses of such funds.

(c) CLARIFICATION.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements in this Act or under section 634A of the Foreign Assistance Act of 1961.

(d) CONGRESSIONAL BUDGET JUSTIFICATION.—The congressional budget justification for Department of State operations and foreign operations shall be provided to the Committees on Appropriations concurrent with the date of submission of the President's budget

for fiscal year 2024: *Provided,* That the appendices for such justification shall be provided to the Committees on Appropriations not later than 10 calendar days thereafter. Appendices.

REORGANIZATION

SEC. 7063. (a) PRIOR CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act, prior Acts making appropriations for the Department of State, foreign operations, and related programs, or any other Act may not be used to implement a reorganization, redesign, or other plan described in subsection (b) by the Department of State, the United States Agency for International Development, or any other Federal department, agency, or organization funded by this Act without prior consultation by the head of such department, agency, or organization with the appropriate congressional committees: *Provided,* That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That any such notification submitted to such Committees shall include a detailed justification for any proposed action: *Provided further,* That congressional notifications submitted in prior fiscal years pursuant to similar provisions of law in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be deemed to meet the notification requirements of this section.

(b) DESCRIPTION OF ACTIVITIES.—Pursuant to subsection (a), a reorganization, redesign, or other plan shall include any action to—

(1) expand, eliminate, consolidate, or downsize covered departments, agencies, or organizations, including bureaus and offices within or between such departments, agencies, or organizations, including the transfer to other agencies of the authorities and responsibilities of such bureaus and offices;

(2) expand, eliminate, consolidate, or downsize the United States official presence overseas, including at bilateral, regional, and multilateral diplomatic facilities and other platforms; or

(3) expand or reduce the size of the permanent Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID from the staffing levels previously justified to the Committees on Appropriations for fiscal year 2023.

DEPARTMENT OF STATE MANAGEMENT

SEC. 7064. (a) WORKING CAPITAL FUND.—Funds appropriated by this Act or otherwise made available to the Department of State for payments to the Working Capital Fund that are made available for new service centers, shall be subject to the regular notification procedures of the Committees on Appropriations. Notification.

(b) CERTIFICATION.—

(1) COMPLIANCE.—Not later than 45 days after the initial obligation of funds appropriated under titles III and IV of this Act that are made available to a Department of State bureau or office with responsibility for the management and oversight of such funds, the Secretary of State shall certify and report to the Committees on Appropriations, on an individual bureau or office basis, that such bureau or office is in compliance with Department and Federal financial and Reports.

grants management policies, procedures, and regulations, as applicable.

Certification.

(2) CONSIDERATIONS.—When making a certification required by paragraph (1), the Secretary of State shall consider the capacity of a bureau or office to—

(A) account for the obligated funds at the country and program level, as appropriate;

(B) identify risks and develop mitigation and monitoring plans;

(C) establish performance measures and indicators;

(D) review activities and performance; and

(E) assess final results and reconcile finances.

Timeline.

(3) PLAN.—If the Secretary of State is unable to make a certification required by paragraph (1), the Secretary shall submit a plan and timeline detailing the steps to be taken to bring such bureau or office into compliance.

(c) INFORMATION TECHNOLOGY PLATFORM.—None of the funds appropriated in title I of this Act under the heading "Administration of Foreign Affairs" may be made available for a new major information technology investment without the concurrence of the Chief Information Officer, Department of State.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

22 USC 3948 note.

SEC. 7065. (a) AUTHORITY.—Up to $170,000,000 of the funds made available in title III of this Act pursuant to or to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used by the United States Agency for International Development to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980 (22 U.S.C. 3948 and 3949).

Expiration date.

(b) RESTRICTION.—The authority to hire individuals contained in subsection (a) shall expire on September 30, 2024.

(c) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which the responsibilities of such individual primarily relate: *Provided,* That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading "Operating Expenses".

(d) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

Notification.

(e) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs

in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(f) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided,* That not more than 15 of such contractors shall be assigned to any bureau or office: *Provided further,* That such funds appropriated to carry out title II of the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be made available only for personal services contractors assigned to the Bureau for Humanitarian Assistance.

(g) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(h) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) may be assigned to or support programs in Afghanistan or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(i) CRISIS OPERATIONS STAFFING.—Up to $86,000,000 of the funds made available in title III of this Act pursuant to, or to carry out the provisions of, part I of the Foreign Assistance Act of 1961 and section 509(b) of the Global Fragility Act of 2019 (title V of division J of Public Law 116–94) may be made available for the United States Agency for International Development to appoint and employ personnel in the excepted service to prevent or respond to foreign crises and contexts with growing instability: *Provided,* That functions carried out by personnel hired under the authority of this subsection shall be related to the purpose for which the funds were appropriated: *Provided further,* That such funds are in addition to funds otherwise available for such purposes and may remain attributed to any minimum funding requirement for which they were originally made available: *Provided further,* That the USAID Administrator shall coordinate with the Director of the Office of Personnel Management and consult with the appropriate congressional committees on implementation of this provision.

Coordination.
Consultation.

STABILIZATION AND DEVELOPMENT IN REGIONS IMPACTED BY EXTREMISM AND CONFLICT

SEC. 7066. (a) PREVENTION AND STABILIZATION FUND.—Of the funds appropriated by this Act under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related

Programs", "Peacekeeping Operations", and "Foreign Military Financing Program", not less than $135,000,000 shall be made available for the Prevention and Stabilization Fund for the purposes enumerated in section 509(a) of the Global Fragility Act of 2019 (title V of division J of Public Law 116–94), of which $25,000,000 may be made available for the Multi-Donor Global Fragility Fund authorized by section 510(c) of such Act: *Provided,* That such funds shall be allocated as specified under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That funds appropriated under such headings may be transferred to, and merged with, funds appropriated under such headings for such purposes: *Provided further,* That such transfer authority is in addition to any other transfer authority provided by this Act or any other Act, and is subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further,* That funds made available pursuant to this subsection that are transferred to funds appropriated under the heading "Foreign Military Financing Program" may remain available until September 30, 2024.

Allocation.

Transfer authority.

Consultation. Notification.

(b) TRANSITIONAL JUSTICE.—Of the funds appropriated by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement", not less than $10,000,000 shall be made available for programs to promote accountability for genocide, crimes against humanity, and war crimes, which shall be in addition to any other funds made available by this Act for such purposes: *Provided,* That such programs shall include components to develop local investigative and judicial skills, and to collect and preserve evidence and maintain the chain of custody of evidence, including for use in prosecutions, and may include the establishment of, and assistance for, transitional justice mechanisms: *Provided further,* That such funds shall be administered by the Ambassador-at-Large for the Office of Global Criminal Justice, Department of State, and shall be subject to prior consultation with the Committees on Appropriations: *Provided further,* That funds made available by this paragraph shall be made available on an open and competitive basis.

Consultation.

(c) GLOBAL COMMUNITY ENGAGEMENT AND RESILIENCE FUND.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Economic Support Fund" may be made available to the Global Community Engagement and Resilience Fund, including as a contribution.

DEBT-FOR-DEVELOPMENT

Notification.

SEC. 7067. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

EXTENSION OF CONSULAR FEES AND RELATED AUTHORITIES

SEC. 7068. (a) Section 1(b)(1) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(1)) shall be applied through fiscal year 2023 by substituting "the costs of providing consular services" for "such costs".

Applicability. 22 USC 214 note.

(b) Section 21009 of the Emergency Appropriations for Coronavirus Health Response and Agency Operations (division B of Public Law 116–136; 134 Stat. 592) shall be applied during fiscal year 2023 by substituting "2020 through 2023" for "2020 and 2021".

(c) Discretionary amounts made available to the Department of State under the heading "Administration of Foreign Affairs" of this Act, and discretionary unobligated balances under such heading from prior Acts making appropriations for the Department of State, foreign operations, and related programs, may be transferred to the Consular and Border Security Programs account if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to sustain consular operations, following consultation with such Committees: *Provided,* That such transfer authority is in addition to any transfer authority otherwise available in this Act and under any other provision of law: *Provided further,* That no amounts may be transferred from amounts designated as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

Transfer authorities. Determination. Reports. Consultation.

(d) In addition to the uses permitted pursuant to section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(A)), for fiscal year 2023, the Secretary of State may also use fees deposited into the Fraud Prevention and Detection Account for the costs of providing consular services.

(e) Amounts provided pursuant to subsection (b) are designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

MANAGEMENT OF INTERNATIONAL TRANSBOUNDARY WATER POLLUTION

(INCLUDING TRANSFER OF FUNDS)

SEC. 7069. In fiscal year 2023 and in each fiscal year thereafter—

Mexico. 22 USC 277j.

(a) The Administrator of the Environmental Protection Agency (the "Administrator") may transfer amounts made available under the heading "Environmental Protection Agency—State and Tribal Assistance Grants" in the USMCA Supplemental Appropriations Act, 2019 (title IX of Public Law 116–113) to the International Boundary and Water Commission, United States and Mexico (the "Commission"), by entering into an interagency agreement or by awarding a grant, to support the construction of treatment works (as that term is defined in section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2))), that will be owned or operated by the Commission: *Provided,* That the Commission shall, in consultation with the Administrator and subject to the requirements of sections 513 and 608 of the Federal Water Pollution

Contracts. Determination.

Control Act (33 U.S.C. 1372 and 1388), use amounts transferred pursuant to this section for general, administrative, or other costs (including construction management) related to the planning, study, design, and construction, of treatment works that, as determined by the Commissioner of the Commission, will—

(1) protect residents in the United States-Mexico border region from water pollution resulting from—

(A) transboundary flows of wastewater, stormwater, or other international transboundary water flows originating in Mexico; and

(B) any inadequacies or breakdowns of treatment works in Mexico; and

(2) provide treatment of the flows and water pollution described in subparagraph (A) in compliance with local, State, and Federal law: *Provided,* That the Commission may also use amounts transferred pursuant to this section to operate and maintain any new treatment work constructed, which shall be in addition to any amounts otherwise available to the Commission for such purposes.

Contracts.

(b) The Commission is authorized to enter into an agreement with the appropriate official or officials of the United States and Mexican States for the operation and maintenance by the Commission of any new treatment works, pursuant to subsection (a): *Provided,* That such agreement shall contain a provision relating to the division between the two Governments of the costs of such operation and maintenance, or of the works involved there as may be recommended by said Commission and approved by the Government of Mexico.

(c) Nothing in this section modifies, amends, repeals, or otherwise limits the authority of the Commission under—

(1) the treaty relating to the utilization of the waters of the Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from Fort Quitman, Texas, to the Gulf of Mexico, and supplementary protocol, signed at Washington February 3, 1944 (59 Stat. 1219), between the United States and Mexico; or

(2) any other applicable treaty.

Notification.

(d) Funds transferred pursuant to subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

WAIVER AUTHORITY

President. Determination. Reports.

SEC. 7070. The President may waive section 414 of Public Law 101–246 and section 410 of Public Law 103–236 with respect to the United Nations Educational, Scientific and Cultural Organization if the President determines and reports in writing to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional

committees that to do so would enable the United States to counter Chinese influence or to promote other national interests of the United States: *Provided,* That the authority of this section shall cease to have effect if, after enactment of this Act, the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians: *Provided further,* That the authority of this section shall sunset on September 30, 2025, unless extended in a subsequent Act of Congress.

Termination date.

ORGANIZATION OF AMERICAN STATES

SEC. 7071. (a) The Secretary of State shall instruct the United States Permanent Representative to the Organization of American States (OAS) to use the voice and vote of the United States to: (1) implement budgetary reforms and efficiencies within the Organization; (2) eliminate arrears, increase other donor contributions, and impose penalties for successive late payment of assessments; (3) prevent programmatic and organizational redundancies and consolidate duplicative activities and functions; (4) prioritize areas in which the OAS has expertise, such as strengthening democracy, monitoring electoral processes, and protecting human rights; and (5) implement reforms within the Office of the Inspector General (OIG) to ensure the OIG has the necessary leadership, integrity, professionalism, independence, policies, and procedures to properly carry out its responsibilities in a manner that meets or exceeds best practices in the United States.

Reports.

(b) Prior to the obligation of funds appropriated by this Act and made available for an assessed contribution to the Organization of American States, but not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on actions taken or planned to be taken pursuant to subsection (a) that are in addition to actions taken during the preceding fiscal year, and the results of such actions.

MULTILATERAL DEVELOPMENT BANKS

SEC. 7072. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION TWENTIETH REPLENISHMENT.—The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"SEC. 32. TWENTIETH REPLENISHMENT.

22 USC 284dd.

"(a) IN GENERAL.—The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $3,500,000,000 to the twentieth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $3,500,000,000 for payment by the Secretary of the Treasury.".

(b) ASIAN DEVELOPMENT FUND TWELFTH REPLENISHMENT.—The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

22 USC 285hh.

"SEC. 37. TWELFTH REPLENISHMENT.

"(a) The United States Governor of the Bank is authorized to contribute, on behalf of the United States, $177,440,000 to the twelfth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $177,440,000 for payment by the Secretary of the Treasury.".

WAR CRIMES ACCOUNTABILITY

SEC. 7073. (a) EXCEPTION FOR CERTAIN INVESTIGATIONS.—Section 2004(h) of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7423(h)) is amended—

(1) by striking "Agents.—No agent" and inserting the following: "Agents.—

"(1) IN GENERAL.—No agent"; and

(2) by adding at the end the following new paragraph:

"(2) EXCEPTION.—The prohibition under paragraph (1) shall not apply with respect to investigative activities that—

"(A) relate solely to investigations and prosecutions of foreign persons for crimes within the jurisdiction of the International Criminal Court related to the Situation in Ukraine; and

"(B) are undertaken in concurrence with the Attorney General.".

(b) EXCEPTION FOR CERTAIN SUPPORT.—Section 2015 of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7433) is amended by striking "Nothing" through the end of such section and inserting the following:

Saddam Hussein. Slobodan Milosovic. Osama bin Laden.

"(a) ASSISTANCE.—Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Queda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity, or from rendering assistance to the International Criminal Court to assist with investigations and prosecutions of foreign nationals related to the Situation in Ukraine, including to support victims and witnesses.

"(b) AUTHORITY.—Assistance made available pursuant to subsection (a) of this section may be made available notwithstanding section 705 of the Foreign Relations Authorization Act, Fiscal Year 2000 and 2001 (22 U.S.C. 7401), except that none of the funds made available pursuant to this subsection may be made available for the purpose of supporting investigations or prosecutions of U.S. servicemembers or other covered United States persons or covered allied persons as such terms are defined in section 2013 of this Act.

Deadline.

"(c) NOTIFICATION.—The Secretary of State shall notify the Committees on Appropriations, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, of any amounts obligated pursuant to subsection (b) not later than 15 days before such obligation is made.".

22 USC 7423 note.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to modify the existing roles or authorities of any Federal agency or official.

RESCISSIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 7074. (a) MILLENNIUM CHALLENGE CORPORATION.—Of the unobligated balances from amounts made available under the heading "Millennium Challenge Corporation" from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $100,000,000 are rescinded.

(b) EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.—Of the unobligated and unexpended balances from amounts available under the heading "Embassy Security, Construction, and Maintenance" from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $42,000,000 are rescinded.

(c) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—Of the unobligated and unexpended balances from amounts available under the heading "Contributions for International Peacekeeping Activities" from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $100,000,000 are rescinded.

(d) RESTRICTION.—No amounts may be rescinded from amounts that were previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

This division may be cited as the "Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023".

DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2022.

TITLE I

DEPARTMENT OF TRANSPORTATION

Department of Transportation Appropriations Act, 2022.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $171,014,000: *Provided,* That of the sums appropriated under this heading—

(1) $3,569,000 shall be available for the immediate Office of the Secretary;

(2) $1,277,000 shall be available for the immediate Office of the Deputy Secretary;

(3) $28,089,000 shall be available for the Office of the General Counsel;

(4) $17,469,000 shall be available for the Office of the Under Secretary of Transportation for Policy, of which $2,000,000 is for the Office for Multimodal Freight Infrastructure and Policy;

(5) $21,026,000 shall be available for the Office of the Assistant Secretary for Budget and Programs;

(6) $3,968,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs;

(7) $41,399,000 shall be available for the Office of the Assistant Secretary for Administration;

(8) $5,727,000 shall be available for the Office of Public Affairs and Public Engagement;

(9) $2,312,000 shall be available for the Office of the Executive Secretariat;

(10) $15,533,000 shall be available for the Office of Intelligence, Security, and Emergency Response;

(11) $29,195,000 shall be available for the Office of the Chief Information Officer; and

(12) $1,450,000 shall be available for the Office of Tribal Government Affairs:

Transfer authority.

Provided further, That the Secretary of Transportation (referred to in this title as the "Secretary") is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further,* That no appropriation for any office shall be increased or decreased by more than 7 percent by all such transfers: *Provided further,* That notice of any change in funding greater than 7 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further,* That not to exceed $70,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further,* That notwithstanding any other provision of law, there may be credited to this appropriation up to $2,500,000 in funds received in user fees.

Notice. Funding approval. Allocation. Determination.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, $48,996,000, of which $37,542,000 shall remain available until expended: *Provided*, That of such amounts that are available until expended, $3,224,000 shall be for necessary expenses of the Advanced Research Projects Agency—Infrastructure (ARPA–I) as authorized by section 119 of title 49, United States Code: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: *Provided further,* That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall continue to be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

Continuance. 49 USC 112 note.

NATIONAL INFRASTRUCTURE INVESTMENTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out a local and regional project assistance grant program under section 6702 of title 49, United States Code, $800,000,000, to remain available until expended: *Provided,* That section 6702(f)(2) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: *Provided further,* That of amounts made available under this heading in this Act, not less than $20,000,000 shall be awarded to projects in historically disadvantaged communities or areas of persistent poverty as defined under section 6702(a)(1)

of title 49, United States Code: *Provided further,* That section 6702(g) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: *Provided further,* That of the amounts made available under this heading in this Act not less than 5 percent shall be made available for the planning, preparation, or design of eligible projects: *Provided further,* That grants awarded under this heading in this Act for eligible projects for planning, preparation, or design shall not be subject to a minimum grant size: *Provided further,* That in distributing amounts made available under this heading in this Act, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, including Tribal areas, and the investment in a variety of transportation modes: *Provided further,* That section 6702(c)(2)(C) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: *Provided further,* That a grant award under this heading in this Act shall be not greater than $45,000,000: *Provided further,* That section 6702(c)(3) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: *Provided further,* That not more than 15 percent of the amounts made available under this heading in this Act may be awarded to projects in a single State: *Provided further,* That for amounts made available under this heading in this Act, the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further,* That section 6702(f)(1) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: *Provided further,* That of the amounts awarded under this heading in this Act, not more than 50 percent shall be allocated for eligible projects located in rural areas and not more than 50 percent shall be allocated for eligible projects located in urbanized areas: *Provided further,* That for the purpose of determining if an award for planning, preparation, or design under this heading in this Act is an urban award, the project location is the location of the project being planned, prepared, or designed: *Provided further,* That the Secretary may retain up to 2 percent of the amounts made available under this heading in this Act, and may transfer portions of such amounts to the Administrators of the Federal Aviation Administration, the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration to fund the award and oversight of grants and credit assistance made under the program authorized under section 6702 of title 49, United States Code: *Provided further,* That for amounts made available under this heading in this Act, the Secretary shall consider and award projects based solely on the selection criteria as identified under section 6702(d)(3) and (d)(4) of title 49, United States Code.

Grants.

Distribution.

Allocations.
Urban and rural areas.

Determination.
Urban and rural areas.

THRIVING COMMUNITIES INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for a thriving communities program, $25,000,000, to remain available until September 30, 2025: *Provided,* That the Secretary of Transportation shall make such

Contracts.

amounts available for technical assistance and cooperative agreements to develop and implement technical assistance, planning, and capacity building to improve and foster thriving communities through transportation improvements: *Provided further,* That the Secretary may enter into cooperative agreements with philanthropic entities, non-profit organizations, other Federal agencies, State or local governments and their agencies, Indian Tribes, or other technical assistance providers, to provide such technical assistance, planning, and capacity building to State, local, or Tribal governments, United States territories, metropolitan planning organizations, transit agencies, or other political subdivisions of State or local governments: *Provided further,* That to be eligible for a cooperative agreement under this heading, a recipient shall provide assistance to entities described in the preceding proviso on engaging in public planning processes with residents, local businesses, nonprofit organizations, and to the extent practicable, philanthropic organizations, educational institutions, or other community stakeholders: *Provided further,* That such cooperative agreements shall facilitate the planning and development of transportation and community revitalization activities supported by the Department of Transportation under titles 23, 46, and 49, United States Code, that increase mobility, reduce pollution from transportation sources, expand affordable transportation options, facilitate efficient land use, preserve or expand jobs, improve housing conditions, enhance connections to health care, education, and food security, or improve health outcomes: *Provided further,* That the Secretary may prioritize assistance provided with amounts made available under this heading to communities that have disproportionate rates of pollution and poor air quality, communities experiencing disproportionate effects (as defined by Executive Order No. 12898), areas of persistent poverty as defined in section 6702(a)(1) of title 49, United States Code, or historically disadvantaged communities: *Provided further,* That the preceding proviso shall not prevent the Secretary from providing assistance with amounts made available under this heading to entities described in the second proviso under this heading that request assistance through the thriving communities program: *Provided further,* That planning and technical assistance made available under this heading may include pre-application assistance for capital projects eligible under titles 23, 46, and 49, United States Code: *Provided further,* That the Secretary may retain amounts made available under this heading for the necessary administrative expenses of (1) developing and disseminating best practices, modeling, and cost-benefit analysis methodologies to assist entities described in the second proviso under this heading with applications for financial assistance programs under titles 23, 46, and 49, United States Code, and (2) award, administration, and oversight of cooperative agreements to carry out the provisions under this heading: *Provided further,* That such amounts and payments as may be necessary to carry out the thriving communities program may be transferred to appropriate accounts of other operating administrations within the Department of Transportation: *Provided further,* That the Secretary shall notify the House and Senate Committees on Appropriations not later than 3 business days prior to a transfer carried out under the preceding proviso.

Contracts.

Contracts.

Contracts.

Notifications.
Deadline.

NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

For necessary expenses of the National Surface Transportation and Innovative Finance Bureau as authorized by 49 U.S.C. 116, $8,850,000, to remain available until expended: *Provided,* That the Secretary may collect and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further,* That such fees are available until expended to pay for such costs: *Provided further,* That such amounts are in addition to other amounts made available for such purposes and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

Fees.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary is authorized to issue direct loans and loan guarantees pursuant to chapter 224 of title 49, United States Code, and such authority shall exist as long as any such direct loan or loan guarantee is outstanding.

Loans.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $5,000,000, to remain available through September 30, 2024.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to network and information technology infrastructure, improvement of identity management and authentication capabilities, securing and protecting data, implementation of Federal cyber security initiatives, and implementation of enhanced security controls on agency computers and mobile devices, $48,100,000, to remain available until September 30, 2024.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $14,800,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, $36,543,000, to remain available until expended: *Provided,* That of such amount, $5,436,000 shall be for necessary expenses of the Interagency Infrastructure Permitting Improvement Center (IIPIC): *Provided further,* That there may be transferred to this appropriation, to remain available until expended, amounts transferred from other Federal agencies for expenses incurred under

this heading for IIPIC activities not related to transportation infrastructure: *Provided further,* That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting and review of major infrastructure projects not related to transportation only to the extent that other Federal agencies provide funding to the Department in accordance with the preceding proviso: *Provided further,* That of the amounts made available under this heading, $12,914,000 shall be made available for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled "Community Project Funding/Congressionally Directed Spending" included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $505,285,000, shall be paid from appropriations made available to the Department of Transportation: *Provided,* That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further,* That the limitation in the preceding proviso on operating expenses shall not apply to entities external to the Department of Transportation or for funds provided in Public Law 117–58: *Provided further,* That no funds made available by this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: *Provided further,* That no assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

Assessments. Notifications. Approvals.

SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND OUTREACH

For necessary expenses for small and disadvantaged business utilization and outreach activities, $5,132,000, to remain available until September 30, 2024: *Provided,* That notwithstanding section 332 of title 49, United States Code, such amounts may be used for business opportunities related to any mode of transportation: *Provided further,* That appropriations made available under this heading shall be available for any purpose consistent with prior year appropriations that were made available under the heading "Office of the Secretary—Minority Business Resource Center Program".

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under sections 41731 through 41742 of title 49, United States Code, $354,827,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided,* That in determining between

Determination.

or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further,* That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under section 41732(b)(3) of title 49, United States Code: *Provided further,* That amounts authorized to be distributed for the essential air service program under section 41742(b) of title 49, United States Code, shall be made available immediately from amounts otherwise provided to the Administrator of the Federal Aviation Administration: *Provided further,* That the Administrator may reimburse such amounts from fees credited to the account established under section 45303 of title 49, United States Code: *Provided further,* That, notwithstanding section 41733 of title 49, United States Code, for fiscal year 2023, the requirements established under subparagraphs (B) and (C) of section 41731(a)(1) of title 49, United States Code, and the subsidy cap established by section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000, shall not apply to maintain eligibility under section 41731 of title 49, United States Code.

Reimbursements.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 101. None of the funds made available by this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the operating administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for congressional notification.

Assessments.
Contracts.

SEC. 102. The Secretary shall post on the web site of the Department of Transportation a schedule of all meetings of the Council on Credit and Finance, including the agenda for each meeting, and require the Council on Credit and Finance to record the decisions and actions of each meeting.

Web posting.
Public information.
Requirement.
Records.

SEC. 103. In addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is authorized to provide partial or full payments in advance and accept subsequent reimbursements from all Federal agencies from available funds for transit benefit distribution services that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order No. 13150 and section 3049 of SAFETEA–LU (5 U.S.C. 7905 note): *Provided,* That the Department shall maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to Government employees: *Provided further,* That such reserve shall not exceed 1 month of benefits payable and may be used only for the purpose of providing for the continuation of transit benefits: *Provided further,* That the Working Capital Fund shall be fully reimbursed by each customer agency from available funds for the actual cost of the transit benefit.

Reimbursements.
Transit benefits.
Time period.
Reimbursement.

SEC. 104. Receipts collected in the Department's Working Capital Fund, as authorized by section 327 of title 49, United States Code, for unused transit and van pool benefits, in an amount

not to exceed 10 percent of fiscal year 2023 collections, shall be available until expended in the Department's Working Capital Fund to provide contractual services in support of section 189 of this Act: *Provided,* That obligations in fiscal year 2023 of such collections shall not exceed $1,000,000.

Retention bonuses. Advance approval.

SEC. 105. None of the funds in this title may be obligated or expended for retention or senior executive bonuses for an employee of the Department of Transportation without the prior written approval of the Assistant Secretary for Administration.

SEC. 106. In addition to authority provided by section 327 of title 49, United States Code, the Department's Administrative Working Capital Fund is hereby authorized to transfer information technology equipment, software, and systems from Departmental sources or other entities and collect and maintain a reserve at rates which will return full cost of transferred assets.

Deadline. Notification.

SEC. 107. None of the funds provided in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any application approval to provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: *Provided,* That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.

SEC. 108. For an additional amount for necessary expenses of the Volpe National Transportation Systems Center, as authorized in section 328 of title 49, United States Code, $4,500,000, to remain available until expended.

SEC. 109. (a) The remaining unobligated balances, as of September 30, 2023, from amounts made available in section 157(a) of the Continuing Appropriations Act, 2023 (division A of Public Law 117–180) are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2023, to remain available until September 30, 2024, and shall be available, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2020 national infrastructure investments program, in addition to other funds as may be available for such purposes.

(b) The remaining unobligated balances, as of September 30, 2023, from amounts made available in section 157(b) of the Continuing Appropriations Act, 2023 (division A of Public Law 117–180) are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2023, to remain available until September 30, 2024, and shall be available, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2019 national infrastructure investments program, in addition to other funds as may be available for such purposes.

SEC. 109A. (a) Amounts made available to the Secretary of Transportation or the Department of Transportation's operating administrations in this Act or in Public Law 117–103 for the costs

of award, administration, or oversight of financial assistance under the programs identified in subsection (c) may be transferred to the account identified in section 801 of division J of Public Law 117–58, to remain available until expended, for the necessary expenses of award, administration, or oversight of any financial assistance programs in the Department of Transportation.

(b) Amounts transferred under the authority in this section are available in addition to amounts otherwise available for such purpose.

(c) The program from which funds made available under this Act or in Public Law 117–103 may be transferred under subsection (a) is the local and regional project assistance program under section 6702 of title 49, United States Code.

SEC. 109B. Of the amounts made available under the heading "National Infrastructure Investments", not less than $1,000,000 and not greater than $25,000,000 shall be available to complete port infrastructure projects that received awards from the national infrastructure investments program under title I of division G of the Consolidated Appropriations Act, 2019 (Public Law 116–6) or rail infrastructure projects that received awards from the national infrastructure investments program under title I of division L of the Consolidated Appropriations Act, 2018 (Public Law 115–141): *Provided,* That an award funded under this section may allow the total award to a recipient to be greater than $25,000,000: *Provided further,* That sponsors of projects eligible for funds made available under this section shall provide sufficient written justification describing, at a minimum, the current project cost estimate, why the project cannot be completed with the obligated grant amount, and any other relevant information, as determined by the Secretary: *Provided further,* That the allocation under the preceding proviso will be for the amounts necessary to cover increases to eligible project costs since the grant was obligated, based on the information provided: *Provided further,* That section 200.204 of title 2, Code of Federal Regulations, shall not apply to amounts made available under this section: *Provided further,* That the amounts made available under this section shall not be part of the Federal share of total project costs and shall be up to 100 percent: *Provided further,* That section 6702(c)(3) of title 49, United States Code, shall not apply to amounts made available under this section: *Provided further,* That section 6702(f) of title 49, United States Code, shall not apply to amounts made available under this section: *Provided further,* That of amounts made available under this section, the Secretary may award to rail infrastructure projects only amounts that the Secretary determines are not needed to complete port infrastructure projects.

Determination.

Determination.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance

of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, the lease or purchase of passenger motor vehicles for replacement only, $11,915,000,000, to remain available until September 30, 2024, of which $9,993,821,000 to be derived from the Airport and Airway Trust Fund: *Provided,* That of the amounts made available under this heading—

(1) not less than $1,630,794,000 shall be available for aviation safety activities;

(2) $8,812,537,000 shall be available for air traffic organization activities;

(3) $37,854,000 shall be available for commercial space transportation activities;

(4) $918,049,000 shall be available for finance and management activities;

(5) $65,581,000 shall be available for NextGen and operations planning activities;

(6) $152,509,000 shall be available for security and hazardous materials safety activities; and

(7) $297,676,000 shall be available for staff offices:

Transfer authority.

Provided further, That not to exceed 5 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further,* That no transfer may increase or decrease any appropriation under this heading by more than 5 percent: *Provided further,* That any transfer in excess of 5 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further,* That not later than 60 days after the submission of the budget request, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of the Vision 100-Century of Aviation Reauthorization Act (49 U.S.C. 40101 note): *Provided further,* That the amounts made available under this heading shall be reduced by $100,000 for each day after 60 days after the submission of the budget request that such report has not been transmitted to Congress: *Provided further,* That not later than 60 days after the submission of the budget request, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further,* That the amounts made available under this heading shall be reduced by $100,000 for each day after the date that is 60 days after the submission of the budget request that such report has not been submitted to Congress: *Provided further,* That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further,* That none of the funds made available by this Act shall be available for new applicants for the second career training program: *Provided further,* That none of the funds made available by this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further,* That there may be credited to this

Reports.
49 USC 44506 note.

Reports.
Reduction.

Reports.
Estimates.
49 USC 44502 note.

Reduction.

Grants.
Contracts.
Nonprofits.
Aviation safety.

Regulations.

appropriation, as offsetting collections, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further,* That of the amounts made available under this heading, not less than $187,800,000 shall be used to fund direct operations of the current air traffic control towers in the contract tower program, including the contract tower cost share program, and any airport that is currently qualified or that will qualify for the program during the fiscal year: *Provided further,* That none of the funds made available by this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further,* That none of the funds appropriated or otherwise made available by this Act or any other Act may be used to eliminate the Contract Weather Observers program at any airport.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds made available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,945,000,000, of which $570,000,000 is for personnel and related expenses and shall remain available until September 30, 2024, $2,221,200,000 shall remain available until September 30, 2025, and $153,800,000 is for terminal facilities and shall remain available until September 30, 2027: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further,* That not later than 60 days after submission of the budget request, the Secretary of Transportation shall transmit to the Congress an investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2024 through 2028, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further,* That section 405 of this Act shall apply to amounts made available under this heading in title VIII of the Infrastructure Investments and Jobs Appropriations Act (division J of Public Law 117–58): *Provided*

Deadline.
Investment plan.
Time period.

Applicability.

further, That the amounts in the table entitled "Allocation of Funds for FAA Facilities and Equipment from the Infrastructure Investment and Jobs Act—Fiscal Year 2023" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall be the baseline for application of reprogramming and transfer authorities for the current fiscal year pursuant to paragraph (7) of such section 405 for amounts referred to in the preceding proviso: *Provided further,* That, notwithstanding paragraphs (5) and (6) of such section 405, unless prior approval is received from the House and Senate Committees on Appropriations, not to exceed 10 percent of any funding level specified for projects and activities in the table referred to in the preceding proviso may be transferred to any other funding level specified for projects and activities in such table and no transfer of such funding levels may increase or decrease any funding level in such table by more than 10 percent: *Provided further,* That of the amounts made available under this heading for terminal facilities, $45,000,000 shall be made available for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled "Community Project Funding/Congressionally Directed Spending" included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Advance approval. Transfer authority.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $255,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2025: *Provided,* That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: *Provided further,* That amounts made available under this heading shall be used in accordance with the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That not to exceed 10 percent of any funding level specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) may be transferred to any other funding level specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That no transfer may increase or decrease any funding level by more than 10 percent: *Provided further,* That any transfer in excess of 10 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Transfer authority.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,350,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That none of the amounts made available under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,350,000,000, in fiscal year 2023, notwithstanding section 47117(g) of title 49, United States Code: *Provided further,* That none of the amounts made available under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further,* That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) of such section for subgrants or paragraph (3) of such section shall be 95 percent for a project at other than a large or medium hub airport that is a successive phase of a multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: *Provided further,* That notwithstanding any other provision of law, of amounts limited under this heading, not less than $137,372,000 shall be available for administration, $15,000,000 shall be available for the Airport Cooperative Research Program, $40,828,000 shall be available for Airport Technology Research, and $10,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program: *Provided further,* That in addition to airports eligible under section 41743 of title 49, United States Code, such program may include the participation of an airport that serves a community or consortium that is not larger than a small hub airport, according to FAA hub classifications effective at the time the Office of the Secretary issues a request for proposals.

Request for proposals.

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for "Grants-In-Aid for Airports", to enable the Secretary of Transportation to make grants for projects as authorized by subchapter 1 of chapter 471 and subchapter 1

of chapter 475 of title 49, United States Code, $558,555,000, to remain available through September 30, 2025: *Provided,* That amounts made available under this heading shall be derived from the general fund, and such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471 of title 49, United States Code: *Provided further,* That of the sums appropriated under this heading—

(1) $283,555,000 shall be made available for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled "Community Project Funding/Congressionally Directed Spending" included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); and

(2) up to $275,000,000 shall be made available to the Secretary to distribute as discretionary grants to airports, of which not less than $25,000,000 shall be made available to any commercial service airport, notwithstanding the requirement for the airport to be located in an air quality nonattainment or maintenance area in section 47102(3)(K) and 47102(3)(L) of title 49, United States Code, for work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, other related air quality improvements, acquisition of airport-owned vehicles or ground support equipment with low-emission technology:

Determination.

Provided further, That the Secretary may make discretionary grants to primary airports for airport-owned infrastructure required for the on-airport distribution, blending, or storage of sustainable aviation fuels that achieve at least a 50 percent reduction in lifecycle greenhouse gas emissions, using a methodology determined by the Secretary, including, but not limited to, on-airport construction or expansion of pipelines, rail lines and spurs, loading and off-loading facilities, blending facilities, and storage tanks: *Provided further,* That the Secretary may make discretionary grants for airport development improvements of primary runways, taxiways, and aprons necessary at a nonhub, small hub, medium hub, or large hub airport to increase operational resilience for the purpose of resuming commercial service flight operations following an earthquake, flooding, high water, hurricane, storm surge, tidal wave, tornado, tsunami, wind driven water, or winter storms: *Provided further,* That the amounts made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further,* That the Administrator of the Federal Aviation Administration may retain up to 0.5 percent of the amounts made available under this heading to fund the award and oversight by the Administrator of grants made under this heading.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds made available by this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2023.

SEC. 111. None of the funds made available by this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided,* That the prohibition on the use of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.

Reimbursement.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy section 41742(a)(1) of title 49, United States Code, from fees credited under section 45303 of title 49, United States Code, and any amount remaining in such account at the close of any fiscal year may be made available to satisfy section 41742(a)(1) of title 49, United States Code, for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes as such appropriation.

SEC. 114. None of the funds made available by this Act shall be available for paying premium pay under section 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 115. None of the funds made available by this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 116. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number, Mode S transponder code, flight identification, call sign, or similar identifying information from any ground based display to the public that would allow the real-time or near real-time flight tracking of that aircraft's movements, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 117. None of the funds made available by this Act shall be available for salaries and expenses of more than nine political and Presidential appointees in the Federal Aviation Administration.

Fees.
Reports.

SEC. 118. None of the funds made available by this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the Federal Aviation Administration provides to the House and Senate Committees on Appropriations a report that justifies all fees related to aeronautical navigation products and explains how such fees are consistent with Executive Order No. 13642.

Advance notice.

SEC. 119. None of the funds made available by this Act may be used to close a regional operations center of the Federal Aviation

Administration or reduce its services unless the Administrator notifies the House and Senate Committees on Appropriations not less than 90 full business days in advance.

New Jersey.

SEC. 119A. None of the funds made available by or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

Determination.

SEC. 119B. None of the funds made available by this Act may be used by the Administrator of the Federal Aviation Administration to withhold from consideration and approval any new application for participation in the Contract Tower Program, or for reevaluation of Cost-share Program participants so long as the Federal Aviation Administration has received an application from the airport, and so long as the Administrator determines such tower is eligible using the factors set forth in Federal Aviation Administration published establishment criteria.

Reprogramming request.

SEC. 119C. None of the funds made available by this Act may be used to open, close, redesignate as a lesser office, or reorganize a regional office, the aeronautical center, or the technical center unless the Administrator submits a request for the reprogramming of funds under section 405 of this Act.

Reimbursement.

SEC. 119D. The Federal Aviation Administration Administrative Services Franchise Fund may be reimbursed after performance or paid in advance from funds available to the Federal Aviation Administration and other Federal agencies for which the Fund performs services.

Time periods.

SEC. 119E. None of the funds appropriated or otherwise made available to the FAA may be used to carry out the FAA's obligations under section 44502(e) of title 49, United States Code, unless the eligible air traffic system or equipment to be transferred to the FAA under section 44502(e) of title 49, United States Code, was purchased by the transferor airport—

(1) during the period of time beginning on October 5, 2018 and ending on December 31, 2021; or

(2) on or after January 1, 2022 for transferor airports located in a non-contiguous States.

Reimbursement.
President.

SEC. 119F. Of the funds provided under the heading "Grants-in-aid for Airports", up to $3,500,000 shall be for necessary expenses, including an independent verification regime, to provide reimbursement to airport sponsors that do not provide gateway operations and providers of general aviation ground support services, or other aviation tenants, located at those airports closed during a temporary flight restriction (TFR) for any residence of the President that is designated or identified to be secured by the United States Secret Service, and for direct and incremental financial losses incurred while such airports are closed solely due to the actions of the Federal Government: *Provided,* That no funds shall be obligated or distributed to airport sponsors that do not provide gateway operations and providers of general aviation ground support services until an independent audit is completed: *Provided further,* That losses incurred as a result of violations of law, or through fault or negligence, of such operators and service providers or of third parties (including airports) are not eligible for reimbursements: *Provided further,* That obligation and expenditure of funds are conditional upon full release of the United States Government for all claims for financial losses resulting from such actions.

Audit.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $473,535,991 together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration: *Provided,* That in addition, $3,248,000 shall be transferred to the Appalachian Regional Commission in accordance with section 104(a) of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Funds available for the implementation or execution of authorized Federal-aid highway and highway safety construction programs shall not exceed total obligations of $58,764,510,674 for fiscal year 2023: *Provided,* That the limitation on obligations under this heading shall only apply to contract authority authorized from the Highway Trust Fund (other than the Mass Transit Account), unless otherwise specified in law.

23 USC 104 note.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying out authorized Federal-aid highway and highway safety construction programs, $59,503,510,674 shall be derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

HIGHWAY INFRASTRUCTURE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

There is hereby appropriated to the Secretary $3,417,811,613: *Provided,* That the funds made available under this heading shall be derived from the general fund, shall be in addition to any funds provided for fiscal year 2023 in this or any other Act for: (1) "Federal-aid Highways" under chapter 1 of title 23, United States Code; (2) the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240; (3) the nationally significant Federal lands and Tribal projects program under section 1123 of the FAST Act, as amended (23 U.S.C. 201 note); (4) the Northern Border Regional Commission (40 U.S.C. 15101 et seq.); or (5) the Denali Commission, and shall not affect the distribution or amount of funds provided in any other Act: *Provided further,* That, except for funds made available under this heading for the Northern Border Regional Commission and the

Applicability.

Denali Commission, section 11101(e) of Public Law 117–58 shall apply to funds made available under this heading: *Provided further,* That unless otherwise specified, amounts made available under this heading shall be available until September 30, 2026, and shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act making annual appropriations: *Provided further,* That of the sums appropriated under this heading—

(1) $1,862,811,613 shall be for the purposes, and in the amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled "Community Project Funding/Congressionally Directed Spending" included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That, except as otherwise provided under this heading, the funds made available under this paragraph shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That funds made available under this paragraph that are used for Tribal projects shall be administered as if allocated under chapter 2 of title 23, United States Code, except that the set-asides described in subparagraph (C) of section 202(b)(3) of title 23, United States Code, and subsections (a)(6), (c), and (e) of section 202 of such title, and section 1123(h)(1) of MAP–21 (as amended by Public Law 117–58), shall not apply to such funds;

(2) $100,000,000 shall be for necessary expenses for construction of the Appalachian Development Highway System, as authorized under section 1069(y) of Public Law 102–240: *Provided,* That for the purposes of funds made available under this paragraph, the term "Appalachian State" means a State that contains 1 or more counties (including any political subdivision located within the area) in the Appalachian region as defined in section 14102(a) of title 40, United States Code: *Provided further,* That funds made available under this heading for construction of the Appalachian Development Highway System shall remain available until expended: *Provided further,* That, except as provided in the following proviso, funds made available under this heading for construction of the Appalachian Development Highway System shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further,* That a project carried out with funds made available under this heading for construction of the Appalachian Development Highway System shall be carried out in the same manner as a project under section 14501 of title 40, United States Code: *Provided further,* That subject to the following proviso, funds made available under this heading for construction of the Appalachian Development Highway System shall be apportioned to Appalachian States according to the percentages derived from the 2012 Appalachian Development Highway System Cost-to-Complete Estimate, adopted in Appalachian Regional Commission Resolution Number 736, and confirmed as each Appalachian State's relative share of the estimated remaining need to complete the Appalachian Development Highway System, adjusted to exclude those corridors that such States have no current plans to complete, as reported in the 2013 Appalachian Development Highway System Completion Report, unless those States have modified and assigned a higher

Definition.

priority for completion of an Appalachian Development Highway System corridor, as reported in the 2020 Appalachian Development Highway System Future Outlook: *Provided further,* That the Secretary shall adjust apportionments made under the preceding proviso so that no Appalachian State shall be apportioned an amount in excess of 30 percent of the amount made available for construction of the Appalachian Development Highway System under this heading: *Provided further,* That the Secretary shall consult with the Appalachian Regional Commission in making adjustments under the preceding two provisos: *Provided further,* That the Federal share of the costs for which an expenditure is made for construction of the Appalachian Development Highway System under this heading shall be up to 100 percent;

Apportionments.

Consultation.

(3) $40,000,000 shall be for the nationally significant Federal lands and Tribal projects program under section 1123 of the FAST Act (23 U.S.C. 201 note), of which not less than $20,000,000 shall be for competitive grants to tribal governments;

(4) $12,000,000 shall be for the regional infrastructure accelerator demonstration program authorized under section 1441 of the FAST Act (23 U.S.C. 601 note): *Provided,* That for funds made available under this paragraph, the Federal share of the costs shall be, at the option of the recipient, up to 100 percent;

(5) $20,000,000 shall be for the national scenic byways program under section 162 of title 23, United States Code: *Provided,* That, except as otherwise provided under this heading, the funds made available under this paragraph shall be administered as if apportioned under chapter 1 of title 23, United States Code;

(6) $45,000,000 shall be for the active transportation infrastructure investment program under section 11529 of the Infrastructure Investment and Jobs Act (23 U.S.C. 217 note): *Provided,* That except as otherwise provided under such section or this heading, the funds made available under this paragraph shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further,* That funds made available under this paragraph shall remain available until expended;

Apportionment.

(7) $3,000,000 shall be to carry out the Pollinator-Friendly Practices on Roadsides and Highway Rights-of-Way Program under section 332 of title 23, United States Code;

(8) $5,000,000 shall be for a cooperative series of agreements with universities, Federal agencies, the National Academy of Sciences, transportation agencies, or nonprofit organizations, to examine the impacts of culverts, roads, and bridges on threatened or endangered salmon populations: *Provided,* That, for funds made available under this paragraph, the Federal share of the costs of an activity carried out with such funds shall be 80 percent: *Provided further,* That, except as otherwise provided under this heading, the funds made available under this paragraph shall be administered as if authorized under chapter 5 of title 23, United States Code;

(9) $1,145,000,000 shall be for a bridge replacement and rehabilitation program: *Provided,* That, for the purposes of funds made available under this paragraph, the term "State"

Definitions.

means any of the 50 States or the District of Columbia and the term "qualifying State" means any State in which the percentage of total deck area of bridges classified as in poor condition in such State is at least 5 percent or in which the percentage of total bridges classified as in poor condition in such State is at least 5 percent: *Provided further,* That, of the funds made available under this paragraph, the Secretary shall reserve $6,000,000 for each State that does not meet the definition of a qualifying State: *Provided further,* That, after making the reservations under the preceding proviso, the Secretary shall distribute the remaining funds made available under this paragraph to each qualifying State by the proportion that the percentage of total deck area of bridges classified as in poor condition in such qualifying State bears to the sum of the percentages of total deck area of bridges classified as in poor condition in all qualifying States: *Provided further,* That, of the funds made available under this paragraph—

Distribution.

(A) no qualifying State shall receive more than $60,000,000;

(B) each State shall receive an amount not less than $6,000,000; and

(C) after calculating the distribution of funds pursuant to the preceding proviso, any amount in excess of $60,000,000 shall be redistributed equally among each State that does not meet the definition of a qualifying State:

Provided further, That the funds made available under this paragraph shall be used for highway bridge replacement or rehabilitation projects on public roads: *Provided further,* That for purposes of this paragraph, the Secretary shall calculate the percentages of total deck area of bridges (including the percentages of total deck area classified as in poor condition) and the percentages of total bridge counts (including the percentages of total bridges classified as in poor condition) based on the National Bridge Inventory as of December 31, 2018: *Provided further,* That, except as otherwise provided under this heading, the funds made available under this paragraph shall be administered as if apportioned under chapter 1 of title 23, United States Code;

Calculation.

Apportionment.

(10) $15,000,000 shall be transferred to the Northern Border Regional Commission (40 U.S.C. 15101 et seq.) to make grants, in addition to amounts otherwise made available to the Northern Border Regional Commission for such purpose, to carry out pilot projects that demonstrate the capabilities of wood-based infrastructure projects: *Provided,* That a grant made with funds made available under this paragraph shall be administered in the same manner as a grant made under subtitle V of title 40, United States Code;

(11) $150,000,000 shall be for competitive awards for activities eligible under section 176(d)(4) of title 23, United States Code, of which $125,000,000 shall be for such activities eligible under subparagraph (A) of such section, and of which $25,000,000 shall be for such activities eligible under subparagraph (C) of such section: *Provided,* That, except as otherwise provided under this heading, the funds made available under this paragraph shall be administered as if apportioned under

Apportionment.

chapter 1 of title 23, United States Code: *Provided further,* That, except as otherwise provided under this heading, funds made available under this paragraph shall be administered as if made available to carry out section 176(d) of such title: *Provided further,* That, for purposes of the calculation under section 176(d)(5)(G)(ii) of such title, amounts made available under this paragraph shall be included in the calculation of the total amount provided for fiscal year 2023 under section 176(d) of such title: *Provided further,* That for purposes of applying the set-asides under section 176(d)(5)(H)(ii) and (iii) of such title, amounts made available under this paragraph for competitive awards for activities eligible under sections 176(d)(4)(A) and 176(d)(4)(C) of such title shall be included in the calculation of the amounts made available to carry out section 176(d) of such title for fiscal year 2023: *Provided further,* That, the Secretary may retain not more than a total of 5 percent of the amounts made available under this paragraph to carry out this paragraph and to review applications for grants under this paragraph, and may transfer portions of the funds retained under this proviso to the relevant Administrators to fund the award and oversight of grants provided under this paragraph: *Provided further,* That a project assisted with funds made available under this paragraph shall be treated as a project on a Federal-aid highway;

Applicability.

(12) $5,000,000 shall be transferred to the Denali Commission for activities eligible under section 307(e) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277): *Provided,* That funds made available under this paragraph shall not be subject to section 311 of such Act: *Provided further,* That except as otherwise provided under section 307(e) of such Act or this heading, funds made available under this paragraph shall be administered as if directly appropriated to the Denali Commission and subject to applicable provisions of such Act, including the requirement in section 307(e) of such Act that the local community provides a 10 percent non-Federal match in the form of any necessary land or planning and design funds: *Provided further,* That such funds shall be available until expended: *Provided further,* That the Federal share of the costs for which an expenditure is made with funds transferred under this paragraph shall be up to 90 percent; and

(13) $15,000,000 shall be transferred to the Denali Commission to carry out the Denali Access System Program under section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277): *Provided,* That a transfer under this paragraph shall not be subject to section 311 of such Act: *Provided further,* That except as otherwise provided under this heading, funds made available under this paragraph shall be administered as if directly appropriated to the Denali Commission and subject to applicable provisions of such Act: *Provided further,* That funds made available under this paragraph shall not be subject to section 309(j)(2) of such Act: *Provided further,* That funds made available under this paragraph shall be available until expended: *Provided further,* That the Federal share of the costs for which an expenditure is made with funds transferred under this paragraph shall be up to 100 percent.

23 USC 104 note.

SEC. 120. (a) For fiscal year 2023, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under section 202 or 204 of title 23, United States Code); and

(B) for which obligation limitation was provided in a previous fiscal year;

Determination.

(3) determine the proportion that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

Distribution.
Applicability.

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under authorized Federal-aid highway and highway safety construction programs, or apportioned by the Secretary under section 202 or 204 of title 23, United States Code, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

Distribution.

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that are exempt from

the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years); Time period.

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to $639,000,000 for each of those fiscal years); Time period.

(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2023, only in an amount equal to $639,000,000). Time period.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year— Effective date.

(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and Revision.

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment

of Public Law 112–141) and 104 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code;

(B) title VI of the Fixing America's Surface Transportation Act; and

(C) title III of division A of the Infrastructure Investment and Jobs Act (Public Law 117–58).

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

Time period.

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

Deadline.

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

Determination.

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

Reimbursement.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses.

Deadline.
Waivers.
Public information.
Notice.
23 USC 313 note.
Web posting.

SEC. 122. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided,* That the Secretary shall post on a website any waivers granted under the Buy America requirements.

Grants.
Deadline.
Notifications.
Evaluation.

SEC. 123. None of the funds made available in this Act may be used to make a grant for a project under section 117 of title 23, United States Code, unless the Secretary, at least 60 days

before making a grant under that section, provides written notification to the House and Senate Committees on Appropriations of the proposed grant, including an evaluation and justification for the project and the amount of the proposed grant award.

SEC. 124. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation: *Provided,* That the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of its intent to use its authority under this section and submits an annual report to the Secretary identifying the projects to which the funding would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall remain available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.

Notification. Reports.

Time period.

(b) In this section, the term "earmarked amount" means—

Definition. Time period.

(1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration; or

(2) a congressional earmark, as defined in rule XXI of the Rules of the House of Representatives, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration.

(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10 percent of the amount made available for obligation as of October 1 of the current fiscal year, and shall be applied to projects within the same general geographic area within 25 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.

Effective date. Applicability. Certifications.

(d) The Secretary shall submit consolidated reports of the information provided by the States and territories annually to the House and Senate Committees on Appropriations.

Reports.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations

and programs pursuant to section 31110 of title 49, United States Code, as amended by the Infrastructure Investment and Jobs Act (Public Law 117–58), $367,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided,* That funds available for implementation, execution, or administration of motor carrier safety operations and programs authorized under title 49, United States Code, shall not exceed total obligations of $367,500,000, for "Motor Carrier Safety Operations and Programs" for fiscal year 2023, of which $14,073,000, to remain available for obligation until September 30, 2025, is for the research and technology program, and of which not less than $63,098,000, to remain available for obligation until September 30, 2025, is for development, modernization, enhancement, and continued operation and maintenance of information technology and information management.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31103, 31104, and 31313 of title 49, United States Code, $506,150,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided,* That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of $506,150,000 in fiscal year 2023 for "Motor Carrier Safety Grants": *Provided further,* That of the amounts made available under this heading—

(1) $398,500,000, to remain available for obligation until September 30, 2024, shall be for the motor carrier safety assistance program;

(2) $42,650,000, to remain available for obligation until September 30, 2024, shall be for the commercial driver's license program implementation program;

(3) $58,800,000, to remain available for obligation until September 30, 2024, shall be for the high priority program;

(4) $1,200,000, to remain available for obligation until September 30, 2024, shall be for the commercial motor vehicle operators grant program; and

(5) $5,000,000, to remain available for obligation until September 30, 2024, shall be for the commercial motor vehicle enforcement training and support grant program.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Notice.
Mail.

SEC. 130. The Federal Motor Carrier Safety Administration shall send notice of section 385.308 of title 49, Code of Federal Regulations, violations by certified mail, registered mail, or another manner of delivery, which records the receipt of the notice by the persons responsible for the violations.

SEC. 131. The Federal Motor Carrier Safety Administration shall update annual inspection regulations under Appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations, as recommended by GAO–19–264.

Update. Regulations. 49 USC 31142 note.

SEC. 132. None of the funds appropriated or otherwise made available to the Department of Transportation by this Act or any other Act may be obligated or expended to implement, administer, or enforce the requirements of section 31137 of title 49, United States Code, or any regulation issued by the Secretary pursuant to such section, with respect to the use of electronic logging devices by operators of commercial motor vehicles, as defined in section 31132(1) of such title, transporting livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) or insects.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety, authorized under chapter 301 and part C of subtitle VI of title 49, United States Code, $210,000,000, to remain available through September 30, 2024.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 403 of title 23, United States Code, including behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, section 25024 of the Infrastructure Investment and Jobs Act (Public Law 117–58), and chapter 303 of title 49, United States Code, $197,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2023, are in excess of $197,000,000: *Provided further,* That of the sums appropriated under this heading—

(1) $190,000,000 shall be for programs authorized under section 403 of title 23, United States Code, including behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, and section 25024 of the Infrastructure Investment and Jobs Act (Public Law 117–58); and

(2) $7,000,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: *Provided further,* That within the $197,000,000 obligation limitation for operations and research, $57,500,000 shall remain available until September 30, 2024, and shall be in addition to the amount of any limitation imposed on obligations for future years: *Provided*

further, That amounts for behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls are in addition to any other funds provided for those purposes for fiscal year 2023 in this Act.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of sections 402, 404, and 405 of title 23, United States Code, and grant administration expenses under chapter 4 of title 23, United States Code, to remain available until expended, $795,220,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs for which the total obligations in fiscal year 2023 are in excess of $795,220,000 for programs authorized under sections 402, 404, and 405 of title 23, United States Code, and grant administration expenses under chapter 4 of title 23, United States Code: *Provided further,* That of the sums appropriated under this heading—

(1) $370,900,000 shall be for "Highway Safety Programs" under section 402 of title 23, United States Code;

(2) $346,500,000 shall be for "National Priority Safety Programs" under section 405 of title 23, United States Code;

(3) $38,300,000 shall be for the "High Visibility Enforcement Program" under section 404 of title 23, United States Code; and

(4) $39,520,000 shall be for grant administrative expenses under chapter 4 of title 23, United States Code:

Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further,* That not to exceed $500,000 of the funds made available for "National Priority Safety Programs" under section 405 of title 23, United States Code, for "Impaired Driving Countermeasures" (as described in subsection (d) of that section) shall be available for technical assistance to the States: *Provided further,* That with respect to the "Transfers" provision under section 405(a)(8) of title 23, United States Code, any amounts transferred to increase the amounts made available under section 402 shall include the obligation authority for such amounts: *Provided further,* That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the preceding proviso or under section 405(a)(8) of title 23, United States Code, within 5 days.

Notification. Deadline.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. An additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the

amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act or any other Act shall be used to enforce the requirements of section 405(a)(9) of title 23, United States Code.

SEC. 143. Section 24220 of the Infrastructure Investment and Jobs Act (Public Law 117–58) is amended by adding at the end the following:

49 USC 30111 note.

"(f) SHORT TITLE.—This section may be cited as the 'Honoring the Abbas Family Legacy to Terminate Drunk Driving Act'.".

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $250,449,000, of which $25,000,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $44,000,000, to remain available until expended: *Provided,* That of the amounts provided under this heading, up to $3,000,000 shall be available pursuant to section 20108(d) of title 49, United States Code, for the construction, alteration, and repair of buildings and improvements at the Transportation Technology Center.

FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER RAIL

For necessary expenses related to Federal-State Partnership for Intercity Passenger Rail grants as authorized by section 24911 of title 49, United States Code, $100,000,000, to remain available until expended: *Provided,* That the Secretary may withhold up to 2 percent of the amounts made available under this heading in this Act for the costs of award and project management oversight of grants carried out under title 49, United States Code.

CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to Consolidated Rail Infrastructure and Safety Improvements grants, as authorized by section 22907 of title 49, United States Code, $535,000,000, to remain available until expended: *Provided,* That of the amounts made available under this heading in this Act—

(1) not less than $150,000,000 shall be for projects eligible under section 22907(c)(2) of title 49, United States Code, that support the development of new intercity passenger rail service routes including alignments for existing routes;

(2) not less than $25,000,000 shall be for projects eligible under section 22907(c)(11) of title 49, United States Code: *Provided,* That for amounts made available in this paragraph, the Secretary shall give preference to projects that are located in counties with the most pedestrian trespasser casualties;

(3) $5,000,000 shall be for preconstruction planning activities and capital costs related to the deployment of magnetic levitation transportation projects;

(4) $30,426,000 shall be made available for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled "Community Project Funding/Congressionally Directed Spending" included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That requirements under subsections (g) and (l) of section 22907 of title 49, United States Code, shall not apply to this paragraph: *Provided further,* That any remaining funds available after the distribution of the Community Project Funding/Congressionally Directed Spending described in this paragraph shall be available to the Secretary to distribute as discretionary grants under this heading; and

Distribution.

(5) not less than $5,000,000 shall be available for workforce development and training activities as authorized under section 22907(c)(13) of title 49, United States Code:

Provided further, That for amounts made available under this heading in this Act, eligible projects under section 22907(c)(8) of title 49, United States Code, shall also include railroad systems planning (including the preparation of regional intercity passenger rail plans and State Rail Plans) and railroad project development activities (including railroad project planning, preliminary engineering, design, environmental analysis, feasibility studies, and the development and analysis of project alternatives): *Provided further,* That section 22905(f) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act for projects that implement or sustain positive train control systems otherwise eligible under section 22907(c)(1) of title 49, United States Code: *Provided further,* That amounts made available under this heading in this Act for projects selected for commuter rail passenger transportation may be transferred by the Secretary, after selection, to the appropriate agencies to be administered in accordance with chapter 53 of title 49, United States Code: *Provided further,* That for amounts made available under this heading in this Act, eligible recipients under section 22907(b)(7) of title 49, United States Code, shall include any holding company of a Class II railroad or Class III railroad (as those terms are defined in section 20102 of title 49, United States Code): *Provided further,* That section 22907(e)(1)(A) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: *Provided further,* That section 22907(e)(1)(A) of title 49, United States Code, shall not apply to amounts made available under this heading in previous fiscal years if such funds are announced in a notice of funding opportunity that includes funds made available under this heading in this Act: *Provided further,* That the preceding proviso shall not apply to funds made available under this heading in the Infrastructure Investment and Jobs Act (division J of Public Law 117–58): *Provided further,* That unobligated balances remaining after 6 years from the date of enactment of this

Time period.

Act may be used for any eligible project under section 22907(c) of title 49, United States Code: *Provided further,* That the Secretary may withhold up to 2 percent of the amounts made available under this heading in this Act for the costs of award and project management oversight of grants carried out under title 49, United States Code.

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor as authorized by section 22101(a) of the Infrastructure Investment and Jobs Act (Public Law 117–58), $1,260,000,000, to remain available until expended: *Provided,* That the Secretary may retain up to one-half of 1 percent of the amounts made available under both this heading in this Act and the "National Network Grants to the National Railroad Passenger Corporation" heading in this Act to fund the costs of project management and oversight of activities authorized by section 22101(c) of the Infrastructure Investment and Jobs Act (Public Law 117–58): *Provided further,* That in addition to the project management oversight funds authorized under section 22101(c) of the Infrastructure Investment and Jobs Act (Public Law 117–58), the Secretary may retain up to an additional $5,000,000 of the amounts made available under this heading in this Act to fund expenses associated with the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 22101(b) of the Infrastructure Investment and Jobs Act (division B of Public Law 117–58), $1,193,000,000, to remain available until expended: *Provided,* That the Secretary may retain up to an additional $3,000,000 of the funds provided under this heading in this Act to fund expenses associated with the State-Supported Route Committee established under section 24712 of title 49, United States Code: *Provided further,* That at least $50,000,000 of the amount provided under this heading in this Act shall be available for the development, installation and operation of railroad safety improvements, including the implementation of a positive train control system, on State-supported routes as defined under section 24102(13) of title 49, United States Code, on which positive train control systems are not required by law or regulation as identified on or before the date of enactment of this Act: *Provided further,* That any unexpended balances from amounts provided under this heading in this Act and in prior fiscal years for the development, installation and operation of railroad safety technology on State-supported routes on which positive train control systems are not required by law or regulation shall also be available for railroad safety improvements on State-supported routes as identified on or before the date of enactment of Public Law 117–103: *Provided further,* That none of the funds provided under this heading in this Act shall be used by Amtrak to give notice under subsection

(a) or (c) of section 24706 of title 49, United States Code, with respect to long-distance routes (as defined in section 24102 of title 49, United States Code) on which Amtrak is the sole operator on a host railroad's line and a positive train control system is not required by law or regulation, or, except in an emergency or during maintenance or construction outages impacting such routes, to otherwise discontinue, reduce the frequency of, suspend, or substantially alter the route of rail service on any portion of such route operated in fiscal year 2018, including implementation of service permitted by section 24305(a)(3)(A) of title 49, United States Code, in lieu of rail service: *Provided further,* That the National Railroad Passenger Corporation may use up to $66,000,000 of the amounts made available under this heading in this Act to support planning and capital costs, and operating assistance consistent with the Federal funding limitations under section 22908 of title 49, United States Code, of corridors selected under section 25101 of title 49, United States Code, that are operated by the National Railroad Passenger Corporation.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

(INCLUDING RESCISSION)

(INCLUDING TRANSFER OF FUNDS)

SEC. 150. None of the funds made available by this Act may be used by the National Railroad Passenger Corporation in contravention of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

SEC. 151. The amounts made available to the Secretary or to the Federal Railroad Administration for the costs of award, administration, and project management oversight of financial assistance which are administered by the Federal Railroad Administration, in this and prior Acts, may be transferred to the Federal Railroad Administration's "Financial Assistance Oversight and Technical Assistance" account for the necessary expenses to support the award, administration, project management oversight, and technical assistance of financial assistance administered by the Federal Railroad Administration, in the same manner as appropriated for in this and prior Acts: *Provided,* That this section shall not apply to amounts that were previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 152. Amounts made available under the heading "Department of Transportation—Federal Railroad Administration—Restoration and Enhancement" in any prior fiscal years are subject to the requirements of section 22908 of title 49, United States Code, as in effect on the effective date of the Infrastructure Investment and Jobs Act (Public Law 117–58).

SEC. 153. Section 802 of title VIII of division J of Public Law 117–58 is amended— 135 Stat. 1437.

(1) in the first proviso, by inserting "that could be" after "amounts"; and

(2) in the second proviso, by inserting "that could be" after "amounts":

Provided, That amounts repurposed by the amendments made by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress) as engrossed in the House of Representatives on June 8, 2022.

SEC. 154. Of the unobligated balances of funds remaining from—

(1) "Rail Line Relocation and Improvement Program" account totaling $1,811,124.16 appropriated by Public Law 112–10 is hereby permanently rescinded; and

(2) "Railroad Safety Grants" account totaling $1,610,000.00 appropriated by Public Law 114–113 is hereby permanently rescinded.

SEC. 155. None of the funds made available to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of $35,000 for any individual employee: *Provided,* That the President of Amtrak may waive the cap set in the preceding proviso for specific employees when the President of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: *Provided further,* That the President of Amtrak shall report to the House and Senate Committees on Appropriations no later than 60 days after the date of enactment of this Act, a summary of all overtime payments incurred by Amtrak for 2022 and the 3 prior calendar years: *Provided further,* That such summary shall include the total number of employees that received waivers and the total overtime payments Amtrak paid to employees receiving waivers for each month for 2022 and for the 3 prior calendar years.

Overtime.
Amtrak.
Waiver authority.
Determination.

Reports.
Summary.
Time period.

SEC. 156. None of the funds made available to the National Railroad Passenger Corporation under the headings "Northeast Corridor Grants to the National Railroad Passenger Corporation" and "National Network Grants to the National Railroad Passenger Corporation" may be used to reduce the total number of Amtrak Police Department uniformed officers patrolling on board passenger trains or at stations, facilities or rights-of-way below the staffing level on May 1, 2019.

SEC. 157. It is the sense of Congress that—

(1) long-distance passenger rail routes provide much-needed transportation access for 4,700,000 riders in 325 communities in 40 States and are particularly important in rural areas; and

(2) long-distance passenger rail routes and services should be sustained to ensure connectivity throughout the National Network (as defined in section 24102 of title 49, United States Code).

SEC. 158. State-supported routes operated by Amtrak. Section 24712(a) of title 49, United States Code, is hereby amended by inserting after section 24712(a)(7) the following—

"(8) STAFFING.—The Committee may—

"(A) appoint, terminate, and fix the compensation of an executive director and other Committee employees necessary for the Committee to carry out its duties; and

"(B) enter into contracts necessary to carry out its duties, including providing Committee employees with retirement and other employee benefits under the condition that Non-Federal members or officers, the executive director, and employees of the Committee are not Federal employees for any purpose.

"(9) AUTHORIZATION OF APPROPRIATIONS.—Amounts made available by the Secretary of Transportation for the Committee may be used to carry out this section.".

SEC. 159. For an additional amount for "Consolidated Rail Infrastructure and Safety Improvements", $25,000,000, to remain available until expended, for projects selected in response to the Notice of Funding Opportunity published by the Federal Railroad Administration on August 19, 2019 (84 FR 42979), and where a grant for the project was obligated after June 1, 2021 and remains open: *Provided,* That sponsors of projects eligible for funds made available under this heading in this section shall provide sufficient written justification describing, at a minimum, the current project cost estimate, why the project cannot be completed with the obligated grant amount, and any other relevant information, as determined by the Secretary: *Provided further,* That funds made available under this section shall be allocated to projects eligible to receive funding under this section in order of the date the grants were obligated: *Provided further,* That the allocation under the preceding proviso will be for the amounts necessary to cover increases to eligible project costs since the grant was obligated, based on the information provided: *Provided further,* That the amounts made available under this section shall not be part of the Federal share of total project costs under section 22907(h)(2) of title 49, United States Code: *Provided further,* That the Federal Railroad Administration shall provide the amounts allocated to projects under this section no later than 90 days after the date the sufficient written justifications required under this section have been submitted.

Determination.

Allocation.

Deadline.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT FORMULA GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337, 5339, and 5340, as amended by the Infrastructure Investment and Jobs Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, $13,634,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided,* That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337, 5339, and 5340, as amended by the Infrastructure Investment and Jobs Act, section

20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, shall not exceed total obligations of $13,634,000,000 in fiscal year 2023.

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for buses and bus facilities grants under section 5339(b) of title 49, United States Code, low or no emission grants under section 5339(c) of such title, ferry boats grants under section 5307(h) of such title, bus testing facilities under section 5318 of such title, innovative mobility solutions grants under section 5312 of such title, accelerating innovative mobility initiative grants under section 5312 of such title, accelerating the adoption of zero emission buses under section 5312 of such title, Community Project Funding/Congressionally Directed Spending for projects and activities eligible under chapter 53 of such title, and ferry service for rural communities under section 71103 of division G of Public Law 117–58, $541,959,324, to remain available until expended: *Provided,* That of the sums provided under this heading in this Act—

(1) $90,000,000 shall be available for buses and bus facilities competitive grants as authorized under section 5339(b) of such title;

(2) $50,000,000 shall be available for the low or no emission grants as authorized under section 5339(c) of such title: *Provided*, That the minimum grant award shall be not less than $750,000;

(3) $15,000,000 shall be available for ferry boat grants as authorized under section 5307(h) of such title: *Provided*, That of the amounts provided under this paragraph, no less than $5,000,000 shall be available for low or zero emission ferries or ferries using electric battery or fuel cell components and the infrastructure to support such ferries;

(4) $2,000,000 shall be available for the operation and maintenance of the bus testing facilities selected under section 5318 of such title;

(5) $360,459,324 shall be available for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled "Community Project Funding/Congressionally Directed Spending" included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That unless otherwise specified, applicable requirements under chapter 53 of title 49, United States Code, shall apply to amounts made available in this paragraph, except that the Federal share of the costs for a project in this paragraph shall be in an amount equal to 80 percent of the net costs of the project, unless the Secretary approves a higher maximum Federal share of the net costs of the project consistent with administration of similar projects funded under chapter 53 of title 49, United States Code;

Applicability. Approval.

(6) $17,500,000 shall be available for ferry service for rural communities under section 71103 of division G of Public Law 117–58: *Provided,* That for amounts made available in this paragraph, notwithstanding section 71103(a)(2)(B), eligible service shall include passenger ferry service that serves at least two rural areas with a single segment over 20 miles

between the two rural areas and is not otherwise eligible under section 5307(h) of title 49, United States Code: *Provided further,* That entities that provide eligible service pursuant to the preceding proviso may use amounts made available in this paragraph for public transportation capital projects to support any ferry service between two rural areas: *Provided further,* That entities eligible for amounts made available in this paragraph shall only provide ferry service to rural areas;

(7) $1,000,000 shall be available for the demonstration and deployment of innovative mobility solutions as authorized under section 5312 of title 49, United States Code: *Provided,* That such amounts shall be available for competitive grants or cooperative agreements for the development of software to facilitate the provision of demand-response public transportation service that dispatches public transportation fleet vehicles through riders mobile devices or other advanced means: *Provided further,* That the Secretary shall evaluate the potential for software developed with grants or cooperative agreements to be shared for use by public transportation agencies;

Evaluation.

(8) $1,000,000 shall be for the accelerating innovative mobility initiative as authorized under section 5312 of title 49, United States Code: *Provided,* That such amounts shall be available for competitive grants to improve mobility and enhance the rider experience with a focus on innovative service delivery models, creative financing, novel partnerships, and integrated payment solutions in order to help disseminate proven innovation mobility practices throughout the public transportation industry; and

(9) $5,000,000 shall be available to support technical assistance, research, demonstration, or deployment activities or projects to accelerate the adoption of zero emission buses in public transit as authorized under section 5312 of title 49, United States Code:

Provided further, That amounts made available under this heading in this Act shall be derived from the general fund: *Provided further,* That amounts made available under this heading in this Act shall not be subject to any limitation on obligations for transit programs set forth in this or any other Act.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out section 5314 of title 49, United States Code, $7,500,000, to remain available until September 30, 2024: *Provided,* That the assistance provided under this heading does not duplicate the activities of section 5311(b) or section 5312 of title 49, United States Code: *Provided further,* That amounts made available under this heading are in addition to any other amounts made available for such purposes: *Provided further,* That amounts made available under this heading shall not be subject to any limitation on obligations set forth in this or any other Act.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out fixed guideway capital investment grants under section 5309 of title 49, United States Code, and section 3005(b) of the Fixing America's Surface Transportation Act (Public Law 114–94), $2,210,000,000, to remain available

until expended: *Provided,* That of the sums appropriated under this heading in this Act—

(1) $1,772,900,000 shall be available for projects authorized under section 5309(d) of title 49, United States Code;

(2) $100,000,000 shall be available for projects authorized under section 5309(e) of title 49, United States Code;

(3) $215,000,000 shall be available for projects authorized under section 5309(h) of title 49, United States Code; and

(4) $100,000,000 shall be available for projects authorized under section 3005(b) of the Fixing America's Surface Transportation Act:

Provided further, That the Secretary shall continue to administer the capital investment grants program in accordance with the procedural and substantive requirements of section 5309 of title 49, United States Code, and of section 3005(b) of the Fixing America's Surface Transportation Act: *Provided further,* That projects that receive a grant agreement under the Expedited Project Delivery for Capital Investment Grants Pilot Program under section 3005(b) of the Fixing America's Surface Transportation Act shall be deemed eligible for funding provided for projects under section 5309 of title 49, United States Code, without further evaluation or rating under such section: *Provided further,* That such funding shall not exceed the Federal share under section 3005(b): *Provided further,* That upon submission to the Congress of the fiscal year 2024 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on capital investment grants, including proposed allocations for fiscal year 2024.

Continuation.

Reports.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), $150,000,000, to remain available until expended: *Provided,* That the Secretary of Transportation shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further,* That the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system before approving such grants.

Determination.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the heading "Capital Investment Grants" of the Federal Transit Administration for projects specified in this Act not obligated by September 30, 2026, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

Deadline.

Transfer authority.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2022, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. None of the funds made available by this Act or any other Act shall be used to adjust apportionments or withhold funds from apportionments pursuant to section 9503(e)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(e)(4)).

SEC. 164. None of the funds made available by this Act or any other Act shall be used to impede or hinder project advancement or approval for any project seeking a Federal contribution from the capital investment grants program of greater than 40 percent of project costs as authorized under section 5309 of title 49, United States Code.

SEC. 165. For an additional amount for "Department of Transportation—Federal Transit Administration—Capital Investment Grants", $425,000,000, to remain available until expended, for allocation to recipients with existing full funding grant agreements under sections 5309(d) and 5309(e) of title 49, United States Code: *Provided,* That allocations shall be made only to recipients—

Allocations.

(1) that have received allocations for fiscal year 2022 or that have expended 100 percent of the funds allocated under section 3401(b)(4) of the American Rescue Plan Act of 2021 (Public Law 117–2); and

Time period.

(2) that have a non-capital investment grant share of at least $800,000,000 and either a capital investment grant share of 40 percent or less or signed a full funding grant agreement between January 20, 2017 and January 20, 2021; and

(3) that have expended at least 75 percent of the allocations received under paragraph (4) of section 3401(b) of the American Rescue Plan Act of 2021 (Public Law 117–2) or expended at least 50 percent of the Federal operating assistance allocations received under section 5307 of title 49, United States Code, in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (division M of Public Law 116–260), or the American Rescue Plan Act of 2021 (Public Law 117–2):

Provided further, That recipients with projects open for revenue service shall not be eligible to receive an allocation of funding under this section: *Provided further,* That amounts shall be provided to recipients proportionally based on the non-capital investment grant share of the project: *Provided further,* That no project may receive an allocation of more than 15 percent of the total amount in this section: *Provided further,* That the Secretary shall proportionally distribute funds in excess of such 15 percent to recipients for which the percent of funds does not exceed 15 percent: *Provided further,* That amounts allocated pursuant to this section shall be provided to eligible recipients notwithstanding the limitation of any calculation of the maximum amount of Federal financial assistance for the project under section 5309(k)(2)(C)(ii) of title 49, United States Code: *Provided further,* That the Federal Transit Administration shall allocate amounts under this section no later than 30 days after the date of enactment of this Act.

Distribution.

Allocation. Deadline.

SEC. 166. (a) The remaining unobligated balances, as of September 30, 2023, from amounts made available to the Department

of Transportation in section 422 under title IV of division L of the Consolidated Appropriations Act, 2022 (Public Law 117–103) are hereby rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2023, for an additional amount for fiscal year 2023, to remain available until September 30, 2025, and shall be available for the same purposes and under the same authorities for which such amounts were originally provided in the Consolidated Appropriations Act, 2019 (Public Law 116–6).

(b) The remaining unobligated balances, as of September 30, 2023, from amounts made available to the Department of Transportation under the heading "Federal Transit Administration—Capital Investment Grants" in division H of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) are hereby rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2023, for an additional amount for fiscal year 2023, to remain available until September 30, 2025, and shall be available for the same purposes and under the same authorities for which such amounts were originally provided in Public Law 116–94.

SEC. 167. Any unexpended balances from amounts previously appropriated for low or no emission vehicle component assessment under 49 U.S.C. 5312(h) under the headings "Transit Formula Grants" and "Transit Infrastructure Grants" in fiscal years 2021 and 2022 may be used by the facilities selected for such vehicle component assessment for capital projects in order to build new infrastructure and enhance existing facilities in order to expand component testing capability, in accordance with the industry stakeholder testing objectives and capabilities as outlined through the work of the Federal Transit Administration Transit Vehicle Innovation and Deployment Centers program and included in the Center for Transportation and the Environment report submitted to the Federal Transit Administration for review.

GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Contracts.

The Great Lakes St. Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital infrastructure activities on portions of the St. Lawrence Seaway owned, operated, and maintained by the Great Lakes St. Lawrence Seaway Development Corporation, $38,500,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238): *Provided,* That of the amounts made available under this heading, not less than $14,800,000 shall be for the seaway infrastructure program.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet as authorized under chapter 531 of title 46, United States Code, to serve the national security needs of the United States, $318,000,000, to remain available until expended: *Provided,* That of the unobligated balances from prior year appropriations available under this heading, $55,000,000 are hereby permanently rescinded.

CABLE SECURITY FLEET

For the cable security fleet program, as authorized under chapter 532 of title 46, United States Code, $10,000,000, to remain available until expended.

TANKER SECURITY PROGRAM

For Tanker Security Fleet payments, as authorized under section 53406 of title 46, United States Code, $60,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $213,181,000: *Provided,* That of the sums appropriated under this heading—

(1) $87,848,000 shall remain available until September 30, 2024, for the operations of the United States Merchant Marine Academy;

(2) $11,900,000 shall remain available until expended, for facilities maintenance and repair, and equipment, at the United States Merchant Marine Academy;

(3) $31,921,000 shall remain available until expended, for capital improvements at the United States Merchant Marine Academy;

(4) $6,000,000 shall remain available until September 30, 2024, for the Maritime Environmental and Technical Assistance program authorized under section 50307 of title 46, United States Code; and

(5) $10,000,000 shall remain available until expended, for the America's Marine Highway Program to make grants for the purposes authorized under paragraphs (1) and (3) of section 55601(b) of title 46, United States Code:

Reports. Sexual assault and harassment.

Provided further, That the Administrator of the Maritime Administration shall transmit to the House and Senate Committees on Appropriations the annual report on sexual assault and sexual harassment at the United States Merchant Marine Academy as required pursuant to section 3510 of the National Defense Authorization Act for fiscal year 2017 (46 U.S.C. 51318): *Provided further,* That available balances under this heading for the Short Sea Transportation Program (now known as the America's Marine Highway Program) from prior year recoveries shall be available

to carry out activities authorized under paragraphs (1) and (3) of section 55601(b) of title 46, United States Code.

STATE MARITIME ACADEMY OPERATIONS

For necessary expenses of operations, support, and training activities for State Maritime Academies, $120,700,000: *Provided,* That of the sums appropriated under this heading—

(1) $30,500,000 shall remain available until expended, for maintenance, repair, life extension, insurance, and capacity improvement of National Defense Reserve Fleet training ships, and for support of training ship operations at the State Maritime Academies, of which not more than $8,000,000 shall be for expenses related to training mariners, and for costs associated with training vessel sharing pursuant to section 51504(g)(3) of title 46, United States Code, for costs associated with mobilizing, operating and demobilizing the vessel; travel costs for students, faculty and crew; and the costs of the general agent, crew costs, fuel, insurance, operational fees, and vessel hire costs, as determined by the Secretary; Determination.

(2) $75,000,000 shall remain available until expended, for the National Security Multi-Mission Vessel Program, including funds for construction, planning, administration, and design of school ships and, as determined by the Secretary, necessary expenses to design, plan, construct infrastructure, and purchase equipment necessary to berth such ships; Determination.

(3) $2,400,000 shall remain available until September 30, 2027, for the Student Incentive Program;

(4) $6,800,000 shall remain available until expended, for training ship fuel assistance; and

(5) $6,000,000 shall remain available until September 30, 2024, for direct payments for State Maritime Academies:

Provided further, That the Administrator of the Maritime Administration may use the funds made available under paragraph (2) and the funds provided for shoreside infrastructure improvements in Public Law 117–103 for the purposes described in paragraph (2): *Provided further,* That such funds may be used to reimburse State Maritime Academies for costs incurred prior to the date of enactment of this Act. Reimbursement.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 54101 of title 46, United States Code, $20,000,000, to remain available until expended.

SHIP DISPOSAL

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $6,000,000, to remain available until expended: *Provided,* That of the unobligated balances from prior year appropriations made available under this heading, $12,000,000 are hereby permanently rescinded.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, $3,000,000, which shall be transferred to and merged with the appropriations for "Maritime Administration—Operations and Training".

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

To make grants to improve port facilities as authorized under section 54301 of title 46, United States Code, $212,203,512, to remain available until expended: *Provided,* That projects eligible for amounts made available under this heading in this Act shall be projects for coastal seaports, inland river ports, or Great Lakes ports: *Provided further,* That of the amounts made available under this heading in this Act, not less than $187,203,512 shall be for coastal seaports or Great Lakes ports: *Provided further,* That the requirements under section 3501(a)(12) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) shall apply to amounts made available under this heading in this Act: *Provided further,* That for grants awarded under this heading in this Act, the minimum grant size shall be $1,000,000: *Provided further,* That for amounts made available under this heading in this Act, the requirement under section 54301(a)(6)(A)(ii) of title 46, United States Code, shall not apply to projects located in non-contiguous States or territories.

Applicability.

ADMINISTRATIVE PROVISION—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, in addition to any existing authority, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: *Provided,* That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall remain available until expended: *Provided further,* That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be deposited into the Treasury as miscellaneous receipts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $29,936,000, of which $4,500,000 shall remain available until September 30, 2025.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $70,743,000, of which $12,070,000 shall remain available until September 30, 2025, of which $1,000,000 shall be made available for carrying out section 5107(i) of title 49, United

States Code: *Provided,* That up to $800,000 in fees collected under section 5108(g) of title 49, United States Code, shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further,* That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to carry out a pipeline safety program, as authorized by section 60107 of title 49, United States Code, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990 (Public Law 101–380), $190,385,000, to remain available until September 30, 2025, of which $29,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $153,985,000 shall be derived from the Pipeline Safety Fund; of which $400,000 shall be derived from the fees collected under section 60303 of title 49, United States Code, and deposited in the Liquefied Natural Gas Siting Account for compliance reviews of liquefied natural gas facilities; and of which $7,000,000 shall be derived from fees collected under section 60302 of title 49, United States Code, and deposited in the Underground Natural Gas Storage Facility Safety Account for the purpose of carrying out section 60141 of title 49, United States Code: *Provided,* That not less than $1,058,000 of the amounts made available under this heading shall be for the One-Call State grant program: *Provided further,* That any amounts made available under this heading in this Act or in prior Acts for research contracts, grants, cooperative agreements or research other transactions agreements ("OTAs") shall require written notification to the House and Senate Committees on Appropriations not less than 3 full business days before such research contracts, grants, cooperative agreements, or research OTAs are announced by the Department of Transportation: *Provided further,* That the Secretary shall transmit to the House and Senate Committees on Appropriations the report on pipeline safety testing enhancement as required pursuant to section 105 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (division R of Public Law 116–260): *Provided further,* That the Secretary may obligate amounts made available under this heading to engineer, erect, alter, and repair buildings or make any other public improvements for research facilities at the Transportation Technology Center after the Secretary submits an updated research plan and the report in the preceding proviso to the House and Senate Committees on Appropriations and after such plan and report in the preceding proviso are approved by the House and Senate Committees on Appropriations.

Requirements.
Notifications.
Deadline.

Reports.

Research plan.
Approvals.

EMERGENCY PREPAREDNESS GRANTS

(LIMITATION ON OBLIGATIONS)

(EMERGENCY PREPAREDNESS FUND)

For expenses necessary to carry out the Emergency Preparedness Grants program, not more than $28,318,000 shall remain available until September 30, 2025, from amounts made available by section 5116(h) and subsections (b) and (c) of section 5128 of title 49, United States Code: *Provided,* That notwithstanding section 5116(h)(4) of title 49, United States Code, not more than 4 percent of the amounts made available from this account shall be available to pay the administrative costs of carrying out sections 5116, 5107(e), and 5108(g)(2) of title 49, United States Code: *Provided further,* That notwithstanding subsections (b) and (c) of section 5128 of title 49, United States Code, and the limitation on obligations provided under this heading, prior year recoveries recognized in the current year shall be available to develop and deliver hazardous materials emergency response training for emergency responders, including response activities for the transportation of crude oil, ethanol, flammable liquids, and other hazardous commodities by rail, consistent with National Fire Protection Association standards, and to make such training available through an electronic format: *Provided further,* That the prior year recoveries made available under this heading shall also be available to carry out sections 5116(a)(1)(C), 5116(h), 5116(i), 5116(j), and 5107(e) of title 49, United States Code.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $108,073,000: *Provided,* That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App.), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department of Transportation.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. (a) During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code.

(b) During the current fiscal year, applicable appropriations to the Department and its operating administrations shall be available for the purchase, maintenance, operation, and deployment of unmanned aircraft systems that advance the missions of the Department of Transportation or an operating administration of the Department of Transportation.

(c) Any unmanned aircraft system purchased, procured, or contracted for by the Department prior to the date of enactment of this Act shall be deemed authorized by Congress as if this provision was in effect when the system was purchased, procured, or contracted for.

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. (a) No recipient of amounts made available by this Act shall disseminate personal information (as defined in section 2725(3) of title 18, United States Code) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in section 2725(1) of title 18, United States Code, except as provided in section 2721 of title 18, United States Code, for a use permitted under section 2721 of title 18, United States Code.

(b) Notwithstanding subsection (a), the Secretary shall not withhold amounts made available by this Act for any grantee if a State is in noncompliance with this provision.

SEC. 183. None of the funds made available by this Act shall be available for salaries and expenses of more than 125 political and Presidential appointees in the Department of Transportation: *Provided,* That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 184. Funds received by the Federal Highway Administration and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to section 20105 of title 49, United States Code.

Loans.
Contracts.
Grants.
Notifications.
Deadline.

SEC. 185. None of the funds made available by this Act or in title VIII of division J of Public Law 117–58 to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, letter of intent, federally funded cooperative agreement, full funding grant agreement, or discretionary grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive any discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, line of credit commitment, federally funded cooperative agreement, or full funding grant agreement is announced by the Department or its operating administrations: *Provided,* That the Secretary of Transportation shall provide the House and Senate Committees on Appropriations with a comprehensive list of all such loans, loan guarantees, lines of credit, letters of intent, federally funded cooperative agreements, full funding grant agreements, and discretionary grants prior to the notification required under the preceding proviso: *Provided further,* That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further,* That no notification shall involve funds that are not available for obligation.

List.

Notifications.

SEC. 186. Rebates, refunds, incentive payments, minor fees, and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to organizational units of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

Reprogramming notice.
Approvals.

SEC. 187. Notwithstanding any other provision of law, if any funds provided by or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, transmission of such reprogramming notice shall be provided solely to the House and Senate Committees on Appropriations, and such reprogramming action shall be approved or denied solely by the House and Senate Committees on Appropriations: *Provided,* That the Secretary of Transportation may provide notice to other congressional committees of the action of the House and Senate Committees on Appropriations on such reprogramming but not sooner than 30 days after the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

Deadline.

SEC. 188. Funds appropriated by this Act to the operating administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable operating administration or administrations.

SEC. 189. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

Contracts.
Certification.

SEC. 190. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 or 23 of the United States Code utilizing geographic, economic, or any other hiring preference not otherwise authorized by law, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

(1) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;

(2) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

(3) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

SEC. 191. The Secretary of Transportation shall coordinate with the Secretary of Homeland Security to ensure that best practices for Industrial Control Systems Procurement are up-to-date and shall ensure that systems procured with funds provided under this title were procured using such practices.

Coordination. Contracts. Updates.

This title may be cited as the "Department of Transportation Appropriations Act, 2023".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Department of Housing and Urban Development Appropriations Act, 2022.

MANAGEMENT AND ADMINISTRATION

EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, $18,500,000, to remain available until September 30, 2024: *Provided,* That not to exceed $25,000 of the amount made available under this heading shall be available to the Secretary of Housing and Urban Development (referred to in this title as "the Secretary") for official reception and representation expenses as the Secretary may determine.

ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for Administrative Support Offices, $659,600,000, to remain available until September 30, 2024: *Provided,* That of the sums appropriated under this heading—

(1) $90,000,000 shall be available for the Office of the Chief Financial Officer;

(2) $125,000,000 shall be available for the Office of the General Counsel, of which not less than $20,300,000 shall be for the Departmental Enforcement Center;

(3) $225,000,000 shall be available for the Office of Administration, of which not less than $3,500,000 may be for modernization and deferred maintenance of the Weaver Building;

(4) $51,500,000 shall be available for the Office of the Chief Human Capital Officer;

(5) $28,000,000 shall be available for the Office of the Chief Procurement Officer;

(6) $65,500,000 shall be available for the Office of Field Policy and Management;

(7) $4,600,000 shall be available for the Office of Departmental Equal Employment Opportunity; and

(8) $70,000,000 shall be available for the Office of the Chief Information Officer:

Provided further, That funds made available under this heading may be used for necessary administrative and non-administrative expenses of the Department, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section

3109 of title 5, United States Code: *Provided further,* That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that directly support program activities funded in this title: *Provided further,* That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further,* That the Secretary shall provide in electronic form all signed reports required by Congress.

Time period. Notification. Reports.

Reports.

PROGRAM OFFICES

For necessary salaries and expenses for Program Offices, $1,054,300,000, to remain available until September 30, 2024: *Provided,* That of the sums appropriated under this heading—

(1) $278,200,000 shall be available for the Office of Public and Indian Housing;

(2) $163,400,000 shall be available for the Office of Community Planning and Development;

(3) $465,000,000 shall be available for the Office of Housing, of which not less than $13,300,000 shall be for the Office of Recapitalization;

(4) $39,600,000 shall be available for the Office of Policy Development and Research;

(5) $97,000,000 shall be available for the Office of Fair Housing and Equal Opportunity; and

(6) $11,100,000 shall be available for the Office of Lead Hazard Control and Healthy Homes.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the working capital fund for the Department of Housing and Urban Development (referred to in this paragraph as the "Fund"), pursuant, in part, to section 7(f) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(f)), amounts transferred, including reimbursements pursuant to section 7(f), to the Fund under this heading shall be available only for Federal shared services used by offices and agencies of the Department, and for any such portion of any office or agency's printing, records management, space renovation, furniture, or supply services the Secretary has determined shall be provided through the Fund, and the operational expenses of the Fund: *Provided,* That amounts within the Fund shall not be available to provide services not specifically authorized under this heading: *Provided further,* That upon a determination by the Secretary that any other service (or portion thereof) authorized under this heading shall be provided through the Fund, amounts made available in this title for salaries and expenses under the headings "Executive Offices", "Administrative Support Offices", "Program Offices", and "Government National Mortgage Association", for such services shall be transferred to the Fund, to remain available until expended: *Provided further,* That the Secretary shall notify the House and Senate Committees on Appropriations of its plans for executing such transfers at least 15 days in advance of such transfers.

Determination.

Advance notice.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

Vouchers.

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (in this title "the Act"), not otherwise provided for, $23,599,532,000, to remain available until expended, which shall be available on October 1, 2022 (in addition to the $4,000,000,000 previously appropriated under this heading that shall be available on October 1, 2022), and $4,000,000,000, to remain available until expended, which shall be available on October 1, 2023: *Provided,* That of the sums appropriated under this heading—

Determinations.

(1) $23,748,420,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: *Provided,* That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2023 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and Choice Neighborhoods vouchers: *Provided further,* That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed in accordance with the requirements of the MTW demonstration program or their MTW agreements, if any: *Provided further,* That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this paragraph), prorate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further,* That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2023: *Provided further,* That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further,* That public housing agencies participating in the MTW demonstration shall be funded in accordance with the requirements of the MTW demonstration program or their MTW agreements, if any, and shall be subject to the same pro rata adjustments under the preceding provisos: *Provided further,* That the Secretary may offset public housing

Notice.
Federal Register, publication.

Notification.
Deadlines.

Extension.
Advance approval.

agencies' calendar year 2023 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including HUD-held programmatic reserves (in accordance with VMS data in calendar year 2022 that is verifiable and complete), as determined by the Secretary: *Provided further,* That public housing agencies participating in the MTW demonstration shall also be subject to the offset, as determined by the Secretary, excluding amounts subject to the single fund budget authority provisions of their MTW agreements, from the agencies' calendar year 2023 MTW funding allocation: *Provided further,* That the Secretary shall use any offset referred to in the preceding two provisos throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the Secretary, and to avoid or reduce the proration of renewal funding allocations: *Provided further,* That up to $200,000,000 shall be available only:

(A) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act;

Time period.

(B) for vouchers that were not in use during the previous 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act, or an adjustment for a funding obligation not yet expended in the previous calendar year for a MTW-eligible activity to develop affordable housing for an agency added to the MTW demonstration under the expansion authority provided in section 239 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 (division L of Public Law 114–113);

(C) for adjustments for costs associated with HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers;

(D) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding;

(E) for adjustments in the allocations for public housing agencies that—

(i) are leasing a lower-than-average percentage of their authorized vouchers,

(ii) have low amounts of budget authority in their net restricted assets accounts and HUD-held programmatic reserves, relative to other agencies, and

(iii) are not participating in the Moving to Work demonstration, to enable such agencies to lease more vouchers;

(F) for withheld payments in accordance with section 8(o)(8)(A)(ii) of the Act for months in the previous calendar year that were subsequently paid by the public housing agency after the agency's actual costs were validated; and

(G) for public housing agencies that have experienced increased costs or loss of units in an area for which the President declared a disaster under title IV of the Robert

T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.):

Provided further, That the Secretary shall allocate amounts under the preceding proviso based on need, as determined by the Secretary; Allocation.

(2) $337,000,000 shall be available for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, relocation of witnesses (including victims of violent crimes) in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, Choice Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided,* That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: *Provided further,* That the Secretary may provide section 8 rental assistance from amounts made available under this paragraph for units assisted under a project-based subsidy contract funded under the "Project-Based Rental Assistance" heading under this title where the owner has received a Notice of Default and the units pose an imminent health and safety risk to residents: *Provided further,* That of the amounts made available under this paragraph, no less than $5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further,* That such tenant protection assistance made available under the preceding proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the Act: *Provided further,* That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist: *Provided further,* That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months

Notice.

Time period.

that cease to be available as assisted housing, subject only to the availability of funds;

(3) $2,777,612,000 shall be available for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, HUD–VASH vouchers, and other special purpose incremental vouchers: *Provided,* That no less than $2,747,612,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2023 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further,* That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the preceding proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the preceding proviso, utilize unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, excluding special purpose vouchers, notwithstanding the purposes for which such amounts were appropriated: *Provided further,* That all public housing agencies participating in the MTW demonstration shall be funded in accordance with the requirements of the MTW demonstration program or their MTW agreements, if any, and shall be subject to the same uniform percentage decrease as under the preceding proviso: *Provided further,* That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $606,500,000 shall be available for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses: *Provided,* That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading: *Provided further,* That up to $10,000,000 shall be available only—

(A) for adjustments in the allocation for public housing agencies, after applications for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in Mainstream renewal costs resulting from unforeseen circumstances; and

(B) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate the

rental assistance for Mainstream families as a result of insufficient funding:

Provided further, That the Secretary shall allocate amounts under the preceding proviso based on need, as determined by the Secretary: *Provided further,* That upon turnover, section 811 special purpose vouchers funded under this heading in this or prior Acts, or under any other heading in prior Acts, shall be provided to non-elderly persons with disabilities;

Allocation.

(5) Of the amounts provided under paragraph (1), up to $7,500,000 shall be available for rental assistance and associated administrative fees for Tribal HUD–VASH to serve Native American veterans that are homeless or at-risk of homelessness living on or near a reservation or other Indian areas: *Provided,* That such amount shall be made available for renewal grants to recipients that received assistance under prior Acts under the Tribal HUD–VASH program: *Provided further,* That the Secretary shall be authorized to specify criteria for renewal grants, including data on the utilization of assistance reported by grant recipients: *Provided further,* That such assistance shall be administered in accordance with program requirements under the Native American Housing Assistance and Self-Determination Act of 1996 and modeled after the HUD–VASH program: *Provided further,* That the Secretary shall be authorized to waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such assistance: *Provided further,* That grant recipients shall report to the Secretary on utilization of such rental assistance and other program data, as prescribed by the Secretary: *Provided further,* That the Secretary may reallocate, as determined by the Secretary, amounts returned or recaptured from awards under the Tribal HUD–VASH program under prior Acts to existing recipients under the Tribal HUD–VASH program;

Grants.

Criteria.
Data.

Waiver authority.
Requirements.

Reports.
Data.

Reallocation.
Determination.

(6) $50,000,000 shall be available for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided,* That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 203 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further,* That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation

Waiver authority.
Requirements.

that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further,* That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turnover: *Provided further,* That of the total amount made available under this paragraph, up to $10,000,000 may be for additional fees established by and allocated pursuant to a method determined by the Secretary for administrative and other expenses (including those eligible activities defined by notice to facilitate leasing, such as security deposit assistance and costs related to the retention and support of participating owners) of public housing agencies in administering HUD–VASH vouchers;

Continuation. Veterans.

(7) $30,000,000 shall be available for the family unification program as authorized under section 8(x) of the Act: *Provided,* That the amounts made available under this paragraph are provided as follows:

Continuations.

(A) $5,000,000 shall be available for new incremental voucher assistance: *Provided,* That the assistance made available under this subparagraph shall continue to remain available for family unification upon turnover; and

(B) $25,000,000 shall be available for new incremental voucher assistance to assist eligible youth as defined by such section 8(x)(2)(B) of the Act: *Provided,* That assistance made available under this subparagraph shall continue to remain available for such eligible youth upon turnover: *Provided further,* That of the total amount made available under this subparagraph, up to $15,000,000 shall be available on a noncompetitive basis to public housing agencies that partner with public child welfare agencies to identify such eligible youth, that request such assistance to timely assist such eligible youth, and that meet any other criteria as specified by the Secretary: *Provided further,* That the Secretary shall review utilization of the assistance made available under the preceding proviso, at an interval to be determined by the Secretary, and unutilized voucher assistance that is no longer needed shall be recaptured by the Secretary and reallocated pursuant to the preceding proviso:

Review.

Provided further, That for any public housing agency administering voucher assistance appropriated in a prior Act under the family unification program, or made available and competitively selected under this paragraph, that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such specified program or eligible youth, as applicable;

Notification. Reallocation.

(8) $50,000,000 shall be available for new incremental voucher assistance under section 8(o) of the Act to be allocated pursuant to a method, as determined by the Secretary, which may include a formula that may include such factors as severe

cost burden, overcrowding, substandard housing for very low-income renters, homelessness, and administrative capacity, where such allocation method shall include both rural and urban areas: *Provided,* That the Secretary may specify additional terms and conditions to ensure that public housing agencies provide vouchers for use by survivors of domestic violence, or individuals and families who are homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)), or at risk of homelessness, as defined in section 401(1) of such Act (42 U.S.C. 11360(1)); and

(9) the Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2023 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided,* That any obligated balances of contract authority from fiscal year 1974 and prior fiscal years that have been terminated shall be rescinded: *Provided further,* That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING FUND

For 2023 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)) (the "Act"), and to carry out capital and management activities for public housing agencies, as authorized under section 9(d) of the Act (42 U.S.C. 1437g(d)), $8,514,000,000, to remain available until September 30, 2026: *Provided,* That of the sums appropriated under this heading—

(1) $5,109,000,000 shall be available for the Secretary to allocate pursuant to the Operating Fund formula at part 990 of title 24, Code of Federal Regulations, for 2023 payments;

Allocation. Determination.

(2) $25,000,000 shall be available for the Secretary to allocate pursuant to a need-based application process notwithstanding section 203 of this title and not subject to such Operating Fund formula to public housing agencies that experience, or are at risk of, financial shortfalls, as determined by the Secretary: *Provided,* That after all such shortfall needs are met, the Secretary may distribute any remaining funds to all public housing agencies on a pro-rata basis pursuant to such Operating Fund formula;

Distribution.

(3) $3,200,000,000 shall be available for the Secretary to allocate pursuant to the Capital Fund formula at section 905.400 of title 24, Code of Federal Regulations: *Provided,* That for funds provided under this paragraph, the limitation in section 9(g)(1) of the Act shall be 25 percent: *Provided further,* That the Secretary may waive the limitation in the preceding proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of the Act: *Provided further,* That the Secretary shall notify public housing agencies requesting waivers under the preceding proviso if the request is approved or denied within 14 days of submitting the request: *Provided further,* That from the funds made available under this paragraph, the Secretary shall provide bonus awards in fiscal year 2023 to public housing agencies that are designated high performers: *Provided further,* That the Department shall notify public housing agencies of their formula allocation within 60 days of enactment of this Act;

Waiver authority.

Notification. Deadline.

Bonus awards.

Notification. Deadline.

(4) $50,000,000 shall be available for the Secretary to make grants, notwithstanding section 203 of this title, to public housing agencies for emergency capital needs, including safety and security measures necessary to address crime and drug-related activity, as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2023, of which $20,000,000 shall be available for public housing agencies under administrative and judicial receiverships or under the control of a Federal monitor: *Provided,* That of the amount made available under this paragraph, not less than $10,000,000 shall be for safety and security measures: *Provided further,* That in addition to the amount in the preceding proviso for such safety and security measures, any amounts that remain available, after all applications received on or before September 30, 2024, for emergency capital needs have been processed, shall be allocated to public housing agencies for such safety and security measures;

Effective date. Allocation.

(5) $65,000,000 shall be available for competitive grants to public housing agencies to evaluate and reduce residential health hazards in public housing, including lead-based paint (by carrying out the activities of risk assessments, abatement, and interim controls, as those terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b)), carbon monoxide, mold, radon, and fire safety: *Provided,* That not less than $25,000,000 of the amounts provided under this paragraph shall be awarded for evaluating and reducing lead-based paint hazards: *Provided further,* That for purposes of environmental review, a grant under this paragraph shall be considered funds for projects or activities under title I of the Act for purposes of section 26 of the Act (42 U.S.C. 1437x) and shall be subject to the regulations implementing such section: *Provided further,* That amounts made available under this paragraph shall be combined with amounts made available under the sixth paragraph under this heading in the Consolidated Appropriations Act, 2021 (Public Law 116–260) and shall be used in accordance with the purposes and requirements under this paragraph;

Evaluation.

Evaluation.

(6) $15,000,000 shall be available to support the costs of administrative and judicial receiverships and for competitive grants to PHAs in receivership, designated troubled or substandard, or otherwise at risk, as determined by the Secretary, for costs associated with public housing asset improvement, in addition to other amounts for that purpose provided under any heading under this title; and

(7) $50,000,000 shall be available to support ongoing public housing financial and physical assessment activities:

Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2023, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) of the Act regarding the extension of the time periods under such section: *Provided further,* That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future.

Definition.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable, mixed-income neighborhoods with appropriate services, schools, public assets, transportation, and access to jobs, $350,000,000, to remain available until September 30, 2027: *Provided,* That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: *Provided further,* That not more than 20 percent of the amount of any grant made with amounts made available under this heading may be used for necessary supportive services notwithstanding subsection (d)(1)(L) of such section 24: *Provided further,* That the use of amounts made available under this heading shall not be deemed to be for public housing, notwithstanding section 3(b)(1) of such Act: *Provided further,* That grantees shall commit to an additional period of affordability determined by the Secretary of not fewer than 20 years: *Provided further,* That grantees shall provide a match in State, local, other Federal, or private funds: *Provided further,* That grantees may include local governments, Tribal entities, public housing agencies, and nonprofit organizations: *Provided further,* That for-profit developers may apply jointly with a public entity: *Provided further,* That for purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x), and grants made with amounts available under this heading shall be subject to the regulations issued by the Secretary to implement such section: *Provided further,* That of the amounts made available under this heading, not less than $175,000,000 shall be awarded to public housing agencies: *Provided further,* That such grantees shall create partnerships with other

Determination.
Time period.

Regulations.

Consultation. Coordination.

local organizations, including assisted housing owners, service agencies, and resident organizations: *Provided further,* That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further,* That not more than $10,000,000 of the amounts made available under this heading may be provided as grants to undertake comprehensive local planning with input from residents and the community: *Provided further,* That unobligated balances, including recaptures, remaining from amounts made available under the heading "Revitalization of Severely Distressed Public Housing (HOPE VI)" in fiscal year 2011 and prior fiscal years may be used for purposes under this heading, notwithstanding the purposes for which such amounts were appropriated: *Provided further,* That the Secretary shall make grant awards not later than 1 year after the date of enactment of this Act in such amounts that the Secretary determines: *Provided further,* That notwithstanding section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary may, until September 30, 2023, obligate any available unobligated balances made available under this heading in this or any prior Act.

Grants. Deadline. Determination.

SELF-SUFFICIENCY PROGRAMS

For activities and assistance related to Self-Sufficiency Programs, to remain available until September 30, 2026, $175,000,000: *Provided,* That of the sums appropriated under this heading—

(1) $125,000,000 shall be available for the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u), to promote the development of local strategies to coordinate the use of assistance under sections 8 and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency;

(2) $35,000,000 shall be available for the Resident Opportunity and Self-Sufficiency program to provide for supportive services, service coordinators, and congregate services as authorized by section 34 of the United States Housing Act of 1937 (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided,* That amounts made available under this paragraph may be used to renew Resident Opportunity and Self-Sufficiency program grants to allow the public housing agency, or a new owner, to continue to serve (or restart service to) residents of a project with assistance converted from public housing to project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or assistance under section 8(o)(13) of such Act under the heading "Rental Assistance Demonstration" in the Department of Housing and Urban Development Appropriations Act, 2012 (Public Law 112–55), as amended (42 U.S.C. 1437f note); and

Grants.

(3) $15,000,000 shall be available for a Jobs-Plus Initiative, modeled after the Jobs-Plus demonstration: *Provided,* That funding provided under this paragraph shall be available for competitive grants to partnerships between public housing

authorities, local workforce investment boards established under section 107 of the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3122), and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: *Provided further,* That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: *Provided further,* That the Secretary may allow public housing agencies to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 (42 U.S.C. 1437a, 1437d), as necessary to implement the Jobs-Plus program, on such terms and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the Jobs-Plus Initiative as a voluntary program for residents: *Provided further,* That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice.

Waivers. Requirements.

Notice. Federal Register, publication. Waivers. Deadline.

NATIVE AMERICAN PROGRAMS

(INCLUDING RESCISSION)

For activities and assistance authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (in this heading "NAHASDA") (25 U.S.C. 4111 et seq.), title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) with respect to Indian tribes, and related training and technical assistance, $1,020,000,000, to remain available until September 30, 2027: *Provided,* That of the sums appropriated under this heading—

(1) $787,000,000 shall be available for the Native American Housing Block Grants program, as authorized under title I of NAHASDA: *Provided,* That, notwithstanding NAHASDA, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further,* That the Secretary shall notify grantees of their formula allocation not later than 60 days after the date of enactment of this Act;

Determination. Applicability.

Notification. Deadline.

(2) $150,000,000 shall be available for competitive grants under the Native American Housing Block Grants program, as authorized under title I of NAHASDA: *Provided,* That the Secretary shall obligate such amount for competitive grants to eligible recipients authorized under NAHASDA that apply for funds: *Provided further,* That in awarding amounts made available in this paragraph, the Secretary shall consider need and administrative capacity, and shall give priority to projects that will spur construction and rehabilitation of housing: *Provided further,* That a grant funded pursuant to this paragraph shall be in an amount not greater than $7,500,000: *Provided further,* That any amounts transferred for the necessary costs

of administering and overseeing the obligation and expenditure of such additional amounts in prior Acts may also be used for the necessary costs of administering and overseeing such additional amount;

(3) $1,000,000 shall be available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided,* That such costs, including the cost of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further,* That amounts made available in this and prior Acts for the cost of such guaranteed notes and other obligations that are unobligated, including recaptures and carryover, shall be available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $50,000,000, to remain available until September 30, 2024: *Provided further,* That any remaining loan guarantee limitation authorized for this program in fiscal year 2020 or prior fiscal years is hereby rescinded;

(4) $75,000,000 shall be available for grants to Indian tribes for carrying out the Indian Community Development Block Grant program under title I of the Housing and Community Development Act of 1974, notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 203 of this Act), not more than $5,000,000 may be used for emergencies that constitute imminent threats to health and safety: *Provided,* That not to exceed 20 percent of any grant made with amounts made available in this paragraph shall be expended for planning and management development and administration; and

(5) $7,000,000, in addition to amounts otherwise available for such purpose, shall be available for providing training and technical assistance to Indian tribes, Indian housing authorities, and tribally designated housing entities, to support the inspection of Indian housing units, for contract expertise, and for training and technical assistance related to amounts made available under this heading and other headings in this Act for the needs of Native American families and Indian country: *Provided,* That of the amounts made available in this paragraph, not less than $2,000,000 shall be for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): *Provided further,* That amounts made available in this paragraph may be used, contracted, or competed as determined by the Secretary: *Provided further,* That notwithstanding chapter 63 of title 31, United States Code (commonly known as the Federal Grant and Cooperative Agreements Act of 1977), the amounts made available in this paragraph may be used by the Secretary to enter into cooperative agreements with public and private organizations, agencies, institutions, and other technical assistance providers to support the administration of negotiated rulemaking under section 106 of NAHASDA (25 U.S.C. 4116), the administration of the allocation formula under section 302 of NAHASDA (25 U.S.C. 4152), and the administration of performance tracking and reporting under section 407 of NAHASDA (25 U.S.C. 4167).

Determination.

Contracts.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING RESCISSION)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,521,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further,* That amounts made available in this and prior Acts for the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), that are unobligated, including recaptures and carryover, shall be available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,400,000,000, to remain available until September 30, 2024: *Provided further,* That any remaining loan guarantee limitation authorized under this heading in fiscal year 2020 or prior fiscal years is hereby rescinded: *Provided further,* That any amounts determined by the Secretary to be unavailable are hereby returned to the General Fund of the Treasury.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221 et seq.), $22,300,000, to remain available until September 30, 2027: *Provided,* That notwithstanding section 812(b) of such Act, the Department of Hawaiian Home Lands may not invest grant amounts made available under this heading in investment securities and other obligations: *Provided further,* That amounts made available under this heading in this and prior fiscal years may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Home Lands, notwithstanding any other provision of law: *Provided further*, That up to $1,000,000 of the amounts made available under this heading shall be for training and technical assistance related to amounts made available under this heading and other headings in this Act for the needs of Native Hawaiians and the Department of Hawaiian Home Lands.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

New commitments to guarantee loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), any part of which is to be guaranteed, shall not exceed $28,000,000 in total loan principal, to remain available until September 30, 2024: *Provided,* That the Secretary may enter into commitments to guarantee loans used for refinancing.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity

Contracts.

Act (42 U.S.C. 12901 et seq.), $499,000,000, to remain available until September 30, 2024, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2025: *Provided,* That the Secretary shall renew or replace all expiring contracts for permanent supportive housing that initially were funded under section 854(c)(5) of such Act from funds made available under this heading in fiscal year 2010 and prior fiscal years that meet all program requirements before awarding funds for new contracts under such section: *Provided further,* That the process for submitting amendments and approving replacement contracts shall be established by the Secretary in a notice: *Provided further,* That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

Notice.

Notification. Deadline.

COMMUNITY DEVELOPMENT FUND

For assistance to States and units of general local government, and other entities, for economic and community development activities, and other purposes, $6,397,285,641, to remain available until September 30, 2026: *Provided,* That of the sums appropriated under this heading—

(1) $3,300,000,000 shall be available for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.) (in this heading "the Act"): *Provided,* That not to exceed 20 percent of any grant made with funds made available under this paragraph shall be expended for planning and management development and administration: *Provided further,* That a metropolitan city, urban county, unit of general local government, or insular area that directly or indirectly receives funds under this paragraph may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits, or non-Federal considerations, but shall use such funds for activities eligible under title I of the Act: *Provided further,* That notwithstanding section 105(e)(1) of the Act, no funds made available under this paragraph may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subsection (e)(2) of section 105;

Grants.

Evaluation.

(2) $85,000,000 shall be available for the Secretary to award grants on a competitive basis to State and local governments, metropolitan planning organizations, and multijurisdictional entities for additional activities under title I of the Act for the identification and removal of barriers to affordable housing production and preservation: *Provided,* That eligible uses of such grants include activities to further develop, evaluate, and implement housing policy plans, improve housing strategies, and facilitate affordable housing production and preservation: *Provided further,* That the Secretary shall prioritize applicants that are able to (A) demonstrate progress and a commitment to overcoming local barriers to facilitate the increase in affordable housing production and preservation; and (B) demonstrate an acute demand for housing affordable to households with incomes below 100 percent of the area median income: *Provided*

further, That funds allocated for such grants shall not adversely affect the amount of any formula assistance received by a jurisdiction under paragraph (1) of this heading: *Provided further,* That in administering such amounts the Secretary may waive or specify alternative requirements for any provision of such title I except for requirements related to fair housing, nondiscrimination, labor standards, the environment, and requirements that activities benefit persons of low- and moderate-income, upon a finding that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts;

Waiver authority.

(3) $30,000,000 shall be available for activities authorized under section 8071 of the SUPPORT for Patients and Communities Act (Public Law 115–271): *Provided,* That funds allocated pursuant to this paragraph shall not adversely affect the amount of any formula assistance received by a State under paragraph (1) of this heading: *Provided further,* That the Secretary shall allocate the funds for such activities based on the notice establishing the funding formula published in 84 FR 16027 (April 17, 2019) except that the formula shall use age-adjusted rates of drug overdose deaths for 2020 based on data from the Centers for Disease Control and Prevention; and

Allocation.

(4) $2,982,285,641 shall be available for grants for the Economic Development Initiative (EDI) for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled "Community Project Funding/Congressionally Directed Spending" included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That eligible expenses of such grants may include administrative, planning, operations and maintenance, and other costs: *Provided further,* That such grants for the EDI shall be available for reimbursement of otherwise eligible expenses incurred on or after the date of enactment of this Act and prior to the date of grant execution: *Provided further,* That none of the amounts made available under this paragraph for grants for the EDI shall be used for reimbursement of expenses incurred prior to the date of enactment of this Act: *Provided further,* That grants for the EDI authorized under this heading in the Department of Housing and Urban Development Appropriations Act, 2022 (Public Law 117–103) shall also be available for reimbursement of otherwise eligible expenses (including those eligible expenses identified in the first proviso of this paragraph) incurred on or after the date of enactment of such Act and prior to the date of grant execution, and shall not be subject to the second proviso under such heading in such Act:

Grants. Reimbursement.

Grants. Reimbursement.

Provided further, That for amounts made available under paragraphs (1) and (3), the Secretary shall notify grantees of their formula allocation within 60 days of enactment of this Act.

Notification. Deadline.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), during fiscal year 2023, commitments to guarantee

loans under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), any part of which is guaranteed, shall not exceed a total principal amount of $300,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: *Provided,* That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero for guaranteeing such loans, and any such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further,* That such commitment authority funded by fees may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of such section 108: *Provided further,* That any State receiving such a guarantee or commitment under the preceding proviso shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

Fees.

Distribution.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12721 et seq.), $1,500,000,000, to remain available until September 30, 2026: *Provided,* That notwithstanding section 231(b) of such Act (42 U.S.C. 12771(b)), all unobligated balances remaining from amounts recaptured pursuant to such section that remain available until expended shall be combined with amounts made available under this heading and allocated in accordance with the formula under section 217(b)(1)(A) of such Act (42 U.S.C. 12747(b)(1)(A)): *Provided further,* That the Department shall notify grantees of their formula allocations within 60 days after enactment of this Act: *Provided further,* That section 218(g) of such Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME Investment Trust Fund that otherwise expired or would expire in any calendar year from 2016 through 2025 under that section: *Provided further,* That section 231(b) of such Act (42 U.S.C. 12771(b)) shall not apply to any uninvested funds that otherwise were deducted or would be deducted from the line of credit in the participating jurisdiction's HOME Investment Trust Fund in any calendar year from 2018 through 2025 under that section.

Notification. Deadline.

Time period.

Time period.

PRESERVATION AND REINVESTMENT INITIATIVE FOR COMMUNITY ENHANCEMENT

For competitive grants to preserve and revitalize manufactured housing and eligible manufactured housing communities (including pre-1976 mobile homes) under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.), $225,000,000, to remain available until September 30, 2027: *Provided,* That recipients of grants provided with amounts made available under this heading shall be States, units of general local government, resident-owned manufactured housing communities, cooperatives, nonprofit entities including consortia of nonprofit entities, community development financial institutions, Indian Tribes (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25

State and local governments. Native Americans.

U.S.C. 4103)), or other entities approved by the Secretary: *Provided further,* That the Secretary may reserve an amount for Indian Tribes within such competition: *Provided further,* That the Secretary may approve entities for selection that partner with one or several residents of such eligible communities or that propose to implement a grant program that would assist residents of such eligible communities: *Provided further,* That eligible uses of such grants may include infrastructure, planning, resident and community services (including relocation assistance and eviction prevention), resiliency activities, and providing other assistance to residents or owners of manufactured homes, which may include providing assistance for manufactured housing land and site acquisition: *Provided further,* That, except as determined by the Secretary, participation in this program shall not encumber the future transfer of title or use of property by the residents, owners, or communities: *Provided further,* That when selecting recipients, the Secretary shall prioritize applications that primarily benefit low- or moderately low-income residents and preserve long-term housing affordability for residents of manufactured housing or a manufactured housing community: *Provided further,* That eligible manufactured housing communities may include those that are—

Native Americans.

Determination.

(1) owned by the residents of the manufactured housing community through a resident-controlled entity, as defined by the Secretary; or

(2) determined by the Secretary to be subject to binding agreements that will preserve the community and maintain affordability on a long-term basis:

Determination.

Provided further, That, of the amounts made available under this heading, $25,000,000 shall be for a pilot program for the Secretary to provide grants to assist in the redevelopment of manufactured housing communities (including pre-1976 mobile homes) as replacement housing that is affordable, as defined by the Secretary: *Provided further,* That each such redevelopment project shall provide, for each unit of single-family manufactured housing (including pre-1976 mobile homes) replaced under the project, up to 4 dwelling units of such affordable housing: *Provided further,* That the Secretary shall define eligible activities for grant assistance under the pilot program, which may include relocation assistance or buyouts for residents of a manufactured housing community or down-payment assistance for such residents: *Provided further,* That the Secretary shall require each grantee under the pilot program to supplement the amount of the grant with non-Federal amounts exceeding 50 percent of the grant: *Provided further,* That resiliency activities means the reconstruction, repair, or replacement of manufactured housing and manufactured housing communities to protect the health and safety of manufactured housing residents and to address weatherization and energy efficiency needs, except that for pre-1976 mobile homes, funds made available under this heading may be used only for replacement: *Provided further,* That the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this heading (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), upon a finding that such waiver or alternative requirement is necessary to facilitate the use of such amounts.

Requirement.

Definition.

Waiver authority.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note), and for related activities and assistance, $62,500,000, to remain available until September 30, 2025: *Provided,* That of the sums appropriated under this heading—

(1) $13,500,000 shall be available for the Self-Help Homeownership Opportunity Program as authorized under such section 11;

(2) $42,000,000 shall be available for the second, third, and fourth capacity building entities specified in section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 shall be for rural capacity building activities: *Provided,* That for purposes of awarding grants from amounts made available in this paragraph, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations;

(3) $6,000,000 shall be available for capacity building by national rural housing organizations having experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofit organizations, local governments, and Indian Tribes serving high need rural communities; and

(4) $1,000,000 shall be available for a program to rehabilitate and modify the homes of disabled or low-income veterans, as authorized under section 1079 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (38 U.S.C. 2101 note): *Provided,* That the issuance of a Notice of Funding Opportunity for the amounts made available in this paragraph shall be completed not later than 120 days after enactment of this Act and such amounts shall be awarded not later than 180 days after such issuance.

Deadlines.

HOMELESS ASSISTANCE GRANTS

For assistance under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), and for related activities and assistance, $3,633,000,000, to remain available until September 30, 2025: *Provided,* That of the sums appropriated under this heading—

(1) $290,000,000 shall be available for the Emergency Solutions Grants program authorized under subtitle B of such title IV (42 U.S.C. 11371 et seq.): *Provided,* That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the Emergency Solutions Grant program not later than 60 days after enactment of this Act;

Notification.
Deadline.

(2) $3,154,000,000 shall be available for the Continuum of Care program authorized under subtitle C of such title IV (42 U.S.C. 11381 et seq.) and the Rural Housing Stability Assistance programs authorized under subtitle D of such title IV (42 U.S.C. 11408): *Provided,* That the Secretary shall prioritize funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: *Provided further,* That the Secretary shall

provide incentives to create projects that coordinate with housing providers and healthcare organizations to provide permanent supportive housing and rapid re-housing services: *Provided further,* That the Secretary may establish by notice an alternative maximum amount for administrative costs related to the requirements described in sections 402(f)(1) and 402(f)(2) of subtitle A of such title IV or no more than 5 percent or $50,000, whichever is greater, notwithstanding the 3 percent limitation in section 423(a)(10) of such subtitle C: *Provided further,* That of the amounts made available for the Continuum of Care program under this paragraph, not less than $52,000,000 shall be for grants for new rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities that the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, sexual assault, or stalking: *Provided further,* That amounts made available for the Continuum of Care program under this paragraph and any remaining unobligated balances under this heading in prior Acts may be used to competitively or non-competitively renew or replace grants for youth homeless demonstration projects under the Continuum of Care program, notwithstanding any conflict with the requirements of the Continuum of Care program;

Notification.

Determination.

Grants.

(3) $7,000,000 shall be available for the national homeless data analysis project: *Provided,* That notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301–6308), the amounts made available under this paragraph and any remaining unobligated balances under this heading for such purposes in prior Acts may be used by the Secretary to enter into cooperative agreements with such entities as may be determined by the Secretary, including public and private organizations, agencies, and institutions;

Contracts.
Determination.

(4) $107,000,000 shall be available to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 25 communities with a priority for communities with substantial rural populations in up to eight locations, can dramatically reduce youth homelessness: *Provided,* That of the amount made available under this paragraph, not less than $25,000,000 shall be for youth homelessness system improvement grants to support communities, including but not limited to the communities assisted under the matter preceding this proviso, in establishing and implementing a response system for youth homelessness, or for improving their existing system: *Provided further,* That of the amount made available under this paragraph, up to $10,000,000 shall be to provide technical assistance to communities, including but not limited to the communities assisted in the preceding proviso and the matter preceding such proviso, on improving system responses to youth homelessness, and collection, analysis, use, and reporting of data and performance measures under the comprehensive approaches to serve homeless youth, in addition to and in coordination with other technical assistance funds provided under this title: *Provided further,* That the Secretary may use up to 10 percent of the amount made available under the preceding proviso to build the capacity of current technical assistance providers or to

train new technical assistance providers with verifiable prior experience with systems and programs for youth experiencing homelessness; and

(5) $75,000,000 shall be available for one-time awards under the Continuum of Care program for new construction, acquisition, or rehabilitation of new permanent supportive housing, of which not more than 20 percent of such awards may be used for other Continuum of Care eligible activities associated with such projects and not more than 10 percent of such awards may be used for project administration: *Provided,* That these amounts shall be awarded on a competitive basis, based on need and other factors to be determined by the Secretary, including incentives to establish projects that coordinate with housing providers, healthcare organizations and social service providers: *Provided further,* That not less than $30,000,000 shall be awarded to applicants for projects within States with populations less than 2,500,000, except that if such amount is undersubscribed any remaining amounts may be awarded to qualified applicants for projects in any State: *Provided further,* That the grants for ongoing costs associated with such projects shall be eligible for renewal under the Continuum of Care program subject to the same terms and conditions as other renewal applicants:

Determination.

Grants.

Provided further, That youth aged 24 and under seeking assistance under this heading shall not be required to provide third party documentation to establish their eligibility under subsection (a) or (b) of section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) to receive services: *Provided further,* That unaccompanied youth aged 24 and under or families headed by youth aged 24 and under who are living in unsafe situations may be served by youth-serving providers funded under this heading: *Provided further,* That persons eligible under section 103(a)(5) of the McKinney-Vento Homeless Assistance Act may be served by any project funded under this heading to provide both transitional housing and rapid re-housing: *Provided further,* That for all matching funds requirements applicable to funds made available under this heading for this fiscal year and prior fiscal years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further,* That none of the funds made available under this heading shall be available to provide funding for new projects, except for projects created through reallocation, unless the Secretary determines that the continuum of care has demonstrated that projects are evaluated and ranked based on the degree to which they improve the continuum of care's system performance: *Provided further,* That any unobligated amounts remaining from funds made available under this heading in fiscal year 2012 and prior years for project-based rental assistance for rehabilitation projects with 10-year grant terms may be used for purposes under this heading, notwithstanding the purposes for which such funds were appropriated: *Provided further,* That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading in fiscal year 2019 or prior years, except for rental assistance amounts that were recaptured and made available until expended, shall be available for the current purposes authorized

Children, youth, and families.

Determination.

Time periods.

under this heading in addition to the purposes for which such funds originally were appropriated.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

Contracts.

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, $13,537,580,000, to remain available until expended, shall be available on October 1, 2022 (in addition to the $400,000,000 previously appropriated under this heading that became available October 1, 2022), and $400,000,000, to remain available until expended, shall be available on October 1, 2023: *Provided,* That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this heading: *Provided further,* That of the total amounts provided under this heading, not to exceed $343,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): *Provided further,* That the Secretary may also use such amounts in the preceding proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further,* That amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund", may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: *Provided further,* That, notwithstanding any other provision of law, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes the Department or a housing finance agency to require that surplus project funds be

Determination.

deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until expended: *Provided further,* That amounts deposited pursuant to the preceding proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 5-year term, for senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), and for supportive services associated with the housing, $1,075,000,000 to remain available until September 30, 2026: *Provided,* That of the amount made available under this heading, up to $120,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further,* That any funding for existing service coordinators under the preceding proviso shall be provided within 120 days of enactment of this Act: *Provided further,* That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: *Provided further,* That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further,* That upon request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to remain available until September 30, 2026: *Provided further,* That amounts deposited in this account pursuant to the preceding proviso shall be available, in addition to the amounts otherwise provided by this heading, for the purposes authorized under this heading: *Provided further,* That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be available for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated: *Provided further,* That of the total amount made available under this heading, up to $25,000,000 shall be used to expand the supply of intergenerational dwelling units (as such term is defined in section 202 of the Legacy Act of 2003 (12 U.S.C. 1701q note)) for elderly caregivers raising children: *Provided further*, That for the purposes of the preceding proviso the Secretary may waive, or specify alternative requirements for, any provision of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) in order to facilitate the development of

Deadline.

Waiver authority.
Time period.

Determination.

Waiver authority.

such units, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment: *Provided further*, That of the total amount made available under this heading, up to $6,000,000 shall be used by the Secretary to support preservation transactions of housing for the elderly originally developed with a capital advance and assisted by a project rental assistance contract under the provisions of section 202(c) of the Housing Act of 1959.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, for project assistance contracts pursuant to subsection (h) of section 202 of the Housing Act of 1959, as added by section 205(a) of the Housing and Community Development Amendments of 1978 (Public Law 95–557: 92 Stat. 2090), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 5-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $360,000,000, to remain available until September 30, 2026: *Provided,* That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: *Provided further,* That, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to remain available until September 30, 2026: *Provided further,* That amounts deposited in this account pursuant to the preceding proviso shall be available in addition to the amounts otherwise provided by this heading for the purposes authorized under this heading: *Provided further,* That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be used for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated.

Determination.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $57,500,000, to remain available until September 30, 2024, including up to $4,500,000 for administrative contract services: *Provided,* That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management or literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities

Contracts.

of tenancy or homeownership; for program administration; and for housing counselor training: *Provided further,* That for purposes of awarding grants from amounts provided under this heading, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $14,000,000, to remain available until expended, of which $14,000,000 shall be derived from the Manufactured Housing Fees Trust Fund (established under section 620(e) of such Act (42 U.S.C. 5419(e)): *Provided,* That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further,* That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2023 so as to result in a final fiscal year 2023 appropriation from the general fund estimated at zero, and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2023 appropriation: *Provided further,* That for the dispute resolution and installation programs, the Secretary may assess and collect fees from any program participant: *Provided further,* That such collections shall be deposited into the Trust Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620 of such Act, for necessary expenses of such Act: *Provided further,* That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

Fees.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2024: *Provided,* That during fiscal year 2023, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $1,000,000: *Provided further,* That the foregoing amount in the preceding proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: *Provided further,* That for administrative contract expenses of the Federal Housing Administration, $150,000,000, to remain available until September 30, 2024: *Provided further,* That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2023, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000: *Provided further,* That

Effective date.

notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), during fiscal year 2023 the Secretary may insure and enter into new commitments to insure mortgages under section 255 of the National Housing Act only to the extent that the net credit subsidy cost for such insurance does not exceed zero.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $35,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2024: *Provided,* That during fiscal year 2023, gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $1,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $900,000,000,000, to remain available until September 30, 2024: *Provided,* That $40,400,000, to remain available until September 30, 2024, shall be for necessary salaries and expenses of the Government National Mortgage Association: *Provided further,* That to the extent that guaranteed loan commitments exceed $155,000,000,000 on or before April 1, 2023, an additional $100 for necessary salaries and expenses shall be available until expended for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $3,000,000: *Provided further,* That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act (12 U.S.C. 1716 et seq.) shall be credited as offsetting collections to this account.

Effective date.

Fees.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, and for technical assistance, $125,400,000, to remain available until September 30, 2024: *Provided,* That with respect to amounts made available under this heading, notwithstanding section 203 of this title, the Secretary may enter into

Contracts.

cooperative agreements with philanthropic entities, other Federal agencies, State or local governments and their agencies, Indian Tribes, tribally designated housing entities, or colleges or universities for research projects: *Provided further,* That with respect to the preceding proviso, such partners to the cooperative agreements shall contribute at least a 50 percent match toward the cost of the project: *Provided further,* That for non-competitive agreements entered into in accordance with the preceding two provisos, the Secretary shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(a)(4)(C)) with respect to documentation of award decisions: *Provided further,* That prior to obligation of technical assistance funding, the Secretary shall submit a plan to the House and Senate Committees on Appropriations on how the Secretary will allocate funding for this activity at least 30 days prior to obligation: *Provided further,* That none of the funds provided under this heading may be available for the doctoral dissertation research grant program: *Provided further*, That an additional $20,000,000, to remain available until September 30, 2025, shall be for competitive grants to nonprofit or governmental entities to provide legal assistance (including assistance related to pretrial activities, trial activities, post-trial activities and alternative dispute resolution) at no cost to eligible low-income tenants at risk of or subject to eviction: *Provided further*, That in awarding grants under the preceding proviso, the Secretary shall give preference to applicants that include a marketing strategy for residents of areas with high rates of eviction, have experience providing no-cost legal assistance to low-income individuals, including those with limited English proficiency or disabilities, and have sufficient capacity to administer such assistance: *Provided further*, That the Secretary shall ensure, to the extent practicable, that the proportion of eligible tenants living in rural areas who will receive legal assistance with grant funds made available under this heading is not less than the overall proportion of eligible tenants who live in rural areas.

Matching contribution.

Compliance.

Plan. Allocation. Deadline.

Urban and rural areas.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), and section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a), $86,355,000, to remain available until September 30, 2024: *Provided,* That notwithstanding section 3302 of title 31, United States Code, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to develop on-line courses and provide such training: *Provided further,* That none of the funds made available under this heading may be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan: *Provided further,* That of the funds made available under this heading, $1,355,000 shall be available to the Secretary for

Fees.

Lobbying.

the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

(INCLUDING TRANSFER OF FUNDS)

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852), the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 and 1701z–2), and for related activities and assistance, $410,000,000, to remain available until September 30, 2025: *Provided,* That the amounts made available under this heading are provided as follows:

(1) $290,000,000 shall be for the award of grants pursuant to such section 1011, of which not less than $95,000,000 shall be provided to areas with the highest lead-based paint abatement needs;

(2) $85,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970, which shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards, and mitigating housing-related health and safety hazards in housing of low-income families, of which—

(A) $5,000,000 shall be for the implementation of projects in up to five communities that are served by both the Healthy Homes Initiative and the Department of Energy weatherization programs to demonstrate whether the coordination of Healthy Homes remediation activities with weatherization activities achieves cost savings and better outcomes in improving the safety and quality of homes; and

(B) $30,000,000 shall be for grants to experienced nonprofit organizations, States, local governments, or public housing agencies for safety and functional home modification repairs and renovations to meet the needs of low-income seniors to enable them to remain in their primary residence: *Provided,* That of the total amount made available under this subparagraph no less than $10,000,000 shall be available to meet such needs in communities with substantial rural populations;

(3) $5,000,000 shall be for the award of grants and contracts for research pursuant to sections 1051 and 1052 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4854, 4854a);

(4) Up to $2,000,000 in total of the amounts made available under paragraphs (2) and (3) may be transferred to the heading "Research and Technology" for the purposes of conducting research and studies and for use in accordance with the provisos under that heading for non-competitive agreements;

(5) $25,000,000 shall be for a lead-risk assessment demonstration for public housing agencies to conduct lead hazard screenings or lead-risk assessments during housing quality standards inspections of units in which a family receiving assistance under section 8(o) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f(o)) resides or expects to reside, and has or expects to have a child under age 6 residing in the unit, while preserving rental housing availability and affordability; and

(6) $5,000,000 shall be for grants for a radon testing and mitigation safety demonstration program (the radon demonstration) in public housing: *Provided,* That the testing method, mitigation method, or action level used under the radon demonstration shall be as specified by applicable State or local law, if such law is more protective of human health or the environment than the method or level specified by the Secretary:

Provided further, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program, or other demonstrations or programs under this heading or under prior appropriations Acts for such purposes under this heading, or under the heading "Housing for the Elderly" under prior Appropriations Acts, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further,* That each applicant for a grant or cooperative agreement under this heading shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding opportunity: *Provided further,* That amounts made available under this heading, except for amounts in paragraph (2)(B) for home modification repairs and renovations, in this or prior appropriations Acts, still remaining available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

Certification. Notice.

INFORMATION TECHNOLOGY FUND

For Department-wide and program-specific information technology systems and infrastructure, $374,750,000, to remain available until September 30, 2025, of which up to $23,950,000 shall be for development, modernization, and enhancement projects, including planning for such projects: *Provided,* That not more than 10 percent of the funds made available under this heading for development, modernization, and enhancement may be obligated until the Secretary submits and the House and Senate Committees on Appropriations approve a plan that—

Plan.

(1) identifies for each development, modernization, and enhancement project to be funded from available balances, including carryover—

(A) plain language summaries of the project scope;

(B) the estimated total project cost; and

(C) key milestones to be met; and

(2) identifies for each major modernization project—

(A) the functional and performance capabilities to be delivered and the mission benefits to be realized;

(B) the estimated life-cycle cost;

(C) key milestones to be met through the project end date, including any identified system decommissioning;

(D) a description of the procurement strategy and governance structure for the project and the number of HUD staff and contractors supporting the project; and

(E) certification from the Chief Information Officer that each project is compliant with the Department's enterprise architecture, life-cycle management and capital planning and investment control requirements:

Certification.

Provided further, That not later than 30 days after the end of each quarter, the Secretary shall submit an updated report to the Committees on Appropriations of the House of Representatives and the Senate summarizing the status, cost and plan for all modernization projects; and for each major modernization project with an approved project plan, identifying—

Reports. Summaries.

(1) results and actual expenditures of the prior quarter;

(2) any variances in cost, schedule (including procurement), or functionality from the previously approved project plan, reasons for such variances and estimated impact on total life-cycle costs; and

(3) risks and mitigation strategies associated with ongoing work.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $146,000,000: *Provided,* That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSION)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the funds made available by this Act may be used during fiscal year 2023 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 204. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 205. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 206. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2023 for such corporation or agency except as hereinafter provided: *Provided,* That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

Reports.
Budget.

SEC. 207. The Secretary shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 208. None of the funds made available by this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 209. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2023 and 2024, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects. Time period.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under subsection (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: The number of low-income and very low-income units and the configuration (i.e., bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided to the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: The Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based assistance budget authority. Determination.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable, or be reasonably expected to become economically nonviable when complying with State or Federal requirements for community integration and reduced concentration of individuals with disabilities. Determination.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary. Standards.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials. Notification. Consultation. Certification.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants. Determination.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is Waiver authority. Determination.

necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

Records.

(8) If the transferring project meets the requirements of subsection (d)(2), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

Definitions.

(d) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(D) housing that is assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013); or

(F) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b));

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1);

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); and

(F) assistance payments made under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2));

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required low-income and very low-income use restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt, and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

(e) RESEARCH REPORT.—The Secretary shall conduct an evaluation of the transfer authority under this section, including the effect of such transfers on the operational efficiency, contract rents, physical and financial conditions, and long-term preservation of the affected properties. Evaluation.

SEC. 210. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005;

(7) is not a youth who left foster care at age 14 or older and is at risk of becoming homeless; and

(8) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children. Determination.

SEC. 211. The funds made available for Native Alaskans under paragraph (1) under the heading "Native American Programs" in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005, and only such recipients shall be eligible to apply for funds made available under paragraph (2) of such heading. Allocation. Eligibility.

SEC. 212. Notwithstanding any other provision of law, in fiscal year 2023, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure

on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or any other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government that such a multifamily property owned or having a mortgage held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (in this section "MAHRAA") (42 U.S.C. 1437f note), and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described in this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

Determination. Contracts.

Contracts. Notification.

SEC. 213. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary in connection with the operating fund rule: *Provided,* That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

42 USC 1437g note.

SEC. 214. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement, and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d),(e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to paragraph (1) or (2) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided,* That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under paragraph (1) or (2) of section 9(g).

Determination.

SEC. 215. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD appropriation under the accounts "Executive Offices", "Administrative Support

Offices", "Program Offices", "Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account", and "Office of Inspector General" within the Department of Housing and Urban Development.

Notification. Public information. Federal Register, publication. Notices. 42 USC 3545a note. Web posting. Determination.

SEC. 216. The Secretary shall, for fiscal year 2023, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding opportunity (NOFO) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2023, the Secretary may make the NOFO available only on the Internet at the appropriate Government website or through other electronic media, as determined by the Secretary.

SEC. 217. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations.

Advance approval.

Notification. Deadline.

SEC. 218. The Secretary is authorized to transfer up to 10 percent or $5,000,000, whichever is less, of funds appropriated for any office under the headings "Administrative Support Offices" or "Program Offices" to any other such office under such headings: *Provided,* That no appropriation for any such office under such headings shall be increased or decreased by more than 10 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: *Provided further,* That the Secretary shall provide notification to such Committees 3 business days in advance of any such transfers under this section up to 10 percent or $5,000,000, whichever is less.

Determination. Compliance.

SEC. 219. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary, and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of any property covered under a housing assistance payment contract.

(b) The Secretary shall take action under subsection (c) when a multifamily housing project with a contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or a contract for similar project-based assistance—

(1) receives a Uniform Physical Condition Standards (UPCS) score of 59 or less; or

Certification. Deadline.

(2) fails to certify in writing to the Secretary within 3 days that all Exigent Health and Safety deficiencies identified by the inspector at the project have been corrected.

Requirements. Applicability.

Such requirements shall apply to insured and noninsured projects with assistance attached to the units under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), but shall not apply to such units assisted under section 8(o)(13) of such Act (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

Deadline. Notice. Timetable. Determination. Records.

(c)(1) Within 15 days of the issuance of the Real Estate Assessment Center ("REAC") inspection, the Secretary shall provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary shall provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner's appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.

(2) At the end of the time period for correcting all deficiencies specified in the Notice of Default, if the owner fails to fully correct such deficiencies, the Secretary may—

Requirement.

(A) require immediate replacement of project management with a management agent approved by the Secretary;

Penalties.

(B) impose civil money penalties, which shall be used solely for the purpose of supporting safe and sanitary conditions at applicable properties, as designated by the Secretary, with priority given to the tenants of the property affected by the penalty;

Determination.

(C) abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;

(D) pursue transfer of the project to an owner, approved by the Secretary under established procedures, who will be obligated to promptly make all required repairs and to accept renewal of the assistance contract if such renewal is offered;

(E) transfer the existing section 8 contract to another project or projects and owner or owners;

(F) pursue exclusionary sanctions, including suspensions or debarments from Federal programs;

(G) seek judicial appointment of a receiver to manage the property and cure all project deficiencies or seek a judicial order of specific performance requiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other related party to stabilize the property in an attempt to preserve the property through compliance, transfer of ownership, or an infusion of capital provided by a third-party that requires time to effectuate; or

(I) take any other regulatory or contractual remedies available as deemed necessary and appropriate by the Secretary.

Contracts.
Notification.

(d) The Secretary shall take appropriate steps to ensure that project-based contracts remain in effect, subject to the exercise of contractual abatement remedies to assist relocation of tenants for major threats to health and safety after written notice to the affected tenants. To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of—

Determination.

(1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA"); and

(2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

Reports.

(e) The Secretary shall report semi-annually on all properties covered by this section that are assessed through the Real Estate Assessment Center and have UPCS physical inspection scores of less than 60 or have received an unsatisfactory management and occupancy review within the past 36 months. The report shall include—

Time period.

(1) identification of the enforcement actions being taken to address such conditions, including imposition of civil money penalties and termination of subsidies, and identification of properties that have such conditions multiple times;

(2) identification of actions that the Department of Housing and Urban Development is taking to protect tenants of such identified properties; and

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.

Recommendations.

The first report shall be submitted to the Senate and House Committees on Appropriations not later than 30 days after the enactment of this Act, and the second report shall be submitted within 180 days of the transmittal of the first report.

SEC. 220. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2023.

Grants. Notification. Deadline.

SEC. 221. None of the funds made available by this Act and provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, Tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices: *Provided*, That such notification shall list each grant award by State and congressional district.

SEC. 222. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Association, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that refinances or otherwise replaces a mortgage that has been subject to eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

SEC. 223. None of the funds made available by this Act may be used to terminate the status of a unit of general local government as a metropolitan city (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) with respect to grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 224. Amounts made available by this Act that are appropriated, allocated, advanced on a reimbursable basis, or transferred to the Office of Policy Development and Research of the Department of Housing and Urban Development and functions thereof, for research, evaluation, or statistical purposes, and that are unexpended at the time of completion of a contract, grant, or cooperative agreement, may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which the amounts are made available to that Office subject to reprogramming requirements in section 405 of this Act.

SEC. 225. None of the funds provided in this Act or any other Act may be used for awards, including performance, special act, or spot, for any employee of the Department of Housing and Urban Development subject to administrative discipline (including suspension from work), in this fiscal year, but this prohibition shall not be effective prior to the effective date of any such administrative discipline or after any final decision over-turning such discipline.

SEC. 226. With respect to grant amounts awarded under the heading "Homeless Assistance Grants" for fiscal years 2015 through 2023 for the Continuum of Care (CoC) program as authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, costs paid by program income of grant recipients may count toward meeting the recipient's matching requirements, provided the costs are eligible CoC costs that supplement the recipient's CoC program.

Grants.

SEC. 227. (a) From amounts made available under this title under the heading "Homeless Assistance Grants", the Secretary may award 1-year transition grants to recipients of funds for activities under subtitle C of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) to transition from one Continuum of Care program component to another.

Requirements.
Determination.

(b) In order to be eligible to receive a transition grant, the funding recipient must have the consent of the continuum of care and meet standards determined by the Secretary.

SEC. 228. The Promise Zone designations and Promise Zone Designation Agreements entered into pursuant to such designations, made by the Secretary in prior fiscal years, shall remain in effect in accordance with the terms and conditions of such agreements.

SEC. 229. None of the amounts made available in this Act may be used to consider Family Self-Sufficiency performance measures or performance scores in determining funding awards for programs receiving Family Self-Sufficiency program coordinator funding provided in this Act.

SEC. 230. Any public housing agency designated as a Moving to Work agency pursuant to section 239 of division L of Public Law 114–113 (42 U.S.C. 1437f note; 129 Stat. 2897) may, upon such designation, use funds (except for special purpose funding, including special purpose vouchers) previously allocated to any such public housing agency under section 8 or 9 of the United States Housing Act of 1937, including any reserve funds held by the public housing agency or funds held by the Department of Housing and Urban Development, pursuant to the authority for use of section 8 or 9 funding provided under such section and section 204 of title II of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–28), notwithstanding the purposes for which such funds were appropriated.

SEC. 231. None of the amounts made available by this Act may be used to prohibit any public housing agency under receivership or the direction of a Federal monitor from applying for, receiving, or using funds made available under the heading "Public Housing Fund" for competitive grants to evaluate and reduce lead-based paint hazards in this Act or that remain available and not awarded from prior Acts, or be used to prohibit a public housing agency from using such funds to carry out any required work pursuant to a settlement agreement, consent decree, voluntary

agreement, or similar document for a violation of the Lead Safe Housing or Lead Disclosure Rules.

SEC. 232. None of the funds made available by this title may be used to issue rules or guidance in contravention of section 1210 of Public Law 115–254 (132 Stat. 3442) or section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155).

Time periods.

SEC. 233. Funds previously made available in the Consolidated Appropriations Act, 2016 (Public Law 114–113) for the "Choice Neighborhoods Initiative" that were available for obligation through fiscal year 2018 are to remain available through fiscal year 2024 for the liquidation of valid obligations incurred in fiscal years 2016 through 2018.

SEC. 234. None of the funds made available by this Act may be used by the Department of Housing and Urban Development to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule entitled "Affirmatively Furthering Fair Housing" (80 Fed. Reg. 42272 (July 16, 2015)) or the notice entitled "Affirmatively Furthering Fair Housing Assessment Tool" (79 Fed. Reg. 57949 (September 26, 2014)).

Determination.
Allocation.

SEC. 235. For fiscal year 2023, if the Secretary determines or has determined, for any prior formula grant allocation administered by the Secretary through the Offices of Public and Indian Housing, Community Planning and Development, or Housing, that a recipient received an allocation greater than the amount such recipient should have received for a formula allocation cycle pursuant to applicable statutes and regulations, the Secretary may adjust for any such funding error in the next applicable formula allocation cycle by (a) offsetting each such recipient's formula allocation (if eligible for a formula allocation in the next applicable formula allocation cycle) by the amount of any such funding error, and (b) reallocating any available balances that are attributable to the offset to the recipient or recipients that would have been allocated additional funds in the formula allocation cycle in which any such error occurred (if such recipient or recipients are eligible for a formula allocation in the next applicable formula allocation cycle) in an amount proportionate to such recipient's eligibility under the next applicable formula allocation cycle: *Provided,* That all offsets and reallocations from such available balances shall be recorded against funds available for the next applicable formula allocation cycle: *Provided further,* That the term "next applicable formula allocation cycle" means the first formula allocation cycle for a program that is reasonably available for correction following such a Secretarial determination: *Provided further,* That if, upon request by a recipient and giving consideration to all Federal resources available to the recipient for the same grant purposes, the Secretary determines that the offset in the next applicable formula allocation cycle would critically impair the recipient's ability to accomplish the purpose of the formula grant, the Secretary may adjust for the funding error across two or more formula allocation cycles.

Records.

Definition.

Determination.

SEC. 236. The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(a) in section 515, by adding at the end the following new subsection:

Contracts.
Time periods.

"(d) RENT ADJUSTMENTS AND SUBSEQUENT RENEWALS.—After the initial renewal of a section 8 contract pursuant to this section

and notwithstanding any other provision of law or contract regarding the adjustment of rents or subsequent renewal of such contract for a project, including such a provision in section 514 or this section, in the case of a project subject to any restrictions imposed pursuant to sections 514 or this section, the Secretary may, not more often than once every 10 years, adjust such rents or renew such contracts at rent levels that are equal to the lesser of budget-based rents or comparable market rents for the market area upon the request of an owner or purchaser who—

Determinations.

"(1) demonstrates that—

"(A) project income is insufficient to operate and maintain the project, and no rehabilitation is currently needed, as determined by the Secretary; or

"(B) the rent adjustment or renewal contract is necessary to support commercially reasonable financing (including any required debt service coverage and replacement reserve) for rehabilitation necessary to ensure the long-term sustainability of the project, as determined by the Secretary, and in the event the owner or purchaser fails to implement the rehabilitation as required by the Secretary, the Secretary may take such action against the owner or purchaser as allowed by law; and

"(2) agrees to—

"(A) extend the affordability and use restrictions required under 514(e)(6) for an additional twenty years; and

"(B) enter into a binding commitment to continue to renew such contract for and during such extended term, provided that after the affordability and use restrictions required under 514(e)(6) have been maintained for a term of 30 years:

"(i) an owner with a contract for which rent levels were set at the time of its initial renewal under section 514(g)(2) shall request that the Secretary renew such contract under section 524 for and during such extended term; and

"(ii) an owner with a contract for which rent levels were set at the time of its initial renewal under section 514(g)(1) may request that the Secretary renew such contract under section 524 for and during such extended term."; and

(b) in section 579, by striking "October 1, 2022" each place it appears and inserting in lieu thereof "October 1, 2027".

SEC. 237. The Secretary may transfer from amounts made available for salaries and expenses under this title (excluding amounts made available under the heading "Office of Inspector General") up to $500,000 from each office to the heading "Information Technology Fund" for information technology needs, including for additional development, modernization, and enhancement, to remain available until September 30, 2025: *Provided,* That the total amount of such transfers shall not exceed $5,000,000: *Provided further,* That this transfer authority shall not be used to fund information technology projects or activities that have known out-year development, modernization, or enhancement costs in excess of $500,000: *Provided further,* That the Secretary shall provide notification to the House and Senate Committees on Appropriations no less than three business days in advance of any such transfer.

Notification.
Deadline.

SEC. 238. Funds previously made available in the Consolidated Appropriations Act, 2019 (Public Law 116–6) for "Lead Hazard Reduction" that were available for obligation through fiscal year 2020 are to remain available through fiscal year 2027 for the liquidation of valid obligations incurred in fiscal years 2019 through 2020.

Compliance.

SEC. 239. The Secretary shall comply with all process requirements, including public notice and comment, when seeking to revise any annual contributions contract.

SEC. 240. None of the funds appropriated or otherwise made available in this or prior Acts may be used by the Department to carry out customer experience activities within the Office of the Assistant Chief Financial Officer for Budget.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2023".

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792), $9,850,000: *Provided,* That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 46107), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; and uniforms or allowances therefore, as authorized by sections 5901 and 5902 of title 5, United States Code, $38,260,000, of which $2,000,000 shall remain available until September 30, 2024: *Provided,* That not to exceed $3,500 shall be for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978 (5 U.S.C. App. 3), $27,935,000: *Provided,* That the Inspector General shall have all necessary authority, in carrying out the duties specified in such Act, to investigate allegations of fraud, including false statements to the Government under section 1001 of title 18, United States

Code, by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further,* That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further,* That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the National Railroad Passenger Corporation: *Provided further,* That concurrent with the President's budget request for fiscal year 2024, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2024 in similar format and substance to budget requests submitted by executive agencies of the Federal Government.

Contracts.

Budget request.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code, $129,300,000, of which not to exceed $2,000 may be used for official reception and representation expenses: *Provided,* That the amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $166,000,000: *Provided,* That an additional $4,000,000, to remain available until September 30, 2026, shall be for the promotion and development of shared equity housing models.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by section 3109 of title 5, United States Code, $41,429,000: *Provided,* That, notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further,* That

the amounts made available under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2023, to result in a final appropriation from the general fund estimated at not more than $40,179,000.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code, of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $4,000,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Contracts.

SEC. 403. The expenditure of any appropriation under this Act for any consulting service through a procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 404. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations

Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2023, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program;

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or

Advance approval.

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations:

Reports.

Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further,* That the report shall include—

(A) a table for each appropriation with a separate column to display the prior year enacted level, the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

Applicability.

(B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in this Act, the table accompanying the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), accompanying reports of the House and Senate Committee on Appropriations, or in the budget appendix for the respective appropriations, whichever is more detailed, and shall apply to all items for which a dollar amount is specified and to all programs for which new budget (obligational) authority is provided, as well as to discretionary grants and discretionary grant allocations; and

(C) an identification of items of special congressional interest.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2023 from appropriations made available for salaries and expenses for fiscal year 2023 in this Act, shall remain available through September 30, 2024, for each such account

for the purposes authorized: *Provided,* That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further,* That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

Advance approval. Expenditure requests. Compliance.

SEC. 407. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided,* That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further,* That any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

Eminent domain.

SEC. 408. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 409. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 8301–8305, popularly known as the "Buy American Act").

Compliance.

SEC. 410. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 8301–8305).

SEC. 411. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 412. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the House and Senate Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided,* That for purposes of this section the term "international conference" shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

Reports.

Definition.

SEC. 413. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount

authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

Pornography.

SEC. 414. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

Records.

SEC. 415. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

Reports.
Compliance.

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

Contracts.
Determination.

SEC. 416. None of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program unless such awards or incentive fees are consistent with 16.401(e)(2) of the Federal Acquisition Regulations.

Deadlines.
Time period.
Certification.

SEC. 417. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

SEC. 418. (a) None of the funds made available by this Act may be used to approve a new foreign air carrier permit under sections 41301 through 41305 of title 49, United States Code, or exemption application under section 40109 of that title of an air carrier already holding an air operators certificate issued by a

country that is party to the U.S.-E.U.-Iceland-Norway Air Transport Agreement where such approval would contravene United States law or Article 17 bis of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.

(b) Nothing in this section shall prohibit, restrict or otherwise preclude the Secretary of Transportation from granting a foreign air carrier permit or an exemption to such an air carrier where such authorization is consistent with the U.S.-E.U.-Iceland-Norway Air Transport Agreement and United States law.

SEC. 419. None of the funds made available by this Act to the Department of Transportation may be used in contravention of section 306108 of title 54, United States Code.

Time period.

SEC. 420. (a) Funds previously made available in chapter 9 of title X of the Disaster Relief Appropriations Act, 2013 (Public Law 113–2, division A; 127 Stat. 36) under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" that were available for obligation through fiscal year 2017 are to remain available until expended for the liquidation of valid obligations incurred in fiscal years 2013 through 2017.

(b) Amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress) as engrossed in the House of Representatives on June 8, 2022.

SEC. 421. In the table of projects in the explanatory statement referenced in section 417 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2022 (division L of Public Law 117–103)—

(1) the item relating to "Greensboro Judy Center Early Learning Hub Facility" is deemed to be amended by striking "Greensboro Judy Center Early Learning Hub Facility" and inserting "Building maintenance for Greensboro Judy Center Early Learning Hub Facility";

(2) the item relating to "Constructing commercial kitchen to increase access to healthy food" is deemed to be amended by striking recipient "Cross Street Partners" and inserting "The Good Stuff";

(3) the item relating to "Covenant House PA Transition Housing" is deemed to be amended by striking recipient "Covenant House Pennsylvania" and inserting "Covenant House Pennsylvania Under 21";

(4) the item relating to "Long Island Greenway" is deemed to be amended by striking "Long Island Greenway" and inserting "For the planning and design of the Long Island Greenway";

(5) the item relating to "Acquisition of property for permanent Veterans' homeless shelter" is deemed to be amended by striking "Acquisition of property for permanent Veterans' homeless shelter" and inserting "Acquisition or rehabilitation of property for permanent veterans' homeless shelter";

(6) the item relating to "Gourdy Ampitheater Project" is deemed to be amended by striking "Gourdy Ampitheater Project" and inserting "Goudy Park";

(7) the item relating to "Community Bike Works: Easton" is deemed to be amended by striking "Easton" and inserting "Easton and Allentown";

(8) the item relating to "Barrington Town Offices and Emergency Operations Center Construction" is deemed to be amended by striking "Barrington Town Offices and Emergency Operations Center Construction" and inserting "For activities of the Town of Barrington";

(9) the item relating to "Holladay Community Center Public Facility" is deemed to be amended by striking recipient "Housing Authority of Salt Lake City (HASLC)" and inserting "Salt Lake County";

(10) the item relating to "Somersworth Fire Training Tower" is deemed to be amended by striking "Tower" and inserting "and Equipment";

(11) the item relating to "Generator and structure to house generator for Guma Esperansa" is deemed to be amended by striking "Generator and structure to house generator for Guma Esperansa" and inserting "For the installation and ongoing maintenance of the generator and its structure at Guma Esperansa";

(12) the item relating to "Facility Improvements" is deemed to be amended by striking recipient "Sterling House Community Center Inc." and inserting "Town of Stratford";

(13) the item relating to "Stateline Boys & Girls Club—Beloit, WI Facility Construction" is deemed to be amended by striking "Facility Construction";

(14) the item relating to "The MEWS at Spencer Road, Affordable Housing and Mixed Use Development" is deemed to be amended by striking recipient "Will County Development Corporation" and inserting "Will County Housing Development Corporation";

(15) the item relating to "Bluefield Historic District Restoration" is deemed to be amended by striking "Historic District"; and

(16) the item relating to "Port of West Virginia Railroad Bridge Improvements" is deemed to be amended by striking "Bridge".

SEC. 422. None of the funds made available to the Department of Housing and Urban Development in this or prior Acts may be used to issue a solicitation or accept bids on any solicitation that is substantially equivalent to the draft solicitation entitled "Housing Assistance Payments (HAP) Contract Support Services (HAPSS)" posted to www.Sam.gov on July 27, 2022.

SEC. 423. Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 598; 133 Stat. 3018) is amended by striking the seventh, eighth, and ninth sentences.

This division may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023".

DIVISION M—ADDITIONAL UKRAINE SUPPLEMENTAL APPROPRIATIONS ACT, 2023

Additional Ukraine Supplemental Appropriations Act, 2023.

TITLE I

DEPARTMENT OF AGRICULTURE

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for "Food for Peace Title II Grants", $50,000,000, to remain available until expended.

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

For an additional amount for "McGovern-Dole Food for Education and Child Nutrition Program Grants", $5,000,000, to remain available until expended.

TITLE II

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $54,252,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses, including for hardship duty pay.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $1,386,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses, including for hardship duty pay.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", to remain available until September 30, 2023, $1,400,000, to respond to the situation in Ukraine and for related expenses, including for hardship duty pay.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $31,028,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses, including for hardship duty pay.

MILITARY PERSONNEL, SPACE FORCE

For an additional amount for "Military Personnel, Space Force", $3,663,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses, including for hardship duty pay.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $3,020,741,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $871,410,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $14,620,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $580,266,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, SPACE FORCE

For an additional amount for "Operation and Maintenance, Space Force", $8,742,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", $21,160,737,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses: *Provided,* That of the total amount provided under this heading in this Act, $9,000,000,000, to remain available until September 30, 2024, shall be for the Ukraine Security Assistance Initiative: *Provided further,* That such funds for the Ukraine Security Assistance Initiative shall be available to the Secretary of Defense under the same terms and conditions as are provided for in section 8110 of the Department of Defense Appropriations Act, 2023: *Provided further,* That the Secretary of Defense may accept and retain contributions, including money, personal property,

Contributions.

and services, from foreign governments and other entities, to carry out assistance authorized for the Ukraine Security Assistance Initiative under this heading in this Act: *Provided further,* That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further,* That contributions of money for the purposes provided herein from any foreign government or other entity may be credited to this account, to remain available until September 30, 2024, and used for such purposes: *Provided further,* That of the total amount provided under this heading in this Act, up to $11,880,000,000, to remain available until September 30, 2024, may be transferred to accounts under the headings "Operation and Maintenance" and "Procurement" for replacement of defense articles from the stocks of the Department of Defense, and for reimbursement for defense services of the Department of Defense and military education and training, provided to the Government of Ukraine or to foreign countries that have provided support to Ukraine at the request of the United States: *Provided further,* That funds transferred pursuant to the preceding proviso shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further,* That the Secretary of Defense shall notify the congressional defense committees of the details of such transfers not less than 15 days before any such transfer: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back and merged with this appropriation: *Provided further,* That the transfer authority provided herein is in addition to any other transfer authority provided by law.

Notification.

Notification. Deadline.

Determination.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $354,000,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $687,000,000, to remain available until September 30, 2025, for expansion of public and private plants, including the land necessary therefor, and procurement and installation of equipment appliances, and machine tools in such plants, for the purpose of increasing production of critical munitions to replace defense articles provided to the Government of Ukraine or foreign countries that have provided support to Ukraine at the request of the United States.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $6,000,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $730,045,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $3,326,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $5,800,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $38,500,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $185,142,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $89,515,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $14,100,000, to remain available until September 30, 2023, which shall be for operation and maintenance, to respond to the situation in Ukraine and for related expenses.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $6,000,000, to remain available until September 30, 2023, which shall be for operation and maintenance, to carry out reviews of the activities of the Department of Defense to execute funds appropriated in this title, including assistance provided to Ukraine: *Provided,* That the Inspector General of the Department of Defense

shall provide to the congressional defense committees a briefing not later than 90 days after the date of enactment of this Act.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $75,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

GENERAL PROVISIONS—THIS TITLE

Reports.

SEC. 1201. Not later than 45 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit a report to the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate on measures being taken to account for United States defense articles designated for Ukraine since the February 24, 2022, Russian invasion of Ukraine, particularly measures with regard to such articles that require enhanced end-use monitoring; measures to ensure that such articles reach their intended recipients and are used for their intended purposes; and any other measures to promote accountability for the use of such articles: *Provided,* That such report shall include a description of any occurrences of articles not reaching their intended recipients or used for their intended purposes and a description of any remedies taken: *Provided further,* That such report shall be submitted in unclassified form, but may be accompanied by a classified annex.

Reports.

SEC. 1202. Not later than 30 days after the date of enactment of this Act, and every 30 days thereafter through fiscal year 2024, the Secretary of Defense, in coordination with the Secretary of State, shall provide a written report to the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate describing United States security assistance provided to Ukraine since the February 24, 2022, Russian invasion of Ukraine, including a comprehensive list of the defense articles and services provided to Ukraine and the associated authority and funding used to provide such articles and services: *Provided,* That such report shall be submitted in unclassified form, but may be accompanied by a classified annex.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

NUCLEAR ENERGY

For an additional amount for "Nuclear Energy", $300,000,000, to remain available until expended: *Provided,* That of the amount provided under this heading in this Act, $100,000,000 shall be for Advanced Nuclear Fuel Availability: *Provided further,* That of

the amount provided under this heading in this Act, $60,000,000 shall be to carry out the demonstrations of the Advanced Reactor Demonstration Program: *Provided further,* That of the amount provided under this heading in this Act, $20,000,000 shall be to carry about activities for the National Reactor Innovation Center: *Provided further,* That of the amount provided under this heading in this Act, $120,000,000 shall be to carry about activities for the Risk Reduction for Future Demonstrations.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $126,300,000, to remain available until expended, to respond to the situation in Ukraine and for related expenses.

GENERAL PROVISION—THIS TITLE

SEC. 1301. (a) Of the unobligated balances from amounts deposited in the SPR Petroleum Account pursuant to section 167(b)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6247(b)(3)), $10,395,000,000 is hereby permanently rescinded not later than September 30, 2023.

42 USC 6241 note.

(b) Section 403(a) of the Bipartisan Budget Act of 2015 (Public Law 114–74) is amended by adding "and" after the semicolon in paragraph (5), striking the semicolon in paragraph (6) and inserting a period, and striking paragraphs (7) and (8).

42 USC 6241 note.

(c) Section 32204(a)(1) of the FAST Act (Public Law 114–94) is amended by adding "and" after the semicolon in subparagraph (A), striking the semicolon in subparagraph (B) and inserting a period, and striking subparagraphs (C) and (D).

42 USC 6241 note.

(d) Section 30204(a)(1) of the Bipartisan Budget Act of 2018 (Public Law 115–123) is amended by striking the word "Reserve" and everything that follows and adding the following: "Reserve 30,000,000 barrels of crude oil during the period of fiscal years 2022 through 2027.".

TITLE IV

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,000,000, to remain available until expended, for necessary expenses of the National Security Council.

TITLE V

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for "Refugee and Entrant Assistance", $2,400,000,000, to remain available until September 30, 2024: *Provided,* That amounts made available under this heading in this Act may be used for grants or contracts with qualified organizations, including nonprofit entities, to provide culturally and linguistically appropriate services, including wraparound services, housing assistance, medical assistance, legal assistance, and case management assistance: *Provided further,* That amounts made available under this heading in this Act may be used by the Director of the Office of Refugee Resettlement (Director) to issue awards or supplement awards previously made by the Director: *Provided further,* That the Director, in carrying out section 412(c)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1522(c)(1)(A)) with amounts made available under this heading in this Act, may allocate such amounts among the States in a manner that accounts for the most current data available.

GENERAL PROVISION—THIS TITLE

SEC. 1501. Subsection (a)(1)(A) of section 2502 of the Afghanistan Supplemental Appropriations Act, 2022 (division C of Public Law 117–43) is amended by striking "September 30, 2022" and inserting "September 30, 2023". 8 USC 1101 note.

TITLE VI

LEGISLATIVE BRANCH

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $7,500,000, to remain available until expended, for oversight of the amounts provided in division N of Public Law 117–103, Public Law 117–128, division B of Public Law 117–180, and this Act.

TITLE VII

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC PROGRAMS

For an additional amount for "Diplomatic Programs", $147,054,000, to remain available until September 30, 2024, of which not less than $60,000,000 shall be made available to respond

to the situation in Ukraine and in countries impacted by the situation in Ukraine.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $5,500,000, to remain available until September 30, 2024.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $5,000,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and in countries impacted by the situation in Ukraine.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $8,000,000, to remain available until September 30, 2024.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $937,902,000, to remain available until expended, of which not less than $300,000,000 shall be made available to respond to humanitarian needs in Ukraine and in countries impacted by the situation in Ukraine, including the provision of emergency food and shelter, and for assistance for other vulnerable populations and communities, including through local and international nongovernmental organizations.

TRANSITION INITIATIVES

For an additional amount for "Transition Initiatives", $50,000,000, to remain available until expended, for assistance for Ukraine and countries impacted by the situation in Ukraine.

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $12,966,500,000 to remain available until September 30, 2024, for assistance for Ukraine and countries impacted by the situation in Ukraine, which may include budget support: *Provided,* That funds appropriated under this heading in this Act may be made available notwithstanding any other provision of law that restricts assistance to foreign countries and may be made available as contributions.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For an additional amount for "Assistance for Europe, Eurasia and Central Asia", $350,000,000, to remain available until September 30, 2024, for assistance and related programs for Ukraine and other countries identified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801) and section 3(c) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5402(c)).

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $1,535,048,000, to remain available until expended, of which not less than $620,000,000 shall be made available to address humanitarian needs in, and to assist refugees from, Ukraine, and for additional support for other vulnerable populations and communities.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $374,996,000, to remain available until September 30, 2024, of which not less than $300,000,000 shall be for assistance for Ukraine and countries impacted by the situation in Ukraine.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-terrorism, Demining and Related Programs", $105,000,000, to remain available until September 30, 2024, for assistance for Ukraine and countries impacted by the situation in Ukraine.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $80,000,000, to remain available until September 30, 2024: *Provided,* That such funds may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees, if otherwise authorized by any provision of law: *Provided further,* That such costs may include the costs of selling, reducing, or cancelling any amounts owed to the United States or any agency of the United States: *Provided further,* That the gross principal balance of such direct loans shall not exceed $2,000,000,000, and the gross principal balance of guaranteed loans shall not exceed $2,000,000,000: *Provided further,* That the Secretary of State may use amounts charged to the borrower as origination fees to pay for the cost of such loans.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFERS OF FUNDS)

Applicability.

SEC. 1701. During fiscal year 2023, section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) shall be applied by substituting "$14,500,000,000" for "$100,000,000".

Applicability.

SEC. 1702. During fiscal year 2023, section 506(a)(2)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(2)(B)) shall be applied by substituting "$400,000,000" for "$200,000,000" and by substituting "$150,000,000" for "$75,000,000" in clause (i).

Applicability.

SEC. 1703. During fiscal year 2023, section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)) shall be applied by substituting "$50,000,000" for "$25,000,000".

SEC. 1704. (a) Funds appropriated by this title under the heading "Diplomatic Programs" may be transferred to, and merged with, funds available under the heading "Capital Investment Fund" to respond to the situation in Ukraine and in countries impacted by the situation in Ukraine.

(b) Funds appropriated by this title under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" may be transferred to, and merged with, funds appropriated by this title under such headings to respond to humanitarian needs in Ukraine and in countries impacted by the situation in Ukraine and for assistance for other vulnerable populations and communities.

(c) Funds appropriated by this title under the heading "Economic Support Fund" may be transferred to, and merged with, funds available under the headings "United States International Development Finance Corporation—Corporate Capital Account", "United States International Development Finance Corporation—Program Account", "Export-Import Bank of the United States—Program Account", and "Trade and Development Agency" to respond to the situation in Ukraine and in countries impacted by the situation in Ukraine.

(d) Funds appropriated by this title under the headings "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", and "Foreign Military Financing Program" may be transferred to, and merged with, funds appropriated by this title under such headings to respond to the situation in Ukraine and in countries impacted by the situation in Ukraine.

(e) The transfer authorities provided by this section are in addition to any other transfer authority provided by law.

Consultation.
Notification.

(f) The exercise of the transfer authorities provided by this section shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Determination.

(g) Upon a determination that all or part of the funds transferred pursuant to the authorities provided by this section are not necessary for such purposes, such amounts may be transferred back to such appropriations.

SEC. 1705. (a) Funds appropriated by this title may be made available for direct financial support for the Government of Ukraine, including for Ukrainian first responders, and may be made available as a cash transfer subject to the requirements of subsection (b):

Reimbursement.

Provided, That such funds shall be provided on a reimbursable

basis and matched by sources other than the United States Government, to the maximum extent practicable: *Provided further,* That the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, shall ensure third-party monitoring of such funds: *Provided further,* That at least 15 days prior to the initial obligation of such funds, the Secretary of State, following consultation with the Administrator of the United States Agency for International Development, shall certify and report to the appropriate congressional committees that mechanisms for monitoring and oversight of such funds are in place and functioning and that the Government of Ukraine has in place substantial safeguards to prevent corruption and ensure accountability of such funds: *Provided further,* That not less than 45 days after the initial obligation of such funds, the Inspectors General of the Department of State and the United States Agency for International Development shall submit a report to the appropriate congressional committees detailing and assessing the mechanisms for monitoring and safeguards described in the previous proviso.

Consultation. Certification. Reports.

Reports.

(b) Funds made available to the Government of Ukraine as a cash transfer under subsection (a) shall be subject to a memorandum of understanding between the governments of the United States and Ukraine that describes how the funds proposed to be made available will be used and the appropriate safeguards to ensure transparency and accountability: *Provided*, That such assistance shall be maintained in a separate, auditable account and may not be commingled with any other funds.

Memorandum.

(c) The Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, shall report to the appropriate congressional committees on the uses of funds provided for direct financial support to the Government of Ukraine pursuant to subsection (a) not later than 45 days after the date of enactment of this Act and every 45 days thereafter until all such funds have been expended: *Provided*, That such reports shall include a detailed description of the use of such funds, including categories and amounts, the intended results and the results achieved, a summary of other donor contributions, and a description of the efforts undertaken by the Secretary and Administrator to increase other donor contributions for direct financial support: *Provided further*, That such reports shall also include the metrics established to measure such results.

Reports.

SEC. 1706. Funds appropriated by this title under the headings "Diplomatic Programs", "Operating Expenses", "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-Terrorism, Demining and Related Programs", and "Foreign Military Financing Program" shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided,* That notifications submitted pursuant to this section shall include for each program notified—(1) total funding made available for such program, by account and fiscal year; (2) funding that remains unobligated for such program; (3) funding that is obligated but unexpended for such program; and (4) funding committed, but not yet notified for such program.

Notifications.

SEC. 1707. Funds appropriated by this title for the Inspectors General of the Department of State and United States Agency for International Development are in addition to funds otherwise provided for such Inspectors General for fiscal year 2023 and are

made available to provide oversight of funds appropriated by this title and funds appropriated in title VI of division N of Public Law 117–103, title V of Public Law 117–128, and title III of division B of Public Law 117–180: *Provided,* That the Inspectors General shall coordinate with the Inspectors General of the Department of Defense and Inspectors General of other relevant Federal agencies in conducting such oversight: *Provided further,* That not later than 90 days after the date of enactment of this Act, the Inspectors General shall provide a report on oversight plans and initial findings to the appropriate congressional committees.

Reports.

SEC. 1708. (a) The Attorney General may transfer to the Secretary of State the proceeds of any covered forfeited property for use by the Secretary of State to provide assistance to Ukraine to remediate the harms of Russian aggression towards Ukraine. Any such transfer shall be considered foreign assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), including for purposes of making available the administrative authorities and implementing the reporting requirements contained in that Act.

Reports.

(b) Not later than 15 days after any transfers made pursuant to subsection (a), the Attorney General, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit a report describing such transfers to the appropriate congressional committees.

Definitions.

(c) In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on the Judiciary of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Committee on Financial Services of the House of Representatives; and

(H) the Committee on Appropriations of the House of Representatives.

(2) The term "covered forfeited property" means property forfeited under chapter 46 or section 1963 of title 18, United States Code, which property belonged to, was possessed by, or was controlled by a person subject to sanctions and designated by the Secretary of the Treasury or the Secretary of State, or which property was involved in an act in violation of sanctions enacted pursuant to Executive Order 14024, and as expanded by Executive Order 14066 of March 8, 2022, and relied on for additional steps taken in Executive Order 14039 of August 20, 2021, and Executive Order 14068 of March 11, 2022.

Effective date.

(d) The authority under this section shall apply to any covered forfeited property forfeited on or before May 1, 2025.

TITLE VIII

GENERAL PROVISIONS—THIS ACT

SEC. 1801. Funds appropriated by this Act for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 1802. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1803. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1804. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2023.

SEC. 1805. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

This division may be cited as the "Additional Ukraine Supplemental Appropriations Act, 2023".

DIVISION N—DISASTER RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2023

Disaster Relief Supplemental Appropriations Act, 2023.

TITLE I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH AND MARKETING

OFFICE OF THE SECRETARY

For an additional amount for "Office of the Secretary", $3,741,715,000, to remain available until expended, for necessary expenses related to losses of revenue, quality or production losses of crops (including milk, on-farm stored commodities, crops prevented from planting in 2022, and harvested adulterated wine grapes), trees, bushes, and vines, as a consequence of droughts, wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze, including a polar vortex, smoke exposure, and excessive moisture occurring in calendar year 2022 under such terms and conditions as determined by the Secretary: *Provided,* That of the amounts provided under this heading in this Act, the Secretary shall use up to $494,500,000 to provide assistance to producers of livestock, as determined by the Secretary of Agriculture, for losses incurred during calendar year 2022 due to drought or wildfires: *Provided further,* That the amount provided under this heading in this Act shall be subject to the terms and conditions set forth in the first, second, and fourth through twelfth

Determination.

Determination.

provisos under this heading in title I of the Disaster Relief Supplemental Appropriations Act, 2022 (division B of Public Law 117–43), except that each reference to 2020 or 2021 in such provisos in such Act shall be deemed to be a reference instead to 2022.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $58,000,000, to remain available until expended.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", $29,700,000, to remain available until expended.

FARM PRODUCTION AND CONSERVATION PROGRAMS

FARM SERVICE AGENCY

EMERGENCY FOREST RESTORATION PROGRAM

For an additional amount for "Emergency Forest Restoration Program", $27,000,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" for necessary expenses for the Emergency Watershed Protection Program, $925,000,000, to remain available until expended.

RURAL DEVELOPMENT PROGRAMS

RURAL HOUSING SERVICE

RURAL HOUSING ASSISTANCE GRANTS

For an additional amount for "Rural Housing Assistance Grants", $60,000,000, to remain available until expended, for necessary expenses related to homes damaged by Presidentially declared disasters in calendar year 2022: *Provided,* That 42 U.S.C. 1471(b)(3) shall not apply: *Provided further,* That the income limit shall be capped at 80 percent of the area median income: *Provided further,* That, notwithstanding section 1490m(c)(2) of such title, a grant made under 42 U.S.C. 1490m of such title using funds made available under this heading in this Act, may not exceed $50,000.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

For an additional amount for "Rural Community Facilities Program Account", $75,300,000, to remain available until expended: *Provided,* That of the amounts provided under this heading in this Act, $50,000,000 shall be for necessary expenses for grants to repair essential community facilities damaged by Presidentially

declared disasters in calendar year 2022: *Provided further,* That the percentage of the cost of the facility that may be covered by a grant pursuant to the preceding proviso shall be 75 percent.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For an additional amount for "Rural Water and Waste Disposal Program Account", $325,000,000, to remain available until expended: *Provided,* That of the amounts provided under this heading in this Act, $265,000,000 shall be for necessary expenses related to water systems damaged by Presidentially declared disasters in calendar year 2022: *Provided further,* That, notwithstanding section 343(a)(13)(B) of the Consolidated Farm and Rural Development Act, a grant using funds made available pursuant to the preceding proviso may not be awarded to a community with a population of more than 35,000 people: *Provided further,* That not to exceed $8,000,000 of the amount made available pursuant to the first proviso shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(22) of the Consolidated Farm and Rural Development Act.

GENERAL PROVISIONS—THIS TITLE

SEC. 2101. In addition to other funds available for such purposes, not more than three percent of the amounts provided in each account under the "Rural Development Programs" heading in this title shall be paid to the appropriation for "Rural Development, Salaries and Expenses" for administrative costs to carry out the emergency rural development programs in this title.

SEC. 2102. For necessary expenses for salary and related costs associated with Agriculture Quarantine and Inspection Services activities pursuant to 21 U.S.C. 136a(6), and in addition to any other funds made available for this purpose, there is appropriated, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available until September 30, 2024, to offset the loss of quarantine and inspection fees collected pursuant to sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a): *Provided,* That amounts made available in this section shall be treated as funds collected by fees authorized under sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a) for purposes of section 421(f) of the Homeland Security Act of 2002 (6 U.S.C. 231(f)).

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for

"Economic Development Assistance Programs" for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation as a result of Hurricanes Ian and Fiona, and of wildfires, flooding, and other natural disasters occurring in calendar years 2021 and 2022 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $500,000,000, to remain available until expended: *Provided,* That within the amount appropriated under this heading in this Act, up to 3 percent of funds may be transferred to the "Salaries and Expenses" account for administration and oversight activities: *Provided further,* That the Secretary of Commerce is authorized to appoint and fix the compensation of such temporary personnel as may be necessary to implement the requirements under this heading in this Act, without regard to the provisions of title 5, United States Code, governing appointments in competitive service: *Provided further,* That within the amount appropriated under this heading in this Act, $2,000,000 shall be transferred to the "Office of Inspector General" account for carrying out investigations and audits related to the funding provided under this heading in this Act.

Appointment.

For an additional amount for "Economic Development Assistance Programs" for grants authorized by sections 28 and 29 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722a and 3722b), $618,000,000, to remain available until expended, of which $459,000,000 shall be for grants under section 28 and $159,000,000 shall be for grants under section 29 in amounts determined by the Secretary.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and Technical Research and Services" to investigate the impacts of hurricanes, typhoons, and wildfires in calendar year 2022 to support the development of resilience standards with regard to weather and climate disasters, in addition to the underlying research to support those standards, and for necessary expenses to carry out investigations of building failures pursuant to the National Construction Safety Team Act of 2002 (15 U.S.C. 7301), $40,000,000, to remain available until expended.

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for "Industrial Technology Services", $27,000,000, to remain available until expended, to implement the Research and Development, Competition, and Innovation Act (division B of Public Law 117–167), of which $13,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $14,000,000 shall be for the Manufacturing USA Program.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to the consequences of hurricanes, typhoons, flooding, and wildfires in calendar year 2022, $29,000,000, to remain available until September 30, 2024, for repair and replacement of observing assets, real property, and equipment; for marine debris assessment and removal; and for mapping, charting, and geodesy services.

For an additional amount for "Operations, Research, and Facilities", $62,000,000, to remain available until September 30, 2024, of which $20,000,000, to remain available until expended, shall be to carry out activities described in title II of division JJ of the Consolidated Appropriations Act, 2023 to support the adoption of innovative fishing gear deployment and fishing techniques to reduce entanglement risk to North Atlantic right whales, including through cooperative agreements pursuant to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701).

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction" for the acquisition of hurricane hunter aircraft and related expenses as authorized under section 413(a) of the Weather Research and Forecasting Innovation Act of 2017 (Public Law 115–25), $327,701,000, to remain available until expended.

For an additional amount for "Procurement, Acquisition and Construction", $108,838,000, to remain available until September 30, 2025.

FISHERIES DISASTER ASSISTANCE

For an additional amount for "Fisheries Disaster Assistance" for necessary expenses associated with the mitigation of fishery disasters, $300,000,000, to remain available until expended: *Provided,* That such funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters declared by the Secretary of Commerce.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $182,000,000, to remain available until expended.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for "Construction and Environmental Compliance and Restoration" for repair and replacement of National

Aeronautics and Space Administration facilities damaged by Hurricanes Ian and Nicole or scheduled for derating due to deterioration, $189,400,000, to remain available until expended.

For an additional amount for "Construction and Environmental Compliance and Restoration", $367,000,000, to remain available until September 30, 2028.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and Related Activities" for necessary expenses related to damage to research facilities and scientific equipment in calendar year 2022, including related to the consequences of wildfires, $2,500,000, to remain available until September 30, 2024.

For an additional amount for "Research and Related Activities", $818,162,000, to remain available until September 30, 2024, of which $210,000,000 shall be to implement the Research and Development, Competition, and Innovation Act (division B of Public Law 117–167).

STEM EDUCATION

For an additional amount for "STEM Education", $217,000,000, to remain available until September 30, 2024, of which $125,000,000 shall be to implement the Research and Development, Competition, and Innovation Act (division B of Public Law 117–167).

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation" to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of hurricanes, flooding, wildfires, and other extreme weather that occurred during calendar year 2022, $20,000,000, to remain available until September 30, 2023: *Provided,* That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2022 and 2023, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading in this Act: *Provided further,* That, for the purposes of this Act, the Legal Services Corporation shall be considered an agency of the United States.

GENERAL PROVISION—THIS TITLE

SEC. 2201. Unobligated balances from amounts made available in paragraph (1) under the heading "Procurement, Acquisition and Construction" in the Disaster Relief Supplemental Appropriations Act, 2022 (division B of Public Law 117–43) may be used for necessary expenses related to the consequences of hurricanes and of wildfires in calendar year 2022: *Provided,* That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of such concurrent resolution and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $82,875,000, to remain available until September 30, 2023, for necessary expenses related to the consequences of Hurricanes Ian and Fiona.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $6,786,000, to remain available until September 30, 2023, for necessary expenses related to the consequences of Hurricanes Ian and Fiona.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $16,572,000, to remain available until September 30, 2023, for necessary expenses related to the consequences of Hurricanes Ian and Fiona.

TITLE IV

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

INVESTIGATIONS

For an additional amount for "Investigations" for necessary expenses related to the completion, or initiation and completion, of flood and storm damage reduction, including shore protection, studies that are currently authorized or that are authorized after

the date of enactment of this Act, to reduce risks from future floods and hurricanes, at full Federal expense, $5,000,000, to remain available until expended: *Provided,* That funds made available under this heading in this Act shall be for high-priority studies of projects in States and insular areas that were impacted by Hurricanes Ian, Fiona, and Nicole: *Provided further,* That within 60 days of enactment of this Act, the Chief of Engineers shall submit directly to the House and Senate Committees on Appropriations a detailed work plan for the funds provided under this heading in this Act, including a list of study locations, new studies selected to be initiated, the total cost for all studies, the remaining cost for all ongoing studies, and a schedule by fiscal year of proposed use of such funds: *Provided further,* That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress: *Provided further,* That beginning not later than 60 days after the enactment of this Act, the Assistant Secretary of the Army for Civil Works shall provide a quarterly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of the funds provided under this heading in this Act.

Deadline. Work plan. List.

Reports.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses to address emergency situations at Corps of Engineers projects, construct Corps of Engineers projects, and rehabilitate and repair damages caused by natural disasters to Corps of Engineers projects, $261,300,000, to remain available until expended: *Provided,* That funds made available in this paragraph in this Act are available to construct flood and storm damage reduction, including shore protection, projects which are currently authorized or which are authorized after the date of enactment of this Act, and flood and storm damage reduction, including shore protection, projects which have signed Chief's Reports as of the date of enactment of this Act or which are studied using funds provided under the heading "Investigations" of this Act if the Secretary determines such projects to be technically feasible, economically justified, and environmentally acceptable, in States and insular areas that were impacted by Hurricanes Ian, Fiona, and Nicole: *Provided further,* That to the extent that ongoing construction projects are constructed using funding pursuant to the first proviso in this paragraph in this Act, such construction shall be at full Federal expense: *Provided further,* That the Secretary may initiate additional new construction starts with funds provided pursuant to the first proviso in this paragraph in this Act: *Provided further,* That using funds provided in this paragraph in this Act, the non-Federal cash contribution for projects eligible for funding pursuant to the first proviso in this paragraph in this Act shall be financed in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years from the date of completion of the project or separable element: *Provided further,* That funds made available in this paragraph in this Act may be for ongoing projects that have previously received funds under this heading in the Disaster Relief Appropriations Act of 2013 (Public Law 113–2) and for which non-Federal interests have entered into binding agreements with the Secretary at the time of enactment of this Act: *Provided further,* That projects

Time period.

receiving funds pursuant to the preceding proviso, shall be subject to the terms and conditions of Disaster Relief Appropriations Act of 2013 (Public Law 113–2): *Provided further,* That funds made available in this paragraph in this Act may be for projects that have previously received funds under this heading in the Bipartisan Budget Act of 2018 (Public Law 115–123) and for which non-Federal interests have entered into binding agreements with the Secretary at the time of enactment of this Act: *Provided further,* That projects receiving funds pursuant to the preceding proviso, shall be subject to the terms and conditions of Bipartisan Budget Act of 2018 (Public Law 115–123): *Provided further,* That funds made available in this paragraph in this Act may be used for projects that have previously received funds under this heading in the Disaster Relief Supplemental Appropriations Act of 2022 (Public Law 117–43) and for which non-Federal interests have entered into binding agreements with the Secretary at the time of enactment of this Act: *Provided further,* That projects receiving funds pursuant to the preceding proviso, shall be subject to the terms and conditions of Disaster Relief Supplemental Appropriations Act of 2022 (Public Law 117–43): *Provided further,* That construction of ongoing projects that have previously received funds under this heading from the Disaster Relief Supplemental Appropriations Act of 2022 (Public Law 117–43) to complete certain features, useful increments of work, or components of the project shall be at full Federal expense with respect to funds provided to the project under this heading in such Act or in this paragraph in this Act: *Provided further,* That of the sums appropriated in this paragraph in this Act, any sums as are necessary to cover the Federal share of eligible construction costs for coastal harbors and channels, and for inland harbors eligible to be derived from the Harbor Maintenance Trust Fund under section 101 or section 104 of the Water Resources and Development Act of 2020 shall be derived from the general fund of the Treasury: *Provided further,* That for projects receiving funding in this paragraph in this Act, the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 (Public Law 99–662), as amended, shall not apply to funds provided in this paragraph in this Act: *Provided further,* That any projects using funds appropriated in this paragraph in this Act shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring, where applicable, the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further,* That within 60 days of enactment of this Act, the Chief of Engineers shall submit directly to the House and Senate Committees on Appropriations a detailed work plan for the funds provided in this paragraph in this Act, including a list of project locations, new construction projects selected to be initiated, the total cost for all projects, and a schedule by fiscal year of proposed use of such funds: *Provided further,* That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress: *Provided further,* That beginning not later than 60 days after the enactment of this Act, the Assistant Secretary of

Deadline.
Work plan.
List.

Reports.

the Army for Civil Works shall provide a quarterly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of the funds provided in this paragraph in this Act: *Provided further,* That amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of such concurrent resolution and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

For an additional amount for "Construction", $297,200,000, to remain available until expended: *Provided,* That of the funds made available in this paragraph in this Act, $45,000,000 shall be for flood and storm damage reduction: *Provided further,* That of the funds made available in this paragraph in this Act, $36,575,000 shall be for flood control: *Provided further,* That of the funds made available in this paragraph in this Act, for flood and storm damage reduction and flood control, $43,650,000 shall be to continue construction of projects that principally address drainage in urban areas: *Provided further,* That of the funds made available in this paragraph in this Act, $36,575,000 shall be for shore protection: *Provided further,* That of the funds made available in this paragraph in this Act, $113,550,000 shall be for major rehabilitation, construction, and related activities for rivers and harbors navigation projects, of which $10,000,000 shall be for authorized reimbursements: *Provided further,* That of the sums appropriated in this paragraph in this Act, any sums as are necessary to cover the Federal share of eligible construction costs for coastal harbors and channels, and for inland harbors eligible to be derived from the Harbor Maintenance Trust Fund under section 101 or section 104 of the Water Resources and Development Act of 2020 shall be derived from the general fund of the Treasury: *Provided further,* That of the funds made available in this paragraph in this Act, $19,000,000 shall be for other authorized project purposes, of which up to $11,900,000 shall be for the execution of comprehensive restoration plans developed by the Corps for major bodies of water: *Provided further,* That of the funds made available in this paragraph in this Act, $28,500,000 shall be for environmental restoration or compliance: *Provided further,* That of the funds made available in this paragraph in this Act, $18,000,000 shall be for water-related environmental infrastructure assistance to make environmentally sound repairs and upgrades to water infrastructure: *Provided further,* That within 60 days of enactment of this Act, the Chief of Engineers shall submit directly to the House and Senate Committees on Appropriations a detailed work plan for the funds provided in this paragraph in this Act, including a list of project locations, the total cost for all projects, and a schedule by fiscal year of proposed use of such funds: *Provided further,* That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

Deadline.
Work plan.
List.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for necessary expenses to address emergency situations at Corps of Engineers projects in response to, and rehabilitate and repair damages caused by natural disasters to Corps of Engineers projects, $15,500,000, to remain available until expended: *Provided,* That of the amount provided under this heading in this Act, such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the general fund of the Treasury: *Provided further,* That within 60 days of enactment of this Act, the Chief of Engineers shall submit directly to the House and Senate Committees on Appropriations a detailed work plan for the funds provided under this heading in this Act: *Provided further,* That beginning not later than 60 days after the enactment of this Act, the Assistant Secretary of the Army for Civil Works shall provide a quarterly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of the funds provided under this heading in this Act.

Deadline.
Work plan.

Reports.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by natural disasters, $324,000,000, to remain available until expended: *Provided,* That of the amount provided in this paragraph in this Act, such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the general fund of the Treasury: *Provided further,* That within 60 days of enactment of this Act, the Chief of Engineers shall submit directly to the House and Senate Committees on Appropriations a detailed work plan for the funds provided in this paragraph in this Act: *Provided further,* That beginning not later than 60 days after the enactment of this Act, the Assistant Secretary of the Army for Civil Works shall provide a quarterly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of the funds provided in this paragraph in this Act.

Deadline.
Work plan.

Reports.

For an additional amount for "Operation and Maintenance", $52,800,000, to remain available until expended: *Provided,* That of the amount provided in this paragraph in this Act, $36,000,000 shall be for necessary expenses at inland waterways projects: *Provided further,* That of the amount provided in this paragraph in this Act, $16,800,000 shall be for other authorized project purposes: *Provided further,* That within 60 days of enactment of this Act, the Chief of Engineers shall submit directly to the House and Senate Committees on Appropriations a detailed work plan for the funds provided in this paragraph in this Act, including a list of project locations, the total cost for all projects, and a schedule by fiscal year of proposed use of such funds: *Provided further,* That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

Deadline.
Work plan.
List.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters, as authorized by law, $519,200,000, to remain available until expended: *Provided,* That funding provided under this heading in this Act and utilized for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: *Provided further,* That beginning not later than 60 days after the enactment of this Act, the Chief of Engineers shall provide a quarterly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these fund provided under this heading in this Act.

Reports.

EXPENSES

For an additional amount for "Expenses" for necessary expenses to administer and oversee the obligation and expenditure of amounts provided in this Act for the Corps of Engineers, $5,000,000, to remain available until expended: *Provided,* That beginning not later than 60 days after the enactment of this Act, the Chief of Engineers shall provide a quarterly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these fund provided under this heading in this Act.

Reports.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ELECTRICITY

For an additional amount for "Electricity", $1,000,000,000, to remain available until expended, to carry out activities to improve the resilience of the Puerto Rican electric grid, including grants for low and moderate income households and households that include individuals with disabilities for the purchase and installation of renewable energy, energy storage, and other grid technologies: *Provided,* That the Department of Energy shall coordinate with the Federal Emergency Management Agency and the Department of Housing and Urban Development on these activities.

Coordination.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For an additional amount for "Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration", $520,000,000, to remain available until expended, for the purchase of power and transmission services: *Provided,* That the amount made available under this heading in this Act shall be derived from the general fund of the Treasury and shall be reimbursable from amounts collected by the Western Area Power Administration

pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses: *Provided further,* That of the amount made available under this heading in this Act, up to $100,000,000 may be transferred to Western Area Power Administration's Colorado River Basins Power Marketing Fund account to be used for the same purposes as outlined under this heading.

TITLE V

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the "Federal Buildings Fund", $36,788,390, to remain available until expended, for necessary expenses related to the consequences of Hurricane Ian, for repair and alteration of buildings under the jurisdiction, custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: *Provided,* That the amount provided under this heading in this Act may be used to reimburse the Fund for obligations incurred for this purpose prior to the date of the enactment of this Act.

Reimbursement.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, $858,000,000, to remain available until expended, of which $8,000,000 shall be transferred to and merged with "Office of Inspector General" for audits and reviews of disaster loans and the disaster loans programs; and of which $850,000,000 may be transferred to and merged with "Salaries and Expenses" for administrative expenses to carry out the disaster loan program or any disaster loan authorized by section 7(b) of the Small Business Act.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

COAST GUARD

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $39,250,000, to remain available until September 30, 2024, for

necessary expenses related to the consequences of Hurricanes Fiona and Ian.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Procurement, Construction, and Improvements", $115,500,000, to remain available until September 30, 2027, for necessary expenses related to the consequences of Hurricanes Fiona and Ian.

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief Fund", $5,000,000,000, to remain available until expended, for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), of which $13,000,000 shall be transferred to "Office of the Inspector General—Operations and Support" for audits and investigations of activities funded under this heading.

HERMIT'S PEAK/CALF CANYON FIRE ASSISTANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Hermit's Peak/Calf Canyon Fire Assistance Account", $1,450,000,000, to remain available until expended, to carry out the Hermit's Peak/Calf Canyon Fire Assistance Act, of which $1,000,000 shall be transferred to "Office of the Inspector General—Operations and Support" for oversight of activities authorized by the Hermit's Peak/Calf Canyon Fire Assistance Act: *Provided,* That the amounts provided under this heading in this Act shall be subject to the reporting requirement in the third proviso of section 136 of the Continuing Appropriations Act, 2023 (division A of Public Law 117–180).

Reports.
136 Stat. 2122.

GENERAL PROVISIONS—THIS TITLE

SEC. 2601. Notwithstanding sections 104(c) and (d) of the Hermit's Peak/Calf Canyon Fire Assistance Act (division G of Public Law 117–180), the Federal Emergency Management Agency may compensate for the replacement of water treatment facilities, to the extent necessitated by the Hermit's Peak/Calf Canyon Fire, in lieu of compensating for temporary injury, in an amount not to exceed $140,000,000 from funds made available under the heading "Hermit's Peak/Calf Canyon Fire Assistance Account" in this Act or in section 136 of the Continuing Appropriations Act, 2023 (division A of Public Law 117–180).

SEC. 2602. For necessary expenses related to providing customs and immigration inspection and pre-inspection services at, or in support of ports of entry, pursuant to section 1356 of title 8, United States Code, and section 58c(f) of title 19, United States Code, and in addition to any other funds made available for this purpose,

there is appropriated, out of any money in the Treasury not otherwise appropriated, $309,000,000, to offset the loss of Immigration User Fee receipts collected pursuant to section 286(h) of the Immigration and Nationality Act (8 U.S.C. 1356(h)), and fees for certain customs services collected pursuant to paragraphs (1) through (8) and paragraph (10) of subsection (a) of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(1)–(8) and (a)(10)).

TITLE VII

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", $247,000,000, to remain available until expended, for necessary expenses related to the consequences of wildfires, hurricanes, and other natural disasters occurring in and prior to calendar year 2023, including winter storm damages at Midway Atoll National Wildlife Refuge.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $1,500,000,000, to remain available until expended, for necessary expenses related to the consequences of wildfires, hurricanes, and other natural disasters occurring in and prior to calendar year 2023.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $41,040,000, to remain available until expended, for necessary expenses related to the consequences of wildfires, hurricanes, and other natural disasters occurring in and prior to calendar year 2023.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $44,500,000, to remain available until expended, for necessary expenses related to the consequences of wildfires, hurricanes, and other natural disasters occurring in and prior to calendar year 2023.

CONSTRUCTION

For an additional amount for "Construction", $2,500,000, to remain available until expended, for necessary expenses related

to the consequences of wildfires, hurricanes, and other natural disasters occurring in and prior to calendar year 2023.

BUREAU OF INDIAN EDUCATION

EDUCATION CONSTRUCTION

For an additional amount for "Education Construction", $90,465,000, to remain available until expended, for necessary expenses related to the consequences of flooding at the To'Hajiilee Community School.

DEPARTMENTAL OFFICES

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $75,000,000, to remain available until expended, for wildland fire suppression activities.

For an additional amount for "Wildland Fire Management", $429,000,000, to remain available until expended: *Provided,* That of the funds provided under this paragraph in this Act, $383,657,000 shall be available for wildfire suppression operations, and is provided to meet the terms of section 4004(b)(5)(B) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(g)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022: *Provided further,* That of the funds provided under this paragraph in this Act, $45,343,000 shall be available for fire preparedness.

ENVIRONMENTAL PROTECTION AGENCY

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For an additional amount for "Leaking Underground Storage Tank Trust Fund Program", $1,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Fiona and Ian.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants", $1,067,210,000, to remain available until expended, of which $665,210,000 shall be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, and of which $402,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided,* That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated under this paragraph in this Act shall be provided to States or Territories in EPA Regions 2 and 4 in amounts determined by the Administrator for wastewater treatment works and drinking water facilities impacted by Hurricanes Fiona and Ian: *Provided further,* That States or Territories shall prioritize funds, as appropriate, to Tribes and disadvantaged

communities: *Provided further,* That notwithstanding the requirements of section 603(i) of the Federal Water Pollution Control Act and section 1452(d) of the Safe Drinking Water Act, for the funds appropriated under this paragraph in this Act, each State shall use 100 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants, or any combination of these: *Provided further,* That the funds appropriated under this paragraph in this Act shall be used for eligible projects whose purpose is to reduce flood or fire damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or natural disaster at treatment works, as defined by section 212 of the Federal Water Pollution Control Act, or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: *Provided further,* That the funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further,* That funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3), or 202 of the Federal Water Pollution Control Act: *Provided further,* That the Administrator of the Environmental Protection Agency may retain up to $1,000,000 of the funds appropriated under this paragraph in this Act for management and oversight.

For an additional amount for "State and Tribal Assistance Grants", $150,000,000, to remain available until expended, for technical assistance and grants under section 1442(b) of the Safe Drinking Water Act (42 U.S.C. 300j–1(b)) in areas where the President declared an emergency in August of fiscal year 2022 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided,* That the Administrator of the Environmental Protection Agency may retain up to three percent of the amounts made available under this paragraph in this Act for salaries, expenses, and administration: *Provided further,* That the agency shall submit an annual report to the Committees on Appropriations until all funds have been obligated, with a status on the use of funds for this effort.

Reports.

For an additional amount for "State and Tribal Assistance Grants", $450,000,000, to remain available until expended, for capitalization grants under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12): *Provided,* That notwithstanding section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated under this paragraph in this Act shall be provided to States or Territories in EPA Region 4 in amounts determined by the Administrator in areas where there the President declared an emergency in August of fiscal year 2022 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further,* That notwithstanding the requirements of section 1452(d) of the Safe Drinking Water Act, for the funds appropriated under this paragraph in this Act, each State shall use 100 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt or any combination thereof: *Provided further,* That the funds provided under this paragraph in this Act shall not be subject to the matching

Determination.

or cost share requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further,* That the Administrator of the Environmental Protection Agency may retain up to $1,000,000 of the funds appropriated under this paragraph in this Act for management and oversight.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For an additional amount for "Forest and Rangeland Research", $2,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2020, 2021, and 2022 wildfires, hurricanes, and other natural disasters.

STATE AND PRIVATE FORESTRY

For an additional amount for "State and Private Forestry", $148,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2020, 2021, and 2022 wildfires, hurricanes, and other natural disasters: *Provided,* That of the amounts made available under this heading in this Act, up to $20,000,000 is for grants to states to support economic recovery activities in communities damaged by wildfire: *Provided further,* That of the amounts made available under this heading in this Act, no less than $100,000,000 is for cooperative lands forest management activities.

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", $210,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2020, 2021, and 2022 wildfires, hurricanes, and other natural disasters, including for high priority post-wildfire restoration for watershed protection, public access and critical habitat, hazardous fuels mitigation for community protection, and burned area recovery.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance", $150,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2020, 2021, and 2022 wildfires, hurricanes, and other natural disasters.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $375,000,000, to remain available until expended, for wildland fire suppression activities.

For an additional amount for "Wildland Fire Management", $1,171,000,000, to remain available until expended: *Provided,* That of the funds provided under this paragraph in this Act,

$1,011,000,000 shall be available for wildfire suppression operations, and is provided to meet the terms of section 4004(b)(5)(B) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(g)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022: *Provided further,* That of the funds provided under this paragraph in this Act, $160,000,000 shall be available for forest fire presuppression.

TITLE VIII

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for "CDC-Wide Activities and Program Support", $86,000,000, to remain available until September 30, 2024, for necessary expenses directly related to the consequences of Hurricanes Fiona and Ian: *Provided,* That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred for such purposes, prior to the date of enactment of this Act.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for "National Institute of Environmental Health Sciences", $2,500,000, to remain available until expended, for necessary expenses in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 related to the consequences of major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2022.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the Director", $25,000,000, to remain available until September 30, 2024, for necessary expenses directly related to the consequences of Hurricanes Fiona and Ian: *Provided,* That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred for such purposes, prior to the date of enactment of this Act: *Provided further,* That funds appropriated under this heading in this Act may be transferred to the accounts of Institutes and Centers of the National Institutes of Health (NIH): *Provided further,* That this transfer authority is in addition to any other transfer authority available to the NIH.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low Income Home Energy Assistance", $1,000,000,000, to remain available until September 30, 2023, for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): *Provided,* That of the funds made available under this heading in this Act, $500,000,000 shall be allocated as though the total appropriation for such payments for fiscal year 2023 was less than $1,975,000,000.

For an additional amount for "Low Income Home Energy Assistance", $2,500,000,000, to remain available until September 30, 2023, for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for "Payments to States for the Child Care and Development Block Grant", $100,000,000, to remain available through September 30, 2024, for necessary expenses directly related to the consequences of Hurricanes Fiona and Ian, including activities authorized under section 319(a) of the Public Health Service Act: *Provided,* That the Secretary shall allocate such funds to States, Territories, and tribes based on assessed need notwithstanding sections 658J and 658O of the Child Care and Development Block Grant Act of 1990: *Provided further,* That not to exceed 2 percent of funds appropriated under this heading in this Act may be reserved, to remain available until expended, for Federal administration costs: *Provided further,* That such funds may be used for alteration, renovation, construction, equipment, and other capital improvement costs, including for child care facilities without regard to section 658F(b) of such Act, and for other expenditures related to child care, as necessary to meet the needs of areas affected by Hurricanes Fiona and Ian: *Provided further,* That funds made available under this heading in this Act may be used without regard to section 658G of such Act and with amounts allocated for such purposes excluded from the calculation of percentages under subsection 658E(c)(3) of such Act: *Provided further,* That notwithstanding section 658J(c) of such Act, funds allotted to a State may be obligated by the State in that fiscal year or the succeeding three fiscal years: *Provided further,* That Federal interest provisions will not apply to the renovation or construction of privately-owned family child care homes, and the Secretary shall develop parameters on the use of funds for family child care homes: *Provided further,* That the Secretary shall not retain Federal interest after a period of 10 years (from the date on which the funds are made available to purchase or improve the property) in any facility renovated or constructed with funds made available under this heading in this Act: *Provided further,* That funds made available under this heading in this Act shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: *Provided further,* That funds appropriated under this heading in this Act may be made available to restore amounts,

Allocations. Territories. Native Americans.

Parameters.

Time period.

either directly or through reimbursement, for obligations incurred for such purposes, prior to the date of enactment of this Act.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for "Children and Families Services Programs", $408,000,000, to remain available until September 30, 2027, for necessary expenses directly related to the consequences of Hurricanes Fiona and Ian, including activities authorized under section 319(a) of the Public Health Service Act: *Provided,* That $345,000,000 of the amount provided under this heading in this Act shall be for Head Start programs, including making payments under the Head Start Act: *Provided further,* That none of funds made available in the preceding proviso shall be included in the calculation of the "base grant" in subsequent fiscal years, as such term is defined in sections 640(a)(7)(A) of the Head Start Act: *Provided further,* That funds made available in first proviso are not subject to the allocation requirements of section 640(a) of the Head Start Act or the matching requirements of section 640(b) of such Act: *Provided further,* That $10,000,000 of the amount provided under this heading in this Act shall be for payments to States, Territories, and tribes for activities authorized under subpart 1 of part B of title IV of the Social Security Act, with such funds allocated based on assessed need notwithstanding section 423 of such Act and paid without regard to percentage limitations in subsections (a), (c), or (e) in section 424 of such Act: *Provided further,* That $10,000,000 of the amount provided under this heading in this Act shall be for payments to States, Territories, tribes, and coalitions for carrying out sections 303(a) and 303(b) of the Family Violence Prevention and Services Act, notwithstanding the matching requirements in section 306(c)(4) of such Act and allocated based on assessed need, notwithstanding section 303(a)(2) of such Act: *Provided further,* That the Secretary may make funds made available under the preceding proviso available for providing temporary housing and assistance to victims of family, domestic, and dating violence: *Provided further,* That funds made available by the fifth proviso shall be available for expenditure, by a State, Territory, tribe, coalition, or any recipient of funds from a grant, through the end of fiscal year 2027: *Provided further,* That $25,000,000 of the amount made available under this heading in this Act shall be for payments to States, territories, and tribes authorized under the Community Services Block Grant Act, with such funds allocated based on assessed need, notwithstanding sections 674(b), 675A, and 675B of such Act: *Provided further,* That notwithstanding section 676(b)(8) of the Community Services Block Grant Act, each State, Territory, or tribe receiving funds made available under the preceding proviso may allocate funds to eligible entities based on assessed need: *Provided further,* That for services furnished under the CSBG Act with funds appropriated under this heading in this Act, a State, territory or tribe that receives a supplemental grant award may apply the last sentence of section 673(2) of the CSBG Act by substituting "200 percent" for "125 percent": *Provided further,* That funds made available under this heading in this Act may be used for alteration, renovation, construction, equipment, and other capital improvement costs as necessary to meet the needs of areas affected by Hurricanes Fiona and Ian: *Provided further,* That the Secretary shall not retain Federal

Allocations.

Applicability.

Time period.

interest after a period of 10 years (from the date on which the funds are made available to purchase or improve the property) in any facility renovated, repaired, or rebuilt with funds appropriated under this heading in this Act, with the exception of funds appropriated for Head Start programs: *Provided further,* That funds made available under this heading in this Act shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: *Provided further,* That up to $18,000,000, to remain available until expended, shall be available for Federal administrative expenses: *Provided further,* That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred for such purposes, prior to the date of enactment of this Act.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund", $128,792,000, to remain available until September 30, 2024, for necessary expenses directly related to the consequences of Hurricanes Fiona and Ian, including activities authorized under section 319(a) of the Public Health Service Act (referred to under this heading as the "PHS Act"): *Provided,* That funds made available under this heading in this Act may be used for alteration, renovation, construction, equipment, and other capital improvement costs as necessary to meet the needs of areas affected by Hurricanes Fiona and Ian: *Provided further,* That funds made available under this heading in this Act may be used for the purchase or hire of vehicles: *Provided further,* That of the amount made available under this heading in this Act, $65,000,000 shall be transferred to "Health Resources and Services Administration—Primary Health Care" for expenses directly related to a disaster or emergency for disaster response and recovery, for the Health Centers Program under section 330 of the PHS Act, including alteration, renovation, construction, equipment, and other capital improvement costs as necessary to meet the needs of areas affected by a disaster or emergency: *Provided further,* That the time limitation in section 330(e)(3) of the PHS Act shall not apply to funds made available under the preceding proviso: *Provided further,* That of the amount made available under this heading in this Act, not less than $22,000,000 shall be transferred to "Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support" for grants, contracts, and cooperative agreements for behavioral health treatment (including screening and diagnosis), treatment of substance use disorders (including screening and diagnosis), crisis counseling, and other related helplines, and for other similar programs to provide support to individuals impacted by a disaster or emergency: *Provided further,* That of the amount made available under this heading in this Act, not less than $15,000,000 shall be transferred to "Administration for Community Living—Aging and Disability Services Programs" for necessary expenses directly related to the consequences of Hurricanes Fiona and Ian: *Provided further,* That funds made

available under the preceding proviso are not subject to the allotment, reservation, matching, or application and State and area requirements of the Older Americans Act of 1965 and Rehabilitation Act of 1973: *Provided further,* That of the amount made available under this heading in this Act, not less than $392,000 shall be transferred to "Food and Drug Administration—Buildings and Facilities" for costs related to repair of facilities, for replacement of equipment, and for other increases in facility-related costs due to the consequences of Hurricanes Fiona and Ian: *Provided further,* That of the amount made available under this heading in this Act, up to $2,000,000, to remain available until expended, shall be transferred to "Office of the Secretary—Office of Inspector General" for oversight of activities responding to such disasters or emergencies.

GENERAL PROVISIONS—THIS TITLE

Appointment.

SEC. 2801. (a) IN GENERAL.—As the Secretary of Health and Human Services determines necessary to respond to a critical hiring need for emergency response positions, after providing public notice and without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, the Secretary may appoint candidates directly to the following positions, consistent with subsection (b), to perform critical work directly relating to the consequences of Hurricanes Fiona and Ian:

(1) Intermittent disaster-response personnel in the National Disaster Medical System, under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11).

(2) Term or temporary related positions in the Centers for Disease Control and Prevention and the Office of the Assistant Secretary for Preparedness and Response.

(b) EXPIRATION.—The authority under subsection (a) shall expire 270 days after the date of enactment of this section.

Deadline.
Operating plan.

SEC. 2802. Not later than 45 days after the date of enactment of this Act, the agencies receiving funds appropriated by this title shall provide a detailed operating plan of anticipated uses of funds made available in this title by State and Territory, and by program, project, and activity, to the Committees on Appropriations: *Provided,* That no such funds shall be obligated before the operating plans are provided to the Committees: *Provided further,* That such plans shall be updated, including obligations to date and anticipated use of funds made available in this title, and submitted to the Committees on Appropriations biweekly until all such funds are expended.

Updates.
Submission.
Time period.

TITLE IX

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $41,040,000, to remain available until September 30, 2025, for necessary expenses related to the consequences of Hurricanes Ian and Fiona: *Provided,* That, not later than 60 days after the date of enactment of this Act, the Secretary of the Navy, or their designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate

Deadline.
Expenditure plan.

an expenditure plan for funds provided under this heading in this Act: *Provided further,* That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

TITLE X

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY RELIEF PROGRAM

For an additional amount for the "Emergency Relief Program" as authorized under section 125 of title 23, United States Code, $803,000,000, to remain available until expended: *Provided,* That notwithstanding subsection (e) of section 120 of title 23, United States Code, for this fiscal year and hereafter, the Federal share for Emergency Relief funds made available under section 125 of such title to respond to damage caused by Hurricane Fiona, shall be 100 percent.

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For an additional amount for "Public Transportation Emergency Relief Program" as authorized under section 5324 of title 49, United States Code, $213,905,338, to remain available until expended, for transit systems affected by major declared disasters occurring in calendar years 2017, 2020, 2021, and 2022: *Provided,* That not more than three-quarters of 1 percent of the funds for public transportation emergency relief shall be available for administrative expenses and ongoing program management oversight as authorized under sections 5334 and 5338(c)(2) of such title and shall be in addition to any other appropriations for such purpose.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For an additional amount for "Tenant-Based Rental Assistance", $2,653,580,000, to remain available until expended, for activities specified in paragraph (1) (excluding any set-asides) of such heading in title II of division L of this consolidated Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Community Development Fund", $3,000,000,000, to remain available until expended, for the same purposes and under the same terms and conditions as funds appropriated under such heading in title VIII of the Disaster Relief

Supplemental Appropriations Act, 2022 (division B of Public Law 117–43), except that such amounts shall be for major disasters that occurred in 2022 or later until such funds are fully allocated and the fourth, twentieth, and twenty-first provisos under such heading in such Act shall not apply: *Provided,* That amounts made available under this heading in this Act and under such heading in such Act may be used by a grantee to assist utilities as part of a disaster-related eligible activity under section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)): *Provided further,* That of the amounts made available under this heading in this Act, up to $10,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement processes, to support States, units of general local government, or Indian tribes (and their subrecipients) that receive allocations related to major disasters under this heading in this, prior, or future Acts: *Provided further,* That of the amounts made available under this heading in this Act, up to $5,000,000 shall be transferred to "Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development" for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts made available under this heading in this Act or any prior or future Act that makes amounts available for purposes related to major disasters under such heading: *Provided further,* That the amount specified in the preceding proviso shall be combined with funds appropriated under this same heading for this same purpose in any prior Acts and the aggregate of such amounts shall be available for the costs of administering and overseeing any funds appropriated to the Department related to major disasters in this, prior, or future Acts, notwithstanding the purposes for which such funds were appropriated: *Provided further,* That of the amounts made available under this heading in this Act, up to $5,000,000 shall be transferred to "Department of Housing and Urban Development—Office of the Inspector General" for necessary costs of overseeing and auditing amounts made available under this heading in this Act or any prior or future Act that makes amounts available for purposes related to major disasters under such heading: *Provided further,* That amounts repurposed under this heading that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount for "Project-Based Rental Assistance", $969,420,000, to remain available until expended.

TITLE XI

GENERAL PROVISIONS—THIS ACT

SEC. 21101. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 21102. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 21103. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2023.

SEC. 21104. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

This division may be cited as the "Disaster Relief Supplemental Appropriations Act, 2023".

DIVISION O—EXTENDERS AND TECHNICAL CORRECTIONS

TITLE I—NATIONAL CYBERSECURITY PROTECTION SYSTEM AUTHORIZATION EXTENSION

SEC. 101. EXTENSION OF DHS AUTHORITY AND REPORTING.

Section 227(a) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1525(a)) is amended by striking "the date that is 7 years after the date of enactment of this Act" and inserting "September 30, 2023".

TITLE II—NDAA TECHNICAL CORRECTIONS

SEC. 201. BASIC NEEDS ALLOWANCE TECHNICAL CORRECTION.

37 USC 402b.

(a) IN GENERAL.—Subsection (a) of section 611 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 is amended—

(1) in the matter preceding paragraph (1), by striking "402b(b)" and inserting "402b";

(2) by striking paragraph (1) and inserting the following: "(1) in subsection (b)(2)—

"(A) by inserting '(A)' before 'the gross';

"(B) by striking '130 percent' and inserting '150 percent';

"(C) by striking '; and' and inserting '; or'; and

"(D) by inserting at the end the following:

"'(B) if the Secretary concerned determines it appropriate (based on location, household need, or special circumstance), the gross household income of the member during the most recent calendar year did not exceed an amount equal to 200 percent of the Federal poverty guidelines of the Department of Health and Human Services for the location of the member and the number of individuals in the household of the member for such year; and'; and"; and

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

"(2) in subsection (c)(1)(A), by striking '130 percent' and inserting '150 percent (or, in the case of a member described in subsection (b)(2)(B), 200 percent)'.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of such Act. 37 USC 402b note.

SEC. 202. TECHNICAL CORRECTION RELATING TO APPLICABILITY OF AGREEMENT BY A CADET OR MIDSHIPMAN TO PLAY PROFESSIONAL SPORT CONSTITUTING BREACH OF AGREEMENT TO SERVE AS AN OFFICER.

(a) IN GENERAL.—Section 553 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 is amended by adding at the end the following new subsection:

"(d) APPLICABILITY.—The amendments made by this section shall only apply with respect to a cadet or midshipman who first enrolls in the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after June 1, 2021.". 10 USC 7448 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 and apply as if originally included in the enactment of such Act. 10 USC 7448 note.

TITLE III—IMMIGRATION EXTENSIONS

SEC. 301. E-VERIFY. Applicability. 8 USC 1324a note.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting "September 30, 2023" for "September 30, 2015".

SEC. 302. NON-MINISTER RELIGIOUS WORKERS. Applicability. 8 USC 1101 note.

Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) shall be applied by substituting "September 30, 2023" for "September 30, 2015".

SEC. 303. H–2B SUPPLEMENTAL VISAS EXEMPTION. 8 USC 1184 note.

Notwithstanding the numerical limitation set forth in section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland Security, after consultation with the Secretary of Labor, and upon determining that the needs of American businesses cannot be satisfied during fiscal year 2023 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor, may increase the total number of aliens who may receive a visa under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limitation by not more than the highest number of H–2B nonimmigrants who participated in the H–2B

returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation.

Applicability.
8 USC 1182 note.

SEC. 304. RURAL HEALTHCARE WORKERS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting "September 30, 2023" for "September 30, 2015".

TITLE IV—ENVIRONMENT AND PUBLIC WORKS MATTERS

SEC. 401. ESTABLISHMENT OF REGIONAL COMMISSION FOR THE GREAT LAKES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Section 15301(a) of title 40, United States Code, is amended by adding at the end the following:

"(4) The Great Lakes Authority.".

(2) CONFORMING AMENDMENT.—Section 15101(1) of title 40, United States Code, is amended by inserting "or Authority" after "a Commission".

(b) DESIGNATION OF REGION.—

(1) IN GENERAL.—Subchapter II of chapter 157 of title 40, United States Code, is amended by adding at the end the following:

40 USC 15734.

"§ 15734. Great Lakes Authority

State listing.

"The region of the Great Lakes Authority shall consist of areas in the watershed of the Great Lakes and the Great Lakes System (as such terms are defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3))), in each of the following States:

"(1) Illinois.
"(2) Indiana.
"(3) Michigan.
"(4) Minnesota.
"(5) New York.
"(6) Ohio.
"(7) Pennsylvania.
"(8) Wisconsin.".

(2) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 157 of title 40, United States Code, is amended by adding at the end the following:

40 USC prec. 15701.

"15734. Great Lakes Authority.".

SEC. 402. REAUTHORIZATION OF NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER SERVICES, COMMUNITY PARTNERSHIP, AND REFUGE EDUCATION PROGRAMS.

Section 7(g) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) is amended by striking "2018 through 2022" and inserting "2023 through 2027".

SEC. 404. PATRICK LEAHY LAKE CHAMPLAIN BASIN PROGRAM.

(a) IN GENERAL.—Section 120 of the Federal Water Pollution Control Act (33 U.S.C. 1270) is amended—

(1) in the section heading, by inserting "**PATRICK LEAHY**" before "**LAKE**";

(2) by inserting "Patrick Leahy" before "Lake Champlain Basin Program" each place it appears;

(3) in subsection (g)(1), in the paragraph heading, by striking "LAKE" and inserting "PATRICK LEAHY LAKE"; and

(4) by amending subsection (i) to read as follows:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $35,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.". Time period.

(b) CONFORMING AMENDMENT.—Section 1201(c) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721) is amended by inserting "Patrick Leahy" before "Lake Champlain Basin Program".

(c) REFERENCES.—Any reference in law, regulation, map, document, paper, or other record of the United States to the "Lake Champlain Basin Program" shall be deemed to be a reference to the Patrick Leahy Lake Champlain Basin Program. 33 USC 1270 note.

SEC. 405. CLEAN SCHOOL BUS PROGRAM.

Section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) by inserting ", lease, license, or contract for service" after "to sell"; and

(II) by inserting ", lease, license, or contract for service" after "that own"; and

(ii) in subparagraph (B), by inserting ", lease, license, or contract for service" before the period at the end; and

(B) in paragraph (5)(A)—

(i) in clause (i)(II), by inserting ", lease, license, or contract for service" after "purchase";

(ii) in clause (iii), by striking "or" at the end;

(iii) by redesignating clause (iv) as clause (v);

(iv) by inserting after clause (iii) the following:

"(iv) a charter school (as defined in section 4310 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i)) responsible for the purchase, lease, license, or contract for service of school buses for that charter school; or"; and

(v) in subclause (II) of clause (v) (as so redesignated), by inserting ", lease, license, or contract for service" after "purchase"; and

(2) in subsection (b)(5)(A), by inserting ", except that, if the award is to an eligible contractor and the contract with the local educational agency (including charter schools operating as local educational agencies under State law) ends before the end of the 5-year period, those school buses may be operated as part of another local educational agency eligible for the same or higher priority consideration under paragraph (4), subject to the limitations under paragraph (7)" before the semicolon at the end. Time period.

TITLE V—SAFETY ENHANCEMENTS

SEC. 501. AMENDMENTS TO THE FLIGHT CREW ALERTING REQUIREMENTS.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by inserting after section 44743 the following:

49 USC 44744.

"§ 44744. Flight crew alerting

Effective date.

"(a) IN GENERAL.—Beginning on December 27, 2022, the Administrator may not issue a type certificate for a transport category airplane unless such airplane incorporates a flight crew alerting system that, at a minimum—

"(1) displays and differentiates among warnings, cautions, and advisories; and

"(2) includes functions to assist the flight crew in prioritizing corrective actions and responding to systems failures.

"(b) LIMITATION.—The prohibition in subsection (a) shall not apply to any application for an original or amended type certificate that was submitted to the Administrator prior to December 27, 2020.

"(c) SAFETY ENHANCEMENTS.—

Effective date.

"(1) RESTRICTION ON AIRWORTHINESS CERTIFICATE ISSUANCE.—Beginning on the date that is 1 year after the date on which the Administrator issues a type certificate for the Boeing 737-10, the Administrator may not issue an original airworthiness certificate for any Boeing 737 MAX aircraft unless the Administrator finds that the type design for the aircraft includes safety enhancements that have been approved by the Administrator.

Effective date.

"(2) RESTRICTION ON OPERATION.—Beginning on the date that is 3 years after the date on which the Administrator issues a type certificate for the Boeing 737-10, no person may operate a Boeing 737 MAX aircraft unless—

"(A) the type design for the aircraft includes safety enhancements approved by the Administrator; and

"(B) the aircraft was—

"(i) produced in conformance with such type design; or

"(ii) altered in accordance with such type design.

"(d) DEFINITIONS.—In this section:

"(1) BOEING 737 MAX AIRCRAFT.—The term 'Boeing 737 MAX aircraft' means any—

"(A) Model 737 series aircraft designated as a 737-7, 737-8, 737-8200, 737-9, or 737-10; or

"(B) other variant of a model described in subparagraph (A).

"(2) SAFETY ENHANCEMENT.—The term 'safety enhancement' means any design change to the flight crew alerting system approved by the Administrator for the Boeing 737-10, including—

"(A) a—

"(i) synthetic enhanced angle-of-attack system; and

"(ii) means to shut off stall warning and overspeed alerts; or

"(B) any design changes equivalent to subparagraph (A) determined appropriate by the Administrator.".

(b) REPEAL OF ACSAA SECTION 116(B)(1).—Section 116 of the Aircraft Certification, Safety, and Accountability Act (49 U.S.C. 44704 note) is amended by striking subsection (b) and inserting the following:

"(b) PROHIBITION.—Beginning on December 27, 2022, the Administrator may not issue a type certificate for a transport category aircraft unless, in the case of a transport category aircraft other than a transport airplane, the type certificate applicant provides a means acceptable to the Administrator to assist the flight crew in prioritizing corrective actions and responding to systems failures (including by cockpit or flight manual procedures).". Effective date.

(c) COSTS.—Any costs associated with the safety enhancements required by section 44744 of title 49, United States Code, as added by subsection (a), shall be borne by the holder of the type certificate. 49 USC 44744 note.

(d) CONGRESSIONAL BRIEFINGS.—Not later than March 1, 2023, and on a quarterly basis thereafter, the Administrator shall brief Congress on the status of— Deadlines. 49 USC 44744 note.

(1) the issuance of a type certificate for the Boeing 737-7 and 737-10, including any design enhancements, pilot procedures, or training requirements resulting from system safety assessments; and

(2) the implementation of safety enhancements for Boeing 737 MAX aircraft, as required by section 44744 of title 49, United States Code, as added by subsection (a).

(e) CLERICAL AMENDMENT.—The chapter analysis for chapter 447 of title 49, United States Code, is amended by inserting after the item relating to section 44743 the following: 49 USC prec. 44701.

"44744. Flight Crew Alerting.".

TITLE VI—EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES

SEC. 601. EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES.

Effective as if included in the enactment of the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Public Law 116–114), section 2 of such Act is amended by striking "December 31, 2022"and inserting "December 31, 2024". 134 Stat. 103; 135 Stat. 264, 380, 1504; 136 Stat. 17, 33, 801.

TITLE VII—FEDERAL TRADE COMMISSION OVERSIGHT OF HORSERACING INTEGRITY AND SAFETY AUTHORITY

SEC. 701. FEDERAL TRADE COMMISSION OVERSIGHT OF HORSERACING INTEGRITY AND SAFETY AUTHORITY.

Section 1204(e) of the Horseracing Integrity and Safety Act of 2020 (15 U.S.C. 3053(e)) is amended to read as follows:

"(e) AMENDMENT BY COMMISSION OF RULES OF AUTHORITY.—The Commission, by rule in accordance with section 553 of title

5, United States Code, may abrogate, add to, and modify the rules of the Authority promulgated in accordance with this Act as the Commission finds necessary or appropriate to ensure the fair administration of the Authority, to conform the rules of the Authority to requirements of this Act and applicable rules approved by the Commission, or otherwise in furtherance of the purposes of this Act.".

TITLE VIII—UNITED STATES PAROLE COMMISSION EXTENSION

United States Parole Commission Additional Extension Act of 2022.

SEC. 801. UNITED STATES PAROLE COMMISSION EXTENSION.

18 USC 1 note.

(a) SHORT TITLE.—This section may be cited as the "United States Parole Commission Additional Extension Act of 2022".

18 USC 3551 note.

(b) AMENDMENT OF SENTENCING REFORM ACT OF 1984.—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98–473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to "35 years and 46 days" or "35-year and 46-day period" shall be deemed a reference to "36 years" or "36-year period", respectively.

(c) EFFECTIVE DATE.—Subsection (b) shall take effect as though enacted as part of the Further Continuing Appropriations and Extensions Act, 2023.

18 USC 3551 note.

(d) SUPERSEDED PROVISION.—Section 103 of division B of the Further Continuing Appropriations and Extensions Act, 2023 shall have no force or effect.

TITLE IX—EXTENSION OF FCC AUCTION AUTHORITY

SEC. 901. EXTENSION OF FCC AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking "December 23, 2022" and inserting "March 9, 2023".

TITLE X—BUDGETARY EFFECTS

SEC. 1001. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the

budgetary effects of this division and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act;

(2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

(d) BALANCES ON THE PAYGO SCORECARDS.—

(1) FISCAL YEAR 2023.—For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the second session of the 117th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5-year scorecard, if any, and the 10-year scorecard, if any, shall be deducted from such scorecards in 2023 and added to such scorecards in 2025.

(2) FISCAL YEAR 2024.—For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the first session of the 118th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5-year scorecard, if any, and the 10-year scorecard, if any, shall be deducted from such scorecards in 2024 and added to such scorecards in 2025.

DIVISION P—ELECTORAL COUNT REFORM AND PRESIDENTIAL TRANSITION IMPROVEMENT

Electoral Count Reform and Presidential Transition Improvement Act of 2022.

SEC. 1. SHORT TITLE, ETC.

3 USC 1 note.

This division may be cited as the "Electoral Count Reform and Presidential Transition Improvement Act of 2022".

TITLE I—ELECTORAL COUNT REFORM ACT

Electoral Count Reform Act of 2022.

SEC. 101. SHORT TITLE.

3 USC 1 note.

This title may be cited as the "Electoral Count Reform Act of 2022".

SEC. 102. TIME FOR APPOINTING ELECTORS.

(a) IN GENERAL.—Title 3, United States Code, is amended by striking sections 1 and 2 and inserting the following:

"§ 1. Time of appointing electors

3 USC 1.

"The electors of President and Vice President shall be appointed, in each State, on election day, in accordance with the laws of the State enacted prior to election day.".

(b) ELECTION DAY.—Section 21 of title 3, United States Code, is amended by redesignating subsections (a) and (b) as paragraphs (2) and (3), respectively, and by inserting before paragraph (2) (as so redesignated) the following:

Definition.

"(1) 'election day' means the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President held in each State, except, in the case of a State that appoints electors by popular vote, if the State modifies the period of voting, as necessitated by force majeure events that are extraordinary and catastrophic, as provided under laws of the State enacted prior to such day, 'election day' shall include the modified period of voting.".

3 USC prec. 1.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 1 and inserting the following:

"1. Time of appointing electors.".

SEC. 103. CLARIFICATION WITH RESPECT TO VACANCIES IN ELECTORAL COLLEGE.

Section 4 of title 3, United States Code, is amended by inserting "enacted prior to election day" after "by law".

SEC. 104. CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS.

(a) DETERMINATION.—Section 5 of title 3, United States Code, is amended to read as follows:

"§ 5. Certificate of ascertainment of appointment of electors

"(a) IN GENERAL.—

Deadline.

"(1) CERTIFICATION.—Not later than the date that is 6 days before the time fixed for the meeting of the electors, the executive of each State shall issue a certificate of ascertainment of appointment of electors, under and in pursuance of the laws of such State providing for such appointment and ascertainment enacted prior to election day.

"(2) FORM OF CERTIFICATE.—Each certificate of ascertainment of appointment of electors shall—

"(A) set forth the names of the electors appointed and the canvass or other determination under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast;

"(B) bear the seal of the State; and

"(C) contain at least one security feature, as determined by the State, for purposes of verifying the authenticity of such certificate.

"(b) TRANSMISSION.—It shall be the duty of the executive of each State—

"(1) to transmit to the Archivist of the United States, immediately after the issuance of a certificate of ascertainment of appointment of electors and by the most expeditious method available, such certificate of ascertainment of appointment of electors; and

"(2) to transmit to the electors of such State, on or before the day on which the electors are required to meet under section 7, six duplicate-originals of the same certificate.

"(c) TREATMENT OF CERTIFICATE AS CONCLUSIVE.—For purposes of section 15:

"(1) IN GENERAL.—

"(A) CERTIFICATE ISSUED BY EXECUTIVE.—Except as provided in subparagraph (B), a certificate of ascertainment

of appointment of electors issued pursuant to subsection (a)(1) shall be treated as conclusive in Congress with respect to the determination of electors appointed by the State.

"(B) CERTIFICATES ISSUED PURSUANT TO COURT ORDERS.—Any certificate of ascertainment of appointment of electors required to be issued or revised by any State or Federal judicial relief granted prior to the date of the meeting of electors shall replace and supersede any other certificates submitted pursuant to this section.

"(2) DETERMINATION OF FEDERAL QUESTIONS.—The determination of Federal courts on questions arising under the Constitution or laws of the United States with respect to a certificate of ascertainment of appointment of electors shall be conclusive in Congress.

"(d) VENUE AND EXPEDITED PROCEDURE.—

"(1) IN GENERAL.—Any action brought by an aggrieved candidate for President or Vice President that arises under the Constitution or laws of the United States with respect to the issuance of the certification required under section (a)(1), or the transmission of such certification as required under subsection (b), shall be subject to the following rules:

"(A) VENUE.—The venue for such action shall be the Federal district court of the Federal district in which the State capital is located.

"(B) 3-JUDGE PANEL.—Such action shall be heard by a district court of three judges, convened pursuant to section 2284 of title 28, United States Code, except that—

"(i) the court shall be comprised of two judges of the circuit court of appeals in which the district court lies and one judge of the district court in which the action is brought; and

"(ii) section 2284(b)(2) of such title shall not apply.

"(C) EXPEDITED PROCEDURE.—It shall be the duty of the court to advance on the docket and to expedite to the greatest possible extent the disposition of the action, consistent with all other relevant deadlines established by this chapter and the laws of the United States.

"(D) APPEALS.—Notwithstanding section 1253 of title 28, United States Code, the final judgment of the panel convened under subparagraph (B) may be reviewed directly by the Supreme Court, by writ of certiorari granted upon petition of any party to the case, on an expedited basis, so that a final order of the court on remand of the Supreme Court may occur on or before the day before the time fixed for the meeting of electors.

"(2) RULE OF CONSTRUCTION.—This subsection—

"(A) shall be construed solely to establish venue and expedited procedures in any action brought by an aggrieved candidate for President or Vice President as specified in this subsection that arises under the Constitution or laws of the United States; and

"(B) shall not be construed to preempt or displace any existing State or Federal cause of action.".

(b) EXECUTIVE OF A STATE.—Section 21 of title 3, United States Code, as amended by section 102(b), is amended by striking paragraph (3) and inserting the following:

Definition.

"(3) 'executive' means, with respect to any State, the Governor of the State (or, in the case of the District of Columbia, the Mayor of the District of Columbia), except when the laws or constitution of a State in effect as of election day expressly require a different State executive to perform the duties identified under this chapter.".

(c) CONFORMING AMENDMENTS.—

(1) Section 9 of title 3, United States Code, is amended by striking "annex to each of the certificates one of the lists of the electors" and inserting "annex to each of the certificates of votes one of the certificates of ascertainment of appointment of electors".

3 USC prec. 1.

(2) The table of contents for chapter 1 of title 3, United States Code, is amended by striking the items relating to sections 5 inserting the following:

"5. Certificate of ascertainment of appointment of electors.".

SEC. 105. DUTIES OF THE ARCHIVIST.

(a) IN GENERAL.—Section 6 of title 3, United States Code, is amended to read as follows:

"§ 6. Duties of Archivist

"The certificates of ascertainment of appointment of electors received by the Archivist of the United States under section 5 shall—

"(1) be preserved for one year;

"(2) be a part of the public records of such office; and

"(3) be open to public inspection.".

3 USC prec. 1.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United States Code, is amended by striking the items relating to section 6 and inserting the following:

"6. Duties of Archivist.".

SEC. 106. MEETING OF ELECTORS.

(a) TIME FOR MEETING.—Section 7 of title 3, United States Code, is amended—

(1) by striking "Monday" and inserting "Tuesday"; and

(2) by striking "as the legislature of such State shall direct" and inserting "in accordance with the laws of the State enacted prior to election day".

(b) CLARIFICATION ON SEALING OF CERTIFICATES OF VOTES.—Section 10 of such title is amended by striking "the certificates so made by them" and inserting "the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors".

SEC. 107. TRANSMISSION OF CERTIFICATES OF VOTES.

(a) IN GENERAL.—Section 11 of title 3, United States Code, is amended to read as follows:

"§ 11. Transmission of certificates by electors

"The electors shall immediately transmit at the same time and by the most expeditious method available the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors, as follows:

"(1) One set shall be sent to the President of the Senate at the seat of government.

"(2) Two sets shall be sent to the chief election officer of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by such official for one year and shall be a part of the public records of such office and shall be open to public inspection.

"(3) Two sets shall be sent to the Archivist of the United States at the seat of government, one of which shall be held subject to the order of the President of the Senate and the other of which shall be preserved by the Archivist of the United States for one year and shall be a part of the public records of such office and shall be open to public inspection.

"(4) One set shall be sent to the judge of the district in which the electors shall have assembled.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 11 and inserting the following: 3 USC prec. 1.

"11. Transmission of certificates by electors.".

SEC. 108. FAILURE OF CERTIFICATE OF VOTES TO REACH RECIPIENTS.

(a) IN GENERAL.—Section 12 of title 3, United States Code, is amended—

(1) by inserting ", after the meeting of the electors shall have been held," after "When";

(2) by striking "and list" each place it appears;

(3) by striking "in December, after the meeting of the electors shall have been held," and inserting "in December,";

(4) by striking "or, if he be absent" and inserting "or, if the President of the Senate be absent";

(5) by striking "secretary of State" and insert "chief election officer";

(6) by striking "lodged with him" and inserting "lodged with such officer";

(7) by striking "his duty" and inserting "the duty of such chief election officer of the State"; and

(8) by striking "by registered mail" and inserting "by the most expeditious method available".

(b) CONTINUED FAILURE.—Section 13 of title 3, United States Code, is amended—

(1) by inserting ", after the meeting of the electors shall have been held," after "When";

(2) by striking "in December, after the meeting of the electors shall have been held," and inserting "in December,";

(3) by striking "or, if he be absent" and inserting "or, if the President of the Senate be absent"; and

(4) by striking "that list" and inserting "that certificate".

(c) ELIMINATION OF MESSENGER'S PENALTY.—

(1) IN GENERAL.—Title 3, United States Code, is amended by striking section 14.

(2) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 14. 3 USC prec. 1.

SEC. 109. CLARIFICATIONS RELATING TO COUNTING ELECTORAL VOTES.

(a) IN GENERAL.—Section 15 of title 3, United States Code, is amended to read as follows:

"§ 15. Counting electoral votes in Congress

"(a) IN GENERAL.—Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer.

"(b) POWERS OF THE PRESIDENT OF SENATE.—

"(1) MINISTERIAL IN NATURE.—Except as otherwise provided in this chapter, the role of the President of the Senate while presiding over the joint session shall be limited to performing solely ministerial duties.

"(2) POWERS EXPLICITLY DENIED.—The President of the Senate shall have no power to solely determine, accept, reject, or otherwise adjudicate or resolve disputes over the proper certificate of ascertainment of appointment of electors, the validity of electors, or the votes of electors.

"(c) APPOINTMENT OF TELLERS.—At the joint session of the Senate and House of Representatives described in subsection (a), there shall be present two tellers previously appointed on the part of the Senate and two tellers previously appointed on the part of the House of Representatives by the presiding officers of the respective chambers.

"(d) PROCEDURE AT JOINT SESSION GENERALLY.—

"(1) IN GENERAL.—The President of the Senate shall—

"(A) open the certificates and papers purporting to be certificates of the votes of electors appointed pursuant to a certificate of ascertainment of appointment of electors issued pursuant to section 5, in the alphabetical order of the States, beginning with the letter A; and

"(B) upon opening any certificate, hand the certificate and any accompanying papers to the tellers, who shall read the same in the presence and hearing of the two Houses.

"(2) ACTION ON CERTIFICATE.—

"(A) IN GENERAL.—Upon the reading of each certificate or paper, the President of the Senate shall call for objections, if any.

"(B) REQUIREMENTS FOR OBJECTIONS OR QUESTIONS.—

"(i) OBJECTIONS.—No objection or other question arising in the matter shall be in order unless the objection or question—

"(I) is made in writing;

"(II) is signed by at least one-fifth of the Senators duly chosen and sworn and one-fifth of the Members of the House of Representatives duly chosen and sworn; and

"(III) in the case of an objection, states clearly and concisely, without argument, one of the grounds listed under clause (ii).

"(ii) GROUNDS FOR OBJECTIONS.—The only grounds for objections shall be as follows:

"(I) The electors of the State were not lawfully certified under a certificate of ascertainment of appointment of electors according to section 5(a)(1).

"(II) The vote of one or more electors has not been regularly given.

"(C) CONSIDERATION OF OBJECTIONS AND QUESTIONS.—

"(i) IN GENERAL.—When all objections so made to any vote or paper from a State, or other question arising in the matter, shall have been received and read, the Senate shall thereupon withdraw, and such objections and questions shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections and questions to the House of Representatives for its decision.

"(ii) DETERMINATION.—No objection or any other question arising in the matter may be sustained unless such objection or question is sustained by separate concurring votes of each House.

"(D) RECONVENING.—When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No vote or paper from any other State shall be acted upon until the objections previously made to any vote or paper from any State, and other questions arising in the matter, shall have been finally disposed of.

"(e) RULES FOR TABULATING VOTES.—

"(1) COUNTING OF VOTES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)—

"(i) only the votes of electors who have been appointed under a certificate of ascertainment of appointment of electors issued pursuant to section 5, or who have legally been appointed to fill a vacancy of any such elector pursuant to section 4, may be counted; and

"(ii) no vote of an elector described in clause (i) which has been regularly given shall be rejected.

"(B) EXCEPTION.—The vote of an elector who has been appointed under a certificate of ascertainment of appointment of electors issued pursuant to section 5 shall not be counted if—

"(i) there is an objection which meets the requirements of subsection (d)(2)(B)(i); and

"(ii) each House affirmatively sustains the objection as valid.

"(2) DETERMINATION OF MAJORITY.—If the number of electors lawfully appointed by any State pursuant to a certificate of ascertainment of appointment of electors that is issued under section 5 is fewer than the number of electors to which the State is entitled under section 3, or if an objection the grounds for which are described in subsection (d)(2)(B)(ii)(I) has been sustained, the total number of electors appointed for the purpose of determining a majority of the whole number of electors appointed as required by the Twelfth Amendment to the Constitution shall be reduced by the number of electors whom the State has failed to appoint or as to whom the objection was sustained.

"(3) LIST OF VOTES BY TELLERS; DECLARATION OF WINNER.—The tellers shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules in this subchapter provided,

the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 15 and inserting the following:

3 USC prec. 1.

"15. Counting electoral votes in Congress.".

SEC. 110. RULES RELATING TO JOINT SESSION.

(a) LIMIT OF DEBATE IN EACH HOUSE.—Section 17 of title 3, United States Code, is amended to read as follows:

"§ 17. Same; limit of debate in each House

"When the two Houses separate to decide upon an objection pursuant to section 15(d)(2)(C)(i) that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter—

"(1) all such objections and questions permitted with respect to such State shall be considered at such time;

"(2) each Senator and Representative may speak to such objections or questions for up to five minutes, and not more than once;

"(3) the total time for debate for all such objections and questions with respect to such State shall not exceed two hours in each House, equally divided and controlled by the Majority Leader and Minority Leader, or their respective designees; and

"(4) at the close of such debate, it shall be the duty of the presiding officer of each House to put each of the objections and questions to a vote without further debate.".

(b) PARLIAMENTARY PROCEDURE.—Section 18 of title 3, United States Code, is amended by inserting "under section 15(d)(2)(C)(i)" after "motion to withdraw".

(c) CONFORMING AMENDMENTS.—

(1) Sections 16 of title 3, United States Code, is amended by striking "meeting" each place it appears in the text and in the heading and inserting "session".

(2) Sections 18 of title 3, United States Code, is amended by striking "meeting" each place it appears in the text and in the heading and inserting "session".

(3) The table of contents for chapter 1 of title 3, United States Code, is amended—

3 USC prec. 1.

(A) by striking "meeting" in the item relating to section 16 and inserting "session"; and

(B) by striking "meeting" in the item relating to section 18 and inserting "session".

SEC. 111. SEVERABILITY.

(a) IN GENERAL.—Title 3, United States Code, is amended by inserting after section 21 the following new section:

3 USC 22.

"§ 22. Severability

"If any provision of this chapter, or the application of a provision to any person or circumstance, is held to be

unconstitutional, the remainder of this chapter, and the application of the provisions to any person or circumstance, shall not be affected by the holding.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United States Code, is amended by adding at the end the following: 3 USC prec. 1.

"22. Severability.".

TITLE II—PRESIDENTIAL TRANSITION IMPROVEMENT ACT

Presidential Transition Improvement Act.

SEC. 201. SHORT TITLE. 3 USC 1 note.

This title may be cited as the "Presidential Transition Improvement Act".

SEC. 202. MODIFICATIONS TO PRESIDENTIAL TRANSITION ACT OF 1963.

(a) IN GENERAL.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by striking subsection (c) and inserting the following:

"(c)(1) APPARENT SUCCESSFUL CANDIDATES.—

"(A) IN GENERAL.—For purposes of this Act, the 'apparent successful candidate' for the office of President and Vice President, respectively, shall be determined as follows: Determinations.

"(i) If all but one eligible candidate for the office of President and one eligible candidate for the office of Vice President, respectively, concede the election, then the candidate for each such office who has not conceded shall be the apparent successful candidate for each such office.

"(ii) If, on the date that is 5 days after the date of the election, more than one eligible candidate for the office of President has not conceded the election, then each of the remaining eligible candidates for such office and the office of Vice President who have not conceded shall be treated as the apparent successful candidates until such time as a single candidate for the office of President is treated as the apparent successful candidate pursuant to clause (iii) or clause (iv). Effective date.

"(iii) If a single candidate for the office of President or Vice President is determined by the Administrator to meet the qualifications under subparagraph (B), the Administrator may determine that such candidate shall solely be treated as the apparent successful candidate for that office until such time as a single candidate for the office of President is treated as the apparent successful candidate pursuant to clause (iv).

"(iv) If a single candidate for the office of President or Vice President is the apparent successful candidate for such office under subparagraph (C), that candidate shall solely be treated as the apparent successful candidate for that office.

"(B) INTERIM DISCRETIONARY QUALIFICATIONS.—On or after the date that is 5 days after the date of the election, the Administrator may determine that a single candidate for the office of President or Vice President shall be treated as the sole apparent successful candidate for that office pursuant to subparagraph (A)(iii) if it is substantially certain the candidate Effective date. Determination.

will receive a majority of the pledged votes of electors, based on consideration of the following factors:

"(i) The results of the election for such office in States in which significant legal challenges that could alter the outcome of the election in the State have been substantially resolved, such that the outcome is substantially certain.

"(ii) The certified results of the election for such office in States in which the certification is complete.

"(iii) The results of the election for such office in States in which there is substantial certainty of an apparent successful candidate based on the totality of the circumstances.

"(C) MANDATORY QUALIFICATIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A) or (B), a candidate shall be the sole apparent successful candidate for the office of President or Vice President pursuant to subparagraph (A)(iv) for purposes of this Act if—

"(I) the candidate receives a majority of pledged votes of electors of such office based on certifications by States of their final canvass, and the conclusion of any recounts, legal actions, or administrative actions pertaining to the results of the election for such office;

"(II) in the case where subclause (I) is not met, the candidate receives a majority of votes of electors of such office at the meeting and vote of electors under section 7 of title 3, United States Code; or

"(III) in the case where neither subclause (I) or (II) is met, the candidate is declared as the person elected to such office at the joint session of Congress under section 15 of title 3, United States Code.

"(ii) CLARIFICATION IF STATE UNABLE TO CERTIFY ELECTION RESULTS OR APPOINTS MORE THAN ONE SLATE OF ELECTORS.—For purposes of subclauses (I) and (II) of clause (i), if a State is unable to certify its election results or a State appoints more than one slate of electors, the votes of the electors of such State shall not count towards meeting the qualifications under such subclauses.

"(2) PERIOD OF MULTIPLE POSSIBLE APPARENT SUCCESSFUL CANDIDATES.—During any period in which there is more than one possible apparent successful candidate for the office of President—

"(A) the Administrator is authorized to provide, upon request, to each remaining eligible candidate for such office and the office of Vice President described in paragraph (1)(A)(ii) access to services and facilities pursuant to this Act;

"(B) the Administrator, in conjunction with the Federal Transition Coordinator designated under section 4(c) and the senior career employee of each agency and senior career employee of each major component and subcomponent of each agency designated under subsection (f)(1) to oversee and implement the activities of the agency, component, or subcomponent relating to the Presidential transition, shall make efforts to ensure that each such candidate is provided equal access to agency information and spaces as requested pursuant to this Act;

Reports. Summary.

"(C) the Administrator shall provide weekly reports to Congress containing a brief summary of the status of funds being

distributed to such candidates under this Act, the level of access to agency information and spaces provided to such candidates, and the status of such candidates with respect to meeting the qualifications to be the apparent successful candidate for the office of President or Vice President under subparagraph (B) or (C) of paragraph (1); and

"(D) if a single candidate for the office of President or Vice President is treated as the apparent successful candidate for such office pursuant to subparagraph (A)(iii) or (A)(iv) of paragraph (1), not later than 24 hours after such treatment is effective, the Administrator shall make available to the public a written statement that such candidate is treated as the sole apparent successful candidate for such office for purposes of this Act, including a description of the legal basis and reasons for such treatment based on the qualifications under subparagraph (B) or (C) of paragraph (1), as applicable.

Deadline. Public information.

"(3) DEFINITION.—In this subsection, the term 'eligible candidate' has the meaning given that term in subsection (h)(4).".

(b) CONFORMING AMENDMENTS.—The Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in section 3—

(A) in the heading, by striking "**PRESIDENTS-ELECT AND VICE-PRESIDENTS-ELECT**" and inserting "**APPARENT SUCCESSFUL CANDIDATES**";

(B) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking "each President-elect, each Vice-President-elect" and inserting "each apparent successful candidate for the office of President and Vice President (as determined by subsection (c))"; and

(II) by striking "the President-elect and Vice-President-elect" and inserting "each such candidate";

(ii) in paragraph (1)—

(I) by striking "the President-elect, the Vice-President-elect" and inserting "the apparent successful candidate"; and

(II) by striking "the President-elect or Vice-President-elect" and inserting "the apparent successful candidate";

(iii) in paragraphs (2), (3), (4), and (5), by striking "the President-elect or Vice-President-elect" each place it appears and inserting "the apparent successful candidate";

(iv) in paragraph (4)(B), by striking "the President-elect, the Vice-President-elect, or the designee of the President-elect or Vice-President-elect" and inserting "the apparent successful candidate or their designee";

(v) in paragraph (8), in subparagraph (A)(v) and (B), by striking "the President-elect" and inserting "the apparent successful candidate for the office of President"; and

(vi) in paragraph (10)—

(I) by striking "any President-elect, Vice-President-elect, or eligible candidate" and inserting "any

apparent successful candidate or eligible candidate"; and

(II) by striking "the President-elect and Vice President-elect" and inserting "the apparent successful candidates";

(C) in subsection (b)—

(i) in paragraph (1), by striking "the President-elect or Vice-President-elect, or after the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President" and inserting "the apparent successful candidates, or after the inauguration of the apparent successful candidate for the office of President as President and the inauguration of the apparent successful candidate for the office of Vice President as Vice President"; and

(ii) in paragraph (2), by striking "the President-elect, Vice-President-elect" and inserting "the apparent successful candidate";

(D) in subsection (d)—

(i) in the first sentence, by striking "Each President-elect" and inserting "Each apparent successful candidate for the office of President"; and

(ii) in the second sentence, by striking "Each Vice-President-elect" and inserting "Each apparent successful candidate for the office of Vice-President";

(E) in subsection (e)—

(i) in the first sentence, by striking "Each President-elect and Vice-President-elect" and inserting "Each apparent successful candidate"; and

(ii) in the second sentence, by striking "any President-elect or Vice-President-elect may be made upon the basis of a certificate by him or the assistant designated by him" and inserting "any apparent successful candidate may be made upon the basis of a certificate by the candidate or their designee";

(F) in subsection (f)—

(i) in paragraph (1), by striking "The President-elect" and inserting "Any apparent successful candidate for the office of President"; and

(ii) in paragraph (2), by striking "inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President" and inserting "inauguration of the apparent successful candidate for the office of President as President and the inauguration of the apparent successful candidate for the office of Vice President as Vice President";

(G) in subsection (g), by striking "In the case where the President-elect is the incumbent President or in the case where the Vice-President-elect is the incumbent Vice President" and inserting "In the case where an apparent successful candidate for the office of President is the incumbent President or in the case where an apparent successful candidate for the office of Vice President is the incumbent Vice President";

(H) in subsection (h)—

(i) in paragraph (2)(B)(iv), by striking "the President-elect or Vice-President-elect" and inserting "an apparent successful candidate"; and

(ii) in paragraph (3)(B)(iii), by striking "the President-elect or Vice-President-elect" and inserting "an apparent successful candidate"; and

(I) in subsection (i)(3)(C)—

(i) in clause (i), by striking "the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President" and inserting "the inauguration of the apparent successful candidate for the office of President as President and the inauguration of the apparent successful candidate for the office of Vice President as Vice President"; and

(ii) in clause (ii), by striking "upon request of the President-elect or the Vice-President-elect" and inserting "upon request of the apparent successful candidate";

(2) in section 4—

(A) in subsection (e)—

(i) in paragraph (1)(B), by striking "the President-elect and Vice-President-elect" and inserting "the apparent successful candidates (as determined by section 3(c))"; and

(ii) in paragraph (4)(B), by striking "the President-elect is inaugurated" and inserting "the apparent successful candidate for the office of President is inaugurated"; and

(B) in subsection (g)—

(i) in paragraph (3)(A), by striking "the President-elect" and inserting "the apparent successful candidate for the office of President"; and

(ii) in paragraph (3)(B)(ii)(III), by striking "the President-elect" and inserting "the apparent successful candidate for the office of President";

(3) in section 5, in the first sentence, by striking "Presidents-elect and Vice-Presidents-elect" and inserting "apparent successful candidates (as determined by section 3(c))";

(4) in section 6—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking "The President-elect and Vice-President-elect" and inserting "Each apparent successful candidate (as determined by section 3(c))"; and

(II) by striking "the President-elect or Vice-President-elect" and inserting "the apparent successful candidate";

(ii) in paragraph (2), by striking "The President-elect and Vice-President-elect" and inserting "Each apparent successful candidate"; and

(iii) in paragraph (3)(A), by striking "inauguration of the President-elect as President and the Vice-President-elect as Vice President" and inserting "inauguration of the apparent successful candidate for the office of President as President and the apparent successful

candidate for the office of Vice-President as Vice President";

(B) in subsection (b)(1)—

(i) in the matter preceding subparagraph (A), by striking "The President-elect and Vice-President-elect" and inserting "Each apparent successful candidate"; and

(ii) in subparagraph (A), by striking "the President-elect or Vice-President-elect's" and inserting "the apparent successful candidate's"; and

(C) in subsection (c), by striking "The President-elect and Vice-President-elect" and inserting "Each apparent successful candidate"; and

(5) in section 7(a)(1), by striking "the President-elect and Vice President-elect" and inserting "the apparent successful candidates".

DIVISION Q—AVIATION RELATED MATTERS

49 USC 40101 note.

SEC. 101. ADVANCED AIR MOBILITY INFRASTRUCTURE PILOT PROGRAM.

Deadline. Grants.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish a pilot program to provide grants that assist an eligible entity to plan for the development and deployment of infrastructure necessary to facilitate AAM operations, locally and regionally, within the United States.

(b) PLANNING GRANTS.—

(1) IN GENERAL.—The Secretary shall provide grants to eligible entities to develop comprehensive plans under paragraph (2) related to AAM infrastructure.

(2) COMPREHENSIVE PLAN.—

Deadline. Public information. Web posting.

(A) IN GENERAL.—Not later than 1 year after receiving a grant under this subsection, an eligible entity shall submit to the Secretary a comprehensive plan, including the development of potential public use or private-owned vertiport infrastructure, in a format capable of being published on the website of the Department of Transportation.

(B) PLAN CONTENTS.—The Secretary shall establish content requirements for comprehensive plans submitted under this subsection, which shall include as many of the following as possible:

(i) The identification of planned or potential public use and private-owned vertiport locations.

(ii) A description of infrastructure necessary to support AAM operations.

(iii) A description of types of planned or potential AAM operations and a forecast for proposed vertiport operations, including estimates for initial operations and future growth.

(iv) The identification of physical and digital infrastructure required to meet any standards for vertiport design and performance characteristics established by the Federal Aviation Administration (as in effect on the date on which the Secretary issues a grant to

an eligible entity), including modifications to existing infrastructure and ground sensors, electric charging or other fueling requirements, electric utility requirements, wireless and cybersecurity requirements, fire safety, perimeter security, and other necessary hardware or software.

(v) A description of any hazard associated with planned or potential vertiport infrastructure, such as handling of hazardous materials, batteries, or other fuel cells, charging or fueling of aircraft, aircraft rescue and firefighting response, and emergency planning.

(vi) A description of potential environmental effects of planned or potential construction or siting of vertiports, including efforts to reduce potential aviation noise.

(vii) A description of how planned or potential vertiport locations, including new or repurposed infrastructure, fit into State and local transportation systems and networks, including—

(I) connectivity to existing public transportation hubs and intermodal and multimodal facilities for AAM operations;

(II) opportunities to create new service to rural areas and areas underserved by air transportation; or

(III) any potential conflict with existing aviation infrastructure that may arise from the planned or potential location of the vertiport.

(viii) A description of how vertiport planning will be incorporated in State or metropolitan planning documents.

(ix) The identification of the process an eligible entity will undertake to ensure an adequate level of engagement with any potentially impacted community for each planned or potential vertiport location and planned or potential AAM operations, such as engagement with communities in rural areas, underserved communities, Tribal communities, individuals with disabilities, or racial and ethnic minorities to address equity of access.

(x) The identification of State, local, or private sources of funding an eligible entity may use to assist with the construction or operation of a vertiport.

(xi) The identification of existing Federal aeronautical and airspace requirements that must be met for the eligible entity's planned or potential vertiport location.

(xii) The identification of the actions necessary for an eligible entity to undertake the construction of a vertiport, such as planning studies to assess existing infrastructure, environmental studies, studies of projected economic benefit to the community, lease or acquisition of an easement or land for new infrastructure, and activities related to other capital costs.

(3) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall provide to the Secretary an

application in such form, at such time, and containing such information as the Secretary may require.

(4) SELECTION.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall consider the following:

(i) Geographic diversity.

(ii) Diversity of the proposed models of infrastructure financing and management.

(iii) Diversity of proposed or planned AAM operations.

(iv) The need for comprehensive plans that—

(I) ensure the safe and efficient integration of AAM operations into the National Airspace System;

(II) improve transportation safety, connectivity, access, and equity in both rural and urban regions in the United States;

(III) leverage existing public transportation systems and intermodal and multimodal facilities;

(IV) reduce surface congestion and the environmental impacts of transportation;

(V) grow the economy and create jobs in the United States; and

(VI) encourage community engagement when planning for AAM-related infrastructure.

(B) PRIORITY.—The Secretary shall prioritize awarding grants under this subsection to eligible entities that collaborate with commercial AAM entities, institutions of higher education, research institutions, or other relevant stakeholders to develop and prepare a comprehensive plan.

(C) MINIMUM ALLOCATION TO RURAL AREAS.—The Secretary shall ensure that not less than 20 percent of the amounts made available under subsection (c) are used to award grants to eligible entities that submit a comprehensive plan under paragraph (2) that is related to infrastructure located in a rural area.

(5) GRANT AMOUNT.—Each grant made under this subsection shall be made in an amount that is not more than $1,000,000.

(6) BRIEFING.—

Deadlines. Termination date.

(A) IN GENERAL.—Not later than 180 days after the first comprehensive plan is submitted under paragraph (2), and every 180 days thereafter through September 30, 2025, the Secretary shall provide a briefing to the appropriate committees of Congress on the comprehensive plans submitted to the Secretary under such paragraph.

(B) CONTENTS.—The briefing required under subparagraph (A) shall include—

Evaluation.

(i) an evaluation of all planned or potential vertiport locations included in the comprehensive plans submitted under paragraph (2) and how such planned or potential vertiport locations may fit into the overall United States transportation system and network; and

(ii) a description of lessons or best practices learned through the review of comprehensive plans and how the Secretary will incorporate any such lessons or best practices into Federal standards or guidance for the

design and operation of AAM infrastructure and facilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to the Secretary to carry out this section $12,500,000 for each of fiscal years 2023 and 2024, to remain available until expended.

Time periods.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), the Secretary may retain up to 1 percent for personnel, contracting, and other costs to establish and administer the pilot program under this section.

(d) TERMINATION.—

(1) IN GENERAL.—No grant may be awarded under this section after September 30, 2024.

(2) CONTINUED FUNDING.—Funds authorized to be appropriated pursuant to subsection (c) may be expended after September 30, 2024—

(A) for grants awarded prior to September 30, 2024; and

(B) for administrative expenses.

(e) DEFINITIONS.—In this section:

(1) ADVANCED AIR MOBILITY; AAM.—The terms "advanced air mobility" and "AAM" have the meaning given such terms in section 2(i) of the Advanced Air Mobility Coordination and Leadership Act (49 U.S.C. 40101 note).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(3) COMMERCIAL AAM ENTITIES.—The term "commercial AAM entities" means—

(A) manufacturers of aircraft, avionics, propulsion systems, and air traffic management systems related to AAM;

(B) intended commercial operators of AAM aircraft and systems; and

(C) intended commercial operators and developers of vertiports.

(4) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State, local, or Tribal government, including a political subdivision thereof;

(B) an airport sponsor;

(C) a transit agency;

(D) a port authority;

(E) a metropolitan planning organization; or

(F) any combination or consortium of the entities described in subparagraphs (A) through (E).

(5) METROPOLITAN PLANNING ORGANIZATION.—The term "metropolitan planning organization" has the meaning given such term in section 5303(b) of title 49, United States Code.

(6) RURAL AREA.—The term "rural area" means an area located outside a metropolitan statistical area (as designated by the Office of Management and Budget).

(7) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(8) STATE.—The term "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam.

(9) VERTIPORT.—The term "vertiport" means a designated location used or intended to be used to support AAM operations, including the landing, take-off, loading, taxiing, parking, and storage of aircraft developed for AAM operations.

(10) VERTICAL TAKE-OFF AND LANDING AIRCRAFT.—The term "vertical take-off and landing aircraft" has the meaning given such term in section 2(i) of the Advanced Air Mobility Coordination and Leadership Act (49 U.S.C. 40101 note).

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as conferring upon any person, State, local, or Tribal government the authority to determine the safety of any AAM operation or the feasibility of simultaneous operations by AAM and conventional aircraft within any given area of the national airspace system.

Samya Rose Stumo National Air Grant Fellowship Program Act of 2022. 49 USC 40101 note.

SEC. 102. SAMYA ROSE STUMO NATIONAL AIR GRANT FELLOWSHIP PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Samya Rose Stumo National Air Grant Fellowship Program Act of 2022".

(b) DESIGNATION.—

(1) IN GENERAL.—Section 131 of division V of the Consolidated Appropriations Act of 2021 (49 U.S.C. 40101 note) is amended—

(A) in the section heading, by inserting "**SAMYA ROSE STUMO**" before "**NATIONAL AIR GRANT FELLOWSHIP PROGRAM**";

(B) in the paragraph heading of subsection (a)(4), by inserting "SAMYA ROSE STUMO" before "NATIONAL AIR GRANT FELLOWSHIP PROGRAM"; and

(C) by inserting "Samya Rose Stumo" before "National Air Grant Fellowship Program" each place it appears.

(2) CLERICAL AMENDMENT.—Section 101(b) of division V of the Consolidated Appropriations Act of 2021 (Public Law 116–260) is amended by striking the item relating to section 131 and by inserting the following:

"Sec. 131. Samya Rose Stumo National Air Grant Fellowship Program.".

49 USC 40101 note.

(c) REFERENCES.—On and after the date of enactment of this section, any reference in a law, regulation, document, paper, or other record of the United States to the "National Air Grant Fellowship Program" shall be deemed to be a reference to the "Samya Rose Stumo National Air Grant Fellowship Program".

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the lives of 189 passengers and crew, who died in the Lion Air Flight 610 crash on October 29, 2018, are commemorated and recognized, including, but not limited to, Captain Bhavye Suneja, First Officer Harvino, Permadi Anggrimulja, Liu Chandra, Chairul Aswan, Resti Amelia, Reni Ariyanti, Daniel Suhardja Wijaya, Mardiman, Dadang, Diah Damayanti, Dolar, Dony, Dwinanto, Eryant, Cici Ariska, Fendi Christanto, Dr. Ibnu Fajariyadi Hantoro, Inayah Fatwa Kurnia Dewi, Hendra, Hesti Nuraini, Henry Heuw, Khotijah, Jannatun Cintya Dewi, Ammad Mughni, Sudibyo Onggowardoyo, Shintia Melina, Citra Novita Anggelia Putri, Alviani Hidayatul Solikha, Damayanti Simarmata, Mery Yulyanda, Putri Yuniarsi, Putty

Fatikah Rani, Tan Toni, Tami Julian, Moedjiono, Deny Maula, Michelle Vergina Bonkal, Mathew Darryl Bongkal, Adonia Magdiel Bonkal, Fiona Ayu Zen S, Agil Nugroho Septian, Wahyu Alldilla, Xherdan Fachredzi, Deryl Fida Febrianto, Bambang Rosali Usman, Nikki Bagus Santoso, Andrea Manfredi, Muhammad Luthfi Nurrandhani, Shandy Johan Ramadhan, Muchtar Rasyid, Rebiyanti, Eka Suganda, Yulia Silvianti, Syahrudin, Sekar Maulana, Fais Saleh Harharah, Natalia Setiawan, Alfiani Hidayatul Solikah, Robert Susanto, Rudolf Petrus Sayers, Muhammad Syafi, Sian Sian, Arif Yustian, Vicky Ardian, Wanto, and Verian Utama;

(2) the life of Samya Rose Stumo and the lives of 156 passengers and crew who died in the Ethiopian Airlines Flight 302 crash on March 10, 2019, are commemorated and recognized, including, but not limited to, Abdishakur Shahad, Abdullahi Mohammed, Adam Kornaski, Adam Mbicha, Professor Agnes W. Gathumbi, Ahmednur Mohammed Omar, Alexandra Wachtmeister, Ama Tesfamariam, Ambassador Abiodun Oluremi Bashua, Ameen Ismail Noormohamed, Amina Ibrahim Odawaa, Amos Namanya, Angela Rehhorn, Ann Wangui Karanja, Anne Mogoi Birundu, Anne (last name unknown), Anne-Katrin Feigl, Anushka Dixit, Ashka Dixit, Kosha Vaidya, Prerit Dixit, Bennett Riffel, Benson Maina Gathu, Bernard Musembi Mutua, Captain Yared Getachew, Carolyne Karanja, Ryan Njuguna, Kerri Pauls, Rubi Pauls, Cedric Asiavugwa, Chunming Jack Wang, Cosmas Kipngetich Rogony, CP Christine Alalo, Danielle Moore, Darcy Belanger, Dawn Tanner, Djordje Vdovic, Doaa Atef Abdel Salam, Dr. Ben Ahmed Chihab, Dr. Manisha Nukavarapu, Ekta Adhikari, Elsabet Menwyelet, Father George Mukua, First Officer Ahmednur Mohammed, Ayantu Girma, Sara Gebre Michael, Carlo Spini, Gabriella Viciani, George Kabau, George Kabugi, George Kamau Thugge, Getnet Alemayehu, GaoShuang, Ghislaine De Claremont, Harina Hafitz, Siraje Hussein Abdi, Hussein Swaleh, Isaac Mwangi, Isabella Beryl Achieng Jaboma, Jackson Musoni, Jared Babu Mwazo, Mercy Ngami Ndivo, Jessica Hyba, Joanna Toole, Jonathan Seex, Jordi Dalmau Sayol, Josefin Ekermann, Joseph Kuria Waithaka, Julia Mwashi, Karim Saafi, Karoline Aadland, Kodjo Glato, Marcelino Rassul Tayob, Marie Philipp, Maria Pilar Buzzetti, Matthew Vecere, Max Thabiso Edkins, Mel Riffel, Micah John Messent, Michael Ryan, Meraf Yirgalem Areda, Juliet Otieno, Mulugeta Asfaw Shenkut, Mulusew Alemu, Mwazo, Nadia Adam Abaker Ali, Oliver Vick, Paolo Dieci, Peter DeMarsh, Professor Adesanmi, Saad Khalaf Al-Mutairi, Sam Pegram, Sara Chalachew, Sarah Auffret, Sebastiano Tusa, Shikha Garg, Sintayehu Aymeku, Sintayehu Shafi Balaker, Sofia Faisal Abdulkadir, Stéphanie Lacroix, Stella Mbicha Konarska, Tamirat Mulu Demessie, Anthony Wanjohi Ngare, United States Army Captain Antoine Lewis, Vaibhav Lahoti, Victor Tsang, Virginia Chimenit, WangHeo, Xavier Fricaudet, Yekaterina Polyakova, Alexander Polyako, Zhen Zhen Huang, ZhouYuan, Pannagesh Vaidya, Hansini Vaidya, Joseph Waithaka, Blanka Hrnko, Martin Hrnko, Michala Hrnko, Sergei Vyalikov, Suzan Mohamed Abu-Farag, Nasser Fatehy Al-Azab Douban, Asraf Mohamed Abdel Halim Al-Turkim, Abdel-Hamid Farrag Mohamed Magly, Essmat Abdel-Sattar Taha Aransa, Jin Yetao, Derick Lwugi, Reverend

Sister Florence Wangari Yongi, Melvin Riffel, Mwazo Mercy Ngami, Reverend Norman Tendis, and Pius Adesanmi;

(3) the life of Indonesian diver Syachrul Anto, who died during search and rescue recovery operations in the aftermath of the Lion Air Flight 610 crash, is commemorated and recognized; and

(4) the Senate and the House of Representatives express their condolences to the families, friends, and loved ones of those who died on Lion Air Flight 610 and Ethiopian Airlines Flight 302 and commend their ongoing advocacy to advance aviation safety for the flying public at large.

SEC. 103. TEMPORARY INSURANCE FOR AIR CARRIERS FOR CERTAIN TERMINATED COVERAGE.

(a) IN GENERAL.—Chapter 443 of title 49, United States Code, is amended by inserting after section 44302 the following:

49 USC 44302a.

"§ 44302a. Temporary insurance

Time period.

"(a) IN GENERAL.—The Secretary may provide insurance or reinsurance under this section to or for an air carrier for 1 coverage period not to exceed 90 days. Except as otherwise provided in this section, such insurance or reinsurance shall be subject to the requirements of this chapter.

"(b) RESTRICTIONS.—A policy for insurance or reinsurance issued under this section—

"(1) may not be issued unless the insurance carrier of the air carrier has unilaterally terminated the air carrier's war risk liability coverage pursuant to—

"(A) notice under the policy;

"(B) an endorsement to the policy; or

"(C) an automatic termination provision in the policy or any endorsement thereto; and

"(2) may cover hull, comprehensive, and third party liability risks.

"(c) PREMIUM.—A premium for insurance or reinsurance provided under this section shall be calculated based on a prorated amount equivalent to the premium that was in effect under the terminated insurance carrier policy.

"(d) APPROVAL.—A policy for insurance or reinsurance provided under this section—

"(1) shall be exempt from the requirements of section 44302(c); and

"(2) may provide coverage to the extent allowed under section 44303, as determined by the Secretary, notwithstanding any determination by the President in subsection (a)(1) of such section.".

(b) CONFORMING AMENDMENTS.—

(1) GENERAL AUTHORITY.—Section 44303(a) of title 49, United States Code, is amended by striking "section 44302" and inserting "sections 44302 and 44302a".

(2) ENDING EFFECTIVE DATE.—Section 44310(a) of title 49, United States Code, is amended by striking "section 44305" and inserting "sections 44302a and 44305".

(c) CLERICAL AMENDMENT.—The analysis for chapter 443 of title 49, United States Code, is amended by inserting after the item relating to section 44302 the following:

49 USC prec. 44301.

"44302a. Temporary insurance.".

SEC. 104. REMOVAL OF RESTRICTION ON VETERANS CONCURRENTLY SERVING IN THE OFFICES OF ADMINISTRATOR AND DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION.

Section 106(d)(1) of title 49, United States Code, is amended by striking ", a retired regular officer of an armed force, or a former regular officer of an armed force".

SEC. 105. NATIONAL AVIATION PREPAREDNESS PLAN.

49 USC 40101 note. Deadline.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary of Transportation, in coordination with the Secretary of Health and Human Services, the Secretary of Homeland Security, and the heads of such other Federal departments or agencies as the Secretary of Transportation considers appropriate, shall develop a national aviation preparedness plan for communicable disease outbreaks.

(b) CONTENTS OF PLAN.—The plan developed under subsection (a) shall, at a minimum—

(1) provide airports and air carriers with an adaptable and scalable framework with which to align the individual plans, including the emergency response plans, of such airports and air carriers and provide guidance as to each individual plan;

(2) improve coordination among airports, air carriers, the Transportation Security Administration, U.S. Customs and Border Protection, the Centers for Disease Control and Prevention, other appropriate Federal entities, and State and local governments and health agencies with respect to preparing for and responding to communicable disease outbreaks;

(3) to the extent practicable, improve coordination among relevant international entities;

(4) create a process to identify appropriate personal protective equipment, if any, for covered employees to reduce the likelihood of exposure to a covered communicable disease, and thereafter issue recommendations for the equipage of such employees;

(5) create a process to identify appropriate techniques, strategies, and protective infrastructure, if any, for the cleaning, disinfecting, and sanitization of aircraft and enclosed facilities owned, operated, or used by an air carrier or airport, and thereafter issue recommendations pertaining to such techniques, strategies, and protective infrastructure;

(6) create a process to evaluate technologies and develop procedures to effectively screen passengers for communicable diseases, including through the use of temperature checks if appropriate, for domestic and international passengers, crew members, and other individuals passing through airport security checkpoints;

(7) identify and assign Federal agency roles in the deployment of emerging and existing technologies and solutions to reduce covered communicable diseases in the aviation ecosystem;

(8) clearly delineate the responsibilities of the sponsors and operators of airports, air carriers, and Federal agencies in responding to a covered communicable disease;

Recommendations.

(9) incorporate, as appropriate, the recommendations made by the Comptroller General of the United States to the Secretary of Transportation contained in the report titled "Air Travel and Communicable Diseases: Comprehensive Federal Plan Needed for U.S. Aviation System's Preparedness", issued in December 2015 (GAO-16-127);

(10) consider the latest peer-reviewed scientific studies that address communicable disease with respect to air transportation; and

(11) consider funding constraints.

(c) CONSULTATION.—When developing the plan under subsection (a), the Secretary of Transportation shall consult with aviation industry and labor stakeholders, including representatives of—

(1) air carriers, which shall include domestic air carriers consisting of major air carriers, low-cost carriers, regional air carriers and cargo carriers;

(2) airport operators, including with respect to large hub, medium hub, small hub, and nonhub commercial service airports;

(3) labor organizations that represent airline pilots, flight attendants, air carrier airport customer service representatives, and air carrier maintenance, repair, and overhaul workers;

(4) the labor organization certified under section 7111 of title 5, United States Code, as the exclusive bargaining representative of air traffic controllers of the Federal Aviation Administration;

(5) the labor organization certified under such section as the exclusive bargaining representative of airway transportation systems specialists and aviation safety inspectors of the Federal Aviation Administration;

(6) trade associations representing air carriers and airports;

(7) aircraft manufacturing companies;

(8) general aviation; and

(9) such other stakeholders as the Secretary considers appropriate.

(d) REPORT.—Not later than 30 days after the plan is developed under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes such plan.

Deadline. Consultation.

(e) REVIEW OF PLAN.—Not later than 1 year after the date on which a report is submitted under subsection (d), and again not later than 5 years thereafter, the Secretary shall review the plan included in such report and, after consultation with aviation industry and labor stakeholders, make changes by rule as the Secretary considers appropriate.

Deadline. Assessment.

(f) GAO STUDY.—Not later than 18 months after the date of enactment of this section, the Comptroller General shall conduct and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a study assessing the national aviation preparedness plan developed under subsection (a), including—

(1) whether such plan—

(A) is responsive to any previous recommendations relating to aviation preparedness with respect to an outbreak of a covered communicable disease or global health emergency made by the Comptroller General; and

(B) meets the obligations of the United States under international conventions and treaties; and

(2) the extent to which the United States aviation system is prepared to respond to an outbreak of a covered communicable disease.

(g) DEFINITIONS.—In this section:

(1) COVERED EMPLOYEE.—The term "covered employee" means—

(A) an individual whose job duties require interaction with air carrier passengers on a regular and continuing basis and who is an employee of—

(i) an air carrier;

(ii) an air carrier contractor;

(iii) an airport; or

(iv) the Federal Government; or

(B) an air traffic controller or systems safety specialist of the Federal Aviation Administration.

(2) COVERED COMMUNICABLE DISEASE.—The term "covered communicable disease" means a communicable disease that has the potential to cause a future epidemic or pandemic of infectious disease that would constitute a public health emergency of international concern as declared, after the date of enactment of this section, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

(3) TEMPERATURE CHECK.—The term "temperature check" means the screening of an individual for a fever.

SEC. 106. AEROSPACE SUPPLY CHAIN RESILIENCY TASK FORCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation shall establish the Aerospace Supply Chain Resiliency Task Force (in this section referred to as the "Task Force") to— Deadline. Establishment.

(1) identify and assess risks to United States aerospace supply chains, including the availability of raw materials and critical manufactured goods, with respect to—

(A) major end items produced by the aerospace industry; and

(B) the infrastructure of the National Airspace System; and

(2) identify best practices and make recommendations to mitigate risks identified under paragraph (1) and support a robust United States aerospace supply chain. Recommendations.

(b) MEMBERSHIP.— Appointments.

(1) IN GENERAL.—The Secretary shall appoint not more than 21 individuals to the Task Force.

(2) COMPOSITION.—In appointing individuals to the Task Force, the Secretary shall appoint:

(A) At least 1 individual representing each of the following:

(i) Manufacturers of aircraft.

(ii) Manufacturers of avionics.

(iii) Manufacturers of aircraft propulsion systems.

(iv) Manufacturers of aircraft structures.

(v) Manufacturers of communications, navigation, and surveillance equipment used for the provision of air traffic services.

(vi) Manufacturers of commercial space transportation launch vehicles.

(vii) Commercial air carriers.

(viii) General aviation operators.

(ix) Rotorcraft operators.

(x) Unmanned aircraft system operators.

(xi) Aircraft maintenance providers.

(xii) Aviation safety organizations.

(B) At least 1 individual representing certified labor representatives of each of the following:

(i) Aircraft mechanics.

(ii) Aircraft engineers.

(iii) Aircraft manufacturers.

(iv) Airway transportation system specialists employed by the Federal Aviation Administration.

(C) Individuals with expertise in logistics, economics, supply chain management, or another field or discipline related to the resilience of industrial supply chains.

(c) ACTIVITIES.—In carrying out the responsibilities of the Task Force described in subsection (a), the Task Force shall—

(1) engage with the aerospace industry to document trends in changes to production throughput and lead times of major end items produced by the aerospace industry;

Determination.

(2) determine the extent to which United States aerospace supply chains are potentially exposed to significant disturbances, including the existence of and potential for supply chain issues such as chokepoints, bottlenecks, or shortages that could prevent or inhibit the production or flow of major end items and services;

(3) explore new solutions to resolve such supply chain issues identified under paragraph (2), including through the use of—

(A) existing aerospace infrastructure; and

(B) aerospace infrastructure, manufacturing capabilities, and production capacities in small or rural communities;

(4) evaluate the potential for the introduction and integration of advanced technology to—

(A) relieve such supply chain issues; and

(B) fill such gaps;

(5) utilize, to the maximum extent practicable, existing supply chain studies, reports, and materials in carrying out the activities described in this subsection; and

Recommendations.

(6) provide recommendations to address, manage, and relieve such supply chain issues.

(d) MEETINGS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Task Force shall convene at such times and places, and by such means, as the Secretary determines to be appropriate, which may include the use of remote conference technology.

(2) TIMING.—The Task Force shall convene for an initial meeting not later than 120 days after the date of enactment of this section and at least every 90 days thereafter.

(e) REPORTS TO CONGRESS.—

(1) REPORT OF TASK FORCE.—

(A) IN GENERAL.—Not later than 1 year after the date of the initial meeting of the Task Force, the Task Force shall submit to the appropriate committees of Congress a report on the activities of the Task Force.

(B) CONTENTS.—The report required under subparagraph (A) shall include— Recommendations.

(i) best practices and recommendations identified pursuant to subsection (a)(2);

(ii) a detailed description of the findings of the Task Force pursuant to the activities required by subsection (c); and

(iii) recommendations of the Task Force, if any, for regulatory, policy, or legislative action to improve Government efforts to reduce barriers, mitigate risk, and bolster the resiliency of United States aerospace supply chains.

(2) REPORT OF SECRETARY.—Not later than 180 days after the submission of the report required under paragraph (1), the Secretary shall submit a report to the appropriate committees of Congress on the status or implementation of recommendations of the Task Force included in the report required under paragraph (1).

(f) APPLICABLE LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(g) SUNSET.—The Task Force shall terminate upon the submission of the report required by subsection (e)(1).

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Commerce, Science, and Transportation of the Senate.

(2) MAJOR END ITEM.—The term "major end item" means—

(A) an aircraft;

(B) an aircraft engine or propulsion system;

(C) communications, navigation, or surveillance equipment used in the provision of air traffic services; and

(D) any other end item the manufacture and operation of which has a significant effect on air commerce, as determined by the Secretary.

SEC. 107. COVERED OPERATIONS ELECTIVE STANDARDS.

(a) IN GENERAL.—Section 44729(a) of title 49, United States Code, is amended by striking "covered operations until attaining 65 years of age." and inserting the following: "covered operations described in subsection (b)(1) until attaining 65 years of age. Air carriers that employ pilots who serve in covered operations described in subsection (b)(2) may elect to implement an age restriction to prohibit employed pilots from serving in such covered operations after attaining 70 years of age by delivering written notice to the Administrator of the Federal Aviation Administration. Such election— Notification.

"(1) shall take effect 1 year after the date of delivery of written notice of the election; and Effective date.

"(2) may not be terminated after the date on which such election takes effect by the air carrier.".

(b) COVERED OPERATIONS.—Section 44729(b) of title 49, United States Code, is amended by striking "means operations under part 121 of title 14, Code of Federal Regulations." and inserting the following: "means—

"(1) operations under part 121 of title 14, Code of Federal Regulations; or

"(2) operations by a person that—

"(A) holds an air carrier certificate issued pursuant to part 119 of title 14, Code of Federal Regulations, to conduct operations under part 135 of such title;

"(B) holds management specifications under subpart K of title 91 of title 14, Code of Federal Regulations; and

"(C) performed an aggregate total of at least 75,000 turbojet operations in calendar year 2019 or any subsequent year.".

49 USC 44729 note.

(c) PROTECTION FOR COMPLIANCE.—An action or election taken in conformance with the amendments made by this section, or taken in conformance with a regulation issued to carry out the amendments made by this section, may not serve as a basis for liability or relief in a proceeding brought under any employment law or regulation before any court or agency of the United States or of any State or locality.

No TikTok on Government Devices Act.

DIVISION R—NO TIKTOK ON GOVERNMENT DEVICES

44 USC 3553 note.

SEC. 101. SHORT TITLE.

This division may be cited as the "No TikTok on Government Devices Act".

SEC. 102. PROHIBITION ON THE USE OF TIKTOK.

(a) DEFINITIONS.—In this section—

(1) the term "covered application" means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited;

(2) the term "executive agency" has the meaning given that term in section 133 of title 41, United States Code; and

(3) the term "information technology" has the meaning given that term in section 11101 of title 40, United States Code.

(b) PROHIBITION ON THE USE OF TIKTOK.—

Deadline. Standards. Guidelines.

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code, shall develop standards and guidelines for executive agencies requiring the removal of any covered application from information technology.

(2) NATIONAL SECURITY AND RESEARCH EXCEPTIONS.—The standards and guidelines developed under paragraph (1) shall include—

(A) exceptions for law enforcement activities, national security interests and activities, and security researchers; and

(B) for any authorized use of a covered application under an exception, requirements for executive agencies to develop and document risk mitigation actions for such use.

DIVISION S—OCEANS RELATED MATTERS

TITLE I—DRIFTNET MODERNIZATION

Driftnet Modernization and Bycatch Reduction Act. 16 USC 1801 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Driftnet Modernization and Bycatch Reduction Act".

SEC. 102. DEFINITION.

Section 3(25) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(25)) is amended by inserting ", or with a mesh size of 14 inches or greater," after "more".

SEC. 103. FINDINGS AND POLICY.

(a) FINDINGS.—Section 206(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(b)) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) within the exclusive economic zone, large-scale driftnet fishing that deploys nets with large mesh sizes causes significant entanglement and mortality of living marine resources, including myriad protected species, despite limitations on the lengths of such nets.".

(b) POLICY.—Section 206(c) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(c)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) prioritize the phase out of large-scale driftnet fishing in the exclusive economic zone and promote the development and adoption of alternative fishing methods and gear types that minimize the incidental catch of living marine resources.".

SEC. 104. TRANSITION PROGRAM.

Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826) is amended by adding at the end the following—

"(i) FISHING GEAR TRANSITION PROGRAM.—

Time period.

"(1) IN GENERAL.—During the 5-year period beginning on the date of enactment of the Driftnet Modernization and Bycatch Reduction Act, the Secretary shall conduct a transition program to facilitate the phase-out of large-scale driftnet fishing and adoption of alternative fishing practices that minimize the incidental catch of living marine resources, and shall award grants to eligible permit holders who participate in the program.

"(2) PERMISSIBLE USES.—Any permit holder receiving a grant under paragraph (1) may use such funds only for the purpose of covering—

"(A) any fee originally associated with a permit authorizing participation in a large-scale driftnet fishery, if such permit is surrendered for permanent revocation, and such permit holder relinquishes any claim associated with the permit;

"(B) a forfeiture of fishing gear associated with a permit described in subparagraph (A); or

"(C) the purchase of alternative gear with minimal incidental catch of living marine resources, if the fishery participant is authorized to continue fishing using such alternative gears.

"(3) CERTIFICATION.—The Secretary shall certify that, with respect to each participant in the program under this subsection, any permit authorizing participation in a large-scale driftnet fishery has been permanently revoked and that no new permits will be issued to authorize such fishing.".

SEC. 105. EXCEPTION.

Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: ", unless such large-scale driftnet fishing—

"(i) deploys, within the exclusive economic zone, a net with a total length of less than two and one-half kilometers and a mesh size of 14 inches or greater; and

Deadline.

"(ii) is conducted within 5 years of the date of enactment of the Driftnet Modernization and Bycatch Reduction Act".

16 USC 1862 note.
Recommendations.

SEC. 106. FEES.

(a) IN GENERAL.—The North Pacific Fishery Management Council may recommend, and the Secretary of Commerce may approve, regulations necessary for the collection of fees from charter vessel operators who guide recreational anglers who harvest Pacific halibut in International Pacific Halibut Commission regulatory areas 2C and 3A as those terms are defined in part 300 of title 50, Code of Federal Regulations (or any successor regulations).

(b) USE OF FEES.—Any fees collected under this section shall be available for the purposes of—

(1) financing administrative costs of the Recreational Quota Entity program;

(2) the purchase of halibut quota shares in International Pacific Halibut Commission regulatory areas 2C and 3A by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations);

(3) halibut conservation and research; and

(4) promotion of the halibut resource by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations).

(c) LIMITATION ON COLLECTION AND AVAILABILITY.—Fees shall be collected and available pursuant to this section only to the extent and in such amounts as provided in advance in appropriations Acts, subject to subsection (d).

(d) FEE COLLECTED DURING START-UP PERIOD.—Notwithstanding subsection (c), fees may be collected through the date of enactment of an Act making appropriations for the activities authorized under this Act through September 30, 2023, and shall be available for obligation and remain available until expended.

TITLE II—FISHERY RESOURCE DISASTERS IMPROVEMENT

Fishery Resource Disasters Improvement Act.

SEC. 201. SHORT TITLE.

16 USC 1801 note.

This title may be cited as the "Fishery Resource Disasters Improvement Act".

SEC. 202. FISHERY RESOURCE DISASTER RELIEF.

Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) is amended to read as follows:

"(a) FISHERY RESOURCE DISASTER RELIEF.—

"(1) DEFINITIONS.—In this subsection:

"(A) ALLOWABLE CAUSE.—The term 'allowable cause' means a natural cause, discrete anthropogenic cause, or undetermined cause, including a cause that occurred not more than 5 years prior to the date of a request for a fishery resource disaster determination that affected such applicable fishery.

Time period.

"(B) ANTHROPOGENIC CAUSE.—The term 'anthropogenic cause' means an anthropogenic event, such as an oil spill or spillway opening—

"(i) that could not have been addressed or prevented by fishery management measures; and

"(ii) that is otherwise beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions imposed as a result of judicial action or to protect human health or marine animals, plants, or habitats.

"(C) FISHERY RESOURCE DISASTER.—The term 'fishery resource disaster' means a disaster that is determined by the Secretary in accordance with this subsection and—

"(i) is an unexpected large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource, which may include loss of fishing vessels and gear for a substantial period of time and results in significant revenue loss or negative subsistence impact due to an allowable cause; and

"(ii) does not include—

"(I) reasonably predictable, foreseeable, and recurrent fishery cyclical variations in species distribution or stock abundance; or

"(II) reductions in fishing opportunities resulting from conservation and management measures taken pursuant to this Act.

"(D) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130), and the term 'Tribal' means of or pertaining to such an Indian tribe.

"(E) NATURAL CAUSE.—The term 'natural cause'—

"(i) means a weather, climatic, hazard, or biology-related event, such as—

"(I) a hurricane;

"(II) a flood;

"(III) a harmful algal bloom;

"(IV) a tsunami;

"(V) a hypoxic zone;

"(VI) a drought;

"(VII) El Niño effects on water temperature;

"(VIII) a marine heat wave; or

"(IX) disease; and

"(ii) does not mean a normal or cyclical variation in a species distribution or stock abundance.

"(F) 12-MONTH REVENUE LOSS.—The term '12-month revenue loss' means the percentage reduction, as applicable, in commercial, charter, headboat, or processor revenue for the affected fishery for the 12 months during which the fishery resource disaster occurred, when compared to average annual revenue in the most recent 5 years when no fishery resource disaster occurred or equivalent for stocks with cyclical life histories.

"(G) UNDETERMINED CAUSE.—The term 'undetermined cause' means a cause in which the current state of knowledge does not allow the Secretary to identify the exact cause, and there is no current conclusive evidence supporting a possible cause of the fishery resource disaster.

"(2) GENERAL AUTHORITY.—

"(A) IN GENERAL.—The Secretary shall have the authority to determine the existence, extent, and beginning and end dates of a fishery resource disaster under this subsection in accordance with this subsection.

"(B) AVAILABILITY OF FUNDS.—After the Secretary determines that a fishery resource disaster has occurred, the Secretary is authorized to make sums available, from funds appropriated for such purposes, to be used by the affected State, Indian Tribe, or interstate marine fisheries commission, or by the Secretary in cooperation with the affected State, Indian Tribe, or interstate marine fisheries commission.

"(C) SAVINGS CLAUSE.—The requirements under this paragraph and paragraphs (3), (4), and (5) shall take effect only with respect to fishery resource disaster determination requests submitted after the date of enactment of the Fishery Resource Disasters Improvement Act.

"(3) INITIATION OF A FISHERY RESOURCE DISASTER REVIEW.—

"(A) ELIGIBLE REQUESTERS.—

"(i) IN GENERAL.—If the Secretary has not independently determined that a fishery resource disaster has occurred, a request for a fishery resource disaster determination may be submitted to the Secretary at any time, but not later than the applicable date determined under clause (ii), by— Deadline.

"(I) the Governor of an affected State;

"(II) an official resolution of an Indian Tribe; or

"(III) any other comparable elected or politically appointed representative as determined by the Secretary.

"(ii) APPLICABLE DATE.—The applicable date under this clause shall be—

"(I) 1 year after the date of the conclusion of the fishing season;

"(II) in the case of a distinct cause that occurs during more than 1 consecutive fishing season, 2 years after the date of the conclusion of the fishing season for which the request for a fishery resource disaster determination is made; or

"(III) in the case of a complete fishery closure, 1 year after the date on which that closure is determined by the Secretary.

"(B) REQUIRED INFORMATION.—A complete request for a fishery resource disaster determination under subparagraph (A) shall include—

"(i) identification of all presumed affected fish stocks;

"(ii) identification of the fishery as Federal, non-Federal, or both;

"(iii) the geographical boundaries of the fishery, as determined by the eligible requester, including geographic boundaries that are smaller than the area represented by the eligible requester;

"(iv) preliminary information on causes of the fishery resource disaster, if known; and

"(v) information needed to support a finding of a fishery resource disaster, including— Time periods.

"(I) information demonstrating the occurrence of an unexpected large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource, which could include the loss of fishing vessels and gear, for a substantial period of time;

"(II) significant—

"(aa) 12-month revenue loss for the affected fishery; or

"(bb) negative subsistence impact for the affected fishery, or if a fishery resource disaster has occurred at any time in the previous 5-year period, the most recent 5 years when no fishery resource disaster occurred;

"(III) if applicable, information on lost resource tax revenues assessed by local communities, such as a raw fish tax and local sourcing requirements; and

"(IV) if applicable and available, information on affected fishery 12-month revenue loss for charter, headboat, or processors related to the information provided under subclause (I), subject to section 402(b).

"(C) ASSISTANCE.—The Secretary may provide data and analysis assistance to an eligible requester described in paragraph (1), if—

"(i) the assistance is so requested;

"(ii) the Secretary is in possession of the required information described in subparagraph (B); and

"(iii) the data is not available to the requester, in carrying out the complete request under subparagraph (B).

"(D) INITIATION OF REVIEW.—The Secretary shall have the discretion to initiate a fishery resource disaster review without a request.

"(4) REVIEW PROCESS.—

Deadline.

"(A) INTERIM RESPONSE.—Not later than 20 days after receipt of a request under paragraph (3), the Secretary shall provide an interim response to the individual that—

"(i) acknowledges receipt of the request;

"(ii) provides a regional contact within the National Oceanographic and Atmospheric Administration;

"(iii) outlines the process and timeline by which a request shall be considered; and

"(iv) requests additional information concerning the fishery resource disaster, if the original request is considered incomplete.

"(B) EVALUATION OF REQUESTS.—

"(i) IN GENERAL.—The Secretary shall complete a review, within the time frame described in clause (ii), using the best scientific information available, in consultation with the affected fishing communities, States, or Indian Tribes, of—

"(I) the information provided by the requester and any additional information relevant to the fishery, which may include—

"(aa) fishery characteristics;

"(bb) stock assessments;

"(cc) the most recent fishery independent surveys and other fishery resource assessments and surveys conducted by Federal, State, or Tribal officials;

"(dd) estimates of mortality; and

"(ee) overall effects; and

"(II) the available economic information, which may include an analysis of—

"(aa) landings data;

"(bb) revenue;

"(cc) the number of participants involved;

"(dd) the number and type of jobs and persons impacted, which may include—

"(AA) fishers;

"(BB) charter fishing operators;

"(CC) subsistence users;

"(DD) United States fish processors; and

"(EE) an owner of a related fishery infrastructure or business affected by the disaster, such as a marina operator, recreational fishing equipment retailer, or charter, headboat, or tender vessel owner, operator, or crew;

"(ee) an impacted Indian Tribe;

"(ff) other forms of disaster assistance made available to the fishery, including prior awards of disaster assistance for the same event;

"(gg) the length of time the resource, or access to the resource, has been restricted;

"(hh) status of recovery from previous fishery resource disasters;

"(ii) lost resource tax revenues assessed by local communities, such as a raw fish tax; and

"(jj) other appropriate indicators to an affected fishery, as determined by the National Marine Fisheries Service.

"(ii) TIME FRAME.—The Secretary shall complete the review described in clause (i), if the fishing season, applicable to the fishery—

"(I) has concluded or there is no defined fishing season applicable to the fishery, not later than 120 days after the Secretary receives a complete request for a fishery resource disaster determination;

"(II) has not concluded, not later than 120 days after the conclusion of the fishing season; or

"(III) is expected to be closed for the entire fishing season, not later than 120 days after the Secretary receives a complete request for a fishery resource disaster determination.

"(C) FISHERY RESOURCE DISASTER DETERMINATION.—The Secretary shall make the determination of a fishery resource disaster based on the criteria for determinations listed in paragraph (5).

"(D) NOTIFICATION.—Not later than 14 days after the conclusion of the review under this paragraph, the Secretary shall notify the requester and the Governor of the affected State or Indian Tribe representative of the determination of the Secretary. Deadline.

"(5) CRITERIA FOR DETERMINATIONS.—

"(A) IN GENERAL.—The Secretary shall make a determination about whether a fishery resource disaster has occurred, based on the revenue loss thresholds under subparagraph (B), and, if a fishery resource disaster has occurred, whether the fishery resource disaster was due to—

"(i) a natural cause;

"(ii) an anthropogenic cause;

"(iii) a combination of a natural cause and an anthropogenic cause; or

"(iv) an undetermined cause.

"(B) REVENUE LOSS THRESHOLDS.—

Applicability.
Time period.

"(i) IN GENERAL.—Based on the information provided or analyzed under paragraph (4)(B), the Secretary shall apply the following 12-month revenue loss thresholds in determining whether a fishery resource disaster has occurred:

"(I) Losses greater than 80 percent may result in a positive determination that a fishery resource disaster has occurred, based on the information provided or analyzed under paragraph (4)(B).

"(II) Losses between 35 percent and 80 percent shall be evaluated to determine whether economic impacts are severe enough to determine that a fishery resource disaster has occurred.

"(III) Losses less than 35 percent shall not be eligible for a determination that a fishery resource disaster has occurred.

"(ii) CHARTER FISHING.—In making a determination of whether a fishery resource disaster has occurred, the Secretary shall consider the economic impacts to the charter fishing industry to ensure financial coverage for charter fishing businesses.

Evaluation.

"(iii) NEGATIVE SUBSISTENCE IMPACTS.—In considering negative subsistence impacts, the Secretary shall evaluate the severity of negative impacts to the fishing community instead of applying the revenue loss thresholds described in clause (i).

Time period.

"(C) INELIGIBLE FISHERIES.—A fishery subject to overfishing in any of the 3 years preceding the date of a determination under this subsection is not eligible for a determination of whether a fishery resource disaster has occurred unless the Secretary determines that overfishing was not a contributing factor to the fishery resource disaster.

"(D) EXCEPTIONAL CIRCUMSTANCES.—In an exceptional circumstance where substantial economic impacts to the affected fishery and fishing community have been subject to a disaster declaration under another statutory authority, such as in the case of a natural disaster or from the direct consequences of a Federal action taken to prevent, or in response to, a natural disaster for purposes of protecting life and safety, the Secretary may determine a fishery resource disaster has occurred without a request, notwithstanding the requirements under subparagraph (B) and paragraph (3).

"(6) DISBURSAL OF APPROPRIATED FUNDS.—

"(A) AUTHORIZATION.—The Secretary shall allocate funds available under paragraph (9) for fishery resource disasters.

"(B) ALLOCATION OF APPROPRIATED FISHERY RESOURCE DISASTER ASSISTANCE.—

"(i) NOTIFICATION OF FUNDING AVAILABILITY.—When there are appropriated funds for 1 or more fishery resource disasters, the Secretary shall notify—

"(I) the public; and

"(II) representatives of affected fishing communities with a positive disaster determination that is unfunded;

Deadline.

of the availability of funds, not more than 14 days after the date of the appropriation or the determination of a fishery resource disaster, whichever occurs later.

"(ii) EXTENSION OF DEADLINE.—The Secretary may extend the deadline under clause (i) by 90 days to evaluate and make determinations on eligible requests.

"(C) CONSIDERATIONS.—In determining the allocation of appropriations for a fishery resource disaster, the Secretary shall consider commercial, charter, headboat, or seafood processing revenue losses and negative impacts to subsistence or Indian Tribe ceremonial fishing opportunity, for the affected fishery, and may consider the following factors:

"(i) Direct economic impacts.

"(ii) Uninsured losses.

"(iii) Losses of recreational fishing opportunity.

"(iv) Aquaculture operations revenue loss.

"(v) Direct revenue losses to a fishing community.

"(vi) Treaty obligations.

"(vii) Other economic impacts.

"(D) SPEND PLANS.—To receive an allocation from funds available under paragraph (9), a requester with an affirmative fishery resource disaster determination shall submit a spend plan to the Secretary, not more than 120 days after receiving notification that funds are available, that shall include the following information, if applicable:

Deadline.

"(i) Objectives and outcomes, with an emphasis on addressing the factors contributing to the fishery resource disaster and minimizing future uninsured losses, if applicable.

"(ii) Statement of work.

"(iii) Budget details.

"(E) REGIONAL CONTACT.—If so requested, the Secretary shall provide a regional contact within the National Oceanic and Atmospheric Administration to facilitate review of spend plans and disbursal of funds.

"(F) DISBURSAL OF FUNDS.—

"(i) AVAILABILITY.—Funds shall be made available to grantees not later than 90 days after the date the Secretary receives a complete spend plan.

Deadline.

"(ii) METHOD.—The Secretary may provide an allocation of funds under this subsection in the form of a grant, direct payment, cooperative agreement, loan, or contract.

"(iii) ELIGIBLE USES.—

"(I) IN GENERAL.—Funds allocated for fishery resources disasters under this subsection shall restore the fishery affected by such a disaster, prevent a similar disaster in the future, or assist the affected fishing community, and shall prioritize the following uses, which are not in order of priority:

"(aa) Habitat conservation and restoration and other activities, including scientific research, that reduce adverse impacts to the fishery or improve understanding of the affected species or its ecosystem.

"(bb) The collection of fishery information and other activities that improve management of the affected fishery.

"(cc) In a commercial fishery, capacity reduction and other activities that improve management of fishing effort, including funds to offset budgetary costs to refinance a Federal fishing capacity reduction loan or to repay the principal of a Federal fishing capacity reduction loan.

"(dd) Developing, repairing, or improving fishery-related public infrastructure.

"(ee) Direct assistance to a person, fishing community (including assistance for lost fisheries resource levies), or a business to alleviate economic loss incurred as a direct result of a fishery resource disaster, particularly when affected by a circumstance described in paragraph (5)(D) or by negative impacts to subsistence or Indian Tribe ceremonial fishing opportunity.

"(ff) Hatcheries and stock enhancement to help rebuild the affected stock or offset fishing pressure on the affected stock.

"(II) DISPLACED FISHERY EMPLOYEES.—Where appropriate, individuals carrying out the activities described in items (aa) through (dd) of subclause (I) shall be individuals who are, or were, employed in a commercial, charter, or Indian Tribe fishery for which the Secretary has determined that a fishery resource disaster has occurred.

"(7) LIMITATIONS.—

"(A) FEDERAL SHARE.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of any activity carried out under the authority of this subsection shall not exceed 75 percent of the cost of that activity.

"(ii) WAIVER.—The Secretary may waive the non-Federal share requirements of this subsection, if the Secretary determines that—

"(I) no reasonable means are available through which the recipient of the Federal share can meet the non-Federal share requirement; and

"(II) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the non-Federal share requirement.

"(iii) EXCEPTION.—The Federal share shall be equal to 100 percent in the case of—

"(I) direct assistance as described in paragraph (6)(F)(iii)(I)(ee); or

"(II) assistance to subsistence or Tribal fisheries.

"(B) LIMITATIONS ON ADMINISTRATIVE EXPENSES.—

"(i) FEDERAL.—Not more than 3 percent of the funds available under this subsection may be used for administrative expenses by the National Oceanographic and Atmospheric Administration.

"(ii) STATE GOVERNMENTS OR INDIAN TRIBES.—Of the funds remaining after the use described in clause (i), not more than 5 percent may be used by States, Indian Tribes, or interstate marine fisheries commissions for administrative expenses.

"(C) FISHING CAPACITY REDUCTION PROGRAM.—

"(i) IN GENERAL.—No funds available under this subsection may be used as part of a fishing capacity reduction program in a fishery unless the Secretary determines that adequate conservation and management measures are in place in such fishery.

"(ii) ASSISTANCE CONDITIONS.—As a condition of providing assistance under this subsection with respect to a vessel under a fishing capacity reduction program, the Secretary shall—

"(I) prohibit the vessel from being used for fishing in Federal, State, or international waters; and

"(II) require that the vessel be—

"(aa) scrapped or otherwise disposed of in a manner approved by the Secretary;

"(bb) donated to a nonprofit organization and thereafter used only for purposes of research, education, or training; or

"(cc) used for another non-fishing purpose provided the Secretary determines that adequate measures are in place to ensure that the vessel cannot reenter any fishery anywhere in the world.

"(D) NO FISHERY ENDORSEMENT.—

"(i) IN GENERAL.—A vessel that is prohibited from fishing under subparagraph (C)(ii)(I) shall not be eligible for a fishery endorsement under section 12113(a) of title 46, United States Code.

"(ii) NONEFFECTIVE.—A fishery endorsement for a vessel described in clause (i) shall not be effective.

"(iii) NO SALE.—A vessel described in clause (i) shall not be sold to a foreign owner or reflagged.

"(8) PUBLIC INFORMATION ON DATA COLLECTION.—The Secretary shall make available and update as appropriate, information on data collection and submittal best practices for the information described in paragraph (4)(B).

"(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $377,000,000 for the period of fiscal years 2023 through 2027.".

SEC. 203. MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

(a) REPEAL.—Section 315 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1864) is repealed.

(b) REPORT.—Section 113(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 460ss note) is amended—

(1) in the paragraph heading, by striking "ANNUAL REPORT" and inserting "REPORT";

(2) in the matter preceding subparagraph (A), by striking "Not later than 2 years after the date of enactment of this Act, and annually thereafter" and inserting "Not later than 2 years after the date of enactment of the Fishery Resource Disasters Improvement Ac, and biennially thereafter"; and

(3) in subparagraph (D), by striking "the calendar year 2003" and inserting "the most recent".

SEC. 204. INTERJURISDICTIONAL FISHERIES ACT OF 1986.

(a) REPEAL.—Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is repealed.

(b) TECHNICAL EDIT.—Section 3(k)(1) of the Small Business Act (15 U.S.C. 632(k)(1)) is amended by striking "(as determined by the Secretary of Commerce under section 308(b) of the Interjurisdictional Fisheries Act of 1986)" and inserting "(as determined by the Secretary of Commerce under the Fishery Resource Disasters Improvement Act)".

SEC. 205. BUDGET REQUESTS; REPORTS.

16 USC 1861a note.

(a) BUDGET REQUEST.—In the budget justification materials submitted to Congress in support of the budget of the Department of Commerce for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the Secretary of Commerce shall include a separate statement of the amount for each outstanding unfunded fishery resource disasters.

(b) DRIFTNET ACT AMENDMENTS OF 1990 REPORT AND BYCATCH REDUCTION AGREEMENTS.—

(1) IN GENERAL.—The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) is amended—

16 USC 1822.
16 USC 1826.

(A) in section 202(h), by striking paragraph (3); and

(B) in section 206—

(i) by striking subsections (e) and (f); and

(ii) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

(2) BIENNIAL REPORT ON INTERNATIONAL COMPLIANCE.—Section 607 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826h) is amended—

(A) by inserting "(a) IN GENERAL.—" before "The Secretary" and indenting appropriately; and

(B) by adding at the end the following:

"(b) ADDITIONAL INFORMATION.—In addition to the information described in paragraphs (1) through (5) of subsection (a), the report shall include—

"(1) a description of the actions taken to carry out the provisions of section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826), including—

Evaluation.

"(A) an evaluation of the progress of those efforts, the impacts on living marine resources, including available observer data, and specific plans for further action;

List.

"(B) a list and description of any new fisheries developed by nations that conduct, or authorize their nationals

to conduct, large-scale driftnet fishing beyond the exclusive economic zone of any nation; and

"(C) a list of the nations that conduct, or authorize their nationals to conduct, large-scale driftnet fishing beyond the exclusive economic zone of any nation in a manner that diminishes the effectiveness of or is inconsistent with any international agreement governing large-scale driftnet fishing to which the United States is a party or otherwise subscribes; and List.

"(2) a description of the actions taken to carry out the provisions of section 202(h) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1822(h)).

"(c) CERTIFICATION.—If, at any time, the Secretary, in consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, identifies any nation that warrants inclusion in the list described under subsection (b)(1)(C), due to large scale drift net fishing, the Secretary shall certify that fact to the President. Such certification shall be deemed to be a certification for the purposes of section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).".

TITLE III—ALASKA SALMON RESEARCH TASK FORCE

Alaska Salmon Research Task Force Act.

SEC. 301. SHORT TITLE.

This title may be cited as the "Alaska Salmon Research Task Force Act".

SEC. 302. PURPOSES.

The purposes of this title are—

(1) to ensure that Pacific salmon trends in Alaska regarding productivity and abundance are characterized and that research needs are identified;

(2) to prioritize scientific research needs for Pacific salmon in Alaska;

(3) to address the increased variability or decline in Pacific salmon returns in Alaska by creating a coordinated salmon research strategy; and

(4) to support collaboration and coordination for Pacific salmon conservation efforts in Alaska.

SEC. 303. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) salmon are an essential part of Alaska's fisheries, including subsistence, commercial, and recreational uses, and there is an urgent need to better understand the freshwater and marine biology and ecology of salmon, a migratory species that crosses many borders, and for a coordinated salmon research strategy to address salmon returns that are in decline or experiencing increased variability;

(2) salmon are an essential element for the well-being and health of Alaskans; and

(3) there is a unique relationship between people of Indigenous heritage and the salmon they rely on for subsistence and traditional and cultural practices.

Establishment.

SEC. 304. ALASKA SALMON RESEARCH TASK FORCE.

Deadline.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Governor of Alaska, shall convene an Alaska Salmon Research Task Force (referred to in this section as the "Research Task Force") to—

Review.

(1) review existing Pacific salmon research in Alaska;

(2) identify applied research needed to better understand the increased variability and declining salmon returns in some regions of Alaska; and

(3) support sustainable salmon runs in Alaska.

(b) COMPOSITION AND APPOINTMENT.—

(1) IN GENERAL.—The Research Task Force shall be composed of not fewer than 13 and not more than 19 members, who shall be appointed under paragraphs (2) and (3).

(2) APPOINTMENT BY SECRETARY.—The Secretary of Commerce shall appoint members to the Research Task Force as follows:

(A) One representative from each of the following:

(i) The National Oceanic and Atmospheric Administration who is knowledgeable about salmon and salmon research efforts in Alaska.

(ii) The North Pacific Fishery Management Council.

(iii) The United States section of the Pacific Salmon Commission.

(B) Not less than 2 and not more than 5 representatives from each of the following categories, at least 2 of whom shall represent Alaska Natives who possess personal knowledge of, and direct experience with, subsistence uses in rural Alaska, to be appointed with due regard to differences in regional perspectives and experience:

(i) Residents of Alaska who possess personal knowledge of, and direct experience with, subsistence uses in rural Alaska.

(ii) Alaska fishing industry representatives throughout the salmon supply chain, including from—

(I) directed commercial fishing;

(II) recreational fishing;

(III) charter fishing;

(IV) seafood processors;

(V) salmon prohibited species catch (bycatch) users; or

(VI) hatcheries.

(C) 5 representatives who are academic experts in salmon biology, salmon ecology (marine and freshwater), salmon habitat restoration and conservation, or comprehensive marine research planning in the North Pacific.

(3) APPOINTMENT BY THE GOVERNOR OF ALASKA.—The Governor of Alaska shall appoint to the Research Task Force one representative from the State of Alaska who is knowledgeable about the State of Alaska's salmon research efforts.

(c) DUTIES.—

(1) REVIEW.—The Research Task Force shall—

(A) conduct a review of Pacific salmon science relevant to understanding salmon returns in Alaska, including an examination of—

(i) traditional ecological knowledge of salmon populations and their ecosystems;

(ii) marine carrying capacity and density dependent constraints, including an examination of interactions with other salmon species, and with forage base in marine ecosystems;

(iii) life-cycle and stage-specific mortality;

(iv) genetic sampling and categorization of population structure within salmon species in Alaska;

(v) methods for predicting run-timing and stock sizes;

(vi) oceanographic models that provide insight into stock distribution, growth, and survival;

(vii) freshwater, estuarine, and marine processes that affect survival of smolts;

(viii) climate effects on freshwater and marine habitats;

(ix) predator/prey interactions between salmon and marine mammals or other predators; and

(x) salmon productivity trends in other regions, both domestic and international, that put Alaska salmon populations in a broader geographic context; and

(B) identify scientific research gaps in understanding the Pacific salmon life cycle in Alaska.

(2) REPORT.—Not later than 1 year after the date the Research Task Force is convened, the Research Task Force shall submit to the Secretary of Commerce, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives, and the Alaska State Legislature, and make publicly available, a report—

(A) describing the review conducted under paragraph (1); and

(B) that includes—

(i) recommendations on filling knowledge gaps that warrant further scientific inquiry; and

Recommendation.

(ii) findings from the reports of work groups submitted under subsection (d)(2)(C).

(d) ADMINISTRATIVE MATTERS.—

(1) CHAIRPERSON AND VICE CHAIRPERSON.—The Research Task Force shall select a Chair and Vice Chair by vote from among the members of the Research Task Force.

(2) WORK GROUPS.—

Establishment.

(A) IN GENERAL.—The Research Task Force—

Deadline.

(i) not later than 30 days after the date of the establishment of the Research Task Force, shall establish a work group focused specifically on the research needs associated with salmon returns in the AYK (Arctic-Yukon-Kuskokwim) regions of Western Alaska; and

(ii) may establish additional regionally or stock focused work groups within the Research Task Force, as members determine appropriate.

(B) COMPOSITION.—Each work group established under this subsection shall—

(i) consist of not less than 5 individuals who—

(I) are knowledgeable about the stock or region under consideration; and

(II) need not be members of the Research Task Force; and

(ii) be balanced in terms of stakeholder representation, including commercial, recreational, and subsistence fisheries, as well as experts in statistical, biological, economic, social, or other scientific information as relevant to the work group's focus.

(C) REPORTS.—Not later than 9 months after the date the Research Task Force is convened, each work group established under this subsection shall submit a report with the work group's findings to the Research Task Force.

(3) COMPENSATION.—Each member of the Research Task Force shall serve without compensation.

(4) ADMINISTRATIVE SUPPORT.—The Secretary of Commerce shall provide such administrative support as is necessary for the Research Task Force and its work groups to carry out their duties, which may include support for virtual or in-person participation and travel expenses.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Research Task Force.

SEC. 305. DEFINITION OF PACIFIC SALMON.

In this title, the term "Pacific salmon" means salmon that originates in Alaskan waters.

TITLE IV—IUU TECHNICAL CORRECTIONS

SEC. 401. IUU TECHNICAL CORRECTIONS.

The High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.) is amended—

16 USC 1826j.

(1) in section 609—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

16 USC 1826k.

(2) in section 610—

(A) in subsection (b)—

(i) in paragraph (2), by inserting "and" after the semicolon;

(ii) by striking paragraph (3); and

(iii) by redesignating paragraph (4) as paragraph (3); and

(B) in subsection (c)(4)—

(i) in subparagraph (A), by inserting "and" after the semicolon;

(ii) in subparagraph (B), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C).

DIVISION T—SECURE 2.0 ACT OF 2022

SECURE 2.0 Act of 2022.

SEC. 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This division may be cited as the "SECURE 2.0 Act of 2022". 26 USC 1 note.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—EXPANDING COVERAGE AND INCREASING RETIREMENT SAVINGS

SEC. 101. EXPANDING AUTOMATIC ENROLLMENT IN RETIREMENT PLANS.

(a) IN GENERAL.—Subpart B of part I of subchapter D of chapter 1 is amended by inserting after section 414 the following new section:

"SEC. 414A. REQUIREMENTS RELATED TO AUTOMATIC ENROLLMENT. 26 USC 414A.

"(a) IN GENERAL.—Except as otherwise provided in this section—

"(1) an arrangement shall not be treated as a qualified cash or deferred arrangement described in section 401(k) unless such arrangement meets the automatic enrollment requirements of subsection (b), and

"(2) an annuity contract otherwise described in section 403(b) which is purchased under a salary reduction agreement shall not be treated as described in such section unless such agreement meets the automatic enrollment requirements of subsection (b).

"(b) AUTOMATIC ENROLLMENT REQUIREMENTS.—

"(1) IN GENERAL.—An arrangement or agreement meets the requirements of this subsection if such arrangement or agreement is an eligible automatic contribution arrangement (as defined in section 414(w)(3)) which meets the requirements of paragraphs (2) through (4).

"(2) ALLOWANCE OF PERMISSIBLE WITHDRAWALS.—An eligible automatic contribution arrangement meets the requirements of this paragraph if such arrangement allows employees to make permissible withdrawals (as defined in section 414(w)(2)).

"(3) MINIMUM CONTRIBUTION PERCENTAGE.—

"(A) IN GENERAL.—An eligible automatic contribution arrangement meets the requirements of this paragraph if—

"(i) the uniform percentage of compensation contributed by the participant under such arrangement during the first year of participation is not less than 3 percent and not more than 10 percent (unless the

participant specifically elects not to have such contributions made or to have such contributions made at a different percentage), and

"(ii) effective for the first day of each plan year starting after each completed year of participation under such arrangement such uniform percentage is increased by 1 percentage point (to at least 10 percent, but not more than 15 percent) unless the participant specifically elects not to have such contributions made or to have such contributions made at a different percentage.

Applicability.

"(B) INITIAL REDUCED CEILING FOR CERTAIN PLANS.—In the case of any eligible automatic contribution arrangement (other than an arrangement that meets the requirements of paragraph (12) or (13) of section 401(k)), for plan years ending before January 1, 2025, subparagraph (A)(ii) shall be applied by substituting '10 percent' for '15 percent'.

"(4) INVESTMENT REQUIREMENTS.—An eligible automatic contribution arrangement meets the requirements of this paragraph if amounts contributed pursuant to such arrangement, and for which no investment is elected by the participant, are invested in accordance with the requirements of section 2550.404c-5 of title 29, Code of Federal Regulations (or any successor regulations).

"(c) EXCEPTIONS.—For purposes of this section—

"(1) SIMPLE PLANS.—Subsection (a) shall not apply to any simple plan (within the meaning of section 401(k)(11)).

"(2) EXCEPTION FOR PLANS OR ARRANGEMENTS ESTABLISHED BEFORE ENACTMENT OF SECTION.—

"(A) IN GENERAL.—Subsection (a) shall not apply to—

"(i) any qualified cash or deferred arrangement established before the date of the enactment of this section, or

"(ii) any annuity contract purchased under a plan established before the date of the enactment of this section.

Applicability.

"(B) POST-ENACTMENT ADOPTION OF MULTIPLE EMPLOYER PLAN.—Subparagraph (A) shall not apply in the case of an employer adopting after such date of enactment a plan maintained by more than one employer, and subsection (a) shall apply with respect to such employer as if such plan were a single plan.

"(3) EXCEPTION FOR GOVERNMENTAL AND CHURCH PLANS.—Subsection (a) shall not apply to any governmental plan (within the meaning of section 414(d)) or any church plan (within the meaning of section 414(e)).

Time periods.

"(4) EXCEPTION FOR NEW AND SMALL BUSINESSES.—

"(A) NEW BUSINESS.—Subsection (a) shall not apply to any qualified cash or deferred arrangement, or any annuity contract purchased under a plan, while the employer maintaining such plan (and any predecessor employer) has been in existence for less than 3 years.

"(B) SMALL BUSINESSES.—Subsection (a) shall not apply to any qualified cash or deferred arrangement, or any annuity contract purchased under a plan, earlier than the date that is 1 year after the close of the first taxable

year with respect to which the employer maintaining the plan normally employed more than 10 employees.

"(C) TREATMENT OF MULTIPLE EMPLOYER PLANS.—In the case of a plan maintained by more than 1 employer, subparagraphs (A) and (B) shall be applied separately with respect to each such employer, and all such employers to which subsection (a) applies (after the application of this paragraph) shall be treated as maintaining a separate plan for purposes of this section.". Applicability.

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 414 the following new item: 26 USC prec. 410.

"Sec. 414A. Requirements related to automatic enrollment.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2024. 26 USC 414A note.

SEC. 102. MODIFICATION OF CREDIT FOR SMALL EMPLOYER PENSION PLAN STARTUP COSTS.

(a) INCREASE IN CREDIT PERCENTAGE FOR SMALLER EMPLOYERS.—Section 45E(e) of is amended by adding at the end the following new paragraph: 26 USC 45E.

"(4) INCREASED CREDIT FOR CERTAIN SMALL EMPLOYERS.—In the case of an employer which would be an eligible employer under subsection (c) if section 408(p)(2)(C)(i) was applied by substituting '50 employees' for '100 employees', subsection (a) shall be applied by substituting '100 percent' for '50 percent'.". Applicability.

(b) ADDITIONAL CREDIT FOR EMPLOYER CONTRIBUTIONS BY CERTAIN SMALL EMPLOYERS.—Section 45E, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(f) ADDITIONAL CREDIT FOR EMPLOYER CONTRIBUTIONS BY CERTAIN ELIGIBLE EMPLOYERS.—

"(1) IN GENERAL.—In the case of an eligible employer, the credit allowed for the taxable year under subsection (a) (determined without regard to this subsection) shall be increased by an amount equal to the applicable percentage of employer contributions (other than any elective deferrals (as defined in section 402(g)(3)) by the employer to an eligible employer plan (other than a defined benefit plan (as defined in section 414(j))).

"(2) LIMITATIONS.—

"(A) DOLLAR LIMITATION.—The amount determined under paragraph (1) (before the application of subparagraph (B)) with respect to any employee of the employer shall not exceed $1,000.

"(B) CREDIT PHASE-IN.—In the case of any eligible employer which had for the preceding taxable year more than 50 employees, the amount determined under paragraph (1) (without regard to this subparagraph) shall be reduced by an amount equal to the product of—

"(i) the amount otherwise so determined under paragraph (1), multiplied by

"(ii) a percentage equal to 2 percentage points for each employee of the employer for the preceding taxable year in excess of 50 employees.

"(C) WAGE LIMITATION.—

"(i) IN GENERAL.—No contributions with respect to any employee who receives wages from the employer

for the taxable year in excess of $100,000 may be taken into account for such taxable year under subparagraph (A).

"(ii) WAGES.—For purposes of the preceding sentence, the term 'wages' has the meaning given such term by section 3121(a).

"(iii) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2023, the $100,000 amount under clause (i) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2007' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount as adjusted under this clause is not a multiple of $5,000, such amount shall be rounded to the next lowest multiple of $5,000.

"(3) APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage for the taxable year during which the eligible employer plan is established with respect to the eligible employer shall be 100 percent, and for taxable years thereafter 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%

Applicability.

"(4) DETERMINATION OF ELIGIBLE EMPLOYER; NUMBER OF EMPLOYEES.—For purposes of this subsection, whether an employer is an eligible employer and the number of employees of an employer shall be determined under the rules of subsection (c), except that paragraph (2) thereof shall only apply to the taxable year during which the eligible employer plan to which this section applies is established with respect to the eligible employer.".

(c) DISALLOWANCE OF DEDUCTION.—Section 45E(e)(2) is amended to read as follows:

"(2) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed—

"(A) for that portion of the qualified startup costs paid or incurred for the taxable year which is equal to so much of the portion of the credit determined under subsection (a) as is properly allocable to such costs, and

"(B) for that portion of the employer contributions by the employer for the taxable year which is equal to so much of the credit increase determined under subsection (f) as is properly allocable to such contributions.".

26 USC 45E note.

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

SEC. 103. SAVER'S MATCH.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by adding at the end the following new section:

"SEC. 6433. SAVER'S MATCH. 26 USC 6433.

"(a) IN GENERAL.—

"(1) ALLOWANCE OF MATCH.—Any eligible individual who makes qualified retirement savings contributions for the taxable year shall be allowed a matching contribution for such taxable year in an amount equal to the applicable percentage of so much of the qualified retirement savings contributions made by such eligible individual for the taxable year as does not exceed $2,000.

"(2) PAYMENT OF MATCH.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the matching contribution under this section shall be allowed as a credit which shall be payable by the Secretary as a contribution (as soon as practicable after the eligible individual has filed a tax return making a claim for such matching contribution for the taxable year) to the applicable retirement savings vehicle of the eligible individual.

"(B) EXCEPTION.—In the case of an eligible individual who elects the application of this subparagraph and with respect to whom the matching contribution determined under paragraph (1) is greater than zero but less than $100 for the taxable year, subparagraph (A) shall not apply and such matching contribution shall be treated as a credit allowed by subpart C of part IV of subchapter A of chapter 1.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the applicable percentage is 50 percent.

"(2) PHASEOUT.—The percentage under paragraph (1) shall be reduced (but not below zero) by the number of percentage points which bears the same ratio to 50 percentage points as—

"(A) the excess of—

"(i) the taxpayer's modified adjusted gross income for such taxable year, over

"(ii) the applicable dollar amount, bears to

"(B) the phaseout range.

If any reduction determined under this paragraph is not a whole percentage point, such reduction shall be rounded to the next lowest whole percentage point.

"(3) APPLICABLE DOLLAR AMOUNT; PHASEOUT RANGE.—

"(A) JOINT RETURNS AND SURVIVING SPOUSES.—Except as provided in subparagraph (B)—

"(i) the applicable dollar amount is $41,000, and

"(ii) the phaseout range is $30,000.

"(B) OTHER RETURNS.—In the case of—

"(i) a head of a household (as defined in section 2(b)), the applicable dollar amount and the phaseout range shall be ¾ of the amounts applicable under subparagraph (A) (as adjusted under subsection (h)), and

"(ii) any taxpayer who is not filing a joint return, who is not a head of a household (as so defined), and who is not a surviving spouse (as defined in section 2(a)), the applicable dollar amount and the phaseout range shall be ½ of the amounts applicable under subparagraph (A) (as so adjusted).

Definition.

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible individual' means any individual if such individual has attained the age of 18 as of the close of the taxable year.

"(2) DEPENDENTS AND FULL-TIME STUDENTS NOT ELIGIBLE.—The term 'eligible individual' shall not include—

"(A) any individual with respect to whom a deduction under section 151 is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, and

"(B) any individual who is a student (as defined in section 152(f)(2)).

"(3) NONRESIDENT ALIENS NOT ELIGIBLE.—The term 'eligible individual' shall not include any individual who is a nonresident alien individual for any portion of the taxable year unless such individual is treated for such taxable year as a resident of the United States for purposes of chapter 1 by reason of an election under subsection (g) or (h) of section 6013.

"(d) QUALIFIED RETIREMENT SAVINGS CONTRIBUTIONS.—For purposes of this section—

Definition.

"(1) IN GENERAL.—The term 'qualified retirement savings contributions' means, with respect to any taxable year, the sum of—

"(A) the amount of the qualified retirement contributions (as defined in section 219(e)) made by the eligible individual,

"(B) the amount of—

"(i) any elective deferrals (as defined in section 402(g)(3)) of such individual, and

"(ii) any elective deferral of compensation by such individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(C) the amount of voluntary employee contributions by such individual to any qualified retirement plan (as defined in section 4974(c)).

Such term shall not include any amount attributable to a payment under subsection (a)(2).

"(2) REDUCTION FOR CERTAIN DISTRIBUTIONS.—

"(A) IN GENERAL.—The qualified retirement savings contributions determined under paragraph (1) for a taxable year shall be reduced (but not below zero) by the aggregate distributions received by the individual during the testing period from any entity of a type to which contributions under paragraph (1) may be made.

"(B) TESTING PERIOD.—For purposes of subparagraph (A), the testing period, with respect to a taxable year, is the period which includes—

"(i) such taxable year,

"(ii) the 2 preceding taxable years, and

"(iii) the period after such taxable year and before the due date (including extensions) for filing the return of tax for such taxable year.

"(C) EXCEPTED DISTRIBUTIONS.—There shall not be taken into account under subparagraph (A)—

"(i) any distribution referred to in section 72(p), 401(k)(8), 401(m)(6), 402(g)(2), 404(k), or 408(d)(4),

"(ii) any distribution to which section 408(d)(3) or 408A(d)(3) applies, and

"(iii) any portion of a distribution if such portion is transferred or paid in a rollover contribution (as defined in section 402(c), 403(a)(4), 403(b)(8), 408A(e), or 457(e)(16)) to an account or plan to which qualified retirement savings contributions can be made.

"(D) TREATMENT OF DISTRIBUTIONS RECEIVED BY SPOUSE OF INDIVIDUAL.—For purposes of determining distributions received by an individual under subparagraph (A) for any taxable year, any distribution received by the spouse of such individual shall be treated as received by such individual if such individual and spouse file a joint return for such taxable year and for the taxable year during which the spouse receives the distribution.

"(e) APPLICABLE RETIREMENT SAVINGS VEHICLE.—

"(1) IN GENERAL.—The term 'applicable retirement savings vehicle' means an account or plan elected by the eligible individual under paragraph (2). Definition.

"(2) ELECTION.—Any such election to have contributed the amount determined under subsection (a) shall be to an account or plan which—

"(A) is—

"(i) the portion of a plan which—

"(I) is described in clause (v) of section 402(c)(8)(B), is a qualified cash or deferred arrangement (within the meaning of section 401(k)), or is an annuity contract described in section 403(b) which is purchased under a salary reduction agreement, and

"(II) does not consist of a qualified Roth contribution program (as defined in section 402A(b)), or

"(ii) an individual retirement plan which is not a Roth IRA,

"(B) is for the benefit of the eligible individual,

"(C) accepts contributions made under this section, and

"(D) is designated by such individual (in such form and manner as the Secretary may provide).

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—

"(1) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income—

"(A) determined without regard to sections 911, 931, and 933, and

"(B) determined without regard to any exclusion or deduction allowed for any qualified retirement savings contribution made during the taxable year.

"(2) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution under subsection (a)(2)—

"(A) except as otherwise provided in this section or by the Secretary under regulations, such contribution shall be treated as—

"(i) an elective deferral made by the individual, if contributed to an applicable retirement savings vehicle described in subsection (e)(2)(A)(i), or

"(ii) as an individual retirement plan contribution made by such individual, if contributed to such a plan,

"(B) such contribution shall not be taken into account with respect to any applicable limitation under sections 402(g)(1), 403(b), 408(a)(1), 408(b)(2)(B), 408A(c)(2), 414(v)(2), 415(c), or 457(b)(2), and shall be disregarded for purposes of sections 401(a)(4), 401(k)(3), 401(k)(11)(B)(i)(III), and 416, and

"(C) such contribution shall not be treated as an amount that may be paid, made available, or distributable to the participant under section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(i)(V), or 457(d)(1)(A)(iii).

"(3) TREATMENT OF QUALIFIED PLANS, ETC.—A plan or arrangement to which a contribution is made under this section shall not be treated as violating any requirement under section 401, 403, 408, or 457 solely by reason of accepting such contribution.

"(4) ERRONEOUS MATCHING CONTRIBUTIONS.—

Determination.

"(A) IN GENERAL.—If any contribution is erroneously paid under subsection (a)(2), including a payment that is not made to an applicable retirement savings vehicle, the amount of such erroneous payment shall be treated as an underpayment of tax (other than for purposes of part II of subchapter A of chapter 68) for the taxable year in which the Secretary determines the payment is erroneous.

"(B) DISTRIBUTION OF ERRONEOUS MATCHING CONTRIBUTIONS.—In the case of a contribution to which subparagraph (A) applies—

Deadline.

"(i) section 402(a), 403(a)(1), 403(b)(1), 408(d)(1), or 457(a)(1), whichever is applicable, shall not apply to any distribution of such contribution, and section 72(t) shall not apply to the distribution of such contribution or any income attributable thereto, if such distribution is received not later than the day prescribed by law (including extensions of time) for filing the individual's return for such taxable year, and

"(ii) any plan or arrangement from which such a distribution is made under this subparagraph shall not be treated as violating any requirement under section 401, 403, or 457 solely by reason of making such distribution.

"(5) EXCEPTION FROM REDUCTION OR OFFSET.—Any payment made to any individual under this section shall not be—

"(A) subject to reduction or offset pursuant to subsection (c), (d), (e), or (f) of section 6402 or any similar authority permitting offset, or

"(B) reduced or offset by other assessed Federal taxes that would otherwise be subject to levy or collection.

"(6) SAVER'S MATCH RECOVERY PAYMENTS.—

"(A) IN GENERAL.—In the case of an applicable retirement savings vehicle to which contributions have been made under subsection (a)(2), and from which a specified early distribution has been made during the taxable year, if the aggregate amount of such contributions exceeds the account balance of such savings vehicle at the end of the such taxable year, the tax imposed by chapter 1 shall be increased by an amount equal to such excess (reduced by the amount by which the tax under such chapter was increased under section 72(t)(1) with respect to such distribution).

"(B) SPECIFIED EARLY DISTRIBUTION.—For purposes of this paragraph, the term 'specified early distribution' means any portion of a distribution—

"(i) which is from such applicable retirement savings vehicle to which a contribution has been made under subsection (a)(2),

"(ii) which is includible in gross income, and

"(iii) to which 72(t)(1) applies.

"(C) EXCESS MAY BE REPAID.—

"(i) IN GENERAL.—The increase in tax for any taxable year under subparagraph (A) shall be reduced (but not below zero) by so much of such specified early distribution as the individual elects to contribute to an applicable retirement savings vehicle not later than the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year.

"(ii) CONTRIBUTION OF EXCESS.—Any individual who elects to contribute an amount under clause (i) may make one or more contributions in an aggregate amount not to exceed the amount of the specified early distribution to which the election relates to an applicable retirement savings vehicle and to which a rollover contribution of such distribution could be made under section 402(c), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

"(iii) LIMITATION ON CONTRIBUTIONS TO APPLICABLE RETIREMENT SAVINGS VEHICLE OTHER THAN IRAS.—The aggregate amount of contributions made by an individual under clause (ii) to any applicable savings retirement vehicle which is not an individual retirement plan shall not exceed the aggregate amount of specified early retirement distributions which are made from such savings retirement vehicle to such individual. Clause (ii) shall not apply to contributions to any applicable retirement savings vehicle which is not an individual retirement plan unless the individual is eligible to make contributions (other than those described in clause (ii)) to such retirement savings vehicle.

"(iv) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM APPLICABLE ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—If a contribution is made under clause (ii) with respect to a specified early distribution from an applicable savings retirement vehicle other than

Deadline.

an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received such distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the savings retirement vehicle in a direct trustee to trustee transfer within 60 days of the distribution.

Deadline.

"(v) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—If a contribution is made under clause (ii) with respect to a specified early distribution from an individual retirement plan, then, to the extent of the amount of the contribution, such distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the applicable retirement savings vehicle in a direct trustee to trustee transfer within 60 days of the distribution.

"(D) RULES TO ACCOUNT FOR INVESTMENT LOSS.—The Secretary shall prescribe such rules as may be appropriate to reduce any increase in tax otherwise made under subparagraph (A) to properly account for the extent to which any portion of the excess described in such subparagraph is allocable to investment loss in the retirement savings vehicle.

"(g) PROVISION BY SECRETARY OF INFORMATION RELATING TO CONTRIBUTIONS.—In the case of an amount elected by an eligible individual to be contributed to an account or plan under subsection (e)(2), the Secretary shall provide general guidance applicable to the custodian of the account or the plan sponsor, as the case may be, detailing the treatment of such contribution under subsection (f)(2) and the reporting requirements with respect to such contribution under section 6058, particularly as such requirements are modified pursuant to section 102(c)(2) of the SECURE 2.0 Act of 2022.

"(h) INFLATION ADJUSTMENTS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2027, the $41,000 amount in subsection (b)(3)(A)(i) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2026' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

"(2) ROUNDING.—Any increase determined under paragraph (1) shall be rounded to the nearest multiple of $1,000.".

26 USC 6433 note.

(b) TREATMENT OF CERTAIN POSSESSIONS.—

Determination.

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States

which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided to eligible residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a process, which has been approved by the Secretary of the Treasury, under which such possession promptly transfers the payments directly on behalf of eligible residents to a retirement savings vehicle established under the laws of such possession or the United States that is substantially similar to a plan, or is a plan, described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B) of the Internal Revenue Code of 1986 or an individual retirement plan, and the restrictions on distributions from such retirement savings vehicle are substantially similar to the provisions of section 6433(d)(2) of such Code (as added by this section).

(3) COORDINATION WITH UNITED STATES SAVER'S MATCH.—No matching contribution shall be allowed under section 6433 of the Internal Revenue Code of 1986 (as added by this section) to any person—

(A) to whom a matching contribution is paid by the possession by reason of the amendments made by this section, or

(B) who is eligible for a payment under a plan described in paragraph (2).

(4) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(5) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(c) ADMINISTRATIVE PROVISIONS.—

(1) DEFICIENCIES.—Section 6211(b)(4) is amended by striking "and 7527A" and inserting "7527A, and 6433". 26 USC 6211.

(2) REPORTING.—The Secretary of the Treasury shall amend the forms relating to reports required under section 6058 of the Internal Revenue Code of 1986 to require— 26 USC 6058 note.

(A) separate reporting of the aggregate amount of contributions received by the plan during the year under section 6433 of the Internal Revenue Code of 1986 (as added by this section), and

(B) similar reporting with respect to individual retirement accounts (as defined in section 408 of such Code) and individual retirement annuities (as defined in section 408(b) of such Code).

(d) PAYMENT AUTHORITY.—Section 1324(b)(2) of title 31, United States Code, is amended by striking "or 7527A" and inserting "7527A, or 6433".

(e) CONFORMING AMENDMENTS.—

26 USC 25B.

(1) Paragraph (1) of section 25B(d) is amended by striking "the sum of—" and all that follows through "the amount of contributions made before January 1, 2026" and inserting "the amount of contributions made before January 1, 2026".

26 USC prec. 6411.

(2) The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

"Sec. 6433. Saver's Match.".

26 USC 6433 note.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2026.

SEC. 104. PROMOTION OF SAVER'S MATCH.

26 USC 6433 note.

(a) IN GENERAL.—The Secretary of the Treasury shall take such steps as the Secretary determines are necessary and appropriate to increase public awareness of the matching contribution provided under section 6433 of the Internal Revenue Code of 1986.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than July 1, 2026, the Secretary shall provide a report to Congress to summarize the anticipated promotion efforts of the Treasury under subsection (a).

(2) CONTENTS.—Such report shall include—

(A) a description of plans for—

(i) the development and distribution of digital and print materials, including the distribution of such materials to States for participants in State facilitated retirement savings programs,

(ii) the translation of such materials into the 10 most commonly spoken languages in the United States after English (as determined by reference to the most recent American Community Survey of the Bureau of the Census), and

(iii) communicating the adverse consequences of early withdrawal from an applicable retirement savings vehicle to which a matching contribution has been paid under section 6333(a)(2) of the Internal Revenue Code of 1986, including the operation of the Saver's Match Recovery Payment rules under section 6433(f)(6) of such Code and associated early withdrawal penalties, and

(B) such other information as the Secretary determines is necessary.

SEC. 105. POOLED EMPLOYER PLANS MODIFICATION.

(a) IN GENERAL.—Section 3(43)(B)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(43)(B)(ii)) is amended to read as follows:

"(ii) designate a named fiduciary (other than an employer in the plan) to be responsible for collecting contributions to the plan and require such fiduciary to implement written contribution collection procedures that are reasonable, diligent, and systematic;".

29 USC 1002 note.

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

SEC. 106. MULTIPLE EMPLOYER 403(b) PLANS.

26 USC 403.

(a) IN GENERAL.—Section 403(b) is amended by adding at the end the following new paragraph:

"(15) MULTIPLE EMPLOYER PLANS.—

"(A) IN GENERAL.—Except in the case of a church plan, this subsection shall not be treated as failing to apply to an annuity contract solely by reason of such contract being purchased under a plan maintained by more than 1 employer.

"(B) TREATMENT OF EMPLOYERS FAILING TO MEET REQUIREMENTS OF PLAN.—

"(i) IN GENERAL.—In the case of a plan maintained by more than 1 employer, this subsection shall not be treated as failing to apply to an annuity contract held under such plan merely because of one or more employers failing to meet the requirements of this subsection if such plan satisfies rules similar to the rules of section 413(e)(2) with respect to any such employer failure.

"(ii) ADDITIONAL REQUIREMENTS IN CASE OF NON-GOVERNMENTAL PLANS.—A plan shall not be treated as meeting the requirements of this subparagraph unless the plan satisfies rules similar to the rules of subparagraph (A) or (B) of section 413(e)(1), except in the case of a multiple employer plan maintained solely by any of the following: A State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing.".

(b) ANNUAL REGISTRATION FOR 403(b) MULTIPLE EMPLOYER PLAN.—Section 6057 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection: 26 USC 6057.

"(g) 403(b) MULTIPLE EMPLOYER PLANS TREATED AS ONE PLAN.—In the case of annuity contracts to which this section applies and to which section 403(b) applies by reason of the plan under which such contracts are purchased meeting the requirements of paragraph (15) thereof, such plan shall be treated as a single plan for purposes of this section.". Applicability.

(c) ANNUAL INFORMATION RETURNS FOR 403(b) MULTIPLE EMPLOYER PLAN.—Section 6058 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) 403(b) MULTIPLE EMPLOYER PLANS TREATED AS ONE PLAN.—In the case of annuity contracts to which this section applies and to which section 403(b) applies by reason of the plan under which such contracts are purchased meeting the requirements of paragraph (15) thereof, such plan shall be treated as a single plan for purposes of this section.". Applicability.

(d) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 3(43)(A) of the Employee Retirement Income Security Act of 1974 is amended— 29 USC 1002.

(A) in clause (ii), by striking "section 501(a) of such Code or" and inserting "section 501(a) of such Code, a plan that consists of annuity contracts described in section 403(b) of such Code, or"; and

(B) in the flush text at the end following clause (iii), by striking "the plan." and inserting "the plan, but such term shall include any plan (other than a plan excepted from the application of this title by section 4(b)(2)) maintained for the benefit of the employees of more than 1

employer that consists of annuity contracts described in section 403(b) of such Code and that meets the requirements of subparagraph (B) of section 413(e)(1) of such Code.".

(2) CONFORMING AMENDMENTS.—Sections 3(43)(B)(v)(II) and 3(44)(A)(i)(I) of the Employee Retirement Income Security Act of 1974 are each amended by striking "section 401(a) of such Code or" and inserting "section 401(a) of such Code, a plan that consists of annuity contracts described in section 403(b) of such Code, or".

29 USC 1002.

(e) REGULATIONS RELATING TO EMPLOYER FAILURE TO MEET MULTIPLE EMPLOYER PLAN REQUIREMENTS.—The Secretary of the Treasury (or the Secretary's delegate) shall prescribe such regulations as may be necessary to clarify, in the case of plans to which section 403(b)(15) of the Internal Revenue Code of 1986 applies, the treatment of an employer departing such plan in connection with such employer's failure to meet multiple employer plan requirements.

Applicability.
26 USC 403 note.

(f) MODIFICATION OF MODEL PLAN LANGUAGE, ETC.—

26 USC 413 note.

(1) PLAN NOTIFICATIONS.—The Secretary of the Treasury (or the Secretary's delegate), in consultation with the Secretary of Labor, shall modify the model plan language published under section 413(e)(5) of the Internal Revenue Code of 1986 to include language that requires participating employers be notified that the plan is subject to the Employee Retirement Income Security Act of 1974 and that such employer is a plan sponsor with respect to its employees participating in the multiple employer plan and, as such, has certain fiduciary duties with respect to the plan and to its employees.

(2) MODEL PLANS FOR MULTIPLE EMPLOYER 403(b) PLANS.—For plans to which section 403(b)(15)(A) of the Internal Revenue Code of 1986 applies (other than a plan maintained for its employees by a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing), the Secretary of the Treasury (or the Secretary's delegate), in consultation with the Secretary of Labor, shall publish model plan language similar to model plan language published under section 413(e)(5) of such Code.

(3) EDUCATIONAL OUTREACH TO EMPLOYERS EXEMPT FROM TAX.—The Secretary of the Treasury (or the Secretary's delegate), in consultation with the Secretary of Labor, shall provide education and outreach to increase awareness to employers described in section 501(c)(3) of the Internal Revenue Code of 1986, and which are exempt from tax under section 501(a) of such Code, that multiple employer plans are subject to the Employee Retirement Income Security Act of 1974 and that such employer is a plan sponsor with respect to its employees participating in the multiple employer plan and, as such, has certain fiduciary duties with respect to the plan and to its employees.

(g) NO INFERENCE WITH RESPECT TO CHURCH PLANS.—Regarding any application of section 403(b) of the Internal Revenue Code of 1986 to an annuity contract purchased under a church plan (as defined in section 414(e) of such Code) maintained by more than 1 employer, or to any application of rules similar to section 413(e) of such Code to such a plan, no inference shall

26 USC 403 note.

be made from section 403(b)(15)(A) of such Code (as added by this Act) not applying to such plans.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2022. 26 USC 403 note.

(2) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as limiting the authority of the Secretary of the Treasury or the Secretary's delegate (determined without regard to such amendment) to provide for the proper treatment of a failure to meet any requirement applicable under the Internal Revenue Code of 1986 with respect to one employer (and its employees) in the case of a plan to which section 403(b)(15) of the Internal Revenue Code of 1986 applies. 26 USC 403 note.

SEC. 107. INCREASE IN AGE FOR REQUIRED BEGINNING DATE FOR MANDATORY DISTRIBUTIONS.

(a) IN GENERAL.—Section 401(a)(9)(C)(i)(I) is amended by striking "age 72" and inserting "the applicable age". 26 USC 401.

(b) SPOUSE BENEFICIARIES; SPECIAL RULE FOR OWNERS.—Subparagraphs (B)(iv)(I) and (C)(ii)(I) of section 401(a)(9) are each amended by striking "age 72" and inserting "the applicable age".

(c) APPLICABLE AGE.—Section 401(a)(9)(C) is amended by adding at the end the following new clause:

"(v) APPLICABLE AGE.—

"(I) In the case of an individual who attains age 72 after December 31, 2022, and age 73 before January 1, 2033, the applicable age is 73.

"(II) In the case of an individual who attains age 74 after December 31, 2032, the applicable age is 75.".

(d) CONFORMING AMENDMENTS.—The last sentence of section 408(b) is amended by striking "age 72" and inserting "the applicable age (determined under section 401(a)(9)(C)(v) for the calendar year in which such taxable year begins)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions required to be made after December 31, 2022, with respect to individuals who attain age 72 after such date. 26 USC 401 note.

SEC. 108. INDEXING IRA CATCH-UP LIMIT.

(a) IN GENERAL.—Subparagraph (C) of section 219(b)(5) is amended by adding at the end the following new clause:

"(iii) INDEXING OF CATCH-UP LIMITATION.—In the case of any taxable year beginning in a calendar year after 2023, the $1,000 amount under subparagraph (B)(ii) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount after adjustment under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next lower multiple of $100.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023. 26 USC 219 note.

SEC. 109. HIGHER CATCH-UP LIMIT TO APPLY AT AGE 60, 61, 62, AND 63.

(a) IN GENERAL.—

(1) PLANS OTHER THAN SIMPLE PLANS.—Section 414(v)(2)(B)(i) is amended by inserting the following before the period: "(the adjusted dollar amount, in the case of an eligible participant who would attain age 60 but would not attain age 64 before the close of the taxable year)".

(2) SIMPLE PLANS.—Section 414(v)(2)(B)(ii) is amended by inserting the following before the period: "(the adjusted dollar amount, in the case of an eligible participant who would attain age 60 but would not attain age 64 before the close of the taxable year)".

(b) ADJUSTED DOLLAR AMOUNT.—Section 414(v)(2) is amended by adding at the end the following new subparagraph:

"(E) ADJUSTED DOLLAR AMOUNT.—For purposes of subparagraph (B), the adjusted dollar amount is—

"(i) in the case of clause (i) of subparagraph (B), the greater of—

"(I) $10,000, or

"(II) an amount equal to 150 percent of the dollar amount which would be in effect under such clause for 2024 for eligible participants not described in the parenthetical in such clause, or

"(ii) in the case of clause (ii) of subparagraph (B), the greater of—

"(I) $5,000, or

"(II) an amount equal to equal to 150 percent of the dollar amount which would be in effect under such clause for 2025 for eligible participants not described in the parenthetical in such clause.".

(c) COST-OF-LIVING ADJUSTMENTS.—Subparagraph (C) of section 414(v)(2) is amended by adding at the end the following: "In the case of a year beginning after December 31, 2025, the Secretary shall adjust annually the adjusted dollar amounts applicable under clauses (i) and (ii) of subparagraph (E) for increases in the cost-of-living at the same time and in the same manner as adjustments under the preceding sentence; except that the base period taken into account shall be the calendar quarter beginning July 1, 2024.".

Effective date.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2024.

26 USC 414 note.

SEC. 110. TREATMENT OF STUDENT LOAN PAYMENTS AS ELECTIVE DEFERRALS FOR PURPOSES OF MATCHING CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (A) of section 401(m)(4) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end the following new clause:

"(iii) subject to the requirements of paragraph (14), any employer contribution made to a defined contribution plan on behalf of an employee on account of a qualified student loan payment.".

Definitions.

(b) QUALIFIED STUDENT LOAN PAYMENT.—Paragraph (4) of section 401(m) is amended by adding at the end the following new subparagraph:

"(D) QUALIFIED STUDENT LOAN PAYMENT.—The term 'qualified student loan payment' means a payment made by an employee in repayment of a qualified education loan (as defined in section 221(d)(1)) incurred by the employee to pay qualified higher education expenses, but only—

"(i) to the extent such payments in the aggregate for the year do not exceed an amount equal to—

"(I) the limitation applicable under section 402(g) for the year (or, if lesser, the employee's compensation (as defined in section 415(c)(3)) for the year), reduced by

"(II) the elective deferrals made by the employee for such year, and

"(ii) if the employee certifies annually to the employer making the matching contribution under this paragraph that such payment has been made on such loan.

For purposes of this subparagraph, the term 'qualified higher education expenses' means the cost of attendance (as defined in section 472 of the Higher Education Act of 1965, as in effect on the day before the date of the enactment of the Taxpayer Relief Act of 1997) at an eligible educational institution (as defined in section 221(d)(2)).".

(c) MATCHING CONTRIBUTIONS FOR QUALIFIED STUDENT LOAN PAYMENTS.—Section 401(m) is amended by redesignating paragraph (13) as paragraph (14), and by inserting after paragraph (12) the following new paragraph: 26 USC 401.

"(13) MATCHING CONTRIBUTIONS FOR QUALIFIED STUDENT LOAN PAYMENTS.—

"(A) IN GENERAL.—For purposes of paragraph (4)(A)(iii), an employer contribution made to a defined contribution plan on account of a qualified student loan payment shall be treated as a matching contribution for purposes of this title if—

"(i) the plan provides matching contributions on account of elective deferrals at the same rate as contributions on account of qualified student loan payments,

"(ii) the plan provides matching contributions on account of qualified student loan payments only on behalf of employees otherwise eligible to receive matching contributions on account of elective deferrals,

"(iii) under the plan, all employees eligible to receive matching contributions on account of elective deferrals are eligible to receive matching contributions on account of qualified student loan payments, and

"(iv) the plan provides that matching contributions on account of qualified student loan payments vest in the same manner as matching contributions on account of elective deferrals.

"(B) TREATMENT FOR PURPOSES OF NONDISCRIMINATION RULES, ETC.—

"(i) NONDISCRIMINATION RULES.—For purposes of subparagraph (A)(iii), subsection (a)(4), and section 410(b), matching contributions described in paragraph (4)(A)(iii) shall not fail to be treated as available to an employee solely because such employee does not

have debt incurred under a qualified education loan (as defined in section 221(d)(1)).

"(ii) STUDENT LOAN PAYMENTS NOT TREATED AS PLAN CONTRIBUTION.—Except as provided in clause (iii), a qualified student loan payment shall not be treated as a contribution to a plan under this title.

"(iii) MATCHING CONTRIBUTION RULES.—Solely for purposes of meeting the requirements of paragraph (11)(B), (12), or (13) of this subsection, or paragraph (11)(B)(i)(II), (12)(B), (13)(D), or (16)(D) of subsection (k), a plan may treat a qualified student loan payment as an elective deferral or an elective contribution, whichever is applicable.

"(iv) ACTUAL DEFERRAL PERCENTAGE TESTING.—In determining whether a plan meets the requirements of subsection (k)(3)(A)(ii) for a plan year, the plan may apply the requirements of such subsection separately with respect to all employees who receive matching contributions described in paragraph (4)(A)(iii) for the plan year.

"(C) EMPLOYER MAY RELY ON EMPLOYEE CERTIFICATION.—The employer may rely on an employee certification of payment under paragraph (4)(D)(ii).".

(d) SIMPLE RETIREMENT ACCOUNTS.—Paragraph (2) of section 408(p) is amended by adding at the end the following new subparagraph:

26 USC 408.

"(F) MATCHING CONTRIBUTIONS FOR QUALIFIED STUDENT LOAN PAYMENTS.—

"(i) IN GENERAL.—Subject to the rules of clause (iii), an arrangement shall not fail to be treated as meeting the requirements of subparagraph (A)(iii) solely because under the arrangement, solely for purposes of such subparagraph, qualified student loan payments are treated as amounts elected by the employee under subparagraph (A)(i)(I) to the extent such payments do not exceed—

"(I) the applicable dollar amount under subparagraph (E) (after application of section 414(v)) for the year (or, if lesser, the employee's compensation (as defined in section 415(c)(3)) for the year), reduced by

"(II) any other amounts elected by the employee under subparagraph (A)(i)(I) for the year.

Definitions.

"(ii) QUALIFIED STUDENT LOAN PAYMENT.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'qualified student loan payment' means a payment made by an employee in repayment of a qualified education loan (as defined in section 221(d)(1)) incurred by the employee to pay qualified higher education expenses, but only if the employee certifies to the employer making the matching contribution that such payment has been made on such a loan.

"(II) QUALIFIED HIGHER EDUCATION EXPENSES.—The term 'qualified higher education expenses' has the same meaning as when used in section 401(m)(4)(D).

"(iii) APPLICABLE RULES.—Clause (i) shall apply to an arrangement only if, under the arrangement—

"(I) matching contributions on account of qualified student loan payments are provided only on behalf of employees otherwise eligible to elect contributions under subparagraph (A)(i)(I), and

"(II) all employees otherwise eligible to participate in the arrangement are eligible to receive matching contributions on account of qualified student loan payments.".

(e) 403(b) PLANS.—Subparagraph (A) of section 403(b)(12) is amended by adding at the end the following: "The fact that the employer offers matching contributions on account of qualified student loan payments as described in section 401(m)(13) shall not be taken into account in determining whether the arrangement satisfies the requirements of clause (ii) (and any regulation thereunder).". 26 USC 403.

(f) 457(b) PLANS.—Subsection (b) of section 457 is amended by adding at the end the following: "A plan which is established and maintained by an employer which is described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely because the plan, or another plan maintained by the employer which meets the requirements of section 401(a) or 403(b), provides for matching contributions on account of qualified student loan payments as described in section 401(m)(13).".

(g) REGULATORY AUTHORITY.—The Secretary of the Treasury (or such Secretary's delegate) shall prescribe regulations for purposes of implementing the amendments made by this section, including regulations— 26 USC 401 note.

(1) permitting a plan to make matching contributions for qualified student loan payments, as defined in sections 401(m)(4)(D) and 408(p)(2)(F) of the Internal Revenue Code of 1986, as added by this section, at a different frequency than matching contributions are otherwise made under the plan, provided that the frequency is not less than annually;

(2) permitting employers to establish reasonable procedures to claim matching contributions for such qualified student loan payments under the plan, including an annual deadline (not earlier than 3 months after the close of each plan year) by which a claim must be made; and

(3) promulgating model amendments which plans may adopt to implement matching contributions on such qualified student loan payments for purposes of sections 401(m), 408(p), 403(b), and 457(b) of the Internal Revenue Code of 1986.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made for plan years beginning after December 31, 2023. 26 USC 401 note.

SEC. 111. APPLICATION OF CREDIT FOR SMALL EMPLOYER PENSION PLAN STARTUP COSTS TO EMPLOYERS WHICH JOIN AN EXISTING PLAN.

(a) IN GENERAL.—Section 45E(d)(3)(A) is amended by striking "effective" and inserting "effective with respect to the eligible employer".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 104 26 USC 45E note.

of the Setting Every Community Up for Retirement Enhancement Act of 2019.

SEC. 112. MILITARY SPOUSE RETIREMENT PLAN ELIGIBILITY CREDIT FOR SMALL EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

26 USC 45AA.

"SEC. 45AA. MILITARY SPOUSE RETIREMENT PLAN ELIGIBILITY CREDIT FOR SMALL EMPLOYERS.

"(a) IN GENERAL.—For purposes of section 38, in the case of any eligible small employer, the military spouse retirement plan eligibility credit determined under this section for any taxable year is an amount equal to the sum of—

"(1) $200 with respect to each military spouse who is an employee of such employer and who participates in an eligible defined contribution plan of such employer at any time during such taxable year, plus

"(2) so much of the contributions made by such employer (other than an elective deferral (as defined in section 402(g)(3)) to all such plans with respect to such employee during such taxable year as do not exceed $300.

"(b) LIMITATION.—An individual shall only be taken into account as a military spouse under subsection (a) for the taxable year which includes the date on which such individual began participating in the eligible defined contribution plan of the employer and the 2 succeeding taxable years.

Definition.

"(c) ELIGIBLE SMALL EMPLOYER.—For purposes of this section, the term 'eligible small employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I).

Definitions.

"(d) MILITARY SPOUSE.—For purposes of this section—

"(1) IN GENERAL.—The term 'military spouse' means, with respect to any employer, any individual who is married (within the meaning of section 7703 as of the first date that the employee is employed by the employer) to an individual who is a member of the uniformed services (as defined section 101(a)(5) of title 10, United States Code) serving on active duty. For purposes of this section, an employer may rely on an employee's certification that such employee's spouse is a member of the uniformed services if such certification provides the name, rank, and service branch of such spouse.

"(2) EXCLUSION OF HIGHLY COMPENSATED EMPLOYEES.—With respect to any employer, the term 'military spouse' shall not include any individual if such individual is a highly compensated employee of such employer (within the meaning of section 414(q)).

"(e) ELIGIBLE DEFINED CONTRIBUTION PLAN.—For purposes of this section, the term 'eligible defined contribution plan' means, with respect to any eligible small employer, any defined contribution plan (as defined in section 414(i)) of such employer if, under the terms of such plan—

"(1) military spouses employed by such employer are eligible to participate in such plan not later than the date which is 2 months after the date on which such individual begins employment with such employer, and

"(2) military spouses who are eligible to participate in such plan—

"(A) are immediately eligible to receive an amount of employer contributions under such plan which is not less the amount of such contributions that a similarly situated participant who is not a military spouse would be eligible to receive under such plan after 2 years of service, and Time period.

"(B) immediately have a nonforfeitable right to the employee's accrued benefit derived from employer contributions under such plan.

"(f) AGGREGATION RULE.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as one employer for purposes of this section.".

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking "plus" at the end of paragraph (39), by striking the period at the end of paragraph (40) and inserting ", plus", and by adding at the end the following new paragraph: 26 USC 38.

"(41) in the case of an eligible small employer (as defined in section 45AA(c)), the military spouse retirement plan eligibility credit determined under section 45AA(a).".

(c) SPECIFIED CREDIT FOR PURPOSES OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—Section 3511(d)(2) is amended by redesignating subparagraphs (F), (G), and (H) as subparagraphs (G), (H), and (I), respectively, and by inserting after subparagraph (E) the following new subparagraph:

"(F) section 45AA (military spouse retirement plan eligibility credit),".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item: 26 USC prec. 38.

"Sec. 45AA. Military spouse retirement plan eligibility credit for small employers.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act. 26 USC 38 note.

SEC. 113. SMALL IMMEDIATE FINANCIAL INCENTIVES FOR CONTRIBUTING TO A PLAN.

(a) IN GENERAL.—Subparagraph (A) of section 401(k)(4) is amended by inserting "(other than a de minimis financial incentive (not paid for with plan assets) provided to employees who elect to have the employer make contributions under the arrangement in lieu of receiving cash)" after "any other benefit".

(b) SECTION 403(b) PLANS.—Subparagraph (A) of section 403(b)(12), as amended by the preceding provisions of this Act, is further amended by adding at the end the following: "A plan shall not fail to satisfy clause (ii) solely by reason of offering a de minimis financial incentive (not derived from plan assets) to employees to elect to have the employer make contributions pursuant to a salary reduction agreement.".

(c) EXEMPTION FROM PROHIBITED TRANSACTION RULES.—Subsection (d) of section 4975 is amended by striking "or" at the end of paragraph (22), by striking the period at the end of paragraph (23) and inserting ", or", and by adding at the end the following new paragraph:

"(24) the provision of a de minimis financial incentive described in section 401(k)(4)(A).".

(d) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subsection (b) of section 408 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

"(21) The provision of a de minimis financial incentive described in section 401(k)(4)(A) or section 403(b)(12)(A) of the Internal Revenue Code of 1986.".

26 USC 401 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after the date of enactment of this Act.

SEC. 114. DEFERRAL OF TAX FOR CERTAIN SALES OF EMPLOYER STOCK TO EMPLOYEE STOCK OWNERSHIP PLAN SPONSORED BY S CORPORATION.

26 USC 1042.

(a) IN GENERAL.—Section 1042(c)(1)(A) is amended by striking "domestic C corporation" and inserting "domestic corporation".

(b) 10 PERCENT LIMITATION ON APPLICATION OF GAIN ON SALE OF S CORPORATION STOCK.—Section 1042 is amended by adding at the end the following new subsection:

"(h) APPLICATION OF SECTION TO SALE OF STOCK IN S CORPORATION.—In the case of the sale of qualified securities of an S corporation, the election under subsection (a) may be made with respect to not more than 10 percent of the amount realized on such sale for purposes of determining the amount of gain not recognized and the extent to which (if at all) the amount realized on such sale exceeds the cost of qualified replacement property. The portion of adjusted basis that is properly allocable to the portion of the amount realized with respect to which the election is made under this subsection shall be taken into account for purposes of the preceding sentence.".

26 USC 1042 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2027.

SEC. 115. WITHDRAWALS FOR CERTAIN EMERGENCY EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 72(t) is amended by adding at the end the following new subparagraph:

"(I) DISTRIBUTIONS FOR CERTAIN EMERGENCY EXPENSES.—

"(i) IN GENERAL.—Any emergency personal expense distribution.

"(ii) ANNUAL LIMITATION.—Not more than 1 distribution per calendar year may be treated as an emergency personal expense distribution by any individual.

"(iii) DOLLAR LIMITATION.—The amount which may be treated as an emergency personal expense distribution by any individual in any calendar year shall not exceed the lesser of $1,000 or an amount equal to the excess of—

"(I) the individual's total nonforfeitable accrued benefit under the plan (the individual's total interest in the plan in the case of an individual retirement plan), determined as of the date of each such distribution, over

"(II) $1,000.

Definition.

"(iv) EMERGENCY PERSONAL EXPENSE DISTRIBUTION.—For purposes of this subparagraph, the term 'emergency personal expense distribution' means any distribution from an applicable eligible retirement plan

(as defined in subparagraph (H)(vi)(I)) to an individual for purposes of meeting unforeseeable or immediate financial needs relating to necessary personal or family emergency expenses. The administrator of an applicable eligible retirement plan may rely on an employee's written certification that the employee satisfies the conditions of the preceding sentence in determining whether any distribution is an emergency personal expense distribution. The Secretary may provide by regulations for exceptions to the rule of the preceding sentence in cases where the plan administrator has actual knowledge to the contrary of the employee's certification, and for procedures for addressing cases of employee misrepresentation.

"(v) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to clause (ii) or (iii)) be an emergency personal expense distribution, a plan shall not be treated as failing to meet any requirement of this title merely because the plan treats the distribution as an emergency personal expense distribution, unless the number or the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer, determined as provided in subparagraph (H)(iv)(II)) to such individual exceeds the limitation determined under clause (ii) or (iii).

"(vi) AMOUNT DISTRIBUTED MAY BE REPAID.—Rules similar to the rules of subparagraph (H)(v) shall apply with respect to an individual who receives a distribution to which clause (i) applies. Applicability.

"(vii) LIMITATION ON SUBSEQUENT DISTRIBUTIONS.—If a distribution is treated as an emergency personal expense distribution in any calendar year with respect to a plan of the employee, no amount may be treated as such a distribution during the immediately following 3 calendar years with respect to such plan unless— Time period.

"(I) such previous distribution is fully repaid to such plan pursuant to clause (vi), or

"(II) the aggregate of the elective deferrals and employee contributions to the plan (the total amounts contributed to the plan in the case of an individual retirement plan) subsequent to such previous distribution is at least equal to the amount of such previous distribution which has not been so repaid.

"(viii) SPECIAL RULES.—Rules similar to the rules of subclauses (II) and (IV) of subparagraph (H)(vi) shall apply to any emergency personal expense distribution.". Applicability.

(b) CROSS-REFERENCE.—See section 311 of this Act for amendment to section 72(t)(2)(H)(v)(I) of the Internal Revenue Code of 1986 limiting repayment of distribution to 3 years. Time period.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2023. 26 USC 72 note.

SEC. 116. ALLOW ADDITIONAL NONELECTIVE CONTRIBUTIONS TO SIMPLE PLANS.

(a) IN GENERAL.—

26 USC 408.

(1) MODIFICATION TO DEFINITION.—Subparagraph (A) of section 408(p)(2) is amended by striking "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) the employer may make nonelective contributions of a uniform percentage (up to 10 percent) of compensation for each employee who is eligible to participate in the arrangement, and who has at least $5,000 of compensation from the employer for the year, but such contributions with respect to any employee shall not exceed $5,000 for the year, and".

(2) LIMITATION.—Subparagraph (A) of section 408(p)(2) is amended by adding at the end the following: "The compensation taken into account under clause (iv) for any year shall not exceed the limitation in effect for such year under section 401(a)(17).".

(3) OVERALL DOLLAR LIMIT ON CONTRIBUTIONS.—Paragraph (8) of section 408(p) is amended to read as follows:

Applicability.

"(8) COORDINATION WITH MAXIMUM LIMITATION.—In the case of any simple retirement account—

"(A) subsection (a)(1) shall be applied by substituting for 'the amount in effect for such taxable year under section 219(b)(1)(A)' the following: 'the sum of the dollar amount in effect under subsection (p)(2)(A)(ii), the employer contribution required under subsection (p)(2)(A)(iii) or (p)(2)(B)(i), whichever is applicable, and a contribution which meets the requirement of subsection (p)(2)(A)(iv) with respect to the employee', and

"(B) subsection (b)(2)(B) shall be applied by substituting for 'the dollar amount in effect under section 219(b)(1)(A)' the following: 'the sum of the dollar amount in effect under subsection (p)(2)(A)(ii), the employer contribution required under subsection (p)(2)(A)(iii) or (p)(2)(B)(i), whichever is applicable, and a contribution which meets the requirement of subsection (p)(2)(A)(iv) with respect to the employee'.".

(4) ADJUSTMENT FOR INFLATION.—Paragraph (2) of section 408(p), as amended by this Act, is further amended by adding at the end the following new subparagraph:

Effective date.

"(G) ADJUSTMENT FOR INFLATION.—In the case of taxable years beginning after December 31, 2024, the $5,000 amount in subparagraph (A)(iv)(II) shall be increased by an amount equal to—

"(i) such amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2023' for '2016' in subparagraph (A)(ii) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.".

(b) CONFORMING AMENDMENTS.—

(1) Section 408(p)(2)(A)(v), as redesignated by subsection (a), is amended by striking "or (iii)" and inserting ", (iii), or (iv)". 26 USC 408.

(2) Section 401(k)(11)(B)(i) is amended by striking "and" at the end of subclause (II), by redesignating subclause (III) as subclause (IV), and by inserting after subclause (II) the following new subclause:

"(III) the employer may make nonelective contributions of a uniform percentage (up to 10 percent) of compensation, but not to exceed the amount in effect under section 408(p)(2)(A)(iv) in any year, for each employee who is eligible to participate in the arrangement and who has at least $5,000 of compensation from the employer for the year, and".

(3) Section 401(k)(11)(B)(i)(IV), as redesignated by paragraph (2), is amended by striking "or (II)" and inserting ", (II), or (III)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023. 26 USC 401 note.

SEC. 117. CONTRIBUTION LIMIT FOR SIMPLE PLANS.

(a) IN GENERAL.—Subparagraph (E) of section 408(p)(2) is amended—

(1) by striking "amount is" and all that follows in clause (i) and inserting the following: "dollar amount is—

"(I) the adjusted dollar amount in the case of an eligible employer described in clause (iii) which had not more than 25 employees who received at least $5,000 of compensation from the employer for the preceding year,

"(II) the adjusted dollar amount in the case of an eligible employer described in clause (iii) which is not described in subclause (I) and which elects, at such time and in such manner as prescribed by the Secretary, the application of this subclause for the year, and

"(III) $10,000 in any other case.",

(2) by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

"(ii) ADJUSTED DOLLAR AMOUNT.—For purposes of clause (i), the adjusted dollar amount is an amount equal to 110 percent of the dollar amount in effect under clause (i)(III) for calendar year 2024.",

(3) by striking "ADJUSTMENT.—In the case of" in clause (iii), as so redesignated, and inserting "ADJUSTMENT.—

"(I) CERTAIN LARGE EMPLOYERS.—In the case of",

(4) by striking "clause (i)" in such clause (iii) and inserting "clause (i)(III)", and

(5) by adding at the end of such clause (iii) the following new subclause:

"(II) OTHER EMPLOYERS.—In the case of a year beginning after December 31, 2024, the Secretary shall adjust annually the adjusted dollar amount under clause (ii) in the manner provided under subclause (I) of this clause, except that the base Effective dates.

period taken into account shall be the calendar quarter beginning July 1, 2023.".

26 USC 414.

(b) CATCH-UP CONTRIBUTIONS.—Paragraph (2) of section 414(v) is amended—

(1) in subparagraph (B)—

(A) by striking "the applicable" in clause (ii), as amended by this Act, and inserting "except as provided in clause (iii), the applicable"; and

(B) by adding at the end the following new clause:

"(iii) In the case of an applicable employer plan—

"(I) which is maintained by an eligible employer described in section 408(p)(2)(E)(i)(I), or

Applicability.

"(II) to which an election under section 408(p)(2)(E)(i)(II) applies for the year (including a plan described in section 401(k)(11) which is maintained by an eligible employer described in section 408(p)(2)(E)(i)(II) and to which such election applies by reason of subparagraphs (B)(i)(I) and (E) of section 401(k)(11)),

the applicable dollar amount is an amount equal to 110 percent of the dollar amount in effect under clause (ii) for calendar year 2024.", and

(2) in subparagraph (C), as amended by this Act—

(A) by striking "ADJUSTMENT.—In the case of" and inserting the following: "ADJUSTMENT.—

"(i) CERTAIN LARGE EMPLOYERS.—In the case of", and

(B) by adding at the end the following new clause:

Effective dates.

"(ii) OTHER EMPLOYERS.—In the case of a year beginning after December 31, 2024, the Secretary shall adjust annually the dollar amount described in subparagraph (B)(iii) in the manner provided under clause (i) of this subparagraph, except that the base period taken into account shall be the calendar quarter beginning July 1, 2023.".

(c) EMPLOYER MATCH.—Clause (ii) of section 408(p)(2)(C) is amended—

(1) by striking "The term" in subclause (I) and inserting "Except as provided in subclause (IV), the term",

(2) by adding at the end the following new subclause:

Applicability.

"(IV) SPECIAL RULE FOR ELECTING LARGER EMPLOYERS.—In the case of an employer which had more than 25 employees who received at least $5,000 of compensation from the employer for the preceding year, and which makes the election under subparagraph (E)(i)(II) for any year, subclause (I) shall be applied for such year by substituting '4 percent' for '3 percent'.", and

(3) by striking "3 percent" each place it appears in subclauses (II) and (III) and inserting "the applicable percentage".

(d) INCREASE IN NONELECTIVE EMPLOYER CONTRIBUTION FOR ELECTING LARGER EMPLOYERS.—Subparagraph (B) of section 408(p)(2) is amended by adding at the end the following new clause:

Applicability.

"(iii) SPECIAL RULE FOR ELECTING LARGER EMPLOYERS.—In the case of an employer which had more than 25 employees who received at least $5,000 of compensation from the employer for the preceding

year, and which makes the election under subparagraph (E)(i)(II) for any year, clause (i) shall be applied for such year by substituting '3 percent' for '2 percent'.".

(e) TRANSITION RULE.—Paragraph (2) of section 408(p), as amended by this Act, is further amended by adding at the end the following new subparagraph: 26 USC 408.

"(H) 2-YEAR GRACE PERIOD.—An eligible employer which had not more than 25 employees who received at least $5,000 of compensation from the employer for 1 or more years, and which has more than 25 such employees for any subsequent year, shall be treated for purposes of subparagraph (E)(i) as having 25 such employees for the 2 years following the last year the employer had not more than 25 such employees, and not as having made the election under subparagraph (E)(i)(II) for such 2 years. Rules similar to the second sentence of subparagraph (C)(i)(II) shall apply for purposes of this subparagraph.".

(f) AMENDMENTS APPLY ONLY IF EMPLOYER HAS NOT HAD ANOTHER PLAN WITHIN 3 YEARS.—Subparagraph (E) of section 408(p)(2), as amended by subsection (a), is further amended by adding at the end the following new clause:

"(iv) EMPLOYER HAS NOT HAD ANOTHER PLAN WITHIN 3 YEARS.—An eligible employer is described in this clause only if, during the 3-taxable-year period immediately preceding the 1st year the employer maintains the qualified salary reduction arrangement under this paragraph, neither the employer nor any member of any controlled group including the employer (or any predecessor of either) established or maintained any plan described in clause (i), (ii), or (iv) of section 219(g)(5)(A) with respect to which contributions were made, or benefits were accrued, for substantially the same employees as are eligible to participate in such qualified salary reduction arrangement.".

(g) CONFORMING AMENDMENTS RELATING TO SIMPLE 401(k)S.—

(1) Subclause (I) of section 401(k)(11)(B)(i) is amended by inserting "(after the application of any election under section 408(p)(2)(E)(i)(II))" before the comma.

(2) Paragraph (11) of section 401(k) is amended by adding at the end the following new subparagraph:

"(E) EMPLOYERS ELECTING INCREASED CONTRIBUTIONS.—In the case of an employer which applies an election under section 408(p)(2)(E)(i)(II) for purposes of the contribution requirements of this paragraph under subparagraph (B)(i)(I), rules similar to the rules of subparagraphs (B)(iii), (C)(ii)(IV), and (G) of section 408(p)(2) shall apply for purposes of subparagraphs (B)(i)(II) and (B)(ii) of this paragraph.". Applicability.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023. 26 USC 401 note.

(i) REPORTS BY SECRETARY.— 26 USC 401 note.

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than December 31, 2024, and annually thereafter, report to the Committees on Finance and Health, Education, Labor, and Pensions of the Senate and the Committees on Ways and Recommendations.

Means and Education and Labor of the House of Representatives on the data described in paragraph (2), together with any recommendations the Secretary deems appropriate.

(2) DATA DESCRIBED.—For purposes of the report required under paragraph (1), the Secretary of the Treasury shall collect data and information on—

(A) the number of plans described in section 408(p) or 401(k)(11) of the Internal Revenue Code of 1986 that are maintained or established during a year;

(B) the number of participants eligible to participate in such plans for such year;

(C) median contribution amounts for the participants described in subparagraph (B);

(D) the types of investments that are most common under such plans; and

(E) the fee levels charged in connection with the maintenance of accounts under such plans.

Such data and information shall be collected separately for each type of plan. For purposes of collecting such data, the Secretary of the Treasury may use such data as is otherwise available to the Secretary for publication and may use such approaches as are appropriate under the circumstances, including the use of voluntary surveys and collaboration on studies.

SEC. 118. TAX TREATMENT OF CERTAIN NONTRADE OR BUSINESS SEP CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (B) of section 4972(c)(6) is amended—

(1) by striking "408(p)) or" and inserting "408(p)),"; and

(2) by inserting ", or a simplified employee pension (within the meaning of section 408(k))" after "401(k)(11))".

26 USC 4972 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to infer the proper treatment under section 4972(c)(6) of the Internal Revenue Code of 1986 of nondeductible contributions to which the amendments made by this section do not apply.

SEC. 119. APPLICATION OF SECTION 415 LIMIT FOR CERTAIN EMPLOYEES OF RURAL ELECTRIC COOPERATIVES.

(a) IN GENERAL.—Section 415(b) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULE FOR CERTAIN EMPLOYEES OF RURAL ELECTRIC COOPERATIVES.—

"(A) IN GENERAL.—Subparagraph (B) of paragraph (1) shall not apply to a participant in an eligible rural electric cooperative plan, except in the case of a participant who was a highly compensated employee (as defined in section 414(q)) of an employer maintaining such plan for the earlier of—

"(i) the plan year in which the participant terminated employment with such employer, or

Time period.

"(ii) the plan year in which distributions commence under the plan with respect to the participant, or

for any of the 5 plan years immediately preceding such earlier plan year.

"(B) ELIGIBLE RURAL ELECTRIC COOPERATIVE PLAN.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'eligible rural electric cooperative plan' means a plan maintained by more than 1 employer, with respect to which at least 85 percent of the employers maintaining the plan are rural cooperatives described in clause (i) or (ii) of section 401(k)(7)(B) or are a national association of such a rural cooperative. Definition.

"(ii) ELECTION.—An employer maintaining an eligible rural cooperative plan may elect not to have subparagraph (A) apply to its employees. Applicability.

"(C) REGULATIONS.—The Secretary shall prescribe such regulations and other guidance as are necessary to limit the application of subparagraph (A) such that it does not result in increased benefits for highly compensated employees.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to limitation years ending after the date of the enactment of this Act. 26 USC 415 note.

SEC. 120. EXEMPTION FOR CERTAIN AUTOMATIC PORTABILITY TRANSACTIONS.

(a) IN GENERAL.—Section 4975(d), as amended by the preceding provisions of this Act, is further amended by striking "or" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ", or", and by adding at the end the following new paragraph:

"(25) the receipt of fees and compensation by the automatic portability provider for services provided in connection with an automatic portability transaction.".

(b) OTHER DEFINITIONS AND SPECIAL RULES.—Section 4975(f) is amended by adding at the end the following new paragraph:

"(12) RULES RELATING TO AUTOMATIC PORTABILITY TRANSACTIONS.—

"(A) IN GENERAL.—For purposes of subsection (d)(25)—

"(i) AUTOMATIC PORTABILITY TRANSACTION.—An automatic portability transaction is a transfer of assets made—

"(I) from an individual retirement plan which is established on behalf of an individual and to which amounts were transferred under section 401(a)(31)(B)(i),

"(II) to an employer-sponsored retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B) (other than a defined benefit plan) in which such individual is an active participant, and

"(III) after such individual has been given advance notice of the transfer and has not affirmatively opted out of such transfer.

"(ii) AUTOMATIC PORTABILITY PROVIDER.—An automatic portability provider is a person, other than an individual, who executes transfers described in clause (i).

"(B) CONDITIONS FOR AUTOMATIC PORTABILITY TRANSACTIONS.—Subsection (d)(25) shall not apply to an automatic portability transaction unless the following requirements are satisfied:

"(i) ACKNOWLEDGMENT OF FIDUCIARY STATUS.—An automatic portability provider shall acknowledge in writing, at such time and format as specified by the Secretary of Labor, that the provider is a fiduciary with respect to the individual retirement plan described in subparagraph (A)(i)(I).

"(ii) FEES.—The fees and compensation received, directly or indirectly, by the automatic portability provider for services provided in connection with the automatic portability transaction (including any increase in such fees or compensation and any fees or compensation in connection with, but received before, the transaction)—

"(I) shall not exceed reasonable compensation, and

"(II) shall be fully disclosed to and approved in writing in advance of the transaction by a plan fiduciary of the plan described in subparagraph (A)(i)(II) which is independent of the automatic portability provider.

An automatic portability provider shall not receive any fees or compensation in connection with an automatic portability transaction involving a plan which is sponsored or maintained by the automatic portability provider.

"(iii) DATA USAGE.—The automatic portability provider shall not market or sell data relating to the individual retirement plan described in subparagraph (A)(i)(I) or to the participants of the plan described in subparagraph (A)(i)(II).

"(iv) OPEN PARTICIPATION.—The automatic portability provider shall offer automatic portability transactions on the same terms to any plan described in subparagraph (A)(i)(II).

Deadline.

"(v) PRE-TRANSACTION NOTICE.—At least 60 days in advance of an automatic portability transaction, the automatic portability provider shall provide notice to the individual on whose behalf the individual retirement plan described in subparagraph (A)(i)(I) is established which includes—

"(I) a description of the automatic portability transaction and a complete and accurate statement of all fees which will be charged and all compensation which will be received in connection with the transaction,

"(II) a clear and prominent description of the individual's right to affirmatively elect not to participate in the transaction as well as the other available distribution options, the deadline by which the individual must make an election, the procedures for such an election, and a telephone number for the automatic portability provider that the individual may call to make such election,

"(III) a description of the individual's right to designate a beneficiary and the procedures to do so, and

"(IV) such other disclosures as the Secretary of Labor may require by regulation.

"(vi) POST-TRANSACTION NOTICE.—Not later than 3 business days after an automatic portability transaction, the automatic portability provider shall provide notice to the individual on whose behalf the individual retirement plan described in subparagraph (A)(i)(I) is established of— Deadline.

"(I) the actions taken by the automatic portability provider with respect to the individual's account,

"(II) all relevant information regarding the location and amount of any transferred assets,

"(III) a statement of fees charged against the account by the automatic portability provider or its affiliates in connection with the transfer,

"(IV) a telephone number at which the individual can contact the automatic portability provider, and

"(V) such other disclosures as the Secretary of Labor may require by regulation.

"(vii) NOTICE REQUIREMENTS.—The notices required under clauses (v) and (vi) shall be written in a manner calculated to be understood by the average person and shall not include inaccurate or misleading statements.

"(viii) FREQUENCY OF SEARCHES.—The automatic portability provider shall query on at least a monthly basis whether any individual with an individual retirement plan described in subparagraph (A)(i)(I) has an account in a plan described in subparagraph (A)(i)(II).

"(ix) TIMELINESS OF EXECUTION.—After liquidating the assets of an individual retirement plan described in subparagraph (A)(i)(I) to cash, an automatic portability provider shall transfer the account balance of such plan as soon as practicable to the plan described in subparagraph (A)(i)(II).

"(x) LIMITATION ON EXERCISE OF DISCRETION.—The automatic portability provider shall neither have nor exercise discretion to affect the timing or amount of the transfer pursuant to an automatic portability transaction other than to deduct the appropriate fees as described in clause (ii).

"(xi) RECORD RETENTION AND AUDITS.—

"(I) IN GENERAL.—An automatic portability provider shall, for not less than 6 years after the automatic portability transaction has occurred, maintain the records sufficient to demonstrate the terms of this subparagraph have been met. The automatic portability provider shall make such records available to any authorized employee of the Department of the Treasury or the Department of Labor within 30 calendar days of the date of a written request for such records. Time period. Deadline.

Regulations.
Compliance.

"(II) AUDITS.—An automatic portability provider shall conduct an annual audit, in accordance with regulations promulgated by the Secretary of Labor, of automatic portability transactions occurring during the calendar year to demonstrate compliance with this paragraph and any regulations thereunder and identify any instances of noncompliance therewith, and shall submit such audit annually to the Secretary of Labor, in such form and manner as specified by such Secretary.

Lists.

"(xii) WEBSITE.—The automatic portability provider shall maintain a website which contains—

"(I) a list of recordkeepers for each plan described in subparagraph (A)(i)(II) with respect to which the provider carries out automatic portability transactions, and

"(II) a list of all fees described in clause (ii)(II) paid to the provider.".

Deadline.
Guidance.
Requirements.
26 USC 4975 note.

(c) REGULATORY AUTHORITY.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall issue such guidance as may be necessary to carry out the purposes of the amendments made by this section, including regulations or other guidance which—

(1) require an automatic portability provider to provide a notice to individuals on whose behalf the individual retirement plan described in paragraph (12)(A)(i)(I) of section 4975(f) of the Internal Revenue Code of 1986, as added by this section, is established in advance of the notices specified in paragraph (12)(B)(v) of such section, as so added,

(2) require an automatic portability provider to disclose to plans described in paragraph (12)(A)(i)(II) of section 4975(f) of the Internal Revenue Code of 1986, as added by this section, information required to be provided by a covered service provider pursuant to section 2550.408b–2(c) of title 29, Code of Federal Regulations,

Plan.

(3) require a plan described in such paragraph (12)(A)(i)(II), as so added, to fully disclose fees related to an automatic portability transaction in its summary plan description or summary of material modifications, as relevant,

Plan.

(4) require a plan described in such paragraph, as so added, to invest amounts received on behalf of a participant pursuant to an automatic portability transaction in the participant's current investment election under the plan or, if no election is made or permitted, in the plan's qualified default investment alternative (within the meaning of section 2550.404c–5 of title 29, Code of Federal Regulations) or another investment selected by a fiduciary with respect to such plan,

(5) prohibit or restrict the receipt or payment of third party compensation (other than a direct fee paid by a plan sponsor which is in lieu of a fee imposed on an individual retirement plan owner) by an automatic portability provider in connection with an automatic portability transaction,

(6) prohibit exculpatory provisions in an automatic portability provider's contracts or communications with individuals disclaiming or limiting its liability in the event that an automatic portability transaction results in an improper transfer,

(7) require an automatic portability provider to take actions necessary to reasonably ensure that participant and beneficiary data is current and accurate,

(8) limit the use of data related to automatic portability transactions for any purpose other than the execution of such transactions or locating missing participants, except as permitted by the Secretary of Labor,

(9) provide for corrections procedures in the event an auditor determines the automatic portability provider was not in compliance with this provision and related regulations as specified in paragraph (12)(B)(ix)(II) of section 4975(f) of such Code, as so added, including deadlines, supplemental audits, and corrective actions which may include a temporary prohibition from relying on the exemption provided by paragraph (25) of section 4975(d) of such Code, as added by this section,

(10) ensure that the appropriate participants and beneficiaries, in fact, receive all the required notices and disclosures, and

(11) make clear that the exemption provided by paragraph (25) of section 4975(d) of such Code, as added by this section, applies solely to the automatic portability transactions described therein, and, to the extent the Secretary deems necessary or advisable, specify how the application of the exemption relates to or coordinates with the application of other statutory provisions, regulations, administrative guidance, or exemptions.

Any term used in this subsection which is used in paragraph (12) of section 4975(f) of such Code, as added by this section, has the same meaning as when used in such paragraph.

(d) REPORT TO CONGRESS.—

26 USC 4975 note. Summaries.

(1) IN GENERAL.—Not later than 2 years after the date of the first audit report received by the Secretary of Labor from any automatic portability provider, and every 3 years thereafter, the Secretary of Labor shall report to the Committees on Health, Education, Labor and Pensions and Finance of the Senate and the Committees on Education and Labor and Ways and Means of the House of Representatives on—

(A) the effectiveness of automatic portability transactions under the exemption provided by paragraph (25) of section 4975(d) of the Internal Revenue Code of 1986, as added by this section, detailing—

(i) the number of automatic cash outs from qualified plans to individual retirement plans described in section 4975(f)(12)(A)(i)(I) of such Code,

(ii) the number of completed automatic portability transactions to employer-sponsored retirement plans described in section 4975(f)(12)(A)(i)(II) of such Code,

(iii) the number of individual retirement plans described in section 4975(f)(12)(A)(i)(I) of such Code which have been transferred to designated beneficiaries,

(iv) the number of individual retirement plans described in section 4975(f)(12)(A)(i)(I) of such Code for which the automatic portability provider is searching for next of kin due to a deceased account holder without a designated beneficiary, and

(v) the number of accounts that were reduced to a zero balance while in the automatic portability provider's custody;

(B) a summary of any consumer complaints submitted to the Employee Benefits Security Administration regarding automatic portability transactions;

(C) a summary of compliance issues found in the annual audit described in section 4975(f)(12)(B)(xiii)(II) of such Code, if any, and their corrections;

(D) a summary of the fees individuals are charged in connection with automatic portability transactions, including whether those fees have increased since the last report;

Recommendations.

(E) recommendations of any necessary statutory changes to this exemption to improve the effectiveness of automatic portability transactions, including repeal of this provision in the event of a pattern of noncompliance; and

(F) any other information the Secretary of Labor deems important.

The report required by this subsection shall be made publicly available.

(2) REPORT ON NOTICES RELATING TO AUTOMATIC TRANSFERS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means on the adequacy of the notices relating to transfers under section 401(a)(31)(B)(i) of the Internal Revenue Code of 1986.

26 USC 4975 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions occurring on or after the date which is 12 months after the date of the enactment of this Act.

Definitions.

SEC. 121. STARTER 401(k) PLANS FOR EMPLOYERS WITH NO RETIREMENT PLAN.

26 USC 401.

(a) IN GENERAL.—Section 401(k) is amended by adding at the end the following new paragraph:

"(16) STARTER 401(k) DEFERRAL-ONLY PLANS FOR EMPLOYERS WITH NO RETIREMENT PLAN.—

"(A) IN GENERAL.—A starter 401(k) deferral-only arrangement maintained by an eligible employer shall be treated as meeting the requirements of paragraph (3)(A)(ii).

"(B) STARTER 401(k) DEFERRAL-ONLY ARRANGEMENT.—For purposes of this paragraph, the term 'starter 401(k) deferral-only arrangement' means any cash or deferred arrangement which meets—

"(i) the automatic deferral requirements of subparagraph (C),

"(ii) the contribution limitations of subparagraph (D), and

"(iii) the requirements of subparagraph (E) of paragraph (13).

"(C) AUTOMATIC DEFERRAL.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, each eligible employee is treated as having elected to have

the employer make elective contributions in an amount equal to a qualified percentage of compensation.

"(ii) ELECTION OUT.—The election treated as having been made under clause (i) shall cease to apply with respect to any employee if such employee makes an affirmative election—

"(I) to not have such contributions made, or

"(II) to make elective contributions at a level specified in such affirmative election.

"(iii) QUALIFIED PERCENTAGE.—For purposes of this subparagraph, the term 'qualified percentage' means, with respect to any employee, any percentage determined under the arrangement if such percentage is applied uniformly and is not less than 3 or more than 15 percent.

"(D) CONTRIBUTION LIMITATIONS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement—

"(I) the only contributions which may be made are elective contributions of employees described in subparagraph (C), and

"(II) the aggregate amount of such elective contributions which may be made with respect to any employee for any calendar year shall not exceed $6,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of any calendar year beginning after December 31, 2024, the $6,000 amount under clause (i) shall be adjusted in the same manner as under section 402(g)(4), except that '2023' shall be substituted for '2005'. Effective date.

"(iii) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the limitation under clause (i)(II) shall be increased by the applicable amount determined under section 219(b)(5)(B)(ii) (after the application of section 219(b)(5)(C)(iii)).

"(E) ELIGIBLE EMPLOYER.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'eligible employer' means any employer if the employer does not maintain a qualified plan with respect to which contributions are made, or benefits are accrued, for service in the year for which the determination is being made. If only individuals other than employees described in subparagraph (A) of section 410(b)(3) are eligible to participate in such arrangement, then the preceding sentence shall be applied without regard to any qualified plan in which only employees described in such subparagraph are eligible to participate.

"(ii) RELIEF FOR ACQUISITIONS, ETC.—Rules similar to the rules of section 408(p)(10) shall apply for purposes of clause (i). Applicability.

"(iii) QUALIFIED PLAN.—The term 'qualified plan' means a plan, contract, pension, account, or trust described in subparagraph (A) or (B) of paragraph

(5) of section 219(g) (determined without regard to the last sentence of such paragraph (5)).

"(F) ELIGIBLE EMPLOYEE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'eligible employee' means any employee of the employer who meets the minimum age and service conditions described in section 410(a)(1).

"(ii) EXCLUSIONS.—The employer may elect to exclude from such definition any employee described in paragraph (3) or (4) of section 410(b).".

(b) CERTAIN ANNUITY CONTRACTS.—Section 403(b), as amended by the preceding provision of this Act, is further amended by adding at the end the following new paragraph:

26 USC 403.

"(16) SAFE HARBOR DEFERRAL-ONLY PLANS FOR EMPLOYERS WITH NO RETIREMENT PLAN.—

"(A) IN GENERAL.—A safe harbor deferral-only plan maintained by an eligible employer shall be treated as meeting the requirements of paragraph (12).

"(B) SAFE HARBOR DEFERRAL-ONLY PLAN.—For purposes of this paragraph, the term 'safe harbor deferral-only plan' means any plan which meets—

"(i) the automatic deferral requirements of subparagraph (C),

"(ii) the contribution limitations of subparagraph (D), and

"(iii) the requirements of subparagraph (E) of section 401(k)(13).

"(C) AUTOMATIC DEFERRAL.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the plan, each eligible employee is treated as having elected to have the employer make elective contributions in an amount equal to a qualified percentage of compensation.

"(ii) ELECTION OUT.—The election treated as having been made under clause (i) shall cease to apply with respect to any eligible employee if such eligible employee makes an affirmative election—

"(I) to not have such contributions made, or

"(II) to make elective contributions at a level specified in such affirmative election.

"(iii) QUALIFIED PERCENTAGE.—For purposes of this subparagraph, the term 'qualified percentage' means, with respect to any employee, any percentage determined under the plan if such percentage is applied uniformly and is not less than 3 or more than 15 percent.

"(D) CONTRIBUTION LIMITATIONS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the plan—

"(I) the only contributions which may be made are elective contributions of eligible employees, and

"(II) the aggregate amount of such elective contributions which may be made with respect to any employee for any calendar year shall not exceed $6,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of any calendar year beginning after December 31, 2024, the $6,000 amount under clause (i) shall be adjusted in the same manner as under section 402(g)(4), except that '2023' shall be substituted for '2005'. Effective date.

"(iii) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the limitation under clause (i)(II) shall be increased by the applicable amount determined under section 219(b)(5)(B)(ii) (after the application of section 219(b)(5)(C)(iii)).

"(E) ELIGIBLE EMPLOYER.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'eligible employer' means any employer if the employer does not maintain a qualified plan with respect to which contributions are made, or benefits are accrued, for service in the year for which the determination is being made. If only individuals other than employees described in subparagraph (A) of section 410(b)(3) are eligible to participate in such arrangement, then the preceding sentence shall be applied without regard to any qualified plan in which only employees described in such subparagraph are eligible to participate.

"(ii) RELIEF FOR ACQUISITIONS, ETC.—Rules similar to the rules of section 408(p)(10) shall apply for purposes of clause (i). Applicability.

"(iii) QUALIFIED PLAN.—The term 'qualified plan' means a plan, contract, pension, account, or trust described in subparagraph (A) or (B) of paragraph (5) of section 219(g) (determined without regard to the last sentence of such paragraph (5)).

"(F) ELIGIBLE EMPLOYEE.—For purposes of this paragraph, the term 'eligible employee' means any employee of the employer other than an employee who is permitted to be excluded under paragraph (12)(A).".

(c) STARTER AND SAFE HARBOR PLANS NOT TREATED AS TOP-HEAVY PLANS.—Subparagraph (H) of section 416(g)(4) is amended— 26 USC 416.

(1) by striking "ARRANGEMENTS" in the heading and inserting "ARRANGEMENTS OR PLANS",

(2) by striking ", and" at the end of clause (i) and inserting "and matching contributions with respect to which the requirements of paragraph (11), (12), or (13) of section 401(m) are met, or", and

(3) by striking clause (ii) and inserting after clause (i) the following new clause:

"(ii) a starter 401(k) deferral-only arrangement described in section 401(k)(16)(B) or a safe harbor deferral-only plan described in section 403(b)(16).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2023. 26 USC 401 note.

SEC. 122. ASSIST STATES IN LOCATING OWNERS OF APPLICABLE SAVINGS BONDS.

(a) IN GENERAL.—Section 3105 of title 31, United States Code, is amended by adding at the end the following:

"(f)(1)(A) The Secretary shall provide each State, in digital or other electronic form, with information describing any applicable savings bond which has an applicable address that is within such State, including—

"(i) the name and applicable address of the registered owner; and

"(ii) the name and applicable address of any registered co-owner or beneficiary.

"(B) The information provided under subparagraph (A) may include the serial number of any applicable savings bond.

"(C)(i) For purposes of this paragraph, the term 'applicable address' means, with respect to any applicable savings bond—

"(I) the registered address for the registered owner, co-owner, or beneficiary (as applicable) of such bond; or

"(II) if such information is available to the Secretary, the last known address for the registered owner, co-owner, or beneficiary (as applicable) of such bond.

"(ii) For purposes of clause (i), if the information described in subclause (II) of clause (i) with respect to any individual is available to the Secretary, subclause (I) of such clause shall not apply.

Deadline. Regulations. Guidance.

"(2)(A) Not later than 12 months after the date of enactment of this subsection, the Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this subsection, including rules to—

"(i) protect the privacy of the owners of applicable savings bonds;

"(ii) prevent fraud; and

"(iii) ensure that any information provided to a State under this subsection shall be used solely to carry out the purposes of this subsection.

"(B) Except as deemed necessary to protect privacy or prevent fraud or misuse of savings bond information, any regulations or guidance prescribed by the Secretary pursuant to subparagraph (A) shall not have the effect of prohibiting, restricting, or otherwise preventing a State from obtaining all information described in paragraph (1)(A).

Reports. Time period.

"(3) Not later than 12 months after the date of enactment of this subsection, and annually thereafter for each year during the 5-year period beginning after the date of enactment of this subsection, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate a report assessing all efforts to satisfy the requirement under paragraph (1)(A).

"(4) Any State that receives information described in paragraph (1)(A) with respect to an applicable savings bond may use such information to locate the owner of such bond pursuant to the same standards and requirements as are applicable under—

"(A) the abandoned property rules and regulations of such State; and

"(B) any regulations or guidance promulgated under this subsection.

"(5) For purposes of this subsection, the Secretary may disclose to the public any information with respect to any applicable savings bond which a State may disclose to the public pursuant to paragraph (4).

"(6) For purposes of this subsection, the term 'applicable savings bond' means a savings bond which— Definition.

"(A) is more than 3 years past its date of final maturity;

"(B)(i) is in paper form; or

"(ii) is in paperless or electronic form and for which—

"(I) there is no designated bank account or routing information; or

"(II) the designated bank account or routing information is incorrect; and

"(C) has not been redeemed.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act. 31 USC 3105 note.

SEC. 123. CERTAIN SECURITIES TREATED AS PUBLICLY TRADED IN CASE OF EMPLOYEE STOCK OWNERSHIP PLANS.

(a) IN GENERAL.—Section 401(a)(35) is amended by adding at the end the following new subparagraph: 26 USC 401.

"(I) ESOP RULES RELATING TO PUBLICLY TRADED SECURITIES.—In the case of an applicable defined contribution plan which is an employee stock ownership plan, an employer security shall be treated as described in subparagraph (G)(v) if—

"(i) the security is the subject of priced quotations by at least 4 dealers, published and made continuously available on an interdealer quotation system (as such term is used in section 13 of the Securities Exchange Act of 1934) which has made the request described in section 6(j) of such Act to be treated as an alternative trading system,

"(ii) the security is not a penny stock (as defined by section 3(a)(51) of such Act),

"(iii) the security is issued by a corporation which is not a shell company (as such term is used in section 4(d)(6) of the Securities Act of 1933), a blank check company (as defined in section 7(b)(3) of such Act), or subject to bankruptcy proceedings,

"(iv) the security has a public float (as such term is used in section 240.12b-2 of title 17, Code of Federal Regulations) which has a fair market value of at least $1,000,000 and constitutes at least 10 percent of the total shares issued and outstanding.

"(v) in the case of a security issued by a domestic corporation, the issuer publishes, not less frequently than annually, financial statements audited by an independent auditor registered with the Public Company Accounting Oversight Board established under the Sarbanes-Oxley Act of 2002, and

"(vi) in the case of a security issued by a foreign corporation, the security is represented by a depositary share (as defined under section 240.12b-2 of title 17, Code of Federal Regulations), or is issued by a foreign corporation incorporated in Canada and readily tradeable on an established securities market in Canada, and the issuer—

"(I) is subject to, and in compliance with, the reporting requirements of section 13 or 15(d) of

the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)),

"(II) is subject to, and in compliance with, the reporting requirements of section 230.257 of title 17, Code of Federal Regulations, or

"(III) is exempt from such requirements under section 240.12g3–2(b) of title 17, Code of Federal Regulations.".

26 USC 401 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2027.

SEC. 124. MODIFICATION OF AGE REQUIREMENT FOR QUALIFIED ABLE PROGRAMS.

(a) IN GENERAL.—Section 529A(e) is amended by striking "age 26" each place it appears in paragraphs (1)(A) and (2)(A)(i)(II) and inserting "age 46".

26 USC 529A note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2025.

SEC. 125. IMPROVING COVERAGE FOR PART-TIME WORKERS.

(a) IN GENERAL.—

(1) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 202 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1052) is amended by adding at the end the following new subsection:

"(c) SPECIAL RULE FOR CERTAIN PART-TIME EMPLOYEES.—

"(1) IN GENERAL.—A pension plan that includes either a qualified cash or deferred arrangement (as defined in section 401(k) of the Internal Revenue Code of 1986) or a salary reduction agreement (as described in section 403(b) of such Code) shall not require, as a condition of participation in the arrangement or agreement, that an employee complete a period of service with the employer (or employers) maintaining the plan extending beyond the close of the earlier of—

"(A) the period permitted under subsection (a)(1) (determined without regard to subparagraph (B)(i) thereof); or

Time period.

"(B) the first 24-month period—

"(i) consisting of 2 consecutive 12-month periods during each of which the employee has at least 500 hours of service; and

"(ii) by the close of which the employee has met the requirement of subsection (a)(1)(A)(i).

"(2) EXCEPTION.—Paragraph (1)(B) shall not apply to any employee described in section 410(b)(3) of the Internal Revenue Code of 1986.

Applicability.

"(3) COORDINATION WITH TIME OF PARTICIPATION RULES.—In the case of employees who are eligible to participate in the arrangement or agreement solely by reason of paragraph (1)(B), or by reason of such paragraph and section 401(k)(2)(D)(ii) of such Code, the rules of subsection (a)(4) shall apply to such employees.

Determination.

"(4) 12-MONTH PERIOD.—For purposes of this subsection, 12-month periods shall be determined in the same manner as under the last sentence of subsection (a)(3)(A), except that 12-month periods beginning before January 1, 2023, shall not be taken into account.".

(2) INTERNAL REVENUE CODE OF 1986.—

(A) IN GENERAL.—Section 403(b)(12) is amended by adding at the end the following new subparagraph: 26 USC 403.

"(D) RULES RELATING TO CERTAIN PART-TIME EMPLOYEES.—

"(i) IN GENERAL.—In the case of employees who are eligible to participate in the agreement solely by reason of section 202(c)(1)(B) of the Employee Retirement Income Security Act of 1974—

"(I) notwithstanding section 401(a)(4), an employer shall not be required to make nonelective or matching contributions on behalf of such employees even if such contributions are made on behalf of other employees eligible to participate in the plan, and

"(II) the employer may elect to exclude such employees from the application of subsections (a)(4), (k)(3), (k)(12), (k)(13), and (m)(2) of section 401 and section 410(b).".

(B) CONFORMING AMENDMENT.—

(i) The last sentence of section 403(b)(12)(A), as amended by this Act, is further amended by inserting "and section 202(c) of the Employee Retirement Income Security Act of 1974" after "under section 410(b)(4)".

(ii) Section 401(k)(15)(B)(i) is amended by inserting ", or by reason of such paragraph and section 202(c)(1)(B) of the Employee Retirement Income Security Act of 1974" after "paragraph (2)(D)(ii)".

(b) VESTING.—Section 203(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(b)) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) PART-TIME EMPLOYEES.—For purposes of determining whether an employee who became eligible to participate in a qualified cash or deferred arrangement or a salary reduction agreement under a plan solely by reason of section 202(c)(1)(B) has a nonforfeitable right to employer contributions—

"(A) except as provided in subparagraph (B), each 12-month period for which the employee has at least 500 hours of service shall be treated as a year of service; and

"(B) paragraph (3) shall be applied by substituting 'at least 500 hours of service' for 'more than 500 hours of service' in subparagraph (A) thereof. Applicability.

For purposes of this paragraph, 12-month periods shall be determined in the same manner as under the last sentence of section 202(a)(3)(A), except that 12-month periods beginning before January 1, 2023, shall not be taken into account.". Time periods.

(c) REDUCTION IN PERIOD SERVICE REQUIREMENT FOR QUALIFIED CASH AND DEFERRED ARRANGEMENTS.—Section 401(k)(2)(D)(ii) is amended by striking "3" and inserting "2".

(d) PRE-2021 SERVICE.—Section 112(b) of the Setting Every Community Up for Retirement Enhancement Act of 2019 (26 U.S.C. 401 note) is amended by striking "section 401(k)(2)(D)(ii)" and inserting "paragraphs (2)(D)(ii) and (15)(B)(iii) of section 401(k)".

(e) COORDINATION WITH RULES FOR TOP-HEAVY PLANS.—Subparagraph (H) of section 416(g)(4), as amended by this Act, is further amended by inserting before "If, but" the following: "Such

term shall not include a plan solely because such plan does not provide nonelective or matching contributions to employees described in section 401(k)(15)(B)(i).".

26 USC 401 note.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after December 31, 2024.

(2) SUBSECTION (d) AND (e).—The amendments made by subsections (d) and (e) shall take effect as if included in the enactment of section 112 of the Setting Every Community Up for Retirement Enhancement Act of 2019.

SEC. 126. SPECIAL RULES FOR CERTAIN DISTRIBUTIONS FROM LONG-TERM QUALIFIED TUITION PROGRAMS TO ROTH IRAS.

(a) IN GENERAL.—Paragraph (3) of section 529(c) is amended by adding at the end the following new subparagraph:

Time periods.

"(E) SPECIAL ROLLOVER TO ROTH IRAS FROM LONG-TERM QUALIFIED TUITION PROGRAMS.—

"(i) IN GENERAL.—In the case of a distribution from a qualified tuition program of a designated beneficiary which has been maintained for the 15-year period ending on the date of such distribution, subparagraph (A) shall not apply to so much the portion of such distribution which—

"(I) does not exceed the aggregate amount contributed to the program (and earnings attributable thereto) before the 5-year period ending on the date of the distribution, and

"(II) is paid in a direct trustee-to-trustee transfer to a Roth IRA maintained for the benefit of such designated beneficiary.

"(ii) LIMITATIONS.—

Applicability.

"(I) ANNUAL LIMITATION.—Clause (i) shall only apply to so much of any distribution as does not exceed the amount applicable to the designated beneficiary under section 408A(c)(2) for the taxable year (reduced by the amount of aggregate contributions made during the taxable year to all individual retirement plans maintained for the benefit of the designated beneficiary).

"(II) AGGREGATE LIMITATION.—This subparagraph shall not apply to any distribution described in clause (i) to the extent that the aggregate amount of such distributions with respect to the designated beneficiary for such taxable year and all prior taxable years exceeds $35,000.".

(b) TREATMENT UNDER ROTH IRA RULES.—

(1) IN GENERAL.—Paragraph (1) of section 408A(e) is amended—

(A) by striking the period at the end of subparagraph (B) and inserting ", and",

(B) by inserting after subparagraph (B) the following new subparagraph:

"(C) from a qualified tuition program to the extent provided in section 529(c)(3)(E).", and

(C) by adding at the end the following new sentence: "The earnings and contributions of any qualified tuition

program from which a qualified rollover contribution is made under subparagraph (C) shall be treated in the same manner as the earnings and contributions of a Roth IRA from which a qualified rollover contribution is made under subparagraph (A).".

(2) APPLICATION OF CONTRIBUTION LIMITATIONS.—

(A) IN GENERAL.—Section 408A(c)(5)(B) is amended— 26 USC 408A.

(i) by striking "A qualified rollover contribution" and inserting the following:

"(i) IN GENERAL.—A qualified rollover contribution", and

(ii) by adding at the end the following:

"(ii) EXCEPTION FOR ROLLOVERS FROM QUALIFIED TUITION PROGRAMS.—Clause (i) shall not apply to any qualified rollover contribution described in subsection (e)(1)(C).".

(B) WAIVER OF ROTH IRA INCOME LIMITATION.—Section 408A(c)(3) is amended by adding at the end the following new subparagraph:

"(E) SPECIAL RULE FOR CERTAIN TRANSFERS FROM QUALIFIED TUITION PROGRAMS.—The amount determined under subparagraph (A) shall be increased by the lesser of—

"(i) the amount of contributions described in section 529(c)(3)(E) for the taxable year, or

"(ii) the amount of the reduction determined under such subparagraph (determined without regard to this subparagraph).".

(c) REPORTING.—Section 529(d) is amended—

(1) by striking "Each officer" and inserting the following: "(1) IN GENERAL.—Each officer",

(2) by striking "by this subsection" and inserting "by this paragraph", and

(3) by adding at the end the following new paragraph:

"(2) ROLLOVER DISTRIBUTIONS.—In the case of any distribution described in subsection (c)(3)(E), the officer or employee having control of the qualified tuition program (or their designee) shall provide a report to the trustee of the Roth IRA to which the distribution is made. Such report shall be filed at such time and in such manner as the Secretary may require and shall include information with respect to the contributions, distributions, and earnings of the qualified tuition program as of the date of the distribution described in subsection (c)(3)(A), together with such other matters as the Secretary may require.". Reports.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to distributions after December 31, 2023. 26 USC 408A note.

SEC. 127. EMERGENCY SAVINGS ACCOUNTS LINKED TO INDIVIDUAL ACCOUNT PLANS.

(a) EMPLOYEE PENSION BENEFIT PLANS.—Section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) is amended by adding at the end the following:

"(45) PENSION-LINKED EMERGENCY SAVINGS ACCOUNT.—The term 'pension-linked emergency savings account' means a short-term savings account established and maintained as part of an individual account plan, in accordance with section 801,

on behalf of an eligible participant (as such term is defined in section 801(b)) that—

"(A) is a designated Roth account (within the meaning of section 402A of the Internal Revenue Code of 1986) and accepts only participant contributions, as described in section 801(d)(1)(A), which are designated Roth contributions subject to the rules of section 402A(e) of such Code; and

"(B) meets the requirements of part 8 of subtitle B.".

(b) PENSION-LINKED EMERGENCY SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART 8—PENSION-LINKED EMERGENCY SAVINGS ACCOUNTS

29 USC 1193.

"SEC. 801. PENSION-LINKED EMERGENCY SAVINGS ACCOUNTS.

"(a) IN GENERAL.—A plan sponsor of an individual account plan may—

"(1) include in such individual account plan a pension-linked emergency savings account meeting the requirements of subsection (c); and

"(2)(A) offer to enroll an eligible participant in such pension-linked emergency savings account; or

"(B) automatically enroll an eligible participant in such account pursuant to an automatic contribution arrangement described in paragraph (2) of subsection (c).

"(b) ELIGIBLE PARTICIPANT.—

Definition.

"(1) IN GENERAL.—For purposes of this part, the term 'eligible participant', with regard to an individual account plan, means an individual who—

"(A) meets any age, service, and other eligibility requirements of the plan; and

"(B) is not a highly compensated employee.

"(2) ELIGIBLE PARTICIPANT WHO BECOMES A HIGHLY COMPENSATED EMPLOYEE.—Notwithstanding paragraph (1)(B), an individual who is enrolled in a pension-linked emergency savings account and thereafter becomes a highly compensated employee may not make further contributions to such account, but retains the right to withdraw any account balance of such account in accordance with subsection (c)(1)(A)(ii).

"(3) DEFINITION.—For purposes of this subsection, the term 'highly compensated employee' has the meaning given the term in section 414(q) of the Internal Revenue Code of 1986.

"(c) ACCOUNT REQUIREMENTS.—

"(1) IN GENERAL.—A pension-linked emergency savings account—

"(A) shall—

"(i) not have a minimum contribution or account balance requirement;

"(ii) allow for withdrawal by the participant of the account balance, in whole or in part at the discretion of the participant, at least once per calendar month and for distribution of such withdrawal to the participant as soon as practicable from the date on which the participant elects to make such withdrawal; and

"(iii) be, as selected by the plan sponsor, held as cash, in an interest-bearing deposit account, or in an investment product—

"(I) designed to—

"(aa) maintain over the term of the investment, the dollar value that is equal to the amount invested in the product; and

"(bb) preserve principal and provide a reasonable rate of return, whether or not such return is guaranteed, consistent with the need for liquidity; and

"(II) offered by a State- or federally-regulated financial institution;

"(B) may be subject to, as permitted by the Secretary, reasonable restrictions; and

"(C)(i) may not, for not less than the first 4 withdrawals of funds from the account in a plan year, be subject to any fees or charges solely on the basis of such a withdrawal; and

"(ii) may, for any subsequent withdrawal in a plan year, be subject to reasonable fees or charges in connection with such a withdrawal, including reasonable reimbursement fees imposed for the incidental costs of handling of paper checks.

"(2) ESTABLISHMENT AND TERMINATION OF ACCOUNT.—

"(A) ESTABLISHMENT OF ACCOUNT.—The pension-linked emergency savings account feature shall be included in the plan document of the individual account plan. Such individual account plan shall—

"(i) separately account for contributions to the pension-linked emergency savings account of the individual account plan and any earnings properly allocable to the contributions;

"(ii) maintain separate recordkeeping with respect to each such pension-linked emergency savings account; and

"(iii) allow withdrawals from such account in accordance with section 402A(e)(7) of the Internal Revenue Code of 1986.

"(B) TERMINATION OF ACCOUNT.—A plan sponsor may terminate the pension-linked emergency savings account feature of an individual account plan at any time.

"(d) ACCOUNT CONTRIBUTIONS.—

"(1) LIMITATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), no contribution shall be accepted to a pension-linked emergency savings account to the extent such contribution would cause the portion of the account balance attributable to participant contributions to exceed the lesser of—

"(i) $2,500; or

"(ii) an amount determined by the plan sponsor of the pension-linked emergency savings account.

Effective dates.

In the case of contributions made in taxable years beginning after December 31, 2024, the Secretary shall adjust the amount under clause (i) at the same time and in the same manner as the adjustment made by the Secretary

of the Treasury under section 415(d) of the Internal Revenue Code of 1986, except that the base period shall be the calendar quarter beginning July 1, 2023. Any increase under the preceding sentence which is not a multiple of $100 shall be rounded to the next lowest multiple of $100.

"(B) EXCESS CONTRIBUTIONS.—To the extent any contribution to the pension-linked emergency savings account of a participant for a taxable year would exceed the limitation of subparagraph (A)—

"(i) in the case of a participant with another designated Roth account under the individual account plan, such plan may provide that—

"(I) the participant may elect to increase the participant's contribution to such other account; and

"(II) in the absence of such a participant election, the participant is deemed to have elected to increase the participant's contributions to such other account at the rate at which contributions were being made to the pension-linked emergency savings account; and

"(ii) in any other case, such plan shall provide that such excess contributions will not be accepted.

"(2) AUTOMATIC CONTRIBUTION ARRANGEMENT.—For purposes of this section—

"(A) IN GENERAL.—An automatic contribution arrangement described in this paragraph is an arrangement under which an eligible participant is treated as having elected to have the plan sponsor make elective contributions to a pension-linked emergency savings account at a participant contribution rate that is not more than 3 percent of the compensation of the eligible participant, unless the eligible participant, at any time (subject to such reasonable advance notice as is required by the plan administrator), affirmatively elects to—

"(i) make contributions at a different rate or amount; or

"(ii) opt out of such contributions.

"(B) PARTICIPANT CONTRIBUTION RATE.—For purposes of an automatic contribution arrangement described in subparagraph (A), the plan sponsor—

"(i) shall select a participant contribution rate under such automatic contribution arrangement that meets the requirements of subparagraph (A); and

"(ii) may amend (prior to the plan year in which an amendment would take effect) such rate not more than once annually.

"(3) DISCLOSURE BY PLAN ADMINISTRATOR OF CONTRIBUTIONS.—

Time period.

"(A) IN GENERAL.—With respect to an individual account plan with a pension-linked emergency savings account feature, the administrator of the plan shall, not less than 30 days and not more than 90 days prior to date of the first contribution to the pension-linked emergency savings account, including any contribution under

an automatic contribution arrangement described in subsection (d)(2), or the date of any adjustment to the participant contribution rate under subsection (d)(2)(B)(ii), and not less than annually thereafter, shall furnish to the participant a notice describing—

"(i) the purpose of the account, which is for short-term, emergency savings;

"(ii) the limits on, and tax treatment of, contributions to the pension-linked emergency savings account of the participant;

"(iii) any fees, expenses, restrictions, or charges associated with such pension-linked emergency savings account;

"(iv) procedures for electing to make contributions to or opting out of the pension-linked emergency savings account, for changing participant contribution rates for such pension-linked emergency savings account, and for making participant withdrawals from such pension-linked emergency savings account, including any limits on frequency;

"(v) as applicable, the amount of the intended contribution to such pension-linked emergency savings account or the change in the percentage of the compensation of the participant of such contribution;

"(vi) the amount in the emergency savings account and the amount or percentage of compensation that a participant has contributed to the pension-linked emergency savings account;

"(vii) the designated investment option under subsection (c)(1)(A)(iii) for amounts contributed to the pension-linked emergency savings account;

"(viii) the options under subsection (e) for the account balance of the pension-linked emergency savings account after termination of the employment of the participant or termination by the plan sponsor of the pension-linked emergency savings account; and

"(ix) the ability of a participant who becomes a highly compensated employee (as such term is defined in paragraph (3) of subsection (b)) to, as described in paragraph (2) of such subsection, withdraw any account balance from a pension-linked emergency savings account and the restriction on the ability of such a participant to make further contributions to the pension-linked emergency savings account.

"(B) NOTICE REQUIREMENTS.—A notice furnished to a participant under subparagraph (A) shall be—

"(i) sufficiently accurate and comprehensive to apprise the participant of the rights and obligations of the participant with regard to the pension-linked emergency savings account of the participant; and

"(ii) written in a manner calculated to be understood by the average participant.

"(C) CONSOLIDATED NOTICES.—The required notices under subparagraph (A) may be included with any other notice under this Act, including under section 404(c)(5)(B) or 514(e)(3), or under section 401(k)(13)(E) or 414(w)(4) of the Internal Revenue Code of 1986, if such other notice

is provided to the participant at the time required for such notice.

"(4) EMPLOYER MATCHING CONTRIBUTIONS TO AN INDIVIDUAL ACCOUNT PLAN FOR EMPLOYEE CONTRIBUTIONS TO A PENSION-LINKED EMERGENCY SAVINGS ACCOUNT.—

"(A) IN GENERAL.—If an employer makes any matching contributions to an individual account plan of which a pension-linked emergency savings account is part, subject to the limitations of paragraph (1)(A), the employer shall make matching contributions on behalf of a participant on account of the contributions by the participant to the pension-linked emergency savings account at the same rate as any other matching contribution on account of an elective contribution by such participant. The matching contributions shall be made to the participant's account under the individual account plan that is not the pension-linked emergency savings account. Such matching contributions on account of contributions under paragraph (1)(A) shall not exceed the maximum account balance under paragraph (1)(A) for such plan year.

"(B) COORDINATION RULE.—For purposes of any applicable limitation on matching contributions, any matching contributions made under the plan shall be treated first as attributable to the elective deferrals of the participant other than contributions to a pension-linked emergency savings account.

Definition.

"(C) MATCHING CONTRIBUTIONS.—For purposes of subparagraph (A), the term 'matching contribution' has the meaning given such term in section 401(m)(4) of the Internal Revenue Code of 1986.

"(e) ACCOUNT BALANCE AFTER TERMINATION.—Upon termination of employment of the participant, or termination by the plan sponsor of the pension-linked emergency savings account, the pension-linked emergency savings account of such participant in an individual account plan shall—

"(1) allow, at the election of the participant, for transfer by the participant of the account balance of such account, in whole or in part, into another designated Roth account of the participant under the individual account plan; and

"(2) for any amounts in such account not transferred under paragraph (1), make such amounts available within a reasonable time to the participant.

"(f) ANTI-ABUSE RULES.—

"(1) IN GENERAL.—A plan of which a pension-linked emergency savings account is part—

"(A) may employ reasonable procedures to limit the frequency or amount of matching contributions with respect to contributions to such account, solely to the extent necessary to prevent manipulation of the rules of the plan to cause matching contributions to exceed the intended amounts or frequency; and

"(B) shall not be required to suspend matching contributions following any participant withdrawal of contributions, including elective deferrals and employee contributions, whether or not matched and whether or not made pursuant to an automatic contribution arrangement

described in section 402A(e)(4) of the Internal Revenue Code of 1986.

"(2) REGULATIONS OR OTHER GUIDANCE.—The Secretary of the Treasury, in consultation with the Secretary of Labor, shall issue regulations or other guidance not later than 12 months after the date of the enactment of the SECURE 2.0 Act of 2022 with respect to the anti-abuse rules described in paragraph (1). Deadline.

"SEC. 802. PREEMPTION OF STATE ANTI-GARNISHMENT LAWS. 29 USC 1193a.

"Notwithstanding any other provision of law, this part shall supersede any law of a State which would directly or indirectly prohibit or restrict the use of an automatic contribution arrangement, described in section 801(d)(2), for a pension-linked emergency savings account. The Secretary may promulgate regulations to establish minimum standards that such an arrangement would be required to satisfy in order for this subsection to apply with respect to such an account. Regulations. Applicability.

"SEC. 803. REPORTING AND DISCLOSURE REQUIREMENTS. 29 USC 1193b.

"The Secretary shall—

"(1) prescribe such regulations as may be necessary to address reporting and disclosure requirements for pension-linked emergency savings accounts; and Regulations.

"(2) seek to prevent unnecessary reporting and disclosure for such accounts under this Act, including for purposes of any reporting or disclosure related to pension plans required by this title or under the Internal Revenue Code of 1986.

"SEC. 804. REPORT TO CONGRESS ON EMERGENCY SAVINGS ACCOUNTS. 29 USC 1193c.

"The Secretary of Labor and the Secretary of the Treasury shall—

"(1) conduct a study on the use of emergency savings from individual account plan accounts, including emergency savings from a pension-linked emergency savings account regarding— Study.

"(A) whether the amount of the dollar limitation under section 801(d)(1)(A) is sufficient;

"(B) whether the limitation on the contribution rate under section 801(d)(2)(A) is appropriate; and

"(C) the extent to which plan sponsors offer such accounts and participants participate in such accounts and the resulting impact on participant retirement savings, including the impact on retirement savings leakage and the effect of such accounts on retirement plan participation by low- and moderate-income households; and

"(2) not later than 7 years after the date of enactment of the SECURE 2.0 Act of 2022, submit to Congress a report on the findings of the study under paragraph (1).".

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 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.".

(c) REPORTING FOR A PENSION-LINKED EMERGENCY SAVINGS ACCOUNT.—

(1) ALTERNATIVE METHODS OF COMPLIANCE.—Section 110(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1030(a)) is amended by inserting "(including pension-linked emergency savings account features within a pension plan)" after "class of pension plans".

(2) MINIMIZED REPORTING BURDEN FOR PENSION-LINKED EMERGENCY SAVINGS ACCOUNTS.—Section 101 of such Act (29 U.S.C. 1021) is amended—

(A) by redesignating subsection (n) as subsection (o); and

(B) by inserting after subsection (m) the following:

"(n) PENSION-LINKED EMERGENCY SAVINGS ACCOUNTS.—Nothing in this section shall preclude the Secretary from providing, by regulations or otherwise, simplified reporting procedures or requirements regarding such a pension-linked emergency savings account.".

(d) FIDUCIARY DUTY.—Section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)) is amended by adding at the end the following:

"(6) DEFAULT INVESTMENT ARRANGEMENTS FOR A PENSION-LINKED EMERGENCY SAVINGS ACCOUNT.—For purposes of paragraph (1), a participant in a pension-linked emergency savings account shall be treated as exercising control over the assets in the account with respect to the amount of contributions and earnings which are invested in accordance with section 801(c)(1)(A)(iii).".

(e) TAX TREATMENT OF PENSION-LINKED EMERGENCY SAVINGS ACCOUNTS.—

26 USC 402A.

(1) IN GENERAL.—Section 402A is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) PENSION-LINKED EMERGENCY SAVINGS ACCOUNTS.—

"(1) IN GENERAL.—An applicable retirement plan—

"(A) may—

"(i) include a pension-linked emergency savings account established pursuant to section 801 of the Employee Retirement Income Security Act of 1974, which, except as otherwise provided in this subsection, shall be treated for purposes of this title as a designated Roth account, and

"(ii) either—

"(I) offer to enroll an eligible participant in such pension-linked emergency savings account, or

"(II) automatically enroll an eligible participant in such account pursuant to an automatic contribution arrangement described in paragraph (4), and

"(B) shall—

"(i) separately account for contributions to such account and any earnings properly allocable to the contributions,

"(ii) maintain separate recordkeeping with respect to each such account, and

"(iii) allow withdrawals from such account in accordance with paragraph (7).

"(2) ELIGIBLE PARTICIPANT.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'eligible participant', with regard to a defined contribution plan, means an individual, without regard to whether the individual is otherwise a participant in such plan, who—

"(i) meets any age, service, and other eligibility requirements of the plan, and

"(ii) is not a highly compensated employee (as defined in section 414(q)).

"(B) ELIGIBLE PARTICIPANT WHO BECOMES A HIGHLY COMPENSATED EMPLOYEE.—Notwithstanding subparagraph (A)(ii), an individual on whose behalf a pension-linked emergency savings account is established who thereafter becomes a highly compensated employee (as so defined) may not make further contributions to such account, but retains the right to withdraw any account balance of such account in accordance with paragraphs (7) and (8).

"(3) CONTRIBUTION LIMITATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), no contribution shall be accepted to a pension-linked emergency savings account to the extent such contribution would cause the portion of the account balance attributable to participant contributions to exceed the lesser of—

"(i) $2,500; or

"(ii) an amount determined by the plan sponsor of the pension-linked emergency savings account.

Effective dates.

In the case of contributions made in taxable years beginning after December 31, 2024, the Secretary shall adjust the amount under clause (i) at the same time and in the same manner as the adjustment made under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2023. Any increase under the preceding sentence which is not a multiple of $100 shall be rounded to the next lowest multiple of $100.

"(B) EXCESS CONTRIBUTIONS.—To the extent any contribution to the pension-linked emergency savings account of a participant for a taxable year would exceed the limitation of subparagraph (A)—

"(i) in the case of an eligible participant with another designated Roth account under the defined contribution plan, the plan may provide that—

"(I) the participant may elect to increase the participant's contribution to such other account, and

"(II) in the absence of such a participant election, the participant is deemed to have elected to increase the participant's contributions to such account at the rate at which contributions were being made to the pension-linked emergency savings account, and

"(ii) in any other case, such plan shall provide that such excess contributions will not be accepted.

"(4) AUTOMATIC CONTRIBUTION ARRANGEMENT.—For purposes of this section—

"(A) IN GENERAL.—An automatic contribution arrangement described in this paragraph is an arrangement under which an eligible participant is treated as having elected to have the plan sponsor make elective contributions to a pension-linked emergency savings account at a participant contribution rate that is not more than 3 percent of the compensation of the eligible participant, unless the eligible participant, at any time (subject to such reasonable advance notice as is required by the plan administrator), affirmatively elects to—

"(i) make contributions at a different rate, or

"(ii) opt out of such contributions.

"(B) PARTICIPANT CONTRIBUTION RATE.—For purposes of an automatic contribution arrangement described in subparagraph (A), the plan sponsor—

"(i) shall select a participant contribution rate under such automatic contribution arrangement which meets the requirements of subparagraph (A), and

"(ii) may amend such rate (prior to the plan year for which such amendment would take effect) not more than once annually.

"(5) DISCLOSURE BY PLAN SPONSOR.—

Time periods.

"(A) IN GENERAL.—With respect to a defined contribution plan which includes a pension-linked emergency savings account, the administrator of the plan shall, not less than 30 days and not more than 90 days prior to the date of the first contribution to the pension-linked emergency savings account, including any contribution under an automatic contribution arrangement described in section 801(d)(2) of the Employee Retirement Income Security Act of 1974, or the date of any adjustment to the participant contribution rate under section 801(d)(2)(B)(ii) of such Act, and not less than annually thereafter, shall furnish to the participant a notice describing—

"(i) the purpose of the account, which is for short-term, emergency savings;

"(ii) the limits on, and tax treatment of, contributions to the pension-linked emergency savings account of the participant;

"(iii) any fees, expenses, restrictions, or charges associated with such pension-linked emergency savings account;

"(iv) procedures for electing to make contributions or opting out of the pension-linked emergency savings account, changing participant contribution rates for such account, and making participant withdrawals from such pension-linked emergency savings account, including any limits on frequency;

"(v) the amount of the intended contribution or the change in the percentage of the compensation of the participant of such contribution, if applicable;

"(vi) the amount in the pension-linked emergency savings account and the amount or percentage of compensation that a participant has contributed to such account;

"(vii) the designated investment option under section 801(c)(1)(A)(iii) of the Employee Retirement Income Security Act of 1974 for amounts contributed to the pension-linked emergency savings account;

"(viii) the options under section 801(e) of such Act for the account balance of the pension-linked emergency savings account after termination of the employment of the participant; and

"(ix) the ability of a participant who becomes a highly compensated employee (as such term is defined in section 414(q)) to, as described in section 801(b)(2) of the Employee Retirement Income Security Act of 1974, withdraw any account balance from a pension-linked emergency savings account and the restriction on the ability of such a participant to make further contributions to the pension-linked emergency savings account.

"(B) NOTICE REQUIREMENTS.—A notice furnished to a participant under subparagraph (A) shall be—

"(i) sufficiently accurate and comprehensive to apprise the participant of the rights and obligations of the participant with regard to the pension-linked emergency savings account of the participant; and

"(ii) written in a manner calculated to be understood by the average participant.

"(C) CONSOLIDATED NOTICES.—The required notices under subparagraph (A) may be included with any other notice under the Employee Retirement Income Security Act of 1974, including under section 404(c)(5)(B) or 514(e)(3) of such Act, or under section 401(k)(13)(E) or 414(w)(4), if such other notice is provided to the participant at the time required for such notice.

"(6) EMPLOYER MATCHING CONTRIBUTIONS TO A DEFINED CONTRIBUTION PLAN FOR EMPLOYEE CONTRIBUTIONS TO A PENSION-LINKED EMERGENCY SAVINGS ACCOUNT.—

"(A) IN GENERAL.—If an employer makes any matching contributions to a defined contribution plan of which a pension-linked emergency savings account is part, subject to the limitations of paragraph (3), the employer shall make matching contributions on behalf of an eligible participant on account of the participant's contributions to the pension-linked emergency savings account at the same rate as any other matching contribution on account of an elective contribution by such participant. The matching contributions shall be made to the participant's account under the defined contribution plan which is not the pension-linked emergency savings account. Such matching contributions on account of contributions to the pension-linked emergency savings account shall not exceed the maximum account balance under paragraph (3)(A) for such plan year.

"(B) COORDINATION RULE.—For purposes of any applicable limitation on matching contributions, any matching contributions made under the plan shall be treated first as attributable to the elective deferrals of the participant other than contributions to a pension-linked emergency savings account.

Definition.

"(C) MATCHING CONTRIBUTIONS.—For purposes of subparagraph (A), the term 'matching contribution' has the meaning given such term in section 401(m)(4).

"(7) DISTRIBUTIONS.—

"(A) IN GENERAL.—A pension-linked emergency savings account shall allow for withdrawal by the participant on whose behalf the account is established of the account balance, in whole or in part at the discretion of the participant, at least once per calendar month and for distribution of such withdrawal to the participant as soon as practicable after the date on which the participant elects to make such withdrawal.

"(B) TREATMENT OF DISTRIBUTIONS.—Any distribution from a pension-linked emergency savings account in accordance with subparagraph (A)—

"(i) shall be treated as a qualified distribution for purposes of subsection (d), and

"(ii) shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A).

"(8) ACCOUNT BALANCE AFTER TERMINATION.—

"(A) IN GENERAL.—Upon termination of employment of the participant, or termination by the plan sponsor of the pension-linked emergency savings account, the pension-linked emergency savings account of such participant in a defined contribution plan shall—

"(i) allow, at the election of the participant, for transfer by the participant of the account balance of such account, in whole or in part, into another designated Roth account of the participant under the defined contribution plan; and

"(ii) for any amounts in such account not transferred under paragraph (1), make such amounts available within a reasonable time to the participant.

"(B) PROHIBITION OF CERTAIN TRANSFERS.—No amounts shall be transferred by the participant from another account of the participant under any plan of the employer into the pension-linked emergency savings account of the participant.

"(C) COORDINATION WITH SECTION 72.—Subparagraph (F) of section 408A(d)(3) shall not apply (including by reason of subsection (c)(4)(D) of this section) to any rollover contribution of amounts in a pension-linked emergency savings account under subparagraph (A).

"(9) COORDINATION WITH DISTRIBUTION OF EXCESS DEFERRALS.—If any excess deferrals are distributed under section 402(g)(2)(A) to a participant, such amounts shall be distributed first from any pension-linked emergency savings account of the participant to the extent contributions were made to such account for the taxable year.

"(10) TREATMENT OF ACCOUNT BALANCES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a distribution from a pension-linked emergency savings account shall not be treated as an eligible rollover distribution for purposes of sections 401(a)(31), 402(f), and 3405.

"(B) TERMINATION.—In the case of termination of employment of the participant, or termination by the plan

sponsor of the pension-linked emergency savings account, except for purposes of 401(a)(31)(B), a distribution from a pension-linked emergency savings account which is contributed as provided in paragraph (8)(A)(i) shall be treated as an eligible rollover distribution.

"(11) EXCEPTION TO PLAN AMENDMENT RULES.—Notwithstanding section 411(d)(6), a plan which includes a pension-linked emergency savings account may cease to offer such accounts at any time.

"(12) ANTI-ABUSE RULES.—A plan of which a pension-linked emergency savings account is part—

"(A) may employ reasonable procedures to limit the frequency or amount of matching contributions with respect to contributions to such account, solely to the extent necessary to prevent manipulation of the rules of the plan to cause matching contributions to exceed the intended amounts or frequency, and

"(B) shall not be required to suspend matching contributions following any participant withdrawal of contributions, including elective deferrals and employee contributions, whether or not matched and whether or not made pursuant to an automatic contribution arrangement described in paragraph (4).

The Secretary, in consultation with the Secretary of Labor, shall issue regulations or other guidance not later than 12 months after the date of the enactment of the SECURE 2.0 Act of 2022 with respect to the anti-abuse rules described in the preceding sentence.". Regulations.

(2) TREATMENT FOR PURPOSES OF ADDITIONAL TAX ON EARLY DISTRIBUTIONS.—Section 72(t)(2), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subparagraph:

"(J) DISTRIBUTIONS FROM PENSION-LINKED EMERGENCY SAVINGS ACCOUNT.—Distributions from a pension-linked emergency savings account pursuant to section 402A(e).".

(3) BASIS RECOVERY.—Section 72(d) is amended by adding at the end the following new paragraph:

"(3) TREATMENT OF CONTRIBUTIONS TO A PENSION-LINKED EMERGENCY SAVINGS ACCOUNT.—For purposes of this section, contributions to a pension-linked emergency savings account to which section 402A(e) applies (and any income allocable thereto) may be treated as a separate contract.".

(f) REGULATORY AUTHORITY.—The Secretary of Labor and the Secretary of the Treasury (or a delegate of either such Secretary) shall have authority to issue regulations or other guidance, and to coordinate in developing regulations or other guidance, to carry out the purposes of this Act, including— 26 USC 402A note.

(1) adjustment of the limitation under section 801(d)(1) of the Employee Retirement Income Security Act of 1974 and section 402A(e)(3) of the Internal Revenue Code of 1986, as added by this Act, to account for inflation;

(2) expansion of corrections programs, if necessary;

(3) model plan language and notices relating to pension-linked emergency savings accounts; and

(4) with regard to interactions with section 401(k)(13) of the Internal Revenue Code of 1986.

26 USC 72 note.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2023.

SEC. 128. ENHANCEMENT OF 403(b) PLANS.

26 USC 403.

(a) IN GENERAL.—Subparagraph (A) of section 403(b)(7) is amended by striking "if the amounts are to be invested in regulated investment company stock to be held in that custodial account" and inserting "if the amounts are to be held in that custodial account and are invested in regulated investment company stock or a group trust intended to satisfy the requirements of Internal Revenue Service Revenue Ruling 81–100 (or any successor guidance)".

(b) CONFORMING AMENDMENT.—The heading of paragraph (7) of section 403(b) is amended by striking "FOR REGULATED INVESTMENT COMPANY STOCK".

26 USC 403 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts invested after the date of the enactment of this Act.

TITLE II—PRESERVATION OF INCOME

SEC. 201. REMOVE REQUIRED MINIMUM DISTRIBUTION BARRIERS FOR LIFE ANNUITIES.

(a) IN GENERAL.—Section 401(a)(9) is amended by adding at the end the following new subparagraph:

"(J) CERTAIN INCREASES IN PAYMENTS UNDER A COMMERCIAL ANNUITY.—Nothing in this section shall prohibit a commercial annuity (within the meaning of section 3405(e)(6)) that is issued in connection with any eligible retirement plan (within the meaning of section 402(c)(8)(B), other than a defined benefit plan) from providing one or more of the following types of payments on or after the annuity starting date:

"(i) annuity payments that increase by a constant percentage, applied not less frequently than annually, at a rate that is less than 5 percent per year,

"(ii) a lump sum payment that—

"(I) results in a shortening of the payment period with respect to an annuity or a full or partial commutation of the future annuity payments, provided that such lump sum is determined using reasonable actuarial methods and assumptions, as determined in good faith by the issuer of the contract, or

"(II) accelerates the receipt of annuity payments that are scheduled to be received within the ensuing 12 months, regardless of whether such acceleration shortens the payment period with respect to the annuity, reduces the dollar amount of benefits to be paid under the contract, or results in a suspension of annuity payments during the period being accelerated,

"(iii) an amount which is in the nature of a dividend or similar distribution, provided that the issuer

of the contract determines such amount using reasonable actuarial methods and assumptions, as determined in good faith by the issuer of the contract, when calculating the initial annuity payments and the issuer's experience with respect to those factors, or

"(iv) a final payment upon death that does not exceed the excess of the total amount of the consideration paid for the annuity payments, less the aggregate amount of prior distributions or payments from or under the contract.".

(b) EFFECTIVE DATE.—This section shall apply to calendar years ending after the date of the enactment of this Act. 26 USC 401 note.

SEC. 202. QUALIFYING LONGEVITY ANNUITY CONTRACTS. 26 USC 401 note.

(a) IN GENERAL.—Not later than the date which is 18 months after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary's delegate) shall amend the regulation issued by the Department of the Treasury relating to "Longevity Annuity Contracts" (79 Fed. Reg. 37633 (July 2, 2014)), as follows: Deadline. Regulations.

(1) REPEAL 25-PERCENT PREMIUM LIMIT.—The Secretary (or delegate) shall amend Q&A–17(b)(3) of Treas. Reg. section 1.401(a)(9)–6 and Q&A–12(b)(3) of Treas. Reg. section 1.408–8 to eliminate the requirement that premiums for qualifying longevity annuity contracts be limited to 25 percent of an individual's account balance, and to make such corresponding changes to the regulations and related forms as are necessary to reflect the elimination of this requirement.

(2) INCREASE DOLLAR LIMITATION.—

(A) IN GENERAL.—The Secretary (or delegate) shall amend Q&A–17(b)(2)(i) of Treas. Reg. section 1.401(a)(9)–6 and Q&A–12(b)(2)(i) of Treas. Reg. section 1.408–8 to increase the dollar limitation on premiums for qualifying longevity annuity contracts from $125,000 to $200,000, and to make such corresponding changes to the regulations and related forms as are necessary to reflect this increase in the dollar limitation.

(B) ADJUSTMENTS FOR INFLATION.—The Secretary (or delegate) shall amend Q&A–17(d)(2)(i) of Treas. Reg. section 1.401(a)(9)–6 to provide that, in the case of calendar years beginning on or after January 1 of the second year following the year of enactment of this Act, the $200,000 dollar limitation (as increased by subparagraph (A)) will be adjusted at the same time and in the same manner as the limits are adjusted under section 415(d) of the Internal Revenue Code of 1986, except that the base period shall be the calendar quarter beginning July 1 of the year of enactment of this Act, and any increase to such dollar limitation which is not a multiple of $10,000 will be rounded to the next lowest multiple of $10,000. Effective dates.

(3) FACILITATE JOINT AND SURVIVOR BENEFITS.—The Secretary (or delegate) shall amend Q&A–17(c) of Treas. Reg. section 1.401(a)(9)–6, and make such corresponding changes to the regulations and related forms as are necessary, to provide that, in the case of a qualifying longevity annuity contract which was purchased with joint and survivor annuity benefits for the individual and the individual's spouse which were permissible under the regulations at the time the contract

was originally purchased, a divorce occurring after the original purchase and before the annuity payments commence under the contract will not affect the permissibility of the joint and survivor annuity benefits or other benefits under the contract, or require any adjustment to the amount or duration of benefits payable under the contract, provided that any qualified domestic relations order (within the meaning of section 414(p) of the Internal Revenue Code of 1986) or, in the case of an arrangement not subject to section 414(p) of such Code or section 206(d) of the Employee Retirement Income Security Act of 1974, any divorce or separation instrument (as defined in subsection (b))—

(A) provides that the former spouse is entitled to the survivor benefits under the contract;

(B) provides that the former spouse is treated as a surviving spouse for purposes of the contract;

(C) does not modify the treatment of the former spouse as the beneficiary under the contract who is entitled to the survivor benefits; or

(D) does not modify the treatment of the former spouse as the measuring life for the survivor benefits under the contract.

(4) PERMIT SHORT FREE LOOK PERIOD.—The Secretary (or delegate) shall amend Q&A–17(a)(4) of Treas. Reg. section 1.401(a)(9)–6 to ensure that such Q&A does not preclude a contract from including a provision under which an employee may rescind the purchase of the contract within a period not exceeding 90 days from the date of purchase.

(b) DIVORCE OR SEPARATION INSTRUMENT.—For purposes of subsection (a)(3), the term "divorce or separation instrument" means—

(1) a decree of divorce or separate maintenance or a written instrument incident to such a decree;

(2) a written separation agreement; or

(3) a decree (not described in paragraph (1)) requiring a spouse to make payments for the support or maintenance of the other spouse.

(c) EFFECTIVE DATES, ENFORCEMENT, AND INTERPRETATIONS.—

(1) EFFECTIVE DATES.—

(A) Paragraphs (1) and (2) of subsection (a) shall be effective with respect to contracts purchased or received in an exchange on or after the date of the enactment of this Act.

(B) Paragraphs (3) and (4) of subsection (a) shall be effective with respect to contracts purchased or received in an exchange on or after July 2, 2014.

(2) ENFORCEMENT AND INTERPRETATIONS.—Prior to the date on which the Secretary of the Treasury issues final regulations pursuant to subsection (a)—

(A) the Secretary (or delegate) shall administer and enforce the law in accordance with subsection (a) and the effective dates in paragraph (1) of this subsection; and

(B) taxpayers may rely upon their reasonable good faith interpretations of subsection (a).

(d) REGULATORY SUCCESSOR PROVISION.—Any reference to a regulation under this section shall be treated as including a reference to any successor regulation thereto.

SEC. 203. INSURANCE-DEDICATED EXCHANGE-TRADED FUNDS.

26 USC 817 note.

Deadline. Regulations.

(a) IN GENERAL.—Not later than the date which is 7 years after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary's delegate) shall amend the regulation issued by the Department of the Treasury relating to "Income Tax; Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts", 54 Fed. Reg. 8728 (March 2, 1989), and make any necessary corresponding amendments to other regulations, in order to facilitate the use of exchange-traded funds as investment options under variable contracts within the meaning of section 817(d) of the Internal Revenue Code of 1986, in accordance with subsections (b) and (c) of this section.

(b) DESIGNATE CERTAIN AUTHORIZED PARTICIPANTS AND MARKET MAKERS AS ELIGIBLE INVESTORS.—The Secretary of the Treasury (or the Secretary's delegate) shall amend Treas. Reg. section 1.817–5(f)(3) to provide that satisfaction of the requirements in Treas. Reg. section 1.817–5(f)(2)(i) with respect to an exchange-traded fund shall not be prevented by reason of beneficial interests in such a fund being held by 1 or more authorized participants or market makers.

(c) DEFINE RELEVANT TERMS.—In amending Treas. Reg. section 1.817–5(f)(3) in accordance with subsection (b), the Secretary of the Treasury (or the Secretary's delegate) shall provide definitions consistent with the following:

(1) EXCHANGE-TRADED FUND.—The term "exchange-traded fund" means a regulated investment company, partnership, or trust—

(A) that is registered with the Securities and Exchange Commission as an open-end investment company or a unit investment trust;

(B) the shares of which can be purchased or redeemed directly from the fund only by an authorized participant; and

(C) the shares of which are traded throughout the day on a national stock exchange at market prices that may or may not be the same as the net asset value of the shares.

(2) AUTHORIZED PARTICIPANT.—The term "authorized participant" means a financial institution that is a member or participant of a clearing agency registered under section 17A(b) of the Securities Exchange Act of 1934 that enters into a contractual relationship with an exchange-traded fund pursuant to which the financial institution is permitted to purchase and redeem shares directly from the fund and to sell such shares to third parties, but only if the contractual arrangement or applicable law precludes the financial institution from—

(A) purchasing the shares for its own investment purposes rather than for the exclusive purpose of creating and redeeming such shares on behalf of third parties; and

(B) selling the shares to third parties who are not market makers or otherwise described in Treas. Reg. section 1.817–5(f) (1) and (3).

(3) MARKET MAKER.—The term "market maker" means a financial institution that is a registered broker or dealer under section 15(b) of the Securities Exchange Act of 1934 that maintains liquidity for an exchange-traded fund on a national stock

exchange by being always ready to buy and sell shares of such fund on the market, but only if the financial institution is contractually or legally precluded from selling or buying such shares to or from persons who are not authorized participants or otherwise described in Treas. Reg. section 1.817–5(f) (2) and (3).

(d) EFFECTIVE DATE.—This section shall apply to segregated asset account investments made on or after the date which is 7 years after the date of the enactment of this Act.

26 USC 401 note.

SEC. 204. ELIMINATING A PENALTY ON PARTIAL ANNUITIZATION.

(a) ELIMINATING A PENALTY ON PARTIAL ANNUITIZATION.—The Secretary of the Treasury (or the Secretary's delegate) shall amend the regulations under section 401(a)(9) of the Internal Revenue Code of 1986 to provide that if an employee's benefit is in the form of an individual account under a defined contribution plan, the plan may allow the employee to elect to have the amount required to be distributed from such account under such section for a year to be calculated as the excess of the total required amount for such year over the annuity amount for such year.

(b) DEFINITIONS.—For purposes of this section—

(1) TOTAL REQUIRED AMOUNT.—The term "total required amount", with respect to a year, means the amount which would be required to be distributed under Treas. Reg. section 1.401(a)(9)–5 (or any successor regulation) for the year, determined by treating the account balance as of the last valuation date in the immediately preceding calendar year as including the value on that date of all annuity contracts which were purchased with a portion of the account and from which payments are made in accordance with Treas. Reg. section 1.401(a)(9)–6.

(2) ANNUITY AMOUNT.—The term "annuity amount", with respect to a year, is the total amount distributed in the year from all annuity contracts described in paragraph (1).

(c) CONFORMING REGULATORY AMENDMENTS.—The Secretary of the Treasury (or the Secretary's delegate) shall amend the regulations under sections 403(b)(10), 408(a)(6), 408(b)(3), and 457(d)(2) of the Internal Revenue Code of 1986 to conform to the amendments described in subsection (a). Such conforming amendments shall treat all individual retirement plans (as defined in section 7701(a)(37) of such Code) which an individual holds as the owner, or which an individual holds as a beneficiary of the same decedent, as one such plan for purposes of the amendments described in subsection (a). Such conforming amendments shall also treat all contracts described in section 403(b) of such Code which an individual holds as an employee, or which an individual holds as a beneficiary of the same decedent, as one such contract for such purposes.

(d) EFFECTIVE DATE.—The modifications and amendments required under subsections (a) and (c) shall be deemed to have been made as of the date of the enactment of this Act, and as of such date—

(1) all applicable laws shall be applied in all respects as though the actions which the Secretary of the Treasury (or the Secretary's delegate) is required to take under such subsections had been taken, and

(2) until such time as such actions are taken, taxpayers may rely upon their reasonable good faith interpretations of this section.

TITLE III—SIMPLIFICATION AND CLARIFICATION OF RETIREMENT PLAN RULES

SEC. 301. RECOVERY OF RETIREMENT PLAN OVERPAYMENTS.

(a) OVERPAYMENTS UNDER ERISA.—Section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES APPLICABLE TO BENEFIT OVERPAYMENTS.—

"(1) GENERAL RULE.—In the case of an inadvertent benefit overpayment by any pension plan, the responsible plan fiduciary shall not be considered to have failed to comply with the requirements of this title merely because such fiduciary determines, in the exercise of its discretion, not to seek recovery of all or part of such overpayment from—

"(A) any participant or beneficiary,

"(B) any plan sponsor of, or contributing employer to—

"(i) an individual account plan, provided that the amount needed to prevent or restore any impermissible forfeiture from any participant's or beneficiary's account arising in connection with the overpayment is, separately from and independently of the overpayment, allocated to such account pursuant to the nonforfeitability requirements of section 203 (for example, out of the plan's forfeiture account, additional employer contributions, or recoveries from those responsible for the overpayment), or

"(ii) a defined benefit pension plan subject to the funding rules in part 3 of this subtitle B, unless the responsible plan fiduciary determines, in the exercise of its fiduciary discretion, that failure to recover all or part of the overpayment faster than required under such funding rules would materially affect the plan's ability to pay benefits due to other participants and beneficiaries, or

"(C) any fiduciary of the plan, other than a fiduciary (including a plan sponsor or contributing employer acting in a fiduciary capacity) whose breach of its fiduciary duties resulted in such overpayment, provided that if the plan has established prudent procedures to prevent and minimize overpayment of benefits and the relevant plan fiduciaries have followed such procedures, an inadvertent benefit overpayment will not give rise to a breach of fiduciary duty.

"(2) REDUCTION IN FUTURE BENEFIT PAYMENTS AND RECOVERY FROM RESPONSIBLE PARTY.—Paragraph (1) shall not fail to apply with respect to any inadvertent benefit overpayment merely because, after discovering such overpayment, the responsible plan fiduciary—

"(A) reduces future benefit payments to the correct amount provided for under the terms of the plan, or

"(B) seeks recovery from the person or persons responsible for the overpayment.

"(3) EMPLOYER FUNDING OBLIGATIONS.—Nothing in this subsection shall relieve an employer of any obligation imposed on it to make contributions to a plan to meet the minimum funding standards under part 3 of this subtitle B or to prevent or restore an impermissible forfeiture in accordance with section 203.

"(4) RECOUPMENT FROM PARTICIPANTS AND BENEFICIARIES.—If the responsible plan fiduciary, in the exercise of its fiduciary discretion, decides to seek recoupment from a participant or beneficiary of all or part of an inadvertent benefit overpayment made by the plan to such participant or beneficiary, it may do so, subject to the following conditions:

"(A) No interest or other additional amounts (such as collection costs or fees) are sought on overpaid amounts for any period.

"(B) If the plan seeks to recoup past overpayments of a non-decreasing annuity by reducing future benefit payments—

"(i) the reduction ceases after the plan has recovered the full dollar amount of the overpayment,

"(ii) the amount recouped each calendar year does not exceed 10 percent of the full dollar amount of the overpayment, and

"(iii) future benefit payments are not reduced to below 90 percent of the periodic amount otherwise payable under the terms of the plan.

Alternatively, if the plan seeks to recoup past overpayments of a non-decreasing annuity through one or more installment payments, the sum of such installment payments in any calendar year does not exceed the sum of the reductions that would be permitted in such year under the preceding sentence.

"(C) If the plan seeks to recoup past overpayments of a benefit other than a non-decreasing annuity, the plan satisfies requirements developed by the Secretary of Labor for purposes of this subparagraph.

"(D) Efforts to recoup overpayments are—

"(i) not accompanied by threats of litigation, unless the responsible plan fiduciary makes a determination that there is a reasonable likelihood of success to recover an amount greater than the cost of recovery, and

"(ii) not made through a collection agency or similar third party, unless the participant or beneficiary ignores or rejects efforts to recoup the overpayment following either a final judgment in Federal or State court or a settlement between the participant or beneficiary and the plan, in either case authorizing such recoupment.

"(E) Recoupment of past overpayments to a participant is not sought from any beneficiary of the participant, including a spouse, surviving spouse, former spouse, or other beneficiary.

"(F) Recoupment may not be sought if the first overpayment occurred more than 3 years before the participant

or beneficiary is first notified in writing of the error, except in the case of fraud or misrepresentation by the participant.

Applicability.

"(G) A participant or beneficiary from whom recoupment is sought is entitled to contest all or part of the recoupment pursuant to the claims procedures of the plan that made the overpayment to the extent such procedures are consistent with section 503 of this title and in the case of an inadvertent benefit overpayment from a plan to which paragraph (1) applies that is transferred to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) by or on behalf of a participant or beneficiary—

"(i) such plan shall notify the plan receiving the rollover of such dispute,

"(ii) the plan receiving the rollover shall retain such overpayment on behalf of the participant or beneficiary (and shall be entitled to treat such overpayment as plan assets) pending the outcome of such procedures, and

"(iii) the portion of such overpayment with respect to which recoupment is sought on behalf of the plan shall be permitted to be returned to such plan if it is determined to be an overpayment (and the plans making and receiving such transfer shall be treated as permitting such transfer).

"(H) In determining the amount of recoupment to seek, the responsible plan fiduciary may take into account the hardship that recoupment likely would impose on the participant or beneficiary.

"(5) EFFECT OF CULPABILITY.—Subparagraphs (A) through (F) of paragraph (4) shall not apply to protect a participant or beneficiary who is culpable. For purposes of this paragraph, a participant or beneficiary is culpable if the individual bears responsibility for the overpayment (such as through misrepresentations or omissions that led to the overpayment), or if the individual knew that the benefit payment or payments were materially in excess of the correct amount. Notwithstanding the preceding sentence, an individual is not culpable merely because the individual believed the benefit payment or payments were or might be in excess of the correct amount, if the individual raised that question with an authorized plan representative and was told the payment or payments were not in excess of the correct amount.".

(b) OVERPAYMENTS UNDER INTERNAL REVENUE CODE OF 1986.—

26 USC 414.

(1) QUALIFICATION REQUIREMENTS.—Section 414 is amended by adding at the end the following new subsection:

"(aa) SPECIAL RULES APPLICABLE TO BENEFIT OVERPAYMENTS.—

"(1) IN GENERAL.—A plan shall not fail to be treated as described in clause (i), (ii), (iii), or (iv) of section 219(g)(5)(A) (and shall not fail to be treated as satisfying the requirements of section 401(a) or 403) merely because—

"(A) the plan fails to obtain payment from any participant, beneficiary, employer, plan sponsor, fiduciary, or other party on account of any inadvertent benefit overpayment made by the plan, or

"(B) the plan sponsor amends the plan to increase past, or decrease future, benefit payments to affected

participants and beneficiaries in order to adjust for prior inadvertent benefit overpayments.

"(2) REDUCTION IN FUTURE BENEFIT PAYMENTS AND RECOVERY FROM RESPONSIBLE PARTY.—Paragraph (1) shall not fail to apply to a plan merely because, after discovering a benefit overpayment, such plan—

"(A) reduces future benefit payments to the correct amount provided for under the terms of the plan, or

"(B) seeks recovery from the person or persons responsible for such overpayment.

"(3) EMPLOYER FUNDING OBLIGATIONS.—Nothing in this subsection shall relieve an employer of any obligation imposed on it to make contributions to a plan to meet the minimum funding standards under sections 412 and 430 or to prevent or restore an impermissible forfeiture in accordance with section 411.

Applicability.

"(4) OBSERVANCE OF BENEFIT LIMITATIONS.—Notwithstanding paragraph (1), a plan to which paragraph (1) applies shall observe any limitations imposed on it by section 401(a)(17) or 415. The plan may enforce such limitations using any method approved by the Secretary for recouping benefits previously paid or allocations previously made in excess of such limitations.

Regulations. Guidance. Applicability.

"(5) COORDINATION WITH OTHER QUALIFICATION REQUIREMENTS.—The Secretary may issue regulations or other guidance of general applicability specifying how benefit overpayments and their recoupment or non-recoupment from a participant or beneficiary shall be taken into account for purposes of satisfying any requirement applicable to a plan to which paragraph (1) applies.".

(2) ROLLOVERS.—Section 402(c) is amended by adding at the end the following new paragraph:

"(12) In the case of an inadvertent benefit overpayment from a plan to which section 414(aa)(1) applies that is transferred to an eligible retirement plan by or on behalf of a participant or beneficiary—

"(A) the portion of such overpayment with respect to which recoupment is not sought on behalf of the plan shall be treated as having been paid in an eligible rollover distribution if the payment would have been an eligible rollover distribution but for being an overpayment, and

"(B) the portion of such overpayment with respect to which recoupment is sought on behalf of the plan shall be permitted to be returned to such plan and in such case shall be treated as an eligible rollover distribution transferred to such plan by the participant or beneficiary who received such overpayment (and the plans making and receiving such transfer shall be treated as permitting such transfer).".

26 USC 402 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as of the date of the enactment of this Act.

26 USC 402 note.

(d) CERTAIN ACTIONS BEFORE DATE OF ENACTMENT.—Plans, fiduciaries, employers, and plan sponsors are entitled to rely on—

(1) a reasonable good faith interpretation of then existing administrative guidance for inadvertent benefit overpayment recoupments and recoveries that commenced before the date of enactment of this Act, and

(2) determinations made before the date of enactment of this Act by the responsible plan fiduciary, in the exercise of its fiduciary discretion, not to seek recoupment or recovery of all or part of an inadvertent benefit overpayment.

In the case of a benefit overpayment that occurred prior to the date of enactment of this Act, any installment payments by the participant or beneficiary to the plan or any reduction in periodic benefit payments to the participant or beneficiary, which were made in recoupment of such overpayment and which commenced prior to such date, may continue after such date. Nothing in this subsection shall relieve a fiduciary from responsibility for an overpayment that resulted from a breach of its fiduciary duties.

SEC. 302. REDUCTION IN EXCISE TAX ON CERTAIN ACCUMULATIONS IN QUALIFIED RETIREMENT PLANS.

(a) IN GENERAL.—Section 4974(a) is amended by striking "50 percent" and inserting "25 percent". 26 USC 4974.

(b) REDUCTION IN EXCISE TAX ON FAILURES TO TAKE REQUIRED MINIMUM DISTRIBUTIONS.—Section 4974 is amended by adding at the end the following new subsection:

"(e) REDUCTION OF TAX IN CERTAIN CASES.—

"(1) REDUCTION.—In the case of a taxpayer who—

"(A) receives a distribution, during the correction window, of the amount which resulted in imposition of a tax under subsection (a) from the same plan to which such tax relates, and

"(B) submits a return, during the correction window, reflecting such tax (as modified by this subsection),

the first sentence of subsection (a) shall be applied by substituting '10 percent' for '25 percent'.

"(2) CORRECTION WINDOW.—For purposes of this subsection, the term 'correction window' means the period of time beginning on the date on which the tax under subsection (a) is imposed with respect to a shortfall of distributions from a plan described in subsection (a), and ending on the earliest of—

"(A) the date of mailing a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212,

"(B) the date on which the tax imposed by subsection (a) is assessed, or

"(C) the last day of the second taxable year that begins after the end of the taxable year in which the tax under subsection (a) is imposed.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act. 26 USC 4974 note.

SEC. 303. RETIREMENT SAVINGS LOST AND FOUND.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following:

"SEC. 523. RETIREMENT SAVINGS LOST AND FOUND. 29 USC 1153.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this section, the Secretary, in consultation with the Secretary of the Treasury, shall establish an online Deadline.

searchable database (to be managed by the Secretary in accordance with this section) to be known as the 'Retirement Savings Lost and Found'. The Retirement Savings Lost and Found shall—

"(A) allow an individual to search for information that enables the individual to locate the administrator of any plan described in paragraph (2) with respect to which the individual is or was a participant or beneficiary, and provide contact information for the administrator of any such plan;

"(B) allow the Secretary to assist such an individual in locating any such plan of the individual; and

"(C) allow the Secretary to make any necessary changes to contact information on record for the administrator based on any changes to the plan due to merger or consolidation of the plan with any other plan, division of the plan into two or more plans, bankruptcy, termination, change in name of the plan, change in name or address of the administrator, or other causes.

"(2) PLANS DESCRIBED.—A plan described in this paragraph is a plan to which the vesting standards of section 203 apply.

"(b) ADMINISTRATION.—The Retirement Savings Lost and Found established under subsection (a) shall provide individuals described in subsection (a)(1) only with the ability to search for information that enables the individual to locate the administrator and contact information for the administrator of any plan with respect to which the individual is or was a participant or beneficiary, sufficient to allow the individual to locate the individual's plan in order to make a claim for benefits owing to the individual under the plan.

"(c) SAFEGUARDING PARTICIPANT PRIVACY AND SECURITY.—In establishing the Retirement Savings Lost and Found under subsection (a), the Secretary, in consultation with the Secretary of the Treasury, shall take all necessary and proper precautions to—

"(1) ensure that individuals' plan and personal information maintained by the Retirement Savings Lost and Found is protected; and

"(2) allow any individual to contact the Secretary to opt out of inclusion in the Retirement Savings Lost and Found.

"(d) DEFINITION OF ADMINISTRATOR.—For purposes of this section, the term 'administrator' has the meaning given such term in section 3(16)(A).

Effective date.

"(e) INFORMATION COLLECTION FROM PLANS.—Effective with respect to plan years beginning after the second December 31 occurring after the date of the enactment of this subsection, the administrator of a plan to which the vesting standards of section 203 apply shall submit to the Secretary, at such time and in such form and manner as is prescribed in regulations—

"(1) the information described in paragraphs (1) through (4) of section 6057(b) of the Internal Revenue Code of 1986;

"(2) the information described in subparagraphs (A) and (B) of section 6057(a)(2) of such Code;

"(3) the name and taxpayer identifying number of each participant or former participant in the plan—

"(A) who, during the current plan year or any previous plan year, was reported under section 6057(a)(2)(C) of such

Code, and with respect to whom the benefits described in clause (ii) thereof were fully paid during the plan year;

"(B) with respect to whom any amount was distributed under section 401(a)(31)(B) of such Code during the plan year; or

"(C) with respect to whom a deferred annuity contract was distributed during the plan year; and

"(4) in the case of a participant or former participant to whom paragraph (3) applies— Applicability.

"(A) in the case of a participant described in subparagraph (B) thereof, the name and address of the designated trustee or issuer described in section 401(a)(31)(B)(i) of such Code and the account number of the individual retirement plan to which the amount was distributed; and

"(B) in the case of a participant described in subparagraph (C) thereof, the name and address of the issuer of such annuity contract and the contract or certificate number.

"(f) USE OF INFORMATION COLLECTED.—The Secretary—

"(1) may use or disclose information collected under this section only for the purpose described in subsection (a)(1)(B), and

"(2) may disclose such information only to such employees of the Department of Labor whose official duties relate to the purpose described in such subsection.

"(g) PROGRAM INTEGRITY AUDIT.—On an annual basis for each of the first 5 years beginning one year after the establishment of the database in subsection (a)(1) and every 5 years thereafter, the Inspector General of the Department of Labor shall— Deadlines.

"(1) conduct an audit of the administration of the Retirement Savings Lost and Found; and

"(2) submit a report on such audit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives.". Reports.

(b) CONFORMING AMENDMENT.—The table of contents for the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after the item relating to section 522 the following:

"Sec. 523. Retirement Savings Lost and Found.".

SEC. 304. UPDATING DOLLAR LIMIT FOR MANDATORY DISTRIBUTIONS.

(a) IN GENERAL.—Section 203(e)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(e)(1)) and sections 401(a)(31)(B)(ii) and 411(a)(11)(A) are each amended by striking "$5,000" and inserting "$7,000". 26 USC 401, 411.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2023. 26 USC 401 note.

SEC. 305. EXPANSION OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM. 26 USC 401 note.

(a) IN GENERAL.—Except as otherwise provided in the Internal Revenue Code of 1986, regulations, or other guidance of general applicability prescribed by the Secretary of the Treasury or the Secretary's delegate (referred to in this section as the "Secretary"), any eligible inadvertent failure to comply with the rules applicable

under section 401(a), 403(a), 403(b), 408(p), or 408(k) of such Code may be self-corrected under the Employee Plans Compliance Resolution System (as described in Revenue Procedure 2021–30, or any successor guidance, and hereafter in this section referred to as the "EPCRS"), except to the extent that (1) such failure was identified by the Secretary prior to any actions which demonstrate a specific commitment to implement a self-correction with respect to such failure, or (2) the self-correction is not completed within a reasonable period after such failure is identified. For purposes of self-correction of an eligible inadvertent failure, the correction period under section 9.02 of Revenue Procedure 2021–30 (or any successor guidance), except as otherwise provided under such Code, regulations, or other guidance of general applicability prescribed by the Secretary, is indefinite and has no last day, other than with respect to failures identified by the Secretary prior to any actions which demonstrate a specific commitment to implement a self-correction with respect to such failure or with respect to a self-correction that is not completed within a reasonable period, as described in the preceding sentence.

(b) LOAN ERRORS.—In the case of an eligible inadvertent failure relating to a loan from a plan to a participant—

(1) such failure may be self-corrected under subsection (a) according to the rules of section 6.07 of Revenue Procedure 2021–30 (or any successor guidance), including the provisions related to whether a deemed distribution must be reported on Form 1099–R,

(2) the Secretary of Labor shall treat any such failure which is so self-corrected under subsection (a) as meeting the requirements of the Voluntary Fiduciary Correction Program of the Department of Labor if, with respect to the violation of the fiduciary standards of the Employee Retirement Income Security Act of 1974, there is a similar loan error eligible for correction under EPCRS and the loan error is corrected in such manner, and

(3) the Secretary of Labor may impose reporting or other procedural requirements with respect to parties that intend to rely on the Voluntary Fiduciary Correction Program for self-corrections described in paragraph (2).

(c) EPCRS FOR IRAS.—The Secretary shall expand the EPCRS to allow custodians of individual retirement plans (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) to address eligible inadvertent failures with respect to an individual retirement plan (as so defined), including (but not limited to)—

Applicability.

(1) waivers of the excise tax which would otherwise apply under section 4974 of the Internal Revenue Code of 1986, and

(2) rules permitting a nonspouse beneficiary to return distributions to an inherited individual retirement plan described in section 408(d)(3)(C) of the Internal Revenue Code of 1986 in a case where, due to an inadvertent error by a service provider, the beneficiary had reason to believe that the distribution could be rolled over without inclusion in income of any part of the distributed amount.

Guidance.

(d) CORRECTION METHODS FOR ELIGIBLE INADVERTENT FAILURES.—The Secretary shall issue guidance on correction methods that are required to be used to correct eligible inadvertent failures,

including general principles of correction if a specific correction method is not specified by the Secretary.

(e) ELIGIBLE INADVERTENT FAILURE.—For purposes of this section—

(1) IN GENERAL.—Except as provided in paragraph (2), the term "eligible inadvertent failure" means a failure that occurs despite the existence of practices and procedures which—

(A) satisfy the standards set forth in section 4.04 of Revenue Procedure 2021–30 (or any successor guidance), or

(B) satisfy similar standards in the case of an individual retirement plan.

(2) EXCEPTION.—The term "eligible inadvertent failure" shall not include any failure which is egregious, relates to the diversion or misuse of plan assets, or is directly or indirectly related to an abusive tax avoidance transaction. Definition.

(f) APPLICATION OF CERTAIN REQUIREMENTS FOR CORRECTING ERRORS.—This section shall not apply to any failure unless the correction of such failure under this section is made in conformity with the general principles that apply to corrections of such failures under the Internal Revenue Code of 1986, including regulations or other guidance issued thereunder and including those principles and corrections set forth in Revenue Procedure 2021–30 (or any successor guidance).

(g) ISSUANCE OF GUIDANCE.—The Secretary of the Treasury, or the Secretary's delegate, shall revise Revenue Procedure 2021–30 (or any successor guidance) to take into account the provisions of this section not later than the date which is 2 years after the date of enactment of this Act. Deadline.

SEC. 306. ELIMINATE THE "FIRST DAY OF THE MONTH" REQUIREMENT FOR GOVERNMENTAL SECTION 457(b) PLANS.

(a) IN GENERAL.—Section 457(b)(4) is amended to read as follows: 26 USC 457.

"(4) which provides that compensation—

"(A) in the case of an eligible employer described in subsection (e)(1)(A), will be deferred only if an agreement providing for such deferral has been entered into before the compensation is currently available to the individual, and

"(B) in any other case, will be deferred for any calendar month only if an agreement providing for such deferral has been entered into before the beginning of such month,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act. 26 USC 457 note.

SEC. 307. ONE-TIME ELECTION FOR QUALIFIED CHARITABLE DISTRIBUTION TO SPLIT-INTEREST ENTITY; INCREASE IN QUALIFIED CHARITABLE DISTRIBUTION LIMITATION.

(a) ONE-TIME ELECTION FOR QUALIFIED CHARITABLE DISTRIBUTION TO SPLIT-INTEREST ENTITY.—Section 408(d)(8) is amended by adding at the end the following new subparagraph:

"(F) ONE-TIME ELECTION FOR QUALIFIED CHARITABLE DISTRIBUTION TO SPLIT-INTEREST ENTITY.—

"(i) IN GENERAL.—A taxpayer may for a taxable year elect under this subparagraph to treat as meeting the requirement of subparagraph (B)(i) any distribution

from an individual retirement account which is made directly by the trustee to a split-interest entity, but only if—

"(I) an election is not in effect under this subparagraph for a preceding taxable year,

"(II) the aggregate amount of distributions of the taxpayer with respect to which an election under this subparagraph is made does not exceed $50,000, and

"(III) such distribution meets the requirements of clauses (iii) and (iv).

Definition.

"(ii) SPLIT-INTEREST ENTITY.—For purposes of this subparagraph, the term 'split-interest entity' means—

"(I) a charitable remainder annuity trust (as defined in section 664(d)(1)), but only if such trust is funded exclusively by qualified charitable distributions,

"(II) a charitable remainder unitrust (as defined in section 664(d)(2)), but only if such unitrust is funded exclusively by qualified charitable distributions, or

"(III) a charitable gift annuity (as defined in section 501(m)(5)), but only if such annuity is funded exclusively by qualified charitable distributions and commences fixed payments of 5 percent or greater not later than 1 year from the date of funding.

"(iii) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—A distribution meets the requirements of this clause only if—

"(I) in the case of a distribution to a charitable remainder annuity trust or a charitable remainder unitrust, a deduction for the entire value of the remainder interest in the distribution for the benefit of a specified charitable organization would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph), and

"(II) in the case of a charitable gift annuity, a deduction in an amount equal to the amount of the distribution reduced by the value of the annuity described in section 501(m)(5)(B) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(iv) LIMITATION ON INCOME INTERESTS.—A distribution meets the requirements of this clause only if—

"(I) no person holds an income interest in the split-interest entity other than the individual for whose benefit such account is maintained, the spouse of such individual, or both, and

"(II) the income interest in the split-interest entity is nonassignable.

"(v) SPECIAL RULES.—

"(I) CHARITABLE REMAINDER TRUSTS.—Notwithstanding section 664(b), distributions made

from a trust described in subclause (I) or (II) of clause (ii) shall be treated as ordinary income in the hands of the beneficiary to whom the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A) is paid.

"(II) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made to fund a charitable gift annuity shall not be treated as an investment in the contract for purposes of section 72(c).".

(b) INFLATION ADJUSTMENT.—Section 408(d)(8), as amended by subsection (a), is further amended by adding at the end the following new subparagraph: 26 USC 408.

"(G) INFLATION ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any taxable year beginning after 2023, each of the dollar amounts in subparagraphs (A) and (F) shall be increased by an amount equal to— Effective date.

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

"(ii) ROUNDING.—If any dollar amount increased under clause (i) is not a multiple of $1,000, such dollar amount shall be rounded to the nearest multiple of $1,000.".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after the date of the enactment of this Act. 26 USC 408 note.

SEC. 308. DISTRIBUTIONS TO FIREFIGHTERS.

(a) IN GENERAL.—Subparagraph (A) of section 72(t)(10) is amended by striking "414(d))" and inserting "414(d)) or a distribution from a plan described in clause (iii), (iv), or (vi) of section 402(c)(8)(B) to an employee who provides firefighting services".

(b) CONFORMING AMENDMENT.—The heading of paragraph (10) of section 72(t) is amended by striking "IN GOVERNMENTAL PLANS" and inserting "AND PRIVATE SECTOR FIREFIGHTERS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after the date of the enactment of this Act. 26 USC 72 note.

SEC. 309. EXCLUSION OF CERTAIN DISABILITY-RELATED FIRST RESPONDER RETIREMENT PAYMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting after section 139B the following new section:

"SEC. 139C. CERTAIN DISABILITY-RELATED FIRST RESPONDER RETIREMENT PAYMENTS. 26 USC 139C.

"(a) IN GENERAL.—In the case of an individual who receives qualified first responder retirement payments for any taxable year, gross income shall not include so much of such payments as do not exceed the annualized excludable disability amount with respect to such individual.

Definition.

"(b) QUALIFIED FIRST RESPONDER RETIREMENT PAYMENTS.—For purposes of this section, the term 'qualified first responder retirement payments' means, with respect to any taxable year, any pension or annuity which but for this section would be includible in gross income for such taxable year and which is received—

"(1) from a plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B), and

"(2) in connection with such individual's qualified first responder service.

Definitions.

"(c) ANNUALIZED EXCLUDABLE DISABILITY AMOUNT.—For purposes of this section—

Time period.

"(1) IN GENERAL.—The term 'annualized excludable disability amount' means, with respect to any individual, the service-connected excludable disability amounts which are properly attributable to the 12-month period immediately preceding the date on which such individual attains retirement age.

"(2) SERVICE-CONNECTED EXCLUDABLE DISABILITY AMOUNT.—The term 'service-connected excludable disability amount' means periodic payments received by an individual which—

"(A) are not includible in such individual's gross income under section 104(a)(1),

"(B) are received in connection with such individual's qualified first responder service, and

"(C) terminate when such individual attains retirement age.

Applicability.

"(3) SPECIAL RULE FOR PARTIAL-YEAR PAYMENTS.—In the case of an individual who only receives service-connected excludable disability amounts properly attributable to a portion of the 12-month period described in paragraph (1), such paragraph shall be applied by multiplying such amounts by the ratio of 365 to the number of days in such period to which such amounts were properly attributable.

"(d) QUALIFIED FIRST RESPONDER SERVICE.—For purposes of this section, the term 'qualified first responder service' means service as a law enforcement officer, firefighter, paramedic, or emergency medical technician.".

26 USC prec. 101.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139B the following new item:

"Sec. 139C. Certain disability-related first responder retirement payments.".

26 USC 139C note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received with respect to taxable years beginning after December 31, 2026.

SEC. 310. APPLICATION OF TOP HEAVY RULES TO DEFINED CONTRIBUTION PLANS COVERING EXCLUDABLE EMPLOYEES.

(a) IN GENERAL.—Paragraph (2) of section 416(c) is amended by adding at the end the following new subparagraph:

"(C) APPLICATION TO EMPLOYEES NOT MEETING AGE AND SERVICE REQUIREMENTS.—Any employees not meeting the age or service requirements of section 410(a)(1) (without regard to subparagraph (B) thereof) may be excluded from consideration in determining whether any plan of the employer meets the requirements of subparagraphs (A) and (B).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2023. 26 USC 416 note.

SEC. 311. REPAYMENT OF QUALIFIED BIRTH OR ADOPTION DISTRIBUTION LIMITED TO 3 YEARS.

(a) IN GENERAL.—Section 72(t)(2)(H)(v)(I) is amended by striking "may make" and inserting "may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make". 26 USC 72.

(b) EFFECTIVE DATE.— 26 USC 72 note.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

(2) TEMPORARY RULE WITH RESPECT TO DISTRIBUTIONS ALREADY MADE.—In the case of a qualified birth or adoption distribution (as defined in section 72(t)(2)(H)(iii)(I) of the Internal Revenue Code of 1986) made on or before the date of the enactment of this Act, section 72(t)(2)(H)(v)(I) of such Code (as amended by this Act) shall apply to such distribution by substituting "after such distribution and before January 1, 2026" for "during the 3-year period beginning on the day after the date on which such distribution was received". Applicability.

SEC. 312. EMPLOYER MAY RELY ON EMPLOYEE CERTIFYING THAT DEEMED HARDSHIP DISTRIBUTION CONDITIONS ARE MET. Determinations.

(a) CASH OR DEFERRED ARRANGEMENTS.—Section 401(k)(14) is amended by adding at the end the following new subparagraph:

"(C) EMPLOYEE CERTIFICATION.—In determining whether a distribution is upon the hardship of an employee, the administrator of the plan may rely on a written certification by the employee that the distribution is—

"(i) on account of a financial need of a type which is deemed in regulations prescribed by the Secretary to be an immediate and heavy financial need, and

"(ii) not in excess of the amount required to satisfy such financial need, and

that the employee has no alternative means reasonably available to satisfy such financial need. The Secretary may provide by regulations for exceptions to the rule of the preceding sentence in cases where the plan administrator has actual knowledge to the contrary of the employee's certification, and for procedures for addressing cases of employee misrepresentation.".

(b) 403(b) PLANS.—

(1) CUSTODIAL ACCOUNTS.—Section 403(b)(7) is amended by adding at the end the following new subparagraph:

"(D) EMPLOYEE CERTIFICATION.—In determining whether a distribution is upon the financial hardship of an employee, the administrator of the plan may rely on a written certification by the employee that the distribution is—

"(i) on account of a financial need of a type which is deemed in regulations prescribed by the Secretary to be an immediate and heavy financial need, and

"(ii) not in excess of the amount required to satisfy such financial need, and

that the employee has no alternative means reasonably available to satisfy such financial need. The Secretary may

provide by regulations for exceptions to the rule of the preceding sentence in cases where the plan administrator has actual knowledge to the contrary of the employee's certification, and for procedures for addressing cases of employee misrepresentation.".

26 USC 403.

(2) ANNUITY CONTRACTS.—Section 403(b)(11) is amended by adding at the end the following: "In determining whether a distribution is upon hardship of an employee, the administrator of the plan may rely on a written certification by the employee that the distribution is on account of a financial need of a type which is deemed in regulations prescribed by the Secretary to be an immediate and heavy financial need and is not in excess of the amount required to satisfy such financial need, and that the employee has no alternative means reasonably available to satisfy such financial need. The Secretary may provide by regulations for exceptions to the rule of the preceding sentence in cases where the plan administrator has actual knowledge to the contrary of the employee's certification, and for procedures for addressing cases of employee misrepresentation.".

(c) 457(b) PLAN.—Section 457(d) is amended by adding at the end the following new paragraph:

"(4) PARTICIPANT CERTIFICATION.—In determining whether a distribution to a participant is made when the participant is faced with an unforeseeable emergency, the administrator of a plan maintained by an eligible employer described in subsection (e)(1)(A) may rely on a written certification by the participant that the distribution is—

"(A) made when the participant is faced with an unforeseeable emergency of a type which is described in regulations prescribed by the Secretary as an unforeseeable emergency, and

"(B) not in excess of the amount required to satisfy the emergency need, and

that the participant has no alternative means reasonably available to satisfy such emergency need. The Secretary may provide by regulations for exceptions to the rule of the preceding sentence in cases where the plan administrator has actual knowledge to the contrary of the participant's certification, and for procedures for addressing cases of participant misrepresentation.".

26 USC 401 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 313. INDIVIDUAL RETIREMENT PLAN STATUTE OF LIMITATIONS FOR EXCISE TAX ON EXCESS CONTRIBUTIONS AND CERTAIN ACCUMULATIONS.

(a) IN GENERAL.—Section 6501(l) is amended by adding at the end the following new paragraph:

"(4) INDIVIDUAL RETIREMENT PLANS.—

"(A) IN GENERAL.—For purposes of any tax imposed by section 4973 or 4974 in connection with an individual retirement plan, the return referred to in this section shall include the income tax return filed by the person on whom the tax under such section is imposed for the year in

which the act (or failure to act) giving rise to the liability for such tax occurred.

"(B) RULE IN CASE OF INDIVIDUALS NOT REQUIRED TO FILE RETURN.—In the case of a person who is not required to file an income tax return for such year—

"(i) the return referred to in this section shall be the income tax return that such person would have been required to file but for the fact that such person was not required to file such return, and

"(ii) the 3-year period referred to in subsection (a) with respect to the return shall be deemed to begin on the date by which the return would have been required to be filed (excluding any extension thereof). Time period.

"(C) PERIOD FOR ASSESSMENT IN CASE OF INCOME TAX RETURN.—In any case in which the return with respect to a tax imposed by section 4973 is the individual's income tax return for purposes of this section, subsection (a) shall be applied by substituting a 6-year period in lieu of the 3-year period otherwise referred to in such subsection. Applicability.

"(D) EXCEPTION FOR CERTAIN ACQUISITIONS OF PROPERTY.—In the case of any tax imposed by section 4973 that is attributable to acquiring property for less than fair market value, subparagraph (A) shall not apply.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 6501 note.

SEC. 314. PENALTY-FREE WITHDRAWAL FROM RETIREMENT PLANS FOR INDIVIDUAL IN CASE OF DOMESTIC ABUSE.

(a) IN GENERAL.—Paragraph (2) of section 72(t), as amended by this Act, is further amended by adding at the end the following new subparagraph: 26 USC 72.

"(K) DISTRIBUTION FROM RETIREMENT PLAN IN CASE OF DOMESTIC ABUSE.—

"(i) IN GENERAL.—Any eligible distribution to a domestic abuse victim.

"(ii) LIMITATION.—The aggregate amount which may be treated as an eligible distribution to a domestic abuse victim by any individual shall not exceed an amount equal to the lesser of—

"(I) $10,000, or

"(II) 50 percent of the present value of the nonforfeitable accrued benefit of the employee under the plan.

"(iii) ELIGIBLE DISTRIBUTION TO A DOMESTIC ABUSE VICTIM.—For purposes of this subparagraph—

"(I) IN GENERAL.—A distribution shall be treated as an eligible distribution to a domestic abuse victim if such distribution is from an applicable eligible retirement plan and is made to an individual during the 1-year period beginning on any date on which the individual is a victim of domestic abuse by a spouse or domestic partner. Time period.

"(II) DOMESTIC ABUSE.—The term 'domestic abuse' means physical, psychological, sexual, emotional, or economic abuse, including efforts to control, isolate, humiliate, or intimidate the victim, or to undermine the victim's ability to reason Definition.

independently, including by means of abuse of the victim's child or another family member living in the household.

"(iv) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to clause (ii)) be an eligible distribution to a domestic abuse victim, a plan shall not be treated as failing to meet any requirement of this title merely because the plan treats the distribution as an eligible distribution to a domestic abuse victim, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer, determined as provided in subparagraph (H)(iv)(II)) to such individual exceeds the limitation under clause (ii).

Applicability.

"(v) AMOUNT DISTRIBUTED MAY BE REPAID.—Rules similar to the rules of subparagraph (H)(v) shall apply with respect to an individual who receives a distribution to which clause (i) applies.

"(vi) DEFINITION AND SPECIAL RULES.—For purposes of this subparagraph:

"(I) APPLICABLE ELIGIBLE RETIREMENT PLAN.—The term 'applicable eligible retirement plan' means an eligible retirement plan (as defined in section 402(c)(8)(B)) other than a defined benefit plan or a plan to which sections 401(a)(11) and 417 apply.

"(II) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, an eligible distribution to a domestic abuse victim shall not be treated as an eligible rollover distribution.

"(III) DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS; SELF-CERTIFICATION.—Any distribution which the employee or participant certifies as being an eligible distribution to a domestic abuse victim shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A).

Effective dates.

"(vii) INFLATION ADJUSTMENT.—In the case of a taxable year beginning in a calendar year after 2024, the $10,000 amount in clause (ii)(I) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2023' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount after adjustment under the preceding sentence is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.".

26 USC 72 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2023.

SEC. 315. REFORM OF FAMILY ATTRIBUTION RULE.

(a) IN GENERAL.—Section 414 is amended— 26 USC 414.

(1) in subsection (b)—

(A) by striking "For purposes of" and inserting the following:

"(1) IN GENERAL.—For purposes of", and

(B) by adding at the end the following new paragraphs:

"(2) SPECIAL RULES FOR APPLYING FAMILY ATTRIBUTION.—For purposes of applying the attribution rules under section 1563 with respect to paragraph (1), the following rules apply:

"(A) Community property laws shall be disregarded for purposes of determining ownership.

"(B) Except as provided by the Secretary, stock of an individual not attributed under section 1563(e)(5) to such individual's spouse shall not be attributed to such spouse by reason of the combined application of paragraphs (1) and (6)(A) of section 1563(e).

"(C) Except as provided by the Secretary, in the case of stock in different corporations that is attributed to a child under section 1563(e)(6)(A) from each parent, and is not attributed to such parents as spouses under section 1563(e)(5), such attribution to the child shall not by itself result in such corporations being members of the same controlled group.

"(3) PLAN SHALL NOT FAIL TO BE TREATED AS SATISFYING THIS SECTION.—If application of paragraph (2) causes 2 or more entities to be a controlled group or to no longer be in a controlled group, such change shall be treated as a transaction to which section 410(b)(6)(C) applies.", and

(2) in subsection (m)(6)(B)—

(A) by striking "OWNERSHIP.—In determining" and inserting the following: "OWNERSHIP.—

"(i) IN GENERAL.—In determining",

(B) by adding at the end the following new clauses:

"(ii) SPECIAL RULES FOR APPLYING FAMILY ATTRIBUTION.—For purposes of applying the attribution rules under section 318 with respect to clause (i), the following rules apply:

"(I) Community property laws shall be disregarded for purposes of determining ownership.

"(II) Except as provided by the Secretary, stock of an individual not attributed under section 318(a)(1)(A)(i) to such individual's spouse shall not be attributed by reason of the combined application of paragraphs (1)(A)(ii) and (4) of section 318(a) to such spouse from a child who has not attained the age of 21 years.

"(III) Except as provided by the Secretary, in the case of stock in different organizations which is attributed under section 318(a)(1)(A)(ii) from each parent to a child who has not attained the age of 21 years, and is not attributed to such parents as spouses under section 318(a)(1)(A)(i), such attribution to the child shall not by itself result in such organizations being members of the same affiliated service group.

Applicability.

"(iii) PLAN SHALL NOT FAIL TO BE TREATED AS SATISFYING THIS SECTION.—If the application of clause (ii) causes two or more entities to be an affiliated service group, or to no longer be in an affiliated service group, such change shall be treated as a transaction to which section 410(b)(6)(C) applies.", and

(C) by striking "apply" in clause (i), as so added, and inserting "apply, except that community property laws shall be disregarded for purposes of determining ownership".

26 USC 414 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2023.

SEC. 316. AMENDMENTS TO INCREASE BENEFIT ACCRUALS UNDER PLAN FOR PREVIOUS PLAN YEAR ALLOWED UNTIL EMPLOYER TAX RETURN DUE DATE.

26 USC 401.

(a) IN GENERAL.—Section 401(b) is amended by adding at the end the following new paragraph:

"(3) RETROACTIVE PLAN AMENDMENTS THAT INCREASE BENEFIT ACCRUALS.—If—

"(A) an employer amends a stock bonus, pension, profit-sharing, or annuity plan to increase benefits accrued under the plan effective as of any date during the immediately preceding plan year (other than increasing the amount of matching contributions (as defined in subsection (m)(4)(A))),

"(B) such amendment would not otherwise cause the plan to fail to meet any of the requirements of this subchapter, and

"(C) such amendment is adopted before the time prescribed by law for filing the return of the employer for the taxable year (including extensions thereof) which includes the date described in subparagraph (A),

the employer may elect to treat such amendment as having been adopted as of the last day of the plan year in which the amendment is effective.".

26 USC 401 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2023.

SEC. 317. RETROACTIVE FIRST YEAR ELECTIVE DEFERRALS FOR SOLE PROPRIETORS.

(a) IN GENERAL.—Section 401(b)(2) is amended by adding at the end the following: "In the case of an individual who owns the entire interest in an unincorporated trade or business, and who is the only employee of such trade or business, any elective deferrals (as defined in section 402(g)(3)) under a qualified cash or deferred arrangement to which the preceding sentence applies, which are made by such individual before the time for filing the return of such individual for the taxable year (determined without regard to any extensions) ending after or with the end of the plan's first plan year, shall be treated as having been made before the end of such first plan year.".

26 USC 401 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 318. PERFORMANCE BENCHMARKS FOR ASSET ALLOCATION FUNDS.

Deadlines.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations under section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) providing that, in the case of a designated investment alternative that contains a mix of asset classes, the administrator of a plan may, but is not required to, use a benchmark that is a blend of different broad-based securities market indices if—

Regulations. 29 USC 1104 note.

(1) the blend is reasonably representative of the asset class holdings of the designated investment alternative;

(2) for purposes of determining the blend's returns for 1-, 5-, and 10-calendar-year periods (or for the life of the alternative, if shorter), the blend is modified at least once per year if needed to reflect changes in the asset class holdings of the designated investment alternative;

(3) the blend is furnished to participants and beneficiaries in a manner that is reasonably calculated to be understood by the average plan participant; and

(4) each securities market index that is used for an associated asset class would separately satisfy the requirements of such regulation for such asset class.

(b) STUDY.—Not later than 3 years after the applicability date of regulations issued under this section, the Secretary of Labor shall deliver a report to the Committees on Finance and Health, Education, Labor, and Pensions of the Senate and the Committees on Ways and Means and Education and Labor of the House of Representatives regarding the utilization, and participants' understanding, of the benchmarking requirements under this section.

SEC. 319. REVIEW AND REPORT TO CONGRESS RELATING TO REPORTING AND DISCLOSURE REQUIREMENTS.

(a) STUDY.—As soon as practicable after the date of enactment of this Act, the Secretary of Labor, the Secretary of the Treasury, and the Director of the Pension Benefit Guaranty Corporation shall review the reporting and disclosure requirements as applicable to each such agency head, of—

(1) the Employee Retirement Income Security Act of 1974 applicable to pension plans (as defined in section 3(2) of such Act (29 U.S.C. 1002(2)) covered by title I of such Act; and

(2) the Internal Revenue Code of 1986 applicable to qualified retirement plans (as defined in section 4974(c) of such Code, without regard to paragraphs (4) and (5) of such section).

(b) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of Labor, the Secretary of the Treasury, and the Director of the Pension Benefit Guaranty Corporation, jointly, and after consultation with a balanced group of participant and employer representatives, shall with respect to plans referenced in subsection (a) report on the effectiveness of the applicable reporting and disclosure requirements and make such recommendations as may be appropriate to the Committee on Education and Labor and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate to consolidate, simplify,

Consultation. Recommendations.

standardize, and improve such requirements so as to simplify reporting for, and disclosure from, such plans and ensure that plans can furnish and participants and beneficiaries timely receive and better understand the information they need to monitor their plans, plan for retirement, and obtain the benefits they have earned.

(2) ANALYSIS OF EFFECTIVENESS.—To assess the effectiveness of the applicable reporting and disclosure requirements, the report shall include an analysis of how participants and beneficiaries are providing preferred contact information, the methods by which plan sponsors and plans are furnishing disclosures, and the rate at which participants and beneficiaries are receiving, accessing, understanding, and retaining disclosures.

Surveys. Data.

(3) COLLECTION OF INFORMATION.—The agencies shall conduct appropriate surveys and data collection to obtain any needed information.

SEC. 320. ELIMINATING UNNECESSARY PLAN REQUIREMENTS RELATED TO UNENROLLED PARTICIPANTS.

(a) AMENDMENT OF ERISA.—

(1) IN GENERAL.—Part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended by redesignating section 111 as section 112 and by inserting after section 110 the following new section:

18 USC 664, prec. 1001, 1027, 1954; 29 USC 441, 1031. 29 USC 1030a.

"SEC. 111. ELIMINATING UNNECESSARY PLAN REQUIREMENTS RELATED TO UNENROLLED PARTICIPANTS.

"(a) IN GENERAL.—Notwithstanding any other provision of this title, with respect to any individual account plan, no disclosure, notice, or other plan document (other than the notices and documents described in paragraphs (1) and (2)) shall be required to be furnished under this title to any unenrolled participant if the unenrolled participant is furnished—

"(1) an annual reminder notice of such participant's eligibility to participate in such plan and any applicable election deadlines under the plan; and

"(2) any document requested by such participant that the participant would be entitled to receive notwithstanding this section.

"(b) UNENROLLED PARTICIPANT.—For purposes of this section, the term 'unenrolled participant' means an employee who—

"(1) is eligible to participate in an individual account plan;

"(2) has been furnished—

"(A) the summary plan description pursuant to section 104(b), and

"(B) any other notices related to eligibility under the plan required to be furnished under this title, or the Internal Revenue Code of 1986, in connection with such participant's initial eligibility to participate in such plan;

"(3) is not participating in such plan; and

"(4) satisfies such other criteria as the Secretary of Labor may determine appropriate, as prescribed in guidance issued in consultation with the Secretary of Treasury.

For purposes of this section, any eligibility to participate in the plan following any period for which such employee was not eligible to participate shall be treated as initial eligibility.

"(c) ANNUAL REMINDER NOTICE.—For purposes of this section, the term 'annual reminder notice' means a notice provided in accordance with section 2520.104b–1 of title 29, Code of Federal Regulations (or any successor regulation), which— Definition.

"(1) is furnished in connection with the annual open season election period with respect to the plan or, if there is no such period, is furnished within a reasonable period prior to the beginning of each plan year;

"(2) notifies the unenrolled participant of—

"(A) the unenrolled participant's eligibility to participate in the plan; and

"(B) the key benefits and rights under the plan, with a focus on employer contributions and vesting provisions; and

"(3) provides such information in a prominent manner calculated to be understood by the average participant.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by striking the item relating to section 111 and by inserting after the item relating to section 110 the following new items:

"Sec. 111. Eliminating unnecessary plan requirements related to unenrolled participants.
"Sec. 112. Repeal and effective date.".

(b) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Section 414, as amended by the preceding provisions of this Act, is amended by adding at the end the following new subsection: 26 USC 414.

"(bb) ELIMINATING UNNECESSARY PLAN REQUIREMENTS RELATED TO UNENROLLED PARTICIPANTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, with respect to any defined contribution plan, no disclosure, notice, or other plan document (other than the notices and documents described in subparagraphs (A) and (B)) shall be required to be furnished under this title to any unenrolled participant if the unenrolled participant is furnished—

"(A) an annual reminder notice of such participant's eligibility to participate in such plan and any applicable election deadlines under the plan, and

"(B) any document requested by such participant that the participant would be entitled to receive notwithstanding this subsection.

"(2) UNENROLLED PARTICIPANT.—For purposes of this subsection, the term 'unenrolled participant' means an employee who— Definition.

"(A) is eligible to participate in a defined contribution plan,

"(B) has been furnished—

"(i) the summary plan description pursuant to section 104(b) of the Employee Retirement Income Security Act of 1974, and

"(ii) any other notices related to eligibility under the plan and required to be furnished under this title, or the Employee Retirement Income Security Act of 1974, in connection with such participant's initial eligibility to participate in such plan,

"(C) is not participating in such plan, and

"(D) satisfies such other criteria as the Secretary of the Treasury may determine appropriate, as prescribed in guidance issued in consultation with the Secretary of Labor.

For purposes of this subsection, any eligibility to participate in the plan following any period for which such employee was not eligible to participate shall be treated as initial eligibility.

Definition.

"(3) ANNUAL REMINDER NOTICE.—For purposes of this subsection, the term 'annual reminder notice' means the notice described in section 111(c) of the Employee Retirement Income Security Act of 1974.".

26 USC 414 note.

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

SEC. 321. REVIEW OF PENSION RISK TRANSFER INTERPRETIVE BULLETIN.

Deadline.

Not later than 1 year after the date of enactment of this Act, the Secretary of Labor shall—

Consultation.
Determination.

(1) review section 2509.95–1 of title 29, Code of Federal Regulations (relating to the fiduciary standards under the Employee Retirement Income Security Act of 1974 when selecting an annuity provider for a defined benefit pension plan) and consult with the Advisory Council on Employee Welfare and Pension Benefit Plans (established under section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142)), to determine whether amendments to section 2509.95–1 of title 29, Code of Federal Regulations are warranted; and

Assessment.

(2) report to Congress on the findings of such review and consultation, including an assessment of any risk to participants.

SEC. 322. TAX TREATMENT OF IRA INVOLVED IN A PROHIBITED TRANSACTION.

26 USC 408.

(a) IN GENERAL.—Section 408(e)(2)(A) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end the following new clause:

"(iii) each individual retirement plan of the individual shall be treated as a separate contract.".

26 USC 408 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to infer the proper treatment under the Internal Revenue Code of 1986 of individual retirement plans as 1 contract in the case of any other provision of such Code to which the amendments made by this section do not apply.

SEC. 323. CLARIFICATION OF SUBSTANTIALLY EQUAL PERIODIC PAYMENT RULE.

(a) IN GENERAL.—Paragraph (4) of section 72(t) is amended by inserting at the end the following new subparagraph:

"(C) ROLLOVERS TO SUBSEQUENT PLAN.—If—

"(i) payments described in paragraph (2)(A)(iv) are being made from a qualified retirement plan,

"(ii) a transfer or a rollover from such qualified retirement plan of all or a portion of the taxpayer's benefit under the plan is made to another qualified retirement plan, and

"(iii) distributions from the transferor and transferee plans would in combination continue to satisfy the requirements of paragraph (2)(A)(iv) if they had been made only from the transferor plan,

such transfer or rollover shall not be treated as a modification under subparagraph (A)(ii), and compliance with paragraph (2)(A)(iv) shall be determined on the basis of the combined distributions described in clause (iii).".

(b) NONQUALIFIED ANNUITY CONTRACTS.—Paragraph (3) of section 72(q) is amended—

(1) by redesignating clauses (i) and (ii) of subparagraph (B) as subclauses (I) and (II), and by moving such subclauses 2 ems to the right;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), by moving such clauses 2 ems to the right, and by adjusting the flush language at the end accordingly;

(3) by striking "PAYMENTS.—If" and inserting "PAYMENTS.—

"(A) IN GENERAL.—If—"; and

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

"(B) EXCHANGES TO SUBSEQUENT CONTRACTS.—If—

"(i) payments described in paragraph (2)(D) are being made from an annuity contract,

"(ii) an exchange of all or a portion of such contract for another contract is made under section 1035, and

"(iii) the aggregate distributions from the contracts involved in the exchange continue to satisfy the requirements of paragraph (2)(D) as if the exchange had not taken place,

such exchange shall not be treated as a modification under subparagraph (A)(ii), and compliance with paragraph (2)(D) shall be determined on the basis of the combined distributions described in clause (iii).".

(c) INFORMATION REPORTING.—Section 6724 is amended by inserting at the end the following new subsection: 26 USC 6724.

"(g) SPECIAL RULE FOR REPORTING CERTAIN ADDITIONAL TAXES.—No penalty shall be imposed under section 6721 or 6722 if—

"(1) a person makes a return or report under section 6047(d) or 408(i) with respect to any distribution,

"(2) such distribution is made following a rollover, transfer, or exchange described in section 72(t)(4)(C) or section 72(q)(3)(C),

"(3) in making such return or report the person relies upon a certification provided by the taxpayer that the distributions satisfy the requirements of section 72(t)(4)(C)(iii) or section 72(q)(3)(B)(iii), as applicable, and

"(4) such person does not have actual knowledge that the distributions do not satisfy such requirements.".

(d) SAFE HARBOR FOR ANNUITY PAYMENTS.—

(1) QUALIFIED RETIREMENT PLANS.—Subparagraph (A) of section 72(t)(2) is amended by adding at the end the following flush sentence:

"For purposes of clause (iv), periodic payments shall not fail to be treated as substantially equal merely because they are amounts received as an annuity, and such periodic payments shall be deemed to be substantially equal if they are payable over a period described in clause (iv) and satisfy the requirements applicable to annuity payments under section 401(a)(9).".

26 USC 72.

(2) OTHER ANNUITY CONTRACTS.—Paragraph (2) of section 72(q) is amended by adding at the end the following flush sentence:

"For purposes of subparagraph (D), periodic payments shall not fail to be treated as substantially equal merely because they are amounts received as an annuity, and such periodic payments shall be deemed to be substantially equal if they are payable over a period described in subparagraph (D) and would satisfy the requirements applicable to annuity payments under section 401(a)(9) if such requirements applied.".

Applicability.
26 USC 72 note.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall apply to transfers, rollovers, and exchanges occurring after December 31, 2023.

(2) ANNUITY PAYMENTS.—The amendment made by subsection (d) shall apply to distributions commencing on or after the date of the enactment of this Act.

(3) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to create an inference with respect to the law in effect prior to the effective date of such amendments.

26 USC 408 note.

SEC. 324. TREASURY GUIDANCE ON ROLLOVERS.

Deadline.
Standards.
Guidance.
Procedures.

(a) IN GENERAL.—Not later than January 1, 2025, the Secretary of the Treasury or the Secretary's delegate shall, to simplify, standardize, facilitate, and expedite the completion of rollovers to eligible retirement plans (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) and trustee-to-trustee transfers from individual retirement plans (as defined in section 7701(a)(37) of such Code), develop and issue—

(1) guidance in the form of sample forms (including relevant procedures and protocols) for rollovers of eligible rollover distributions from a retirement to an eligible retirement plan which—

(A) are written in a manner calculated to be understood by the average person, and

(B) can be used by both distributing eligible retirement plans and receiving retirement plans, and

(2) guidance in the form of sample forms (including relevant procedures and protocols) for trustee-to-trustee transfers of amounts from an individual retirement plan to another individual retirement plan which—

(A) are written in a manner calculated to be understood by the average person, and

(B) can be used by both transferring individual retirement plans and individual retirement plans receiving the transfer.

(b) OTHER REQUIREMENTS.—In developing the sample forms under subsection (a), the Secretary (or Secretary's delegate) shall obtain relevant information from participants and plan sponsor

representatives and consider potential coordination with sections 319 and 336 of this Act.

SEC. 325. ROTH PLAN DISTRIBUTION RULES.

(a) IN GENERAL.—Subsection (d) of section 402A is amended by adding at the end the following new paragraph: 26 USC 402A.

"(5) MANDATORY DISTRIBUTION RULES NOT TO APPLY BEFORE DEATH.—Notwithstanding sections 403(b)(10) and 457(d)(2), the following provisions shall not apply to any designated Roth account:

"(A) Section 401(a)(9)(A).

"(B) The incidental death benefit requirements of section 401(a).".

(b) EFFECTIVE DATE.— 26 USC 402A note.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2023.

(2) SPECIAL RULE.—The amendment made by this section shall not apply to distributions which are required with respect to years beginning before January 1, 2024, but are permitted to be paid on or after such date.

SEC. 326. EXCEPTION TO PENALTY ON EARLY DISTRIBUTIONS FROM QUALIFIED PLANS FOR INDIVIDUALS WITH A TERMINAL ILLNESS.

(a) IN GENERAL.—Section 72(t)(2), as amended by this Act, is further amended by adding at the end the following new subparagraph:

"(L) TERMINAL ILLNESS.—

"(i) IN GENERAL.—Distributions which are made to the employee who is a terminally ill individual on or after the date on which such employee has been certified by a physician as having a terminal illness.

"(ii) DEFINITION.—For purposes of this subparagraph, the term 'terminally ill individual' has the same meaning given such term under section 101(g)(4)(A), except that '84 months' shall be substituted for '24 months'.

"(iii) DOCUMENTATION.—For purposes of this subparagraph, an employee shall not be considered to be a terminally ill individual unless such employee furnishes sufficient evidence to the plan administrator in such form and manner as the Secretary may require.

"(iv) AMOUNT DISTRIBUTED MAY BE REPAID.—Rules similar to the rules of subparagraph (H)(v) shall apply with respect to an individual who receives a distribution to which clause (i) applies.". Applicability.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act. 26 USC 72 note.

SEC. 327. SURVIVING SPOUSE ELECTION TO BE TREATED AS EMPLOYEE.

(a) IN GENERAL.—Section 401(a)(9)(B)(iv), as amended by this Act, is further amended to read as follows:

"(iv) SPECIAL RULE FOR SURVIVING SPOUSE OF EMPLOYEE.—If the designated beneficiary referred to in clause (iii)(I) is the surviving spouse of the employee

and the surviving spouse elects the treatment in this clause—

"(I) the regulations referred to in clause (iii)(II) shall treat the surviving spouse as if the surviving spouse were the employee,

"(II) the date on which the distributions are required to begin under clause (iii)(III) shall not be earlier than the date on which the employee would have attained the applicable age, and

Applicability.

"(III) if the surviving spouse dies before the distributions to such spouse begin, this subparagraph shall be applied as if the surviving spouse is the employee.

An election described in this clause shall be made at such time and in such manner as prescribed by the Secretary, shall include a timely notice to the plan administrator, and once made may not be revoked except with the consent of the Secretary.".

26 USC 401 note.

(b) EXTENSION OF ELECTION OF AT LEAST AS RAPIDLY RULE.—The Secretary shall amend Q&A–5(a) of Treasury Regulation section 1.401(a)(9)–5 (or any successor regulation thereto) to provide that if the surviving spouse is the employee's sole designated beneficiary and the spouse elects treatment under section 401(a)(9)(B)(iv), then the applicable distribution period for distribution calendar years after the distribution calendar year including the employee's date of death is determined under the uniform lifetime table.

26 USC 401 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2023.

SEC. 328. REPEAL OF DIRECT PAYMENT REQUIREMENT ON EXCLUSION FROM GROSS INCOME OF DISTRIBUTIONS FROM GOVERNMENTAL PLANS FOR HEALTH AND LONG-TERM CARE INSURANCE.

26 USC 402.

(a) IN GENERAL.—Section 402(l)(5)(A) is amended to read as follows:

"(A) DIRECT PAYMENT TO INSURER PERMITTED.—

Applicability.

"(i) IN GENERAL.—Paragraph (1) shall apply to a distribution without regard to whether payment of the premiums is made directly to the provider of the accident or health plan or qualified long-term care insurance contract by deduction from a distribution from the eligible retirement plan, or is made to the employee.

"(ii) REPORTING.—In the case of a payment made to the employee as described in clause (i), the employee shall include with the return of tax for the taxable year in which the distribution is made an attestation that the distribution does not exceed the amount paid by the employee for qualified health insurance premiums for such taxable year.".

26 USC 402 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

SEC. 329. MODIFICATION OF ELIGIBLE AGE FOR EXEMPTION FROM EARLY WITHDRAWAL PENALTY.

(a) IN GENERAL.—Subparagraph (A) of section 72(t)(10), as amended by this Act, is further amended by striking "age 50"

and inserting "age 50 or 25 years of service under the plan, whichever is earlier".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act. 26 USC 72 note.

SEC. 330. EXEMPTION FROM EARLY WITHDRAWAL PENALTY FOR CERTAIN STATE AND LOCAL GOVERNMENT CORRECTIONS EMPLOYEES.

(a) IN GENERAL.—Clause (i) of section 72(t)(10)(B) is amended by striking "or emergency medical services" and inserting "emergency medical services, or services as a corrections officer or as a forensic security employee providing for the care, custody, and control of forensic patients". 26 USC 72.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act. 26 USC 72 note.

SEC. 331. SPECIAL RULES FOR USE OF RETIREMENT FUNDS IN CONNECTION WITH QUALIFIED FEDERALLY DECLARED DISASTERS.

(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) IN GENERAL.—Paragraph (2) of section 72(t), as amended by this Act, is further amended by adding at the end the following new subparagraph:

"(M) DISTRIBUTIONS FROM RETIREMENT PLANS IN CONNECTION WITH FEDERALLY DECLARED DISASTERS.—Any qualified disaster recovery distribution.".

(2) QUALIFIED DISASTER RECOVERY DISTRIBUTION.—Section 72(t) is amended by adding at the end the following new paragraph:

"(11) QUALIFIED DISASTER RECOVERY DISTRIBUTION.—For purposes of paragraph (2)(M)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'qualified disaster recovery distribution' means any distribution made— Definition.

"(i) on or after the first day of the incident period of a qualified disaster and before the date that is 180 days after the applicable date with respect to such disaster, and

"(ii) to an individual whose principal place of abode at any time during the incident period of such qualified disaster is located in the qualified disaster area with respect to such qualified disaster and who has sustained an economic loss by reason of such qualified disaster.

"(B) AGGREGATE DOLLAR LIMITATION.—

"(i) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified disaster recovery distributions with respect to any qualified disaster in all taxable years shall not exceed $22,000.

"(ii) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to clause (i)) be a qualified disaster recovery distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified disaster recovery distribution,

unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $22,000 with respect to the same qualified disaster.

Definition.

"(iii) CONTROLLED GROUP.—For purposes of clause (ii), the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

Deadlines.
Time period.

"(C) AMOUNT DISTRIBUTED MAY BE REPAID.—

"(i) IN GENERAL.—Any individual who receives a qualified disaster recovery distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

"(ii) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to clause (i) with respect to a qualified disaster recovery distribution from a plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(iii) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to clause (i) with respect to a qualified disaster recovery distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster recovery distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(D) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

"(i) IN GENERAL.—In the case of any qualified disaster recovery distribution, unless the taxpayer elects not to have this subparagraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

Applicability.

"(ii) SPECIAL RULE.—For purposes of clause (i), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

Definition.

"(E) QUALIFIED DISASTER.—For purposes of this paragraph and paragraph (8), the term 'qualified disaster'

means any disaster with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act after December 27, 2020.

"(F) OTHER DEFINITIONS.—For purposes of this paragraph and paragraph (8)—

"(i) QUALIFIED DISASTER AREA.—

"(I) IN GENERAL.—The term 'qualified disaster area' means, with respect to any qualified disaster, the area with respect to which the major disaster was declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(II) EXCEPTIONS.—Such term shall not include any area which is a qualified disaster area solely by reason of section 301 of the Taxpayer Certainty and Disaster Tax Relief Act of 2020.

"(ii) INCIDENT PERIOD.—The term 'incident period' means, with respect to any qualified disaster, the period specified by the Federal Emergency Management Agency as the period during which such disaster occurred.

"(iii) APPLICABLE DATE.—The term 'applicable date' means the latest of—

"(I) the date of the enactment of this paragraph,

"(II) the first day of the incident period with respect to the qualified disaster, or

"(III) the date of the disaster declaration with respect to the qualified disaster.

"(iv) ELIGIBLE RETIREMENT PLAN.—The term 'eligible retirement plan' shall have the meaning given such term by section 402(c)(8)(B).

"(G) SPECIAL RULES.—

"(i) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified disaster recovery distributions shall not be treated as eligible rollover distributions.

"(ii) QUALIFIED DISASTER RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of this title—

"(I) a qualified disaster recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A), and

"(II) in the case of a money purchase pension plan, a qualified disaster recovery distribution which is an in-service withdrawal shall be treated as meeting the requirements of section 401(a) applicable to distributions.".

Applicability.
26 USC 72 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions with respect to disasters the incident period (as defined in section 72(t)(11)(F)(ii) of the Internal Revenue Code of 1986, as added by this subsection) for which begins on or after the date which is 30 days after the date of the enactment of the Taxpayer Certainty and Disaster Tax Relief Act of 2020.

(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

(1) INDIVIDUAL RETIREMENT PLANS.—Paragraph (8) of section 72(t) is amended by adding at the end the following new subparagraph:

26 USC 72.

Definitions.

"(F) RECONTRIBUTIONS.—

"(i) GENERAL RULE.—

"(I) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

Applicability.

"(II) TREATMENT OF REPAYMENTS.—Rules similar to the rules of clauses (ii) and (iii) of paragraph (11)(C) shall apply for purposes of this subsection.

"(ii) QUALIFIED DISTRIBUTION.—For purposes of this subparagraph, the term 'qualified distribution' means any distribution—

"(I) which is a qualified first-time homebuyer distribution,

"(II) which was to be used to purchase or construct a principal residence in a qualified disaster area, but which was not so used on account of the qualified disaster with respect to such area, and

"(III) which was received during the period beginning on the date which is 180 days before the first day of the incident period of such qualified disaster and ending on the date which is 30 days after the last day of such incident period.

"(iii) APPLICABLE PERIOD.—For purposes of this subparagraph, the term 'applicable period' means, in the case of a principal residence in a qualified disaster area with respect to any qualified disaster, the period beginning on the first day of the incident period of such qualified disaster and ending on the date which is 180 days after the applicable date with respect to such disaster.".

(2) QUALIFIED PLANS.—Subsection (c) of section 402, as amended by this Act, is further amended by adding at the end the following new paragraph:

"(13) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

"(A) GENERAL RULE.—

"(i) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in paragraph (8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such

distribution could be made under subsection (c) or section 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

"(ii) TREATMENT OF REPAYMENTS.—Rules similar to the rules of clauses (ii) and (iii) of section 72(t)(11)(C) shall apply for purposes of this subsection. Applicability.

"(B) QUALIFIED DISTRIBUTION.—For purposes of this paragraph, the term 'qualified distribution' means any distribution— Definition.

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(i)(V), or 403(b)(11)(B),

"(ii) which was to be used to purchase or construct a principal residence in a qualified disaster area, but which was not so used on account of the qualified disaster with respect to such area, and

"(iii) which was received during the period beginning on the date which is 180 days before the first day of the incident period of such qualified disaster and ending on the date which is 30 days after the last day of such incident period. Time period.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the terms 'qualified disaster', 'qualified disaster area', and 'incident period' have the meaning given such terms under section 72(t)(11), and

"(ii) the term 'applicable period' has the meaning given such term under section 72(t)(8)(F).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to recontributions of withdrawals for home purchases with respect to disasters the incident period (as defined in section 72(t)(11)(F)(ii) of the Internal Revenue Code of 1986, as added by this subsection) for which begins on or after the date which is 30 days after the date of the enactment of the Taxpayer Certainty and Disaster Tax Relief Act of 2020. Applicability. 26 USC 72 note.

(c) LOANS FROM QUALIFIED PLANS.—

(1) IN GENERAL.—Subsection (p) of section 72 is amended by adding at the end the following new paragraph: 26 USC 72.

"(6) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—

"(A) IN GENERAL.—In the case of any loan from a qualified employer plan to a qualified individual made during the applicable period— Applicability.

"(i) clause (i) of paragraph (2)(A) shall be applied by substituting '$100,000' for '$50,000', and

"(ii) clause (ii) of such paragraph shall be applied by substituting 'the present value of the nonforfeitable accrued benefit of the employee under the plan' for 'one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan'.

"(B) DELAY OF REPAYMENT.—In the case of a qualified individual with respect to any qualified disaster with an outstanding loan from a qualified employer plan on or after the applicable date with respect to the qualified disaster— Time periods.

"(i) if the due date pursuant to subparagraph (B) or (C) of paragraph (2) for any repayment with respect to such loan occurs during the period beginning on

the first day of the incident period of such qualified disaster and ending on the date which is 180 days after the last day of such incident period, such due date may be delayed for 1 year,

"(ii) any subsequent repayments with respect to any such loan may be appropriately adjusted to reflect the delay in the due date under clause (i) and any interest accruing during such delay, and

"(iii) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of paragraph (2), the period described in clause (i) may be disregarded.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means any individual—

"(I) whose principal place of abode at any time during the incident period of any qualified disaster is located in the qualified disaster area with respect to such qualified disaster, and

"(II) who has sustained an economic loss by reason of such qualified disaster.

"(ii) APPLICABLE PERIOD.—The applicable period with respect to any disaster is the period—

"(I) beginning on the applicable date with respect to such disaster, and

"(II) ending on the date that is 180 days after such applicable date.

"(iii) OTHER TERMS.—For purposes of this paragraph—

"(I) the terms 'applicable date', 'qualified disaster', 'qualified disaster area', and 'incident period' have the meaning given such terms under subsection (t)(11), and

"(II) the term 'applicable period' has the meaning given such term under subsection (t)(8).".

Applicability.
26 USC 72 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to plan loans made with respect to disasters the incident period (as defined in section 72(t)(11)(F)(ii) of the Internal Revenue Code of 1986, as added by this subsection) for which begins on or after the date which is 30 days after the date of the enactment of the Taxpayer Certainty and Disaster Tax Relief Act of 2020.

(d) GAO REPORT.—The Comptroller General of the United States shall submit a report to the Committees on Finance and Health, Education, Labor and Pensions of the Senate and the Committees on Ways and Means and Education and Labor of the House of Representatives on taxpayer utilization of the retirement disaster relief permitted by the amendments made by this section and or permitted by prior legislation, including a comparison of utilization by higher and lower income taxpayers and whether the $22,000 threshold on distributions provides adequate relief for taxpayers who suffer from a disaster.

SEC. 332. EMPLOYERS ALLOWED TO REPLACE SIMPLE RETIREMENT ACCOUNTS WITH SAFE HARBOR 401(k) PLANS DURING A YEAR.

(a) IN GENERAL.—Section 408(p) is amended by adding at the end the following new paragraph: 26 USC 408.

"(11) REPLACEMENT OF SIMPLE RETIREMENT ACCOUNTS WITH SAFE HARBOR PLANS DURING PLAN YEAR.—

"(A) IN GENERAL.—Subject to the requirements of this paragraph, an employer may elect (in such form and manner as the Secretary may prescribe) at any time during a year to terminate the qualified salary reduction arrangement under paragraph (2), but only if the employer establishes and maintains (as of the day after the termination date) a safe harbor plan to replace the terminated arrangement.

"(B) COMBINED LIMITS ON CONTRIBUTIONS.—The terminated arrangement and safe harbor plan shall both be treated as violating the requirements of paragraph (2)(A)(ii) or section 401(a)(30) (whichever is applicable) if the aggregate elective contributions of the employee under the terminated arrangement during its last plan year and under the safe harbor plan during its transition year exceed the sum of—

"(i) the applicable dollar amount for such arrangement (determined on a full-year basis) under this subsection (after the application of section 414(v)) with respect to the employee for such last plan year multiplied by a fraction equal to the number of days in such plan year divided by 365, and

"(ii) the applicable dollar amount (as so determined) under section 402(g)(1) for such safe harbor plan on such elective contributions during the transition year multiplied by a fraction equal to the number of days in such transition year divided by 365.

"(C) TRANSITION YEAR.—For purposes of this paragraph, the transition year is the period beginning after the termination date and ending on the last day of the calendar year during which the termination occurs.

"(D) SAFE HARBOR PLAN.—For purposes of this paragraph, the term 'safe harbor plan' means a qualified cash or deferred arrangement which meets the requirements of paragraph (11), (12), (13), or (16) of section 401(k).". Definition.

(b) WAIVER OF 2-YEAR WITHDRAWAL LIMITATION IN CASE OF PLANS CONVERTING TO 401(k) OR 403(b).—

(1) IN GENERAL.—Paragraph (6) of section 72(t) is amended—

(A) by striking "ACCOUNTS.—In the case of" and inserting "ACCOUNTS.—

"(A) IN GENERAL.—In the case of", and

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

"(B) WAIVER IN CASE OF PLAN CONVERSION TO 401(k) OR 403(b).—In the case of an employee of an employer which terminates the qualified salary reduction arrangement of the employer under section 408(p) and establishes a qualified cash or deferred arrangement described in section 401(k) or purchases annuity contracts described in

section 403(b), subparagraph (A) shall not apply to any amount which is paid in a rollover contribution described in section 408(d)(3) into a qualified trust under section 401(k) (but only if such contribution is subsequently subject to the rules of section 401(k)(2)(B)) or an annuity contract described in section 403(b) (but only if such contribution is subsequently subject to the rules of section 403(b)(12)) for the benefit of the employee.".

26 USC 408.

(2) CONFORMING AMENDMENT.—Subparagraph (G) of section 408(d)(3) is amended by striking "72(t)(6)" and inserting "72(t)(6)(A)".

26 USC 72 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2023.

SEC. 333. ELIMINATION OF ADDITIONAL TAX ON CORRECTIVE DISTRIBUTIONS OF EXCESS CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (A) of section 72(t)(2) is amended—

(1) by striking "or" at the end of clause (vii);

(2) by striking the period at the end of clause (viii) and inserting ", or"; and

(3) by inserting after clause (viii) the following new clause:

"(ix) attributable to withdrawal of net income attributable to a contribution which is distributed pursuant to section 408(d)(4).".

Applicability.
26 USC 72 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any determination of, or affecting, liability for taxes, interest, or penalties which is made on or after the date of the enactment of this Act, without regard to whether the act (or failure to act) upon which the determination is based occurred before such date of enactment. Notwithstanding the preceding sentence, nothing in the amendments made by this section shall be construed to create an inference with respect to the law in effect prior to the effective date of such amendments.

SEC. 334. LONG-TERM CARE CONTRACTS PURCHASED WITH RETIREMENT PLAN DISTRIBUTIONS.

(a) IN GENERAL.—Section 401(a) is amended by inserting after paragraph (38) the following new paragraph:

"(39) QUALIFIED LONG-TERM CARE DISTRIBUTIONS.—

"(A) IN GENERAL.—A trust forming part of a defined contribution plan shall not be treated as failing to constitute a qualified trust under this section solely by reason of allowing qualified long-term care distributions.

"(B) QUALIFIED LONG-TERM CARE DISTRIBUTION.—For purposes of this paragraph—

Definition.

"(i) IN GENERAL.—The term 'qualified long-term care distribution' means so much of the distributions made during the taxable year as does not exceed, in the aggregate, the least of the following:

Regulations.

"(I) The amount paid by or assessed to the employee during the taxable year for or with respect to certified long-term care insurance for the employee or the employee's spouse (or other family member of the employee as provided by the Secretary by regulation).

"(II) An amount equal to 10 percent of the present value of the nonforfeitable accrued benefit of the employee under the plan.

"(III) $2,500.

"(ii) ADJUSTMENT FOR INFLATION.—In the case of taxable years beginning after December 31, 2024, the $2,500 amount in clause (i)(II) shall be increased by an amount equal to— Effective date.

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2023' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any increase under the preceding sentence is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

"(C) CERTIFIED LONG-TERM CARE INSURANCE.—The term 'certified long-term care insurance' means— Definition.

"(i) a qualified long-term care insurance contract (as defined in section 7702B(b)) covering qualified long-term care services (as defined in section 7702B(c)),

"(ii) coverage of the risk that an insured individual would become a chronically ill individual (within the meaning of section 101(g)(4)(B)) under a rider or other provision of a life insurance contract which satisfies the requirements of section 101(g)(3) (determined without regard to subparagraph (D) thereof), or

"(iii) coverage of qualified long-term care services (as so defined) under a rider or other provision of an insurance or annuity contract which is treated as a separate contract under section 7702B(e) and satisfies the requirements of section 7702B(g),

if such coverage provides meaningful financial assistance in the event the insured needs home-based or nursing home care. For purposes of the preceding sentence, coverage shall not be deemed to provide meaningful financial assistance unless benefits are adjusted for inflation and consumer protections are provided, including protection in the event the coverage is terminated.

"(D) DISTRIBUTIONS MUST OTHERWISE BE INCLUDIBLE.— Rules similar to the rules of section 402(l)(3) shall apply for purposes of this paragraph. Applicability.

"(E) LONG-TERM CARE PREMIUM STATEMENT.—

"(i) IN GENERAL.—No distribution shall be treated as a qualified long-term care distribution unless a long-term care premium statement with respect to the employee has been filed with the plan.

"(ii) LONG-TERM CARE PREMIUM STATEMENT.—For purposes of this paragraph, a long-term care premium statement is a statement provided by the issuer of long-term care coverage, upon request by the owner of such coverage, which includes—

"(I) the name and taxpayer identification number of such issuer,

"(II) a statement that the coverage is certified long-term care insurance,

"(III) identification of the employee as the owner of such coverage,

"(IV) identification of the individual covered and such individual's relationship to the employee,

"(V) the premiums owed for the coverage for the calendar year, and

"(VI) such other information as the Secretary may require.

Disclosure.

"(iii) FILING WITH SECRETARY.—A long-term care premium statement will be accepted only if the issuer has completed a disclosure to the Secretary for the specific coverage product to which the statement relates. Such disclosure shall identify the issuer, type of coverage, and such other information as the Secretary may require which is included in the filing of the product with the applicable State authority.".

(b) CONFORMING AMENDMENTS.—

26 USC 401.

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (V), by adding "or" at the end of subclause (VI), and by adding at the end the following new subclause:

"(VII) as provided in section 401(a)(39),".

(2) Section 403(a) is amended by adding at the end the following new paragraph:

Applicability.

"(6) QUALIFIED LONG-TERM CARE DISTRIBUTIONS.—An annuity contract shall not fail to be subject to this subsection solely by reason of allowing distributions to which section 401(a)(39) applies.".

(3) Section 403(b)(7)(A)(i) is amended by striking "or" at the end of subclause (V), by striking "and" at the end of subclause (VI) and inserting "or" and by adding at the end the following new subclause:

"(VII) as provided for distributions to which section 401(a)(39) applies, and".

(4) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) for distributions to which section 401(a)(39) applies.".

(5) Section 457(d)(1)(A) is amended by striking "or" at the end of clause (iii), by striking the comma at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) as provided in section 401(a)(39),".

(c) EXEMPTION FROM ADDITIONAL TAX ON EARLY DISTRIBUTIONS.—Section 72(t)(2), as amended by this Act, is further amended by adding at the end the following new subparagraph:

"(N) QUALIFIED LONG-TERM CARE DISTRIBUTIONS.—

Applicability.

"(i) IN GENERAL.—Any qualified long-term care distribution to which section 401(a)(39) applies.

"(ii) EXCEPTION.—If, with respect to the plan, the individual covered by the long-term care coverage to which such distribution relates is the spouse of the employee, clause (i) shall apply only if the employee and the employee's spouse file a joint return.

"(iii) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For

purposes of sections 401(a)(31), 402(f), and 3405, any qualified long-term care distribution described in clause (i) shall not be treated as an eligible rollover distribution.".

(d) REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new section:

"SEC. 6050Z. REPORTS RELATING TO LONG-TERM CARE PREMIUM STATEMENTS. 26 USC 6050Z.

"(a) REQUIREMENT OF REPORTING.—Any issuer of certified long-term care insurance (as defined in section 401(a)(39)(C)) who provides a long-term care premium statement with respect to any purchaser pursuant to section 401(a)(39)(E) for a calendar year, shall make a return not later than February 1 of the succeeding calendar year, according to forms or regulations prescribed by the Secretary, setting forth with respect to each such purchaser—

"(1) the name and taxpayer identification number of such issuer,

"(2) a statement that the coverage is certified long-term care insurance as defined in section 401(a)(39)(C),

"(3) the name of the owner of such coverage,

"(4) identification of the individual covered and such individual's relationship to the owner,

"(5) the premiums paid for the coverage for the calendar year, and

"(6) such other information as the Secretary may require.

"(b) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name, address, and phone number of the information contact of the issuer of the contract or coverage, and

"(2) the aggregate amount of premiums and charges paid under the contract or coverage covering the insured individual during the calendar year.

The written statement required under the preceding sentence shall be furnished to the individual or individuals on or before January 31 of the year following the calendar year for which the return required under subsection (a) was required to be made. Effective date.

"(c) CONTRACTS OR COVERAGE COVERING MORE THAN ONE INSURED.—In the case of contracts or coverage covering more than one insured, the return and statement required by subsections (a) and (b) shall identify only the portion of the premium that is properly allocable to the insured in respect of whom the return or statement is made.

"(d) STATEMENT TO BE FURNISHED ON REQUEST.—If any individual to whom a return is required to be furnished under subsection (b) requests that such a return be furnished at any time before the close of the calendar year, the person required to make the return under subsection (b) shall comply with such request and shall furnish to the Secretary at such time a copy of the return so provided.". Compliance. Records.

(2) PENALTIES.—Section 6724(d) is amended— 26 USC 872.

(A) in paragraph (1)(B), by adding "or" at the end of clause (xxvii) and by inserting after such clause the following new clause:

"(xxviii) section 6050Z (relating to reports relating to long-term care premium statements), and", and

(B) in paragraph (2)—

(i) by redesignating subparagraph (JJ), relating to section 6050Y, as subparagraph (KK) and moving such subparagraph to the position immediately after subparagraph (JJ), relating to section 6226(a)(2),

(ii) by striking "or" at the end of subparagraph (II),

(iii) by striking the period at the end of subparagraph (JJ), relating to section 6226(a)(2), and inserting a comma,

(iv) by striking the period at the end of subparagraph (KK), as so redesignated, and inserting ", or", and

(v) by inserting after subparagraph (KK), as so redesignated, the following new subparagraph:

"(LL) section 6050Z (relating to reports relating to long-term care premium statements).".

26 USC prec. 6041.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by adding after the item relating to section 6050Y the following new item:

"Sec. 6050Z. Reports relating to long-term care premium statements.".

26 USC 72 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after the date which is 3 years after the date of the enactment of this Act.

26 USC 401 note.

(f) DISCLOSURE TO TREASURY OF LONG-TERM CARE INSURANCE PRODUCTS.—The Secretary of the Treasury (or the Secretary's delegate) shall issue such forms and guidance as are necessary to collect the filing required by section 401(a)(39)(E)(iii) of the Internal Revenue Code of 1986, as added by this section.

26 USC 430 note.

SEC. 335. CORRECTIONS OF MORTALITY TABLES.

Deadline. Regulations.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary's delegate) shall amend the regulation relating to "Mortality Tables for Determining Present Value Under Defined Benefit Pension Plans" (82 Fed. Reg. 46388 (October 5, 2017)). Under such amendment, for valuation dates occurring during or after 2024, such mortality improvement rates shall not assume for years beyond the valuation date future mortality improvements at any age which are greater than .78 percent. The Secretary of the Treasury (or delegate) shall by regulation modify the .78 percent figure in the preceding sentence as necessary to reflect material changes in the overall rate of improvement projected by the Social Security Administration.

(b) EFFECTIVE DATE.—The amendments required under subsection (a) shall be deemed to have been made as of the date of the enactment of this Act, and as of such date all applicable laws shall be applied in all respects as though the actions which the Secretary of the Treasury (or the Secretary's delegate) is required to take under such subsection had been taken.

SEC. 336. REPORT TO CONGRESS ON SECTION 402(f) NOTICES.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committees on Finance and Health, Education, Labor, and Pensions of the Senate and the Committees on Ways and Means and Education and Labor of the House of Representatives on the notices provided by retirement plan administrators to plan participants under section 402(f) of the Internal Revenue Code of 1986. The report shall analyze the effectiveness of such notices and make recommendations, as warranted by the findings, to facilitate better understanding by recipients of different distribution options and corresponding tax consequences, including spousal rights.

Recommendations.

SEC. 337. MODIFICATION OF REQUIRED MINIMUM DISTRIBUTION RULES FOR SPECIAL NEEDS TRUSTS.

(a) IN GENERAL.—Section 401(a)(9)(H)(iv)(II) is amended by striking "no individual" and inserting "no beneficiary". 26 USC 401

(b) CONFORMING AMENDMENT.—Section 401(a)(9)(H)(v) is amended by adding at the end the following flush sentence:

> "For purposes of the preceding sentence, in the case of a trust the terms of which are described in clause (iv)(II), any beneficiary which is an organization described in section 408(d)(8)(B)(i) shall be treated as a designated beneficiary described in subclause (II).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act. 26 USC 401 note.

SEC. 338. REQUIREMENT TO PROVIDE PAPER STATEMENTS IN CERTAIN CASES.

(a) IN GENERAL.—Section 105(a)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)(2)) is amended—

(1) in subparagraph (A)(iv), by inserting "subject to subparagraph (E)," before "may be delivered"; and

(2) by adding at the end the following:

> "(E) PROVISION OF PAPER STATEMENTS.—With respect to at least 1 pension benefit statement furnished for a calendar year with respect to an individual account plan under paragraph (1)(A), and with respect to at least 1 pension benefit statement furnished every 3 calendar years with respect to a defined benefit plan under paragraph (1)(B), such statement shall be furnished on paper in written form except— Time period.
>
> "(i) in the case of a plan that furnishes such statement in accordance with section 2520.104b-1(c) of title 29, Code of Federal Regulations; or
>
> "(ii) in the case of a plan that permits a participant or beneficiary to request that the statements referred to in the matter preceding clause (i) be furnished by electronic delivery, if the participant or beneficiary requests that such statements be delivered electronically and the statements are so delivered.".

(b) IMPLEMENTATION.— 29 USC 1025 note.

(1) IN GENERAL.—The Secretary of Labor shall, not later than December 31, 2024, update section 2520.104b-1(c) of title 29, Code of Federal Regulations, to provide that a plan may Deadline. Effective date.

furnish the statements referred to in subparagraph (E) of section 105(a)(2) of the Employee Retirement Income Security Act of 1974 by electronic delivery only if, with respect to participants who first become eligible to participate, and beneficiaries who first become eligible for benefits, after December 31, 2025, in addition to meeting the other requirements under the regulations such plan furnishes each participant or beneficiary a one-time initial notice on paper in written form, prior to the electronic delivery of any pension benefit statement, of their right to request that all documents required to be disclosed under title I of the Employee Retirement Income Security Act of 1974 be furnished on paper in written form.

Deadline.

(2) OTHER GUIDANCE.—In implementing the amendment made by subsection (a) with respect to a plan that discloses required documents or statements electronically, in accordance with applicable guidance governing electronic disclosure by the Department of Labor (with the exception of section 2520.104b-1(c) of title 29, Code of Federal Regulations), the Secretary of Labor shall, not later than December 31, 2024, update such guidance to the extent necessary to ensure that—

(A) a participant or beneficiary under such a plan is permitted the opportunity to request that any disclosure required to be delivered on paper under applicable guidance by the Department of Labor shall be furnished by electronic delivery;

(B) each paper statement furnished under such a plan pursuant to the amendment shall include—

(i) an explanation of how to request that all such statements, and any other document required to be disclosed under title I of the Employee Retirement Income Security Act of 1974, be furnished by electronic delivery; and

(ii) contact information for the plan sponsor, including a telephone number;

(C) the plan may not charge any fee to a participant or beneficiary for the delivery of any paper statements;

(D) each document required to be disclosed that is furnished by electronic delivery under such a plan shall include an explanation of how to request that all such documents be furnished on paper in written form; and

(E) a plan is permitted to furnish a duplicate electronic statement in any case in which the plan furnishes a paper pension benefit statement.

29 USC 1025 note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to plan years beginning after December 31, 2025.

SEC. 339. RECOGNITION OF TRIBAL GOVERNMENT DOMESTIC RELATIONS ORDERS.

(a) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Clause (ii) of section 414(p)(1)(B) is amended by inserting "or Tribal" after "State".

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 414(p)(1) is amended by adding at the end the following flush sentence:

Definition.

"For purposes of clause (ii), the term 'Tribal' with respect to a domestic relations law means such a law which is

issued by or under the laws of an Indian tribal government, a subdivision of such an Indian tribal government, or an agency or instrumentality of either.".

(b) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 206(d)(3)(B)(ii)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(d)(3)(B)(ii)(II)) is amended by inserting "or Tribal" after "State".

(2) CONFORMING AMENDMENT.—Section 206(d)(3)(B) of such Act is amended by adding at the end the following flush sentence:

"For purposes of clause (ii)(II), the term 'Tribal' with respect to a domestic relations law means such a law which is issued by or under the laws of an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of such an Indian tribal government, or an agency or instrumentality of either.". Definition.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to domestic relations orders received by plan administrators after December 31, 2022, including any such order which is submitted for reconsideration after such date. Applicability. 26 USC 414 note.

SEC. 340. DEFINED CONTRIBUTION PLAN FEE DISCLOSURE IMPROVEMENTS.

Not later than 3 years after the date of enactment of this Act, the Secretary of Labor shall— Deadline.

(1) review section 2550.404a–5 of title 29, Code of Federal Regulations (relating to fiduciary requirements for disclosure in participant-directed individual account plans); Review.

(2) explore, through a public request for information or otherwise, how the contents and design of the disclosures described in such section may be improved to enhance participants' understanding of fees and expenses related to a defined contribution plan (as defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002)) as well as the cumulative effect of such fees and expenses on retirement savings over time; and

(3) report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on the findings of the exploration described in paragraph (2), including beneficial education for consumers on financial literacy concepts as related to retirement plan fees and recommendations for legislative changes needed to address such findings. Reports. Recommendations.

SEC. 341. CONSOLIDATION OF DEFINED CONTRIBUTION PLAN NOTICES. 26 USC 401 note.

Not later than 2 years after the date of enactment of this Act, the Secretary of Labor and the Secretary of the Treasury (or such Secretaries' delegates) shall adopt regulations providing that a plan (as defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002)) may, but is not required to, consolidate 2 or more of the notices required under sections 404(c)(5)(B) and 514(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)(5)(B) and 29 U.S.C. 1144(e)(3)) and sections 401(k)(12)(D), 401(k)(13)(E), and 414(w)(4) Deadline. Regulations.

of the Internal Revenue Code of 1986 into a single notice so long as the combined notice—

(1) includes the required content;

(2) clearly identifies the issues addressed therein;

(3) is furnished at the time and with the frequency required for each such notice; and

(4) is presented in a manner that is reasonably calculated to be understood by the average plan participant and that does not obscure or fail to highlight the primary information required for each notice.

This section shall not be interpreted as preventing the consolidation of any other notices required under the Employee Retirement Income Security Act of 1974, or Internal Revenue Code of 1986, to the extent otherwise permitted by the Secretary of Labor or the Secretary of the Treasury (or either such Secretary's delegate), as applicable.

SEC. 342. INFORMATION NEEDED FOR FINANCIAL OPTIONS RISK MITIGATION.

(a) IN GENERAL.—Part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.), as amended by the preceding provisions of this title, is amended by adding at the end the following:

29 USC 1032.

"SEC. 113. NOTICE AND DISCLOSURE REQUIREMENTS WITH RESPECT TO LUMP SUMS.

Deadlines.

"(a) IN GENERAL.—A plan administrator of a pension plan that amends the plan to provide a period of time during which a participant or beneficiary may elect to receive a lump sum, instead of future monthly payments, shall furnish notice—

"(1) to each participant or beneficiary offered such lump sum amount, in the manner in which the participant and beneficiary receives the lump sum offer from the plan sponsor, not later than 90 days prior to the first day on which the participant or beneficiary may make an election with respect to such lump sum; and

"(2) to the Secretary and the Pension Benefit Guaranty Corporation, not later than 30 days prior to the first day on which participants and beneficiaries may make an election with respect to such lump sum.

"(b) NOTICE TO PARTICIPANTS AND BENEFICIARIES.—

"(1) CONTENT.—The notice required under subsection (a)(1) shall include the following:

"(A) Available benefit options, including the estimated monthly benefit that the participant or beneficiary would receive at normal retirement age, whether there is a subsidized early retirement option or qualified joint and survivor annuity that is fully subsidized (in accordance with section 417(a)(5) of the Internal Revenue Code of 1986, the monthly benefit amount if payments begin immediately, and the lump sum amount available if the participant or beneficiary takes the option.

"(B) An explanation of how the lump sum was calculated, including the interest rate, mortality assumptions, and whether any additional plan benefits were included in the lump sum, such as early retirement subsidies.

"(C) In a manner consistent with the manner in which a written explanation is required to be given under

417(a)(3) of the Internal Revenue Code of 1986, the relative value of the lump sum option for a terminated vested participant compared to the value of—

"(i) the single life annuity, (or other standard form of benefit); and

"(ii) the qualified joint and survivor annuity (as defined in section 205(d)(1));

"(D) A statement that—

"(i) a commercial annuity comparable to the annuity available from the plan may cost more than the amount of the lump sum amount, and

"(ii) it may be advisable to consult an advisor regarding this point if the participant or beneficiary is considering purchasing a commercial annuity.

"(E) The potential ramifications of accepting the lump sum, including longevity risks, loss of protections guaranteed by the Pension Benefit Guaranty Corporation (with an explanation of the monthly benefit amount that would be protected by the Pension Benefit Guaranty Corporation if the plan is terminated with insufficient assets to pay benefits), loss of protection from creditors, loss of spousal protections, and other protections under this Act that would be lost.

"(F) General tax rules related to accepting a lump sum, including rollover options and early distribution penalties with a disclaimer that the plan does not provide tax, legal, or accounting advice, and a suggestion that participants and beneficiaries consult with their own tax, legal, and accounting advisors before determining whether to accept the offer.

"(G) How to accept or reject the offer, the deadline for response, and whether a spouse is required to consent to the election.

"(H) Contact information for the point of contact at the plan administrator for participants and beneficiaries to get more information or ask questions about the options.

"(2) PLAIN LANGUAGE.—The notice under this subsection shall be written in a manner calculated to be understood by the average plan participant.

"(3) MODEL NOTICE.—The Secretary shall issue a model notice for purposes of the notice under subsection (a)(1), including for information required under subparagraphs (C) through (F) of paragraph (1).

"(c) NOTICE TO THE SECRETARY AND PENSION BENEFIT GUARANTY CORPORATION.—The notice required under subsection (a)(2) shall include the following:

"(1) The total number of participants and beneficiaries eligible for such lump sum option.

"(2) The length of the limited period during which the lump sum is offered.

"(3) An explanation of how the lump sum was calculated, including the interest rate, mortality assumptions, and whether any additional plan benefits were included in the lump sum, such as early retirement subsidies.

"(4) A sample of the notice provided to participants and beneficiaries under subsection (a)(1), if otherwise required.

"(d) POST-OFFER REPORT TO THE SECRETARY AND PENSION BENEFIT GUARANTY CORPORATION.—Not later than 90 days after the conclusion of the limited period during which participants and beneficiaries in a plan may accept a plan's offer of a lump sum, a plan sponsor shall submit a report to the Secretary and the Director of the Pension Benefit Guaranty Corporation that includes the number of participants and beneficiaries who accepted the lump sum offer and such other information as the Secretary may require.

Confidentiality.

"(e) PUBLIC AVAILABILITY.—The Secretary shall make the information provided in the notice to the Secretary required under subsection (a)(2) and in the post-offer reports submitted under subsection (d) publicly available in a form that protects the confidentiality of the information provided.

"(f) BIENNIAL REPORT.—Not later than the last day of the second calendar year after the calendar year including the applicability date of the final rules under section 342(e) of the SECURE 2.0 Act of 2022, and every 2 years thereafter, so long as the Secretary has received notices and post-offer reports under subsections (c) and (d) of this section, the Secretary shall submit to Congress a report that summarizes such notices and post-offer reports during the applicable reporting period. The applicable reporting period begins on the first day of the second calendar year preceding the calendar year that the report is submitted to Congress and ends on the last day of the calendar year preceding the calendar year the report is due.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974, as amended by the proceeding provisions of this title, is further amended by inserting after the item relating to section 112 the following new item:

Sec. 113. Notice and disclosure requirements with respect to lump sum windows.

(c) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(1) in subsection (c)(1), by striking "or section 105(a)" and inserting ", section 105(a), or section 113(a)"; and

(2) in subsection (a)(4), by striking "105(c)" and inserting "section 105(c) or 113(a)".

29 USC 1032 note.

(d) APPLICATION.—The requirements of section 113 of the Employee Retirement Income Security Act of 1974, as added by subsection (b), shall apply beginning on the applicable effective date specified in the final regulations promulgated pursuant to subsection (e).

Deadlines.
29 USC 1032 note.

(e) REGULATORY AUTHORITY.—Not earlier than 1 year after the date of enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall issue regulations to implement section 113 of the Employee Retirement Income Security Act of 1974, as added by subsection (a). Such regulations shall be applicable not earlier than the issuance of a final rule and not later than 1 year after issuance of a final rule.

SEC. 343. DEFINED BENEFIT ANNUAL FUNDING NOTICES.

Time periods.

(a) IN GENERAL.—Section 101(f)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(f)(2)(B)) is amended—

(1) in clause (i)(I), by striking "funding target attainment percentage (as defined in section 303(d)(2))" and inserting

"percentage of plan liabilities funded (as described in clause (ii)(I)(bb))";

(2) in clause (ii)(I)—

(A) by striking ", a statement of";

(B) by striking item (aa);

(C) by redesignating item (bb) as item (aa);

(D) in item (aa), as so redesignated—

(i) by inserting "a statement of" before "the value",

(ii) by inserting ", and for the preceding 2 plan years as of the last day of each such plan year," before "determined using",

(iii) by striking "and" at the end; and

(E) by adding at the end the following:

"(bb) for purposes of the statement in subparagraph (B)(i)(I), the percentage of plan liabilities funded, calculated as the ratio between the value of the plan's assets and liabilities, as determined under item (aa), for the plan year to which the notice relates and for the 2 preceding plan years, and

"(cc) if the information in (aa) and (bb) is presented in tabular form, a statement that describes that in the event of a plan termination the corporation's calculation of plan liabilities may be greater and that references the section of the notice with the information required under clause (x), and";

(3) in clause (ii)(II), by striking "subclause (I)(bb)" and inserting "subclause (I)(aa)",

(4) in clause (iii), in the matter preceding subclause (I), by inserting "for the plan year to which the notice relates as of the last day of such plan year and the preceding 2 plan years, in tabular format," after "participants";

(5) in clause (iv)—

(A) by striking "plan and the asset" and inserting "plan, the asset"; and

(B) by inserting ", and the average return on assets for the plan year," after "assets)";

(6) by redesignating clauses (ix) through (xi) as clause (x) through (xii), respectively;

(7) by inserting after clause (viii) the following:

"(ix) in the case of a single-employer plan, a statement as to whether the plan's funded status, based on the plan's liabilities described under subclause (II) for the plan year to which the notice relates, and for the 2 preceding plan years, is at least 100 percent (and, if not, the actual percentages), that includes—

"(I) the plan's assets, as of the last day of the plan year and for the 2 preceding plan years, as determined under clause (ii)(I)(aa),

"(II) the plan's liabilities, as of the last day of the plan year and for the 2 preceding plan years, as determined under clause (ii)(1)(aa), and

"(III) the funded status of the plan, determined as the ratio of the plan's assets and liabilities calculated under subclauses (I) and (II), for the

plan year to which the notice relates, and for the 2 preceding plan years,"; and

(8) in clause (x), as so redesignated, by striking the comma at the end and inserting the following: "and a statement that, in the case of a single-employer plan—

"(I) if plan assets are determined to be sufficient to pay vested benefits that are not guaranteed by the Pension Benefit Guaranty Corporation, participants and beneficiaries may receive benefits in excess of the guaranteed amount, and

"(II) such a determination generally uses assumptions that result in a plan having a lower funded status as compared to the plan's funded status disclosed in this notice.".

29 USC 1021 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to plan years beginning after December 31, 2023.

29 USC 1023 note.

SEC. 344. REPORT ON POOLED EMPLOYER PLANS.

Study.

The Secretary of Labor shall—

(1) conduct a study on the pooled employer plan (as such term is defined in section 3(43) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(43))) industry, including on—

(A) the legal name and number of pooled employer plans;

(B) the number of participants in such plans;

(C) the range of investment options provided in such plans;

(D) the fees assessed in such plans;

(E) the manner in which employers select and monitor such plans;

(F) the disclosures provided to participants in such plans;

(G) the number and nature of any enforcement actions by the Secretary of Labor on such plans;

(H) the extent to which such plans have increased retirement savings coverage in the United States; and

(I) any additional information as the Secretary determines is necessary; and

Public information. Web posting. Recommendations.

(2) not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, submit to Congress and make available on a publicly accessible website of the Department of Labor, a report on the findings of the study under paragraph (1), including recommendations on how pooled employer plans can be improved, through legislation, to serve and protect retirement plan participants.

SEC. 345. ANNUAL AUDITS FOR GROUP OF PLANS.

(a) IN GENERAL.—Section 202(a) of the Setting Every Community Up for Retirement Enhancement Act of 2019 (Public Law 116–94; 26 U.S.C. 6058 note) is amended—

(1) by striking "so that all members" and inserting the following: "so that—

"(1) all members";

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(2) any opinions required by section 103(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)) shall relate only to each individual plan which would otherwise be subject to the requirements of such section 103(a)(3).".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 6058 note.

SEC. 346. WORKER OWNERSHIP, READINESS, AND KNOWLEDGE. 29 USC 3228.

(a) DEFINITIONS.—In this section:

(1) EXISTING PROGRAM.—The term "existing program" means a program, designed to promote employee ownership, that exists on the date on which the Secretary is carrying out a responsibility authorized under this section.

(2) INITIATIVE.—The term "Initiative" means the Employee Ownership Initiative established under subsection (b).

(3) NEW PROGRAM.—The term "new program" means a program, designed to promote employee ownership, that does not exist on the date on which the Secretary is carrying out a responsibility authorized under this section.

(4) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(5) STATE.—The term "State" has the meaning given the term under section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(b) EMPLOYEE OWNERSHIP INITIATIVE.—

(1) ESTABLISHMENT.—The Secretary shall establish within the Department of Labor an Employee Ownership Initiative to promote employee ownership.

(2) FUNCTIONS.—In carrying out the Initiative, the Secretary shall—

(A) support within the States existing programs designed to promote employee ownership; and

(B) facilitate within the States the formation of new programs designed to promote employee ownership.

(3) DUTIES.—To carry out the functions enumerated in paragraph (2), the Secretary shall support new programs and existing programs by—

(A) making Federal grants authorized under subsection (d); and

(B)(i) acting as a clearinghouse on techniques employed by new programs and existing programs within the States, and disseminating information relating to those techniques to the programs; or

(ii) funding projects for information gathering on those techniques, and dissemination of that information to the programs, by groups outside the Department of Labor.

(4) CONSULTATION WITH TREASURY.—The Secretary shall consult with the Secretary of the Treasury, or the Secretary's delegate, in the case of any employee ownership arrangements or structures the administration and enforcement of which are within the jurisdiction of the Department of the Treasury.

(c) PROGRAMS REGARDING EMPLOYEE OWNERSHIP.—

(1) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to encourage new programs and existing Deadline.

programs within the States to foster employee ownership throughout the United States.

(2) PURPOSE OF PROGRAM.—The purpose of the program established under paragraph (1) is to encourage new and existing programs within the States that focus on—

(A) providing education and outreach to inform employees and employers about the possibilities and benefits of employee ownership and business ownership succession planning, including providing information about financial education, employee teams, open-book management, and other tools that enable employees to share ideas and information about how their businesses can succeed;

(B) providing technical assistance to assist employee efforts to become business owners, to enable employers and employees to explore and assess the feasibility of transferring full or partial ownership to employees, and to encourage employees and employers to start new employee-owned businesses;

(C) training employees and employers with respect to methods of employee participation in open-book management, work teams, committees, and other approaches for seeking greater employee input; and

(D) training other entities to apply for funding under this subsection, to establish new programs, and to carry out program activities.

(3) PROGRAM DETAILS.—The Secretary may include, in the program established under paragraph (1), provisions that—

(A) in the case of activities described in paragraph (2)(A)—

(i) target key groups, such as retiring business owners, senior managers, labor organizations, trade associations, community organizations, and economic development organizations;

(ii) encourage cooperation in the organization of workshops and conferences; and

(iii) prepare and distribute materials concerning employee ownership, and business ownership succession planning;

(B) in the case of activities described in paragraph (2)(B)—

(i) provide preliminary technical assistance to employee groups, managers, and retiring owners exploring the possibility of employee ownership;

(ii) provide for the performance of preliminary feasibility assessments;

(iii) assist in the funding of objective third-party feasibility studies and preliminary business valuations, and in selecting and monitoring professionals qualified to conduct such studies; and

(iv) provide a data bank to help employees find legal, financial, and technical advice in connection with business ownership;

(C) in the case of activities described in paragraph (2)(C)—

(i) provide for courses on employee participation; and

(ii) provide for the development and fostering of networks of employee-owned companies to spread the use of successful participation techniques; and

(D) in the case of training described in paragraph (2)(D)—

(i) provide for visits to existing programs by staff from new programs receiving funding under this section; and

(ii) provide materials to be used for such training.

(4) GUIDANCE.—The Secretary shall issue formal guidance, for—

(A) recipients of grants awarded under subsection (d) and one-stop partners (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)) affiliated with the workforce development systems (as so defined) of the States, proposing that programs and other activities funded under this section be—

(i) proactive in encouraging actions and activities that promote employee ownership of businesses; and

(ii) comprehensive in emphasizing both employee ownership of businesses so as to increase productivity and broaden capital ownership; and

(B) acceptable standards and procedures to establish good faith fair market value for shares of a business to be acquired by an employee stock ownership plan (as defined in section 407(d)(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)(6))).

The guidance under subparagraph (B) shall be prescribed in consultation with the Secretary of the Treasury.

(d) GRANTS.—

(1) IN GENERAL.—In carrying out the program established under subsection (c), the Secretary may make grants for use in connection with new programs and existing programs within a State for any of the following activities:

(A) Education and outreach as provided in subsection (c)(2)(A).

(B) Technical assistance as provided in subsection (c)(2)(B).

(C) Training activities for employees and employers as provided in subsection (c)(2)(C).

(D) Activities facilitating cooperation among employee-owned firms.

(E) Training as provided in subsection (c)(2)(D) for new programs provided by participants in existing programs dedicated to the objectives of this section, except that, for each fiscal year, the amount of the grants made for such training shall not exceed 10 percent of the total amount of the grants made under this section.

Determination.

(2) AMOUNTS AND CONDITIONS.—The Secretary shall determine the amount and any conditions for a grant made under this subsection. The amount of the grant shall be subject to paragraph (6), and shall reflect the capacity of the applicant for the grant.

(3) APPLICATIONS.—Each entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(4) STATE APPLICATIONS.—Each State may sponsor and submit an application under paragraph (3) on behalf of any local entity consisting of a unit of State or local government, State-supported institution of higher education, or nonprofit organization, meeting the requirements of this section.

(5) APPLICATIONS BY ENTITIES.—

(A) ENTITY APPLICATIONS.—If a State fails to support or establish a program pursuant to this section during any fiscal year, the Secretary shall, in the subsequent fiscal years, allow local entities described in paragraph (4) from that State to make applications for grants under paragraph (3) on their own initiative.

(B) APPLICATION SCREENING.—Any State failing to support or establish a program pursuant to this section during any fiscal year may submit applications under paragraph (3) in the subsequent fiscal years but may not screen applications by local entities described in paragraph (4) before submitting the applications to the Secretary.

Time periods.

(6) LIMITATIONS.—A recipient of a grant made under this subsection shall not receive, during a fiscal year, in the aggregate, more than the following amounts:

(A) For fiscal year 2025, $300,000.

(B) For fiscal year 2026, $330,000.

(C) For fiscal year 2027, $363,000.

(D) For fiscal year 2028, $399,300.

(E) For fiscal year 2029, $439,200.

Time period.

(7) ANNUAL REPORT.—For each year, each recipient of a grant under this subsection shall submit to the Secretary a report describing how grant funds allocated pursuant to this subsection were expended during the 12-month period preceding the date of the submission of the report.

(e) EVALUATIONS.—The Secretary is authorized to reserve not more than 10 percent of the funds appropriated for a fiscal year to carry out this section, for the purposes of conducting evaluations of the grant programs identified in subsection (d) and to provide related technical assistance.

(f) REPORTING.—Not later than the expiration of the 36-month period following the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report—

(1) on progress related to employee ownership in businesses in the United States; and

Analysis.

(2) containing an analysis of critical costs and benefits of activities carried out under this section.

Time periods.

(g) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for the purpose of making grants pursuant to subsection (d) the following:

(A) For fiscal year 2025, $4,000,000.

(B) For fiscal year 2026, $7,000,000.

(C) For fiscal year 2027, $10,000,000.

(D) For fiscal year 2028, $13,000,000.

(E) For fiscal year 2029, $16,000,000.

(2) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated for the purpose of funding the administrative expenses related to the Initiative—

(A) for fiscal year 2024, $200,000, and

(B) for each of fiscal years 2025 through 2029, an amount not in excess of the lesser of—

(i) $350,000; or

(ii) 5.0 percent of the maximum amount available under paragraph (1) for that fiscal year.

SEC. 347. REPORT BY THE SECRETARY OF LABOR ON THE IMPACT OF INFLATION ON RETIREMENT SAVINGS.

The Secretary of Labor, in consultation with the Secretary of the Treasury, shall—

(1) conduct a study on the impact of inflation on retirement savings; and Study.

(2) not later than 90 days after the date of enactment of this Act, submit to Congress a report on the findings of the study.

SEC. 348. CASH BALANCE.

(a) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Section 411(b) is amended by adding at the end the following new paragraph: 26 USC 411.

"(6) PROJECTED INTEREST CREDITING RATE.—For purposes of subparagraphs (A), (B), and (C) of paragraph (1), in the case of an applicable defined benefit plan (as defined in subsection (a)(13)(C)) which provides variable interest crediting rates, the interest crediting rate which is treated as in effect and as the projected interest crediting rate shall be a reasonable projection of such variable interest crediting rate, not to exceed 6 percent.".

(b) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1060(b)) is amended by adding at the end the following new paragraph:

"(6) PROJECTED INTEREST CREDITING RATE.—For purposes of subparagraphs (A), (B), and (C) of paragraph (1), in the case of an applicable defined benefit plan (within the meaning of section 203(f)(3)) which provides variable interest crediting rates, the interest crediting rate which is treated as in effect and as the projected interest crediting rate shall be a reasonable projection of such variable interest crediting rate, not to exceed 6 percent.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after the date of enactment of this Act. 26 USC 411 note.

SEC. 349. TERMINATION OF VARIABLE RATE PREMIUM INDEXING.

(a) IN GENERAL.—Paragraph (8) of 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)) is amended by—

(1) in subparagraph (A)—

(A) in clause (vi), by striking "and";

(B) in clause (vii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(viii) for plan years beginning after calendar year 2023, $52.";

(2) in subparagraph (B), in the matter preceding clause (i), by inserting "and before 2024" after "2012" ; and

(3) in subparagraph (D)(vii), by inserting "and before 2024" after "2019".

(b) TECHNICAL AMENDMENT.—Clause (i) of section 4006(a)(3)(E) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by striking "subparagraph (H)" and inserting "subparagraph (I)".

29 USC 1306 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 350. SAFE HARBOR FOR CORRECTIONS OF EMPLOYEE ELECTIVE DEFERRAL FAILURES.

26 USC 414.

(a) IN GENERAL.—Section 414, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(cc) CORRECTING AUTOMATIC CONTRIBUTION ERRORS.—

"(1) IN GENERAL.—Any plan or arrangement shall not fail to be treated as a plan described in sections 401(a), 403(b), 408, or 457(b), as applicable, solely by reason of a corrected error.

"(2) CORRECTED ERROR DEFINED.—For purposes of this subsection, the term 'corrected error' means a reasonable administrative error—

"(A)(i) made in implementing an automatic enrollment or automatic escalation feature with respect to an eligible employee (or an affirmative election made by an eligible employee covered by such feature), or

"(ii) made by failing to afford an eligible employee the opportunity to make an affirmative election because such employee was improperly excluded from the plan], and

"(B) that is corrected prospectively by implementing an automatic enrollment or automatic escalation feature with respect to an eligible employee (or an affirmative election made by an eligible employee) determined in accordance with the terms of an eligible automatic contribution arrangement (as defined under subsection (w)(3)), provided that—

"(i) such implementation error is corrected not later than—

"(I) the date of the first payment of compensation made by the employer to the employee on or after the last day of the 9½ month-period after the end of the plan year during which such error with respect to the employee first occurred, or

"(II) if earlier in the case of an employee who notifies the plan sponsor of such error, the date of the first payment of compensation made by the employer to the employee on or after the last day of the month following the month in which such notification was made,

"(ii) in the case of an employee who would have been entitled to additional matching contributions had any missed elective deferral been made, the plan sponsor makes a corrective allocation, not later than the deadline specified by the Secretary in regulations or other guidance prescribed under paragraph (3), of matching contributions on behalf of the employee in

an amount equal to the additional matching contributions to which the employee would have been so entitled (adjusted to account for earnings had the missed elective deferrals been made).

"(iii) such implementation error is of a type which is so corrected for all similarly situated participants in a nondiscriminatory manner,

"(iv) notice of such error is given to the employee not later than 45 days after the date on which correct deferrals begin, and

Notice. Deadline.

"(v) the notice under clause (iv) satisfies such regulations or other guidance as the Secretary prescribes under paragraph (4).

Such correction may occur before or after the participant has terminated employment and may occur without regard to whether the error is identified by the Secretary.

"(3) NO OBLIGATION FOR EMPLOYER TO RESTORE MISSED ELECTIVE DEFERRALS.—If the requirements of paragraph (2)(B) are satisfied, the employer will not be required to provide eligible employees with the missed amount of elective deferrals resulting from a reasonable administrative error described in paragraph (2)(A)(i) or (ii) through a qualified nonelective contribution, or otherwise.

"(4) REGULATIONS AND GUIDANCE FOR FAVORABLE CORRECTION METHODS.—The Secretary shall by regulations or other guidance of general applicability prescribe—

"(A) the deadline for making a corrective allocation of matching contributions required by paragraph (2)(B)(ii),

"(B) the content of the notice required by paragraph (2)(B)(iv),

"(C) the manner in which the amount of the corrective allocation under paragraph (2)(B)(ii) is determined,

"(D) the manner of adjustment to account for earnings on matching contributions under paragraph (2)(B)(ii), and

"(E) such other rules as are necessary to carry out the purposes of the subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any errors with respect to which the date referred to in section 414(cc) (as added by this section) is after December 31, 2023. Prior to the application of any regulations or other guidance prescribed under paragraph (3) of section 414(cc) of the Internal Revenue Code of 1986 (as added by this section), taxpayers may rely upon their reasonable good faith interpretations of the provisions of such section.

26 USC 414 note.

TITLE IV—TECHNICAL AMENDMENTS

SEC. 401. AMENDMENTS RELATING TO SETTING EVERY COMMUNITY UP FOR RETIREMENT ENHANCEMENT ACT OF 2019.

(a) TECHNICAL AMENDMENTS.—

(1) AMENDMENTS RELATING TO SECTION 103.—Section 401(m)(12) is amended by striking "and" at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) (as so amended) the following new subparagraph:

26 USC 401.

"(B) meets the notice requirements of subsection (k)(13)(E), and".

(2) AMENDMENTS RELATING TO SECTION 112.—

26 USC 401.

(A) Section 401(k)(15)(B)(i)(II) is amended by striking "subsection (m)(2)" and inserting "paragraphs (2), (11), and (12) of subsection (m)".

(B) Section 401(k)(15)(B)(iii) is amended by striking "under the arrangement" and inserting "under the plan".

(C) Section 401(k)(15)(B)(iv) is amended by striking "section 410(a)(1)(A)(ii)" and inserting "paragraph (2)(D)".

(3) AMENDMENT RELATING TO SECTION 116.—Section 4973(b) is amended by adding at the end of the flush matter the following: "Such term shall not include any designated nondeductible contribution (as defined in subparagraph (C) of section 408(o)(2)) which does not exceed the nondeductible limit under subparagraph (B) thereof by reason of an election under section 408(o)(5).".

(b) CLERICAL AMENDMENTS.—

(1) Section 72(t)(2)(H)(vi)(IV) is amended by striking "403(b)(7)(A)(ii)" and inserting " 403(b)(7)(A)(i)".

(2) Section 401(k)(12)(G) is amended by striking "the requirements under subparagraph (A)(i)" and inserting "the contribution requirements under subparagraph (B) or (C)".

(3) Section 401(k)(13)(D)(iv) is amended by striking "and (F)" and inserting "and (G)".

(4) Section 408(o)(5)(A) is amended by striking "subsection (b)" and inserting "section 219(b)".

(5) Section 408A(c)(2)(A) is amended by striking "(d)(1) or".

26 USC 72 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the section of the Setting Every Community Up for Retirement Enhancement Act of 2019 to which the amendment relates.

TITLE V—ADMINISTRATIVE PROVISIONS

SEC. 501. PROVISIONS RELATING TO PLAN AMENDMENTS.

26 USC 414 note.

(a) IN GENERAL.—If this section applies to any retirement plan or contract amendment—

(1) such retirement plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A); and

(2) except as provided by the Secretary of the Treasury (or the Secretary's delegate), such retirement plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any retirement plan or annuity contract which is made—

Regulations.

(A) pursuant to any amendment made by this Act or pursuant to any regulation issued by the Secretary

of the Treasury or the Secretary of Labor (or a delegate of either such Secretary) under this Act; and

(B) on or before the last day of the first plan year beginning on or after January 1, 2025, or such later date as the Secretary of the Treasury may prescribe. Effective date.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), or an applicable collectively bargained plan, this paragraph shall be applied by substituting "2027" for "2025". For purposes of the preceding sentence, the term "applicable collectively bargained plan" means a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act.

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period— Time period.

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (as modified by the second sentence of paragraph (1)) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

(c) COORDINATION WITH OTHER PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) SECURE ACT.—Section 601(b)(1) of the Setting Every Community Up for Retirement Enhancement Act of 2019 is amended— 26 USC 414 note.

(A) by striking "January 1, 2022" in subparagraph (B) and inserting "January 1, 2025", and

(B) by striking "substituting '2024' for '2022'." in the flush matter at the end and inserting "substituting '2027' for '2025'.".

(2) CARES ACT.—

(A) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.— Section 2202(c)(2)(A) of the CARES Act is amended by striking "January 1, 2022" in clause (ii) and inserting "January 1, 2025". 26 USC 72 note.

(B) TEMPORARY WAIVER OF REQUIRED MINIMUM DISTRIBUTIONS RULES FOR CERTAIN RETIREMENT PLANS AND ACCOUNTS.—Section 2203(c)(2)(B)(i) of the CARES Act is amended— 26 USC 401 note.

(i) by striking "January 1, 2022" in subclause (II) and inserting "January 1, 2025", and

(ii) by striking "substituting '2024' for '2022'." in the flush matter at the end and inserting "substituting '2027' for '2025'.".

(C) TAXPAYER CERTAINTY AND DISASTER TAX RELIEF ACT OF 2020.—Section 302(d)(2)(A) of the Taxpayer Certainty and Disaster Tax Relief Act of 2020 is amended by striking 134 Stat. 3074

"January 1, 2022" in clause (ii) and inserting "January 1, 2025".

TITLE VI—REVENUE PROVISIONS

SEC. 601. SIMPLE AND SEP ROTH IRAS.

26 USC 408A.

(a) IN GENERAL.—Section 408A is amended by striking subsection (f).

(b) RULES RELATING TO SIMPLIFIED EMPLOYEE PENSIONS.—

(1) CONTRIBUTIONS.—Section 402(h)(1) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any contributions pursuant to a simplified employer pension which are made to an individual retirement plan designated as a Roth IRA, such contribution shall not be excludable from gross income.".

(2) DISTRIBUTIONS.—Section 402(h)(3) is amended by inserting "(or section 408A(d) in the case of an individual retirement plan designated as a Roth IRA)" before the period at the end.

(3) ELECTION REQUIRED.—Section 408(k) is amended by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively, and by inserting after paragraph (6) the following new paragraph:

"(7) ROTH CONTRIBUTION ELECTION.—An individual retirement plan which is designated as a Roth IRA shall not be treated as a simplified employee pension under this subsection unless the employee elects for such plan to be so treated (at such time and in such manner as the Secretary may provide).".

(c) RULES RELATING TO SIMPLE RETIREMENT ACCOUNTS.—

(1) ELECTION REQUIRED.—Section 408(p), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(12) ROTH CONTRIBUTION ELECTION.—An individual retirement plan which is designated as a Roth IRA shall not be treated as a simple retirement account under this subsection unless the employee elects for such plan to be so treated (at such time and in such manner as the Secretary may provide).".

(2) ROLLOVERS.—Section 408A(e) is amended by adding at the end the following new paragraph:

"(3) SIMPLE RETIREMENT ACCOUNTS.—In the case of any payment or distribution out of a simple retirement account (as defined in section 408(p)) with respect to which an election has been made under section 408(p)(12) and to which 72(t)(6) applies, the term 'qualified rollover contribution' shall not include any payment or distribution paid into an account other than another simple retirement account (as so defined).".

(d) CONFORMING AMENDMENT.—Section 408A(d)(2)(B) is amended by inserting ", or employer in the case of a simple retirement account (as defined in section 408(p)) or simplified employee pension (as defined in section 408(k))," after "individual's spouse".

26 USC 402 note.

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

SEC. 602. HARDSHIP WITHDRAWAL RULES FOR 403(b) PLANS.

(a) IN GENERAL.—Section 403(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph: 26 USC 403.

"(17) SPECIAL RULES RELATING TO HARDSHIP WITHDRAWALS.—For purposes of paragraphs (7) and (11)—

"(A) AMOUNTS WHICH MAY BE WITHDRAWN.—The following amounts may be distributed upon hardship of the employee:

"(i) Contributions made pursuant to a salary reduction agreement (within the meaning of section 3121(a)(5)(D)).

"(ii) Qualified nonelective contributions (as defined in section 401(m)(4)(C)).

"(iii) Qualified matching contributions described in section 401(k)(3)(D)(ii)(I).

"(iv) Earnings on any contributions described in clause (i), (ii), or (iii).

"(B) NO REQUIREMENT TO TAKE AVAILABLE LOAN.—A distribution shall not be treated as failing to be made upon the hardship of an employee solely because the employee does not take any available loan under the plan.".

(b) CONFORMING AMENDMENTS.—

(1) Section 403(b)(7)(A)(i)(V) is amended by striking "in the case of contributions made pursuant to a salary reduction agreement (within the meaning of section 3121(a)(5)(D))" and inserting "subject to the provisions of paragraph (17)".

(2) Paragraph (11) of section 403(b), as amended by this Act, is further amended—

(A) by striking "in" in subparagraph (B) and inserting "subject to the provisions of paragraph (17), in", and

(B) by striking the second sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2023. 26 USC 403 note.

SEC. 603. ELECTIVE DEFERRALS GENERALLY LIMITED TO REGULAR CONTRIBUTION LIMIT.

(a) APPLICABLE EMPLOYER PLANS.—Section 414(v) is amended by adding at the end the following new paragraph:

"(7) CERTAIN DEFERRALS MUST BE ROTH CONTRIBUTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), in the case of an eligible participant whose wages (as defined in section 3121(a)) for the preceding calendar year from the employer sponsoring the plan exceed $145,000, paragraph (1) shall apply only if any additional elective deferrals are designated Roth contributions (as defined in section 402A(c)(1)) made pursuant to an employee election.

"(B) ROTH OPTION.—In the case of an applicable employer plan with respect to which subparagraph (A) applies to any participant for a plan year, paragraph (1) shall not apply to the plan unless the plan provides that any eligible participant may make the participant's additional elective deferrals as designated Roth contributions.

"(C) EXCEPTION.—Subparagraph (A) shall not apply in the case of an applicable employer plan described in paragraph (6)(A)(iv).

"(D) ELECTION TO CHANGE DEFERRALS.—The Secretary may provide by regulations that an eligible participant may elect to change the participant's election to make additional elective deferrals if the participant's compensation is determined to exceed the limitation under subparagraph (A) after the election is made.

Time period.
Effective date.

"(E) COST OF LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2024, the Secretary shall adjust annually the $145,000 amount in subparagraph (A) for increases in the cost-of-living at the same time and in the same manner as adjustments under 415(d); except that the base period taken into account shall be the calendar quarter beginning July 1, 2023, and any increase under this subparagraph which is not a multiple of $5,000 shall be rounded to the next lower multiple of $5,000.".

(b) CONFORMING AMENDMENTS.—

(1) Section 402(g)(1) is amended by striking subparagraph (C).

(2) Section 457(e)(18)(A)(ii) is amended by inserting "the lesser of any designated Roth contributions made by the participant to the plan or" before "the applicable dollar amount".

26 USC 402 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023.

SEC. 604. OPTIONAL TREATMENT OF EMPLOYER MATCHING OR NONELECTIVE CONTRIBUTIONS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(a) is amended by redesignating paragraph (2) as paragraph (4), by striking "and" at the end of paragraph (1), and by inserting after paragraph (1) the following new paragraphs:

"(2) any designated Roth contribution which pursuant to the program is made by the employer on the employee's behalf on account of the employee's contribution, elective deferral, or (subject to the requirements of section 401(m)(13)) qualified student loan payment shall be treated as a matching contribution for purposes of this chapter, except that such contribution shall not be excludable from gross income,

"(3) any designated Roth contribution which pursuant to the program is made by the employer on the employee's behalf and which is a nonelective contribution shall be nonforfeitable and shall not be excludable from gross income, and".

(b) MATCHING INCLUDED IN QUALIFIED ROTH CONTRIBUTION PROGRAM.—Section 402A(b)(1) is amended—

(1) by inserting ", or to have made on the employee's behalf," after "elect to make", and

(2) by inserting ", or of matching contributions or nonelective contributions which may otherwise be made on the employee's behalf," after "otherwise eligible to make".

(c) DESIGNATED ROTH MATCHING CONTRIBUTIONS.—Section 402A(c)(1) is amended by inserting ", matching contribution, or nonelective contribution" after "elective deferral".

(d) MATCHING CONTRIBUTION DEFINED.—Section 402A(f), as redesignated by this Act, is amended by adding at the end the following:

"(3) MATCHING CONTRIBUTION.—The term 'matching contribution' means—

"(A) any matching contribution described in section 401(m)(4)(A), and

"(B) any contribution to an eligible deferred compensation plan (as defined in section 457(b)) by an eligible employer described in section 457(e)(1)(A) on behalf of an employee and on account of such employee's elective deferral under such plan,

but only if such contribution is nonforfeitable at the time received.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act. 26 USC 402A note.

SEC. 605. CHARITABLE CONSERVATION EASEMENTS.

(a) LIMITATION ON DEDUCTION.—

(1) IN GENERAL.—Section 170(h) is amended by adding at the end the following new paragraph: 26 USC 170.

"(7) LIMITATION ON DEDUCTION FOR QUALIFIED CONSERVATION CONTRIBUTIONS MADE BY PASS-THROUGH ENTITIES.—

"(A) IN GENERAL.—A contribution by a partnership (whether directly or as a distributive share of a contribution of another partnership) shall not be treated as a qualified conservation contribution for purposes of this section if the amount of such contribution exceeds 2.5 times the sum of each partner's relevant basis in such partnership.

"(B) RELEVANT BASIS.—For purposes of this paragraph— Definitions.

"(i) IN GENERAL.—The term 'relevant basis' means, with respect to any partner, the portion of such partner's modified basis in the partnership which is allocable (under rules similar to the rules of section 755) to the portion of the real property with respect to which the contribution described in subparagraph (A) is made.

"(ii) MODIFIED BASIS.—The term 'modified basis' means, with respect to any partner, such partner's adjusted basis in the partnership as determined—

"(I) immediately before the contribution described in subparagraph (A),

"(II) without regard to section 752, and

"(III) by the partnership after taking into account the adjustments described in subclauses (I) and (II) and such other adjustments as the Secretary may provide.

"(C) EXCEPTION FOR CONTRIBUTIONS OUTSIDE 3-YEAR HOLDING PERIOD.—Subparagraph (A) shall not apply to any contribution which is made at least 3 years after the latest of—

"(i) the last date on which the partnership that made such contribution acquired any portion of the real property with respect to which such contribution is made,

"(ii) the last date on which any partner in the partnership that made such contribution acquired any interest in such partnership, and

"(iii) if the interest in the partnership that made such contribution is held through 1 or more partnerships—

"(I) the last date on which any such partnership acquired any interest in any other such partnership, and

"(II) the last date on which any partner in any such partnership acquired any interest in such partnership.

"(D) EXCEPTION FOR FAMILY PARTNERSHIPS.—

"(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to any contribution made by any partnership if substantially all of the partnership interests in such partnership are held, directly or indirectly, by an individual and members of the family of such individual.

Definition.

"(ii) MEMBERS OF THE FAMILY.—For purposes of this subparagraph, the term 'members of the family' means, with respect to any individual—

"(I) the spouse of such individual, and

"(II) any individual who bears a relationship to such individual which is described in subparagraphs (A) through (G) of section 152(d)(2).

"(E) EXCEPTION FOR CONTRIBUTIONS TO PRESERVE CERTIFIED HISTORIC STRUCTURES.—Subparagraph (A) shall not apply to any qualified conservation contribution the conservation purpose of which is the preservation of any building which is a certified historic structure (as defined in paragraph (4)(C)).

"(F) APPLICATION TO OTHER PASS-THROUGH ENTITIES.—Except as may be otherwise provided by the Secretary, the rules of this paragraph shall apply to S corporations and other pass-through entities in the same manner as such rules apply to partnerships.

"(G) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance—

"(i) to require reporting, including reporting related to tiered partnerships and the modified basis of partners, and

"(ii) to prevent the avoidance of the purposes of this paragraph.".

(2) APPLICATION OF ACCURACY-RELATED PENALTIES.—

26 USC 6662.

(A) IN GENERAL.—Section 6662(b) is amended by inserting after paragraph (9) the following new paragraph:

"(10) Any disallowance of a deduction by reason of section 170(h)(7).".

(B) TREATMENT AS GROSS VALUATION MISSTATEMENT.—Section 6662(h)(2) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) any disallowance of a deduction described in subsection (b)(10).".

(C) NO REASONABLE CAUSE EXCEPTION.—Section 6664(c)(2) is amended by inserting "or to any disallowance

of a deduction described in section 6662(b)(10)" before the period at the end.

(D) APPROVAL OF ASSESSMENT NOT REQUIRED.—Section 6751(b)(2)(A) is amended by striking "subsection (b)(9)" and inserting "paragraph (9) or (10) of subsection (b)". 26 USC 6751.

(3) EXTENSION OF STATUTE OF LIMITATIONS FOR LISTED TRANSACTIONS.—Any contribution with respect to which any deduction was disallowed by reason of section 170(h)(7) of the Internal Revenue Code of 1986 (as added by this subsection) shall be treated for purposes of sections 6501(c)(10) and 6235(c)(6) of such Code as a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011 of such Code. 26 USC 170 note.

(b) REPORTING REQUIREMENTS.—Section 170(f) is amended by adding at the end the following new paragraph:

"(19) CERTAIN QUALIFIED CONSERVATION CONTRIBUTIONS.—

"(A) IN GENERAL.—In the case of a qualified conservation contribution to which this paragraph applies, no deduction shall be allowed under subsection (a) for such contribution unless the partnership making such contribution—

"(i) includes on its return for the taxable year in which the contribution is made a statement that the partnership made such a contribution, and

"(ii) provides such information about the contribution as the Secretary may require.

"(B) CONTRIBUTIONS TO WHICH THIS PARAGRAPH APPLIES.—This paragraph shall apply to any qualified conservation contribution—

"(i) the conservation purpose of which is the preservation of any building which is a certified historic structure (as defined in subsection (h)(4)(C)),

"(ii) which is made by a partnership (whether directly or as a distributive share of a contribution of another partnership), and

"(iii) the amount of which exceeds 2.5 times the sum of each partner's relevant basis (as defined in subsection (h)(7)) in the partnership making the contribution.

"(C) APPLICATION TO OTHER PASS-THROUGH ENTITIES.—Except as may be otherwise provided by the Secretary, the rules of this paragraph shall apply to S corporations and other pass-through entities in the same manner as such rules apply to partnerships.".

(c) EFFECTIVE DATE.— 26 USC 170 note.

(1) IN GENERAL.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

(2) NO INFERENCE.—No inference is intended as to the appropriate treatment of contributions made in taxable years ending on or before the date specified in paragraph (1), or as to any contribution for which a deduction is not disallowed by reason of section 170(h)(7) of the Internal Revenue Code of 1986, as added by this section.

(d) SAFE HARBORS AND OPPORTUNITY FOR DONOR TO CORRECT CERTAIN DEED ERRORS.— 26 USC 170 note.

(1) IN GENERAL.—The Secretary of the Treasury (or such Secretary's delegate) shall, within 120 days after the date of Deadline. Publication.

the enactment of this Act, publish safe harbor deed language for extinguishment clauses and boundary line adjustments.

(2) OPPORTUNITY TO CORRECT.—

Time period.

(A) IN GENERAL.—During the 90-day period beginning on the date of publication of the safe harbor deed language under paragraph (1), a donor may amend an easement deed to substitute the safe harbor language for the corresponding language in the original deed if—

Deadline.

(i) the amended deed is signed by the donor and donee and recorded within such 90-day period, and

(ii) such amendment is treated as effective as of the date of the recording of the original easement deed.

(B) EXCEPTIONS.—Subparagraph (A) shall not apply to an easement deed relating to any contribution—

(i) which—

(I) is part of a reportable transaction (as defined in section 6707A(c)(1) of the Internal Revenue Code of 1986), or

(II) is described in Internal Revenue Service Notice 2017–10,

(ii) which by reason of section 170(h)(7) of such Code, as added by this section, is not treated as a qualified conservation contribution,

(iii) if a deduction for such contribution under section 170 of such Code has been disallowed by the Secretary of the Treasury (or such Secretary's delegate), and the donor is contesting such disallowance in a case which is docketed in a Federal court on a date before the date the amended deed is recorded by the donor, or

Applicability.

(iv) if a claimed deduction for such contribution under section 170 of such Code resulted in an underpayment to which a penalty under section 6662 or 6663 of such Code applies and—

(I) such penalty has been finally determined administratively, or

(II) if such penalty is challenged in court, the judicial proceeding with respect to such penalty has been concluded by a decision or judgment which has become final.

SEC. 606. ENHANCING RETIREE HEALTH BENEFITS IN PENSION PLANS.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

26 USC 420.

(1) EXTENSION OF TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.—Paragraph (4) of section 420(b) is amended by striking "December 31, 2025" and inserting "December 31, 2032".

(2) DE MINIMIS TRANSFER RULE.—

(A) IN GENERAL.—Subsection (e) of section 420 is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR DE MINIMIS TRANSFERS.—

Applicability.

"(A) IN GENERAL.—In the case of a transfer of an amount which is not more than 1.75 percent of the amount determined under paragraph (2)(A) by a plan which meets the requirements of subparagraph (B), paragraph (2)(B)

shall be applied by substituting '110 percent' for '125 percent'.

"(B) TWO-YEAR LOOKBACK REQUIREMENT.—A plan is described in this subparagraph if, as of any valuation date in each of the 2 plan years immediately preceding the plan year in which the transfer occurs, the amount determined under paragraph (2)(A) exceeded 110 percent of the sum of the funding target and the target normal cost determined under section 430 for each such plan year.".

(B) COST MAINTENANCE PERIOD.—Subparagraph (D) of section 420(c)(3) is amended by striking "5 taxable years" and inserting "5 taxable years (7 taxable years in the case of a transfer to which subsection (e)(7) applies)".

(C) CONFORMING AMENDMENTS.—

(i) EXCESS PENSION ASSETS.—Clause (i) of section 420(f)(2)(B) is amended—

(I) by striking "IN GENERAL.—In" and inserting "IN GENERAL.—

"(I) DETERMINATION.—In",

(II) by striking "subsection (e)(2)" and inserting "subsection (e)(2)(B)", and

(III) by adding at the end the following new subclause:

"(II) SPECIAL RULE FOR COLLECTIVELY BARGAINED TRANSFERS.—In determining excess pension assets for purposes of a collectively bargained transfer, subsection (e)(7) shall not apply.".

(ii) MINIMUM COST.—Subclause (I) of section 420(f)(2)(D)(i) is amended by striking "4th year" and inserting "4th year (the 6th year in the case of a transfer to which subsection (e)(7) applies)".

(b) EXTENSION OF TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS UNDER EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) DEFINITIONS.—Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking "(as in effect on the date of the enactment of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015)" and inserting "(as in effect on the date of enactment of the SECURE 2.0 Act of 2022)".

(2) USE OF ASSETS.—Section 403(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1103(c)(1)) is amended by striking "(as in effect on the date of the enactment of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015)" and inserting "(as in effect on the date of enactment of the SECURE 2.0 Act of 2022)".

(3) EXEMPTION.—Section 408(b)(13) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(13)) is amended—

(A) by striking "January 1, 2026" and inserting "January 1, 2033"; and

(B) by striking "(as in effect on the date of the enactment of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015)" and inserting "(as in effect on the date of enactment of the SECURE 2.0 Act of 2022)".

26 USC 420 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

TITLE VII—TAX COURT RETIREMENT PROVISIONS

SEC. 701. PROVISIONS RELATING TO JUDGES OF THE TAX COURT.

(a) THRIFT SAVINGS PLAN CONTRIBUTIONS FOR JUDGES IN THE FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

26 USC 7447.

(1) IN GENERAL.—Subsection (j)(3)(B) of section 7447 is amended to read as follows:

"(B) CONTRIBUTIONS FOR BENEFIT OF JUDGE.—No contributions under section 8432(c) of title 5, United States Code, shall be made for the benefit of a judge who has filed an election to receive retired pay under subsection (e).".

(2) OFFSET.—Paragraph (3) of section 7447(j) is amended by adding at the end the following new subparagraph:

"(F) OFFSET.—In the case of a judge who receives a distribution from the Thrift Savings Plan and who later receives retired pay under subsection (d), the retired pay shall be offset by an amount equal to the amount of the distribution which represents the Government's contribution to the individual's Thrift Savings Account during years of service as a full-time judicial officer under the Federal Employees Retirement System, without regard to earnings attributable to such amount. Where such an offset would exceed 50 percent of the retired pay to be received in the first year, the offset may be divided equally over the first 2 years in which the individual receives the annuity.".

Time period.

26 USC 7447 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to basic pay earned while serving as a judge of the United States Tax Court on or after the date of the enactment of this Act.

(b) CHANGE IN VESTING PERIOD FOR SURVIVOR ANNUITIES AND WAIVER OF VESTING PERIOD IN THE EVENT OF ASSASSINATION.—

(1) ELIGIBILITY IN CASE OF DEATH.—Subsection (h) of section 7448 is amended to read as follows:

"(h) ENTITLEMENT TO ANNUITY.—

"(1) IN GENERAL.—

"(A) ANNUITY TO SURVIVING SPOUSE.—If a judge or special trial judge described in paragraph (2) is survived by a surviving spouse but not by a dependent child, there shall be paid to such surviving spouse an annuity beginning with the day of the death of the judge or special trial judge or following the surviving spouse's attainment of age 50, whichever is the later, in an amount computed as provided in subsection (m).

"(B) ANNUITY TO SURVIVING SPOUSE AND CHILD.—If a judge or special trial judge described in paragraph (2) is survived by a surviving spouse and dependent child or children, there shall be paid to such surviving spouse an annuity, beginning on the day of the death of the judge or special trial judge, in an amount computed as provided in subsection (m), and there shall also be paid

to or on behalf of each such child an immediate annuity equal to the lesser of—

"(i) 10 percent of the average annual salary of such judge or special trial judge (determined in accordance with subsection (m)), or

"(ii) 20 percent of such average annual salary, divided by the number of such children.

"(C) ANNUITY TO SURVIVING DEPENDENT CHILDREN.—If a judge or special trial judge described in paragraph (2) leaves no surviving spouse but leaves a surviving dependent child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the lesser of—

"(i) 20 percent of the average annual salary of such judge or special trial judge (determined in accordance with subsection (m)), or

"(ii) 40 percent of such average annual salary divided by the number of such children.

"(2) COVERED JUDGES.—Paragraph (1) applies to any judge or special trial judge electing under subsection (b)—

Applicability. Time periods.

"(A) who dies while a judge or special trial judge after having rendered at least 18 months of civilian service computed as prescribed in subsection (n), for the last 18 months of which the salary deductions provided for by subsection (c)(1) or the deposits required by subsection (d) have actually been made or the salary deductions required by the civil service retirement laws have actually been made, or

"(B) who dies by assassination after having rendered less than 18 months of civilian service computed as prescribed in subsection (n) if, for the period of such service, the salary deductions provided for by subsection (c)(1) or the deposits required by subsection (d) have actually been made.

"(3) TERMINATION OF ANNUITY.—

"(A) SURVIVING SPOUSE.—The annuity payable to a surviving spouse under this subsection shall be terminable upon such surviving spouse's death or such surviving spouse's remarriage before attaining age 55.

"(B) SURVIVING CHILD.—Any annuity payable to a child under this subsection shall be terminable upon the earliest of—

"(i) the child's attainment of age 18,

"(ii) the child's marriage, or

"(iii) the child's death,

except that if such child is incapable of self-support by reason of mental or physical disability the child's annuity shall be terminable only upon death, marriage, or recovery from such disability.

"(C) DEPENDENT CHILD AFTER DEATH OF SURVIVING SPOUSE.—In case of the death of a surviving spouse of a judge or special trial judge leaving a dependent child or children of the judge or special trial judge surviving such spouse, the annuity of such child or children shall be recomputed and paid as provided in paragraph (1)(C).

"(D) RECOMPUTATION WITH RESPECT TO OTHER DEPENDENT CHILDREN.—In any case in which the annuity of a dependent child is terminated under this subsection,

the annuities of any remaining dependent child or children based upon the service of the same judge or special trial judge shall be recomputed and paid as though the child whose annuity was so terminated had not survived such judge.

Time period.

"(E) SPECIAL RULE FOR ASSASSINATED JUDGES.—In the case of a survivor of a judge or special trial judge described in paragraph (2)(B), there shall be deducted from the annuities otherwise payable under this section an amount equal to the amount of salary deductions that would have been made if such deductions had been made for 18 months prior to the death of the judge or special trial judge.".

26 USC 7448.

(2) DEFINITION OF ASSASSINATION.—Section 7448(a) is amended by adding at the end the following new paragraph:

"(10) The terms 'assassinated' and 'assassination' mean the killing of a judge or special trial judge that is motivated by the performance by the judge or special trial judge of his or her official duties.".

(3) DETERMINATION OF ASSASSINATION.—Subsection (i) of section 7448 is amended—

(A) by striking "OF DEPENDENCY AND DISABILITY.—Questions" and inserting "BY CHIEF JUDGE.—

"(1) DEPENDENCY AND DISABILITY.—Questions", and

(B) by adding at the end the following new paragraph:

Determination.

"(2) ASSASSINATION.—The chief judge shall determine whether the killing of a judge or special trial judge was an assassination, subject to review only by the Tax Court. The head of any Federal agency that investigates the killing of a judge or special trial judge shall provide to the chief judge any information that would assist the chief judge in making such a determination.".

(4) COMPUTATION OF ANNUITIES.—Section 7448(m) is amended to read as follows:

Time periods.

"(m) COMPUTATION OF ANNUITIES.—The annuity of the surviving spouse of a judge or special trial judge electing under subsection (b) shall be an amount equal to the sum of—

"(1) the product of—

"(A) 1.5 percent of the average annual salary (whether judge's or special trial judge's salary or compensation for other allowable service) received by such judge or special trial judge—

"(i) for judicial service (including periods in which he received retired pay under section 7447(d), section 7447A(d), or any annuity under chapter 83 or 84 of title 5, United States Code) or for any other prior allowable service during the period of 3 consecutive years in which such judge or special trial judge received the largest such average annual salary, or

"(ii) in the case of a judge or special trial judge who has served less than 3 years, during the total period of such service prior to such judge's or special trial judge's death, multiplied by the sum of, multiplied by

"(B) the sum of—

"(i) the judge's or special trial judge's years of such judicial service,

"(ii) the judge's or special trial judge's years of prior allowable service as a Senator, Representative, Delegate, or Resident Commissioner in Congress,

"(iii) the judge's or special trial judge's years of prior allowable service performed as a member of the Armed Forces of the United States, and

"(iv) the judge's or special trial judge's years, not exceeding 15, of prior allowable service performed as a congressional employee (as defined in section 2107 of title 5 of the United States Code), plus

"(2) three-fourths of 1 percent of such average annual salary multiplied by the judge's years of any other prior allowable service,

except that such annuity shall not exceed an amount equal to 50 percent of such average annual salary, nor be less than an amount equal to 25 percent of such average annual salary, and shall be further reduced in accordance with subsection (d) (if applicable). In determining the period of 3 consecutive years referred to in the preceding sentence, there may not be taken into account any period for which an election under section 7447(f)(4) is in effect.".

(5) OTHER BENEFITS.—Section 7448 is amended by adding at the end the following new subsection: 26 USC 7448.

"(u) OTHER BENEFITS IN CASE OF ASSASSINATION.—In the case of a judge or special trial judge who is assassinated, an annuity shall be paid under this section notwithstanding a survivor's eligibility for or receipt of benefits under chapter 81 of title 5, United States Code, except that the annuity for which a surviving spouse is eligible under this section shall be reduced to the extent that the total benefits paid under this section and chapter 81 of that title for any year would exceed the current salary for that year of the office of the judge or special trial judge.".

(c) COORDINATION OF RETIREMENT AND SURVIVOR ANNUITY WITH THE FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) RETIREMENT.—Section 7447 is amended—

(A) by striking "section 8331(8)" in subsection (g)(2)(C) and inserting "sections 8331(8) and 8401(19)", and

(B) by striking "Civil Service Commission" both places it appears in subsection (i)(2) and inserting "Office of Personnel Management".

(2) ANNUITIES TO SURVIVING SPOUSES AND DEPENDENT CHILDREN.—Section 7448 is amended—

(A) by striking "section 8332" in subsection (d) and inserting "sections 8332 and 8411", and

(B) by striking "section 8332" in subsection (n) and inserting "sections 8332 and 8411".

(d) LIMIT ON TEACHING COMPENSATION OF RETIRED JUDGES.—

(1) IN GENERAL.—Section 7447 is amended by adding at the end the following new subsection:

"(k) TEACHING COMPENSATION OF RETIRED JUDGES.—For purposes of the limitation under section 501(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.), any compensation for teaching approved under section 502(a)(5) of such Act shall not be treated as outside earned income when received by a judge of the United States Tax Court who has retired under subsection (b) for teaching performed during any calendar year for which such a judge has Certification.

met the requirements of subsection (c), as certified by the chief judge, or has retired under subsection (b)(4).".

26 USC 7447 note.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any individual serving as a retired judge of the United States Tax Court on or after the date of the enactment of this Act.

26 USC 7447 note.

(e) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 702. PROVISIONS RELATING TO SPECIAL TRIAL JUDGES OF THE TAX COURT.

(a) RETIREMENT AND RECALL FOR SPECIAL TRIAL JUDGES.—Part I of subchapter C of chapter 76 is amended by inserting after section 7447 the following new section:

26 USC 7447A.

"SEC. 7447A. RETIREMENT FOR SPECIAL TRIAL JUDGES.

"(a) IN GENERAL.—

"(1) RETIREMENT.—Any special trial judge appointed pursuant to section 7443A may retire from service as a special trial judge if the individual meets the age and service requirements set forth in the following 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.

"(2) LENGTH OF SERVICE.—In making any determination of length of service as a special trial judge there shall be included all periods (whether or not consecutive) during which an individual served as a special trial judge

"(b) RETIREMENT UPON DISABILITY.—Any special trial judge appointed pursuant to section 7443A who becomes permanently disabled from performing such individual's duties shall retire from service as a special trial judge.

"(c) RECALLING OF RETIRED SPECIAL TRIAL JUDGES.—Any individual who has retired pursuant to subsection (a) may be called upon by the chief judge to perform such judicial duties with the Tax Court as may be requested of such individual for a period or periods specified by the chief judge, except that in the case of any such individual—

Time periods.

"(1) the aggregate of such periods in any 1 calendar year shall not (without the consent of such individual) exceed 90 calendar days, and

"(2) such individual shall be relieved of performing such duties during any period in which illness or disability precludes the performance of such duties.

Any act, or failure to act, by an individual performing judicial duties pursuant to this subsection shall have the same force and effect as if it were the act (or failure to act) of a special trial judge. Any individual who is performing judicial duties pursuant to this subsection shall be paid the same compensation (in lieu

of retired pay) and allowances for travel and other expenses as a special trial judge.

"(d) RETIRED PAY.—

"(1) IN GENERAL.—Any individual who retires pursuant to subsection (a) and elects under subsection (e) to receive retired pay under this subsection shall receive retired pay during any period of retirement from service as a special trial judge at a rate which bears the same ratio to the rate of the salary payable to a special trial judge during such period as—

"(A) the number of years such individual has served as special trial judge bears to,

"(B) 15,

except that the rate of such retired pay shall not be more than the rate of such salary for such period.

"(2) RETIREMENT UPON DISABILITY.—Any individual who retires pursuant to subsection (b) and elects under subsection (e) to receive retired pay under this subsection shall receive retired pay during any period of retirement from service as a special trial judge— Time periods.

"(A) at a rate equal to the rate of the salary payable to a special trial judge during such period, if the individual had at least 10 years of service as a special trial judge before retirement, and

"(B) at a rate equal to ½ the rate described in subparagraph (A), if the individual had fewer than 10 years of service as a special trial judge before retirement.

"(3) BEGINNING DATE AND PAYMENT.—Retired pay under this subsection shall begin to accrue on the day following the date on which the individual's salary as a special trial judge ceases to accrue, and shall continue to accrue during the remainder of such individual's life. Retired pay under this subsection shall be paid in the same manner as the salary of a special trial judge.

"(4) PARTIAL YEARS.—In computing the rate of the retired pay for an individual to whom paragraph (1) applies, any portion of the aggregate number of years such individual has served as a special trial judge which is a fractional part of 1 year shall be eliminated if it is less than 6 months, or shall be counted as a full year if it is 6 months or more. Applicability.

"(5) RECALLED SERVICE.—In computing the rate of the retired pay for an individual to whom paragraph (1) applies, any period during which such individual performs services under subsection (c) on a substantially full-time basis shall be treated as a period during which such individual has served as a special trial judge. Applicability.

"(e) ELECTION TO RECEIVE RETIRED PAY.—Any special trial judge may elect to receive retired pay under subsection (d). Such an election—

"(1) may be made only while an individual is a special trial judge (except that in the case of an individual who fails to be reappointed as a special trial judge, such election may be made within 60 days after such individual leaves office as a special trial judge), Deadline.

"(2) once made, shall be irrevocable, and

"(3) shall be made by filing notice thereof in writing with the chief judge. Notification.

Records.

The chief judge shall transmit to the Office of Personnel Management a copy of each notice filed with the chief judge under this subsection.

"(f) OTHER RULES MADE APPLICABLE.—The rules of subsections (f), (g), (h)(2), (i), and (j), and the first sentence of subsection (h)(1), of section 7447 shall apply to a special trial judge in the same manner as a judge of the Tax Court. For purposes of the preceding sentence, any reference to the President in such subsections shall be applied as if it were a reference to the chief judge.".

(b) CONFORMING AMENDMENTS.—

26 USC 3121.

(1) Section 3121(b)(5)(E) is amended by inserting "or special trial judge" before "of the United States Tax Court".

(2) Section 7448(b)(2) is amended to read as follows:

"(2) SPECIAL TRIAL JUDGES.—Any special trial judge may by written election filed with the chief judge elect the application of this section. Such election shall be filed while such individual is a special trial judge.".

(3) Section 210(a)(5)(E) of the Social Security Act (42 U.S.C. 410(a)(5)(E)) is amended by inserting "or special trial judge" before "of the United States Tax Court".

26 USC prec. 7441.

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter C of chapter 76 is amended by inserting after the item relating to section 7447 the following new item:

"Sec. 7447A. Retirement for special trial judges.".

26 USC 7447A note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that section 7447A(e) of the Internal Revenue Code of 1986 (as added by this section) shall take effect on the date that is 180 days after such date of enactment. Special trial judges retiring on or after the date of the enactment of this Act, and before the date that is 180 days after the date of such enactment, may file an election under such section not later than 60 days after such date.

Deadline.

Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022.

DIVISION U—JOSEPH MAXWELL CLELAND AND ROBERT JOSEPH DOLE MEMORIAL VETERANS BENEFITS AND HEALTH CARE IMPROVEMENT ACT OF 2022

38 USC 101 note.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022".

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

DIVISION U—JOSEPH MAXWELL CLELAND AND ROBERT JOSEPH DOLE MEMORIAL VETERANS BENEFITS AND HEALTH CARE IMPROVEMENT ACT OF 2022

Sec. 1. Short title; table of contents.

TITLE I—HEALTH CARE MATTERS

Subtitle A—Access to Care

Sec. 101. Expansion of eligibility for hospital care, medical services, and nursing home care from the Department of Veterans Affairs to include veterans of World War II.
Sec. 102. Department of Veterans Affairs treatment and research of prostate cancer.

Subtitle B—Health Care Employees

Sec. 111. Third party review of appointees in Veterans Health Administration who had a license terminated for cause and notice to individuals treated by those appointees if determined that an episode of care or services that they received was below the standard of care.
Sec. 112. Compliance with requirements for examining qualifications and clinical abilities of health care professionals of Department of Veterans Affairs.

Subtitle C—Care From Non-Department of Veterans Affairs Providers

CHAPTER 1—WAIT TIMES FOR CARE

Sec. 121. Calculation of wait time for purposes of eligibility under Veterans 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.
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.
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.
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.

TITLE I—HEALTH CARE MATTERS

Subtitle A—Access to Care

SEC. 101. EXPANSION OF ELIGIBILITY FOR HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE VETERANS OF WORLD WAR II.

(a) IN GENERAL.—Section 1710(a)(2)(E) of title 38, United States Code, is amended by striking "of the Mexican border period or of World War I;" and inserting "of—

"(i) the Mexican border period;

"(ii) World War I; or

"(iii) World War II;".

38 USC 1710 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on March 31, 2023.

38 USC 1701 note.

SEC. 102. DEPARTMENT OF VETERANS AFFAIRS TREATMENT AND RESEARCH OF PROSTATE CANCER.

(a) FINDINGS.—Congress makes the following findings:

(1) Prostate cancer is the number one cancer diagnosed in the Veterans Health Administration.

(2) A 1996 report published by the National Academy of Sciences, Engineering, and Medicine established a link between prostate cancer and exposure to herbicides, such as Agent Orange.

(3) It is essential to acknowledge that due to these circumstances, certain veterans are made aware that they are high-risk individuals when it comes to the potential to develop prostate cancer.

(4) In being designated as "high risk", it is essential that veterans are proactive in seeking earlier preventative clinical services for the early detection and successful treatment of prostate cancer, whether that be through the Veterans Health Administration or through a community provider.

(5) Clinical preventative services and initial detection are some of the most important components in the early detection of prostate cancer for veterans at high risk of prostate cancer.

(6) For veterans with prostate cancer, including prostate cancer that has metastasized, precision oncology, including biomarker-driven clinical trials and innovations underway through the Prostate Cancer Foundation and Department of Veterans Affairs partnership, represents one of the most promising areas of interventions, treatments, and cures for such veterans and their families.

(b) ESTABLISHMENT OF CLINICAL PATHWAY.—

Deadline.

(1) IN GENERAL.—Not later than 365 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish an interdisciplinary clinical pathway for all stages of prostate cancer, from early detection to end of life care. The clinical pathway shall be established in the National Surgery Office of the Department of Veterans Affairs in close collaboration with the National Program Office of Oncology, the Office of Research and Development, and other relevant entities of the Department, including Primary Care.

(2) ELEMENTS.—The national clinical pathway established under this subsection shall include the following elements:

(A) A diagnosis pathway for prostate cancer that includes early screening and diagnosis protocol, including screening recommendations for veterans with evidence-based risk factors.

(B) A treatment pathway that details the respective roles of each office of the Department that will interact with veterans receiving prostate cancer care, including treatment protocol recommendations for veterans with evidence-based risk factors.

Recommendations.

(C) Treatment recommendations for all stages of prostate cancer that reflect nationally recognized standards for oncology, including National Comprehensive Cancer Network guidelines. xt>

(D) A suggested protocol timeframe for each point of care, from early screening to treatment and end-of-life care, based on severity and stage of cancer.

(E) A plan that includes, as appropriate, both Department medical facilities and community-based partners and providers and research centers specializing in prostate cancer, especially such centers that have entered into partnerships with the Department. Plan.

(3) COLLABORATION AND COORDINATION.—In establishing the clinical pathway required under this section, the Secretary may collaborate and coordinate with—

(A) the National Institutes of Health;

(B) the National Cancer Institute;

(C) the National Institute on Minority Health and Health Disparities;

(D) the Centers for Disease Control and Prevention;

(E) the Centers for Medicare and Medicaid Services;

(F) the Patient-Centered Outcomes Research Institute;

(G) the Food and Drug Administration;

(H) the Department of Defense; and

(I) other Institutes and Centers as the Secretary determines necessary.

(4) CONSULTATION REQUIREMENT.—In establishing the clinical pathway required under this section, the Secretary shall consult with, and incorporate feedback from, veterans who have received prostate cancer care at Department medical facilities as well as experts in multi-disciplinary cancer care and clinical research.

(5) PUBLICATION.—The Secretary shall—

(A) publish the clinical pathway established under this subsection on a publicly available Department website; and Public information. Web posting.

(B) update the clinical pathway as needed by review of the medical literature and available evidence-based guidelines at least annually, in accordance with the criteria under paragraph (2). Update. Deadline.

(c) DEVELOPMENT OF COMPREHENSIVE PROSTATE CANCER PROGRAM AND IMPLEMENTATION OF THE PROSTATE CANCER CLINICAL PATHWAY.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a plan to establish a prostate cancer program using the comprehensive prostate cancer clinical pathway developed under subsection (b). Deadline. Plan.

(2) PROGRAM REQUIREMENTS.—The comprehensive prostate cancer program shall—

(A) receive direct oversight from the Deputy Undersecretary for Health of the Department of Veterans Affairs;

(B) include a yearly program implementation evaluation to facilitate replication for other disease states or in other healthcare institutions;

(C) be metric driven and include the development of biannual reports on the quality of prostate cancer care, which shall be provided to the leadership of the Department, medical centers, and providers and made publicly available in an electronic form; and

(D) include an education plan for patients and providers. Plan.

(3) PROGRAM IMPLEMENTATION EVALUATION.—The Secretary shall establish a program evaluation tool to learn best practices and to inform the Department and Congress regarding further use of the disease specific model of care delivery.

Plan.

(4) PROSTATE CANCER RESEARCH.—The Secretary shall submit to Congress a plan that provides for continual funding through the Office of Research and Development of the Department of Veterans for supporting prostate cancer research designed to position the Department as a national resource for prostate cancer detection and treatment. Such plan shall—

(A) include details regarding the funding of and coordination between the National Precision Oncology Program of the Department and the PCF–VA Precision Oncology Centers of Excellence as related to the requirements of this Act; and

(B) affirm that no funding included in such funding plan is duplicative in nature.

(d) REPORT ON NATIONAL REGISTRY.—The Secretary of Veterans Affairs shall submit to Congress a report on the barriers and challenges associated with creating a national prostate cancer registry. Such report shall include recommendations for centralizing data about veterans with prostate cancer for the purpose of improving outcomes and serving as a resource for providers.

Recommendations.

(e) DEFINITIONS.—In this section:

(1) CLINICAL PATHWAY.—The term "clinical pathway" means a health care management tool designed around research and evidence-backed practices that provides direction for the clinical care and treatment of a specific episode of a condition or ailment.

(2) EVIDENCE-BASED RISK FACTORS.—The term "evidence-based risk factors" includes race, ethnicity, socioeconomic status, geographic location, exposure risks, genetic risks, including family history, and such other factors as the Secretary determines appropriate.

Subtitle B—Health Care Employees

38 USC 7401 note.

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.

(a) THIRD PARTY REVIEW.—

Deadline. Contracts.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract or other agreement with an organization that is not part of the Federal Government to conduct a clinical review for quality management of hospital care or medical services furnished by covered providers.

(2) QUALIFICATIONS.—The Secretary shall ensure that each review of a covered provider under this subsection is performed by an individual who is licensed in the same specialty as the covered provider.

(b) NOTICE TO PATIENTS TREATED BY COVERED PROVIDERS.—With respect to hospital care or medical services furnished by

a covered provider under the laws administered by the Secretary, if a clinical review for quality management under subsection (a) determines that the standard of care was not met during an episode of care, the Secretary shall notify the individual who received such care or services from the covered provider as described in applicable policy of the Veterans Heath Administration.

(c) DEFINITIONS.—In this section:

(1) COVERED PROVIDER.—The term "covered provider" means an individual who—

(A) was appointed to the Veterans Health Administration under section 7401 of title 38, United States Code; and

(B) before such appointment, had a license terminated for cause by a State licensing board for hospital care or medical services provided in a facility that is not a facility of the Veterans Health Administration.

(2) HOSPITAL CARE OR MEDICAL SERVICES.—The terms "hospital care" and "medical services" have the meanings given those terms in section 1701 of title 38, United States Code.

SEC. 112. COMPLIANCE WITH REQUIREMENTS FOR EXAMINING QUALIFICATIONS AND CLINICAL ABILITIES OF HEALTH CARE PROFESSIONALS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 74 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7414. Compliance with requirements for examining qualifications and clinical abilities of health care professionals

38 USC 7414.

"(a) COMPLIANCE WITH CREDENTIALING REQUIREMENTS.—The Secretary shall ensure that each medical center of the Department, in a consistent manner—

"(1) compiles, verifies, and reviews documentation for each health care professional of the Department at such medical center regarding, at a minimum—

"(A) the professional licensure, certification, or registration of the health care professional;

"(B) whether the health care professional holds a Drug Enforcement Administration registration; and

"(C) the education, training, experience, malpractice history, and clinical competence of the health care professional; and

"(2) continuously monitors any changes to the matters under paragraph (1), including with respect to suspensions, restrictions, limitations, probations, denials, revocations, and other changes, relating to the failure of a health care professional to meet generally accepted standards of clinical practice in a manner that presents reasonable concern for the safety of patients.

"(b) REGISTRATION REGARDING CONTROLLED SUBSTANCES.—(1) Except as provided in paragraph (2), the Secretary shall ensure that each covered health care professional holds an active Drug Enforcement Administration registration.

"(2) The Secretary shall—

"(A) determine the circumstances in which a medical center of the Department must obtain a waiver under section 302(d)

Determination.
Waiver.

of the Controlled Substances Act (21 U.S.C. 822(d)) with respect to covered health care professionals; and

"(B) establish a process for medical centers to request such waivers.

"(3) In carrying out paragraph (1), the Secretary shall ensure that each medical center of the Department monitors the Drug Enforcement Administration registrations of covered health care professionals at such medical center in a manner that ensures the medical center is made aware of any change in status in the registration by not later than seven days after such change in status.

"(4) If a covered health care professional does not hold an active Drug Enforcement Administration registration, the Secretary shall carry out any of the following actions, as the Secretary determines appropriate:

"(A) Obtain a waiver pursuant to paragraph (2).

"(B) Transfer the health care professional to a position that does not require prescribing, dispensing, administering, or conducting research with controlled substances.

"(C) Take appropriate actions under subchapter V of this chapter, with respect to an employee of the Department, or take appropriate contract administration actions, with respect to a contractor of the Department.

"(c) REVIEWS OF CONCERNS RELATING TO QUALITY OF CLINICAL CARE.—(1) The Secretary shall ensure that each medical center of the Department, in a consistent manner, carries out—

"(A) ongoing, retrospective, and comprehensive monitoring of the performance and quality of the health care delivered by each health care professional of the Department located at the medical center, including with respect to the safety of such care; and

"(B) timely and documented reviews of such care if an individual notifies the Secretary of any potential concerns relating to a failure of a health care professional of the Department to meet generally accepted standards of clinical practice in a manner that presents reasonable concern for the safety of patients.

"(2) The Secretary shall establish a policy to carry out paragraph (1), including with respect to—

Determination.

"(A) determining the period by which a medical center of the Department must initiate the review of a concern described in subparagraph (B) of such paragraph following the date on which the concern is received; and

Compliance.

"(B) ensuring the compliance of each medical center with such policy.

Notification.

"(d) COMPLIANCE WITH REQUIREMENTS FOR REPORTING QUALITY OF CARE CONCERNS.—If the Secretary substantiates a concern relating to the clinical competency of, or quality of care delivered by, a health care professional of the Department (including a former health care professional of the Department), the Secretary shall ensure that the appropriate medical center of the Department timely notifies the following entities of such concern, as appropriate:

"(1) The appropriate licensing, registration, or certification body in each State in which the health care professional is licensed, registered, or certified.

"(2) The Drug Enforcement Administration.

"(3) The National Practitioner Data Bank established pursuant to the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.).

"(4) Any other relevant entity.

"(e) PROHIBITION ON CERTAIN SETTLEMENT AGREEMENT TERMS.—(1) The Secretary may not enter into a settlement agreement relating to an adverse action against a health care professional of the Department if such agreement includes terms that require the Secretary to conceal from the personnel file of the employee a serious medical error or lapse in clinical practice that constitutes a substantial failure to meet generally accepted standards of clinical practice as to raise reasonable concern for the safety of patients.

"(2) Nothing in paragraph (1) limits—

"(A) the right of an employee to appeal a quality of care determination; or

"(B) the rights of an employee under sections 1214 and 1221 of title 5.

"(f) TRAINING.—Not less frequently than annually, the Secretary shall provide mandatory training on the following duties to employees of the Department who are responsible for performing such duties: Deadline.

"(1) Compiling, validating, or reviewing the credentials of health care professionals of the Department.

"(2) Reviewing the quality of clinical care delivered by health care professionals of the Department.

"(3) Taking adverse privileging actions or making determinations relating to other disciplinary actions or employment actions against health care professionals of the Department for reasons relating to the failure of a health care professional to meet generally accepted standards of clinical practice in a manner that presents reasonable concern for the safety of patients.

"(4) Making notifications under subsection (d).

"(g) DEFINITIONS.—In this section:

"(1) The term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(2) The term 'covered health care professional' means an individual employed in a position as a health care professional of the Department, or a contractor of the Department, that requires the individual to be authorized to prescribe, dispense, administer, or conduct research with, controlled substances.

"(3) The term 'Drug Enforcement Administration registration' means registration with the Drug Enforcement Administration under section 303 of the Controlled Substances Act (21 U.S.C. 823) 302 of the Controlled Substances Act (21 U.S.C. 822) by health care practitioners authorized to dispense, prescribe, administer, or conduct research with, controlled substances.

"(4) The term 'health care professional of the Department' means an individual working for the Department in a position described in section 7401 of this title, including a contractor of the Department serving in such a position.".

38 USC prec. 7401.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7413 the following new item:

"7414. Compliance with requirements for examining qualifications and clinical abilities of health care professionals.".

38 USC 7414 note.

(c) DEADLINE FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall commence the implementation of section 7414 of title 38, United States Code, as added by subsection (a), by the following dates:

(1) With respect to subsections (a), (c)(2), (d), and (f) of such section, not later than 180 days after the date of the enactment of this Act.

(2) With respect to subsection (c)(1) of such section, not later than one year after the date of the enactment of this Act.

(3) With respect to subsection (b)(2) of such section, not later than 18 months after the date of the enactment of this Act.

38 USC 7414 note.

(d) AUDITS AND REPORTS.—

(1) AUDITS.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall carry out annual audits of the compliance of medical centers of the Department of Veterans Affairs with the matters required by section 7414 of title 38, United States Code, as added by subsection (a).

(B) CONDUCT OF AUDITS.—In carrying out audits under subparagraph (A), the Secretary—

(i) may not authorize the medical center being audited to conduct the audit; and

(ii) may enter into an agreement with another department or agency of the Federal Government or a nongovernmental entity to conduct such audits.

(2) REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the audits conducted under paragraph (1).

Summary.

(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include a summary of the compliance by each medical center of the Department of Veterans Affairs with the matters required by section 7414 of title 38, United States Code, as added by subsection (a).

(C) INITIAL REPORT.—The Secretary shall include in the first report submitted under subparagraph (A) the following:

(i) A description of the progress made by the Secretary in implementing section 7414 of title 38, United States Code, as added by subsection (a), including any matters under such section that the Secretary has not fully implemented.

Analysis.

(ii) An analysis of the feasibility, advisability, and cost of requiring credentialing employees of the Department to be trained by an outside entity and to maintain a credentialing certification.

(e) REPORT ON UPDATES TO POLICY OF THE DEPARTMENT OF VETERANS AFFAIRS FOR REPORTING PATIENT SAFETY CONCERNS TO APPROPRIATE STATE AND OTHER ENTITIES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the efforts of the Department of Veterans Affairs to update policies and practices for employees of medical centers of the Department, Veterans Integrated Service Networks, and the Veterans Health Administration to report to State licensing boards, the National Practitioner Data Bank established pursuant to the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.), and any other relevant entity health care professionals who are employed by or separated from employment with the Department and whose behavior and clinical practice so substantially failed to meet generally accepted standards of clinical practice as to raise reasonable concern for the safety of patients.

(2) CONSULTATION.—The report required by paragraph (1) shall include a description of the efforts of the Department to consult with—

(A) State licensing boards;

(B) the Centers for Medicare & Medicaid Services;

(C) the National Practitioner Data Bank; and

(D) the exclusive representative of employees of the Department appointed under section 7401(1) of title 38, United States Code.

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.

Section 1703(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

Determination.

"(4) In determining under paragraph (1)(D) whether the Department is able to furnish care or services in a manner that complies with designated access standards developed by the Secretary under section 1703B of this title, for purposes of calculating a wait time for a veteran to schedule an appointment at a medical facility of the Department, the Secretary shall measure from the date of request for the appointment, unless a later date has been agreed to by the veteran in consultation with a health care provider of the Department, to the first next available appointment date relevant to the requested medical service.".

SEC. 122. PLAN REGARDING INFORMING VETERANS OF EXPECTED WAIT TIMES FOR APPOINTMENTS FOR CARE.

Deadlines.
38 USC 1703 note.

(a) IN GENERAL.—Not later than October 1, 2023, the Secretary of Veterans Affairs shall develop a plan to ensure that veterans eligible for care or services pursuant to section 1703(d)(1) of title 38, United States Code, including veterans making their own

appointments using advanced technology, are informed of the expected number of days between the date on which the veteran requested care until—

(1) the date on which the veteran will be able to receive care through a non-Department of Veterans Affairs provider under such section;

(2) the date on which the veteran will be able to receive care through a provider of the Department;

(3) the date on which—

(A) the Department will schedule an appointment for care through a non-Department provider under such section; or

(B) for veterans making their own appointments using advanced technology, the veteran would be able to schedule an appointment for care through a provider of the Department or through a non-Department provider under such section;

(4) the date on which the Department will schedule an appointment for care through a provider of the Department.

(b) IMPLEMENTATION.—The Secretary shall implement the plan required under subsection (a) not later than three years after the date of the enactment of this Act.

List.

(c) MATTERS TO BE INCLUDED.—The Secretary shall include in the plan required under subsection (a) a list of the information technology systems, contracting mechanisms, staff, legislative authorities, pilot programs, and other components that the Secretary determines necessary to implement the plan within the three-year implementation deadline under subsection (b), as well as their associated milestones and resource requirements.

Briefing.
Reports.
Assessment.

(d) UPDATES.—Not less frequently than quarterly, the Secretary shall brief the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives and submit to those committees a report in writing regarding the status of the implementation of the plan required under subsection (a), to include an assessment of the progress of the Secretary in meeting the three-year implementation deadline under subsection (b).

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.

(a) ACCESS STANDARDS.—Section 1703B of title 38, United States Code, is amended—

(1) by striking subsections (f) and (g) and inserting the following:

"(f)(1) Subject to paragraph (3), the Secretary shall meet the access standards established under subsection (a) when furnishing hospital care, medical services, or extended care services to a covered veteran under section 1703 of this title and shall ensure that meeting such access standards is reflected in the contractual requirements of Third Party Administrators.

Compliance.

"(2) The Secretary shall ensure that health care providers specified under section 1703(c) of this title are able to comply with the access standards established under subsection (a) for such providers.

"(3)(A) A Third Party Administrator may request a waiver to the requirement under this subsection to meet the access standards established under subsection (a) if— Waiver authority.

"(i)(I) the scarcity of available providers or facilities in the region precludes the Third Party Administrator from meeting those access standards; or

"(II) the landscape of providers or facilities has changed, and certain providers or facilities are not available such that the Third Party Administrator is not able to meet those access standards; and

"(ii) to address the scarcity of available providers or the change in the provider or facility landscape, as the case may be, the Third Party Administrator has contracted with other providers or facilities that may not meet those access standards but are the currently available providers or facilities most accessible to veterans within the region of responsibility of the Third Party Administrator.

"(B) Any waiver requested by a Third Party Administrator under subparagraph (A) must be requested in writing and submitted to the Office of Integrated Veteran Care of the Department for approval by that office.

"(C) As part of any waiver request under subparagraph (A), a Third Party Administrator must include conclusive evidence and documentation that the access standards established under subsection (a) cannot be met because of scarcity of available providers or changes to the landscape of providers or facilities.

"(D) In evaluating a waiver request under subparagraph (A), the Secretary shall consider the following: Evaluation.

"(i) The number and geographic distribution of eligible health care providers available within the geographic area and specialty referenced in the waiver request.

"(ii) The prevailing market conditions within the geographic area and specialty referenced in the waiver request, which shall include the number and distribution of health care providers contracting with other health care plans (including commercial plans and the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) operating in the geographic area and specialty referenced in the waiver request.

"(iii) Whether the service area is comprised of highly rural, rural, or urban areas or some combination of such areas.

"(iv) How significantly the waiver request differs from the access standards established under subsection (a).

"(v) The rates offered to providers in the geographic area covered by the waiver.

"(E) The Secretary shall not consider inability to contract as a valid sole rationale for granting a waiver under subparagraph (A).

"(g)(1) The Secretary shall publish in the Federal Register and on a publicly available internet website of the Department the designated access standards established under this section for purposes of section 1703(d)(1)(D) of this title. Federal Register, publication. Public information. Web posting.

"(2) The Secretary shall publish on a publicly available internet website of the Department the access standards established under subsection (a)."; and

(2) in subsection (i), by adding at the end the following new paragraphs:

Definition.

"(3) The term 'inability to contract', with respect to a Third Party Administrator, means the inability of the Third Party Administrator to successfully negotiate and establish a community care network contract with a provider or facility.

Definition.

"(4) The term 'Third Party Administrator' means an entity that manages a provider network and performs administrative services related to such network within the Veterans Community Care Program under section 1703 of this title.".

(b) PREVENTION OF SUSPENSION OF VETERANS COMMUNITY CARE PROGRAM.—Section 1703(a) of such title is amended by adding at the end the following new paragraph:

"(4) Nothing in this section shall be construed to authorize the Secretary to suspend the program established under paragraph (1).".

38 USC 1701 note.

SEC. 126. STRATEGIC PLAN TO ENSURE CONTINUITY OF CARE IN THE CASE OF THE REALIGNMENT OF A MEDICAL FACILITY OF THE DEPARTMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Veterans Health Administration should ensure that veterans do not experience a lapse of care when transitioning in receiving care due to the realignment of a medical facility of the Department of Veterans Affairs.

(b) DEVELOPMENT OF STRATEGIC PLAN.—

Updates.

(1) IN GENERAL.—The Secretary of Veterans Affairs, acting through the Office of Integrated Veteran Care, the Chief Strategy Office, the Office of Asset Enterprise Management, or any successor office that has similar and related functions, shall develop and periodically update a strategic plan to ensure continuity of health care through care furnished at a facility of the Department or through the Community Care Program for veterans impacted by the realignment of a medical facility of the Department.

(2) ELEMENTS.—The strategic plan required under paragraph (1) shall include, at a minimum, the following:

Assessment.

(A) An assessment of the progress of the Department in identifying impending realignments of medical facilities of the Department and the impact of such realignments on access of veterans to care, including any impact on the network of health care providers under the Community Care Program.

(B) The progress of the Department in establishing operated sites of care and related activities to address the impact of such a realignment.

(C) An outline of collaborative actions and processes the Department can take to address potential gaps in health care created by such a realignment, including actions and processes to be taken by the Office of Integrated Veteran Care, the Chief Strategy Office, and the Office of Asset Enterprise Management of the Department.

(D) A description of how the Department can identify to Third Party Administrators changes in the catchment areas of medical facilities to be realigned and develop a process with Third Party Administrators to strengthen provider coverage in advance of such realignments.

Deadline.

(3) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary

for Health of the Department shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the plan developed under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) COMMUNITY CARE PROGRAM.—The term "Community Care Program" means the Veterans Community Care Program under section 1703 of title 38, United States Code.

(2) REALIGNMENT.—The term "realignment", with respect to a facility of the Department of Veterans Affairs, includes—

(A) any action that changes the number of facilities or relocates services, functions, or personnel positions; and

(B) strategic collaborations between the Department and non-Federal Government entities, including tribal organizations and Urban Indian Organizations.

(3) THIRD PARTY ADMINISTRATOR.—The term "Third Party Administrator" means an entity that manages a provider network and performs administrative services related to such network within the Veterans Community Care Program under section 1703 of title 38, United States Code.

(4) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) URBAN INDIAN ORGANIZATION.—The term "Urban Indian Organization" has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

CHAPTER 3—COMMUNITY CARE SELF-SCHEDULING PILOT PROGRAM

SEC. 131. DEFINITIONS.

38 USC 1703 note.

In this chapter:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(2) COVERED VETERAN.—The term "covered veteran" means a covered veteran under section 1703(b) of title 38, United States Code.

(3) PILOT PROGRAM.—The term "pilot program" means the pilot program required under section 132(a).

(4) VETERANS COMMUNITY CARE PROGRAM.—The term "Veterans Community Care Program" means the program to furnish hospital care, medical services, and extended care services to covered veterans under section 1703 of title 38, United States Code.

SEC. 132. PILOT PROGRAM ESTABLISHING COMMUNITY CARE APPOINTMENT SELF-SCHEDULING TECHNOLOGY.

Deadline.

(a) PILOT PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a pilot program under which covered veterans eligible for hospital care, medical services, or extended care services under subsection (d)(1) of section 1703 of title 38, United States

Code, may use a technology that has the capabilities specified in section 133(a) to schedule and confirm medical appointments with health care providers participating in the Veterans Community Care Program.

(b) EXPANSION OR DEVELOPMENT OF NEW TECHNOLOGY.—In carrying out the pilot program, the Secretary may expand capabilities of an existing appointment self-scheduling technology of the Department of Veterans Affairs or purchase a new appointment self-scheduling technology.

Deadline.

(c) COMPETITION.—In contracting for the expansion of capabilities of an existing appointment self-scheduling technology of the Department or the purchase of a new appointment self-scheduling technology under the pilot program, the Secretary shall comply with section 3301 of title 41, United States Code, and award any such contract not later than 270 days after the date of the enactment of this Act.

(d) SELECTION OF LOCATIONS.—The Secretary shall select not fewer than two Veterans Integrated Services Networks of the Department in which to carry out the pilot program.

(e) DURATION OF PILOT PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall carry out the pilot program for an 18-month period.

Determination.

(2) EXTENSION.—The Secretary may extend the duration of the pilot program and may expand the selection of Veterans Integrated Services Networks under subsection (d) if the Secretary determines that the pilot program is reducing the wait times of veterans seeking hospital care, medical services, or extended care services under the Veterans Community Care Program.

(f) OUTREACH.—The Secretary shall ensure that veterans participating in the Veterans Community Care Program in Veterans Integrated Services Networks in which the pilot program is being carried out are informed about the pilot program.

SEC. 133. APPOINTMENT SELF-SCHEDULING CAPABILITIES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the appointment self-scheduling technology used in the pilot program includes the following capabilities:

(1) Capability to self-schedule, modify, and cancel appointments directly online for primary care, specialty care, and mental health care under the Veterans Community Care Program with regard to each category of eligibility under section 1703(d)(1) of title 38, United States Code.

(2) Capability to support appointments for the provision of health care under the Veterans Community Care Program regardless of whether such care is provided in person or through telehealth services.

(3) Not fewer than two of the following capabilities:

(A) Capability to view appointment availability in real time to the extent practicable.

(B) Capability to load relevant patient information from the Decision Support Tool of the Department or any other information technology system of the Department used to determine the eligibility of veterans for health care under section 1703(d)(1) of title 38, United States Code.

(C) Capability to search for providers and facilities participating in the Veterans Community Care Program based on distance from the residential address of a veteran.

(D) Capability to filter provider results by clinical expertise, ratings, reviews, sex, languages spoken, and other criteria as determined by the Secretary.

(E) Capability to provide telephonic and electronic contact information for all such providers that do not offer online scheduling at the time.

(F) Capability to store and print authorization letters for veterans for health care under the Veterans Community Care Program.

(G) Capability to provide prompts or reminders to veterans to schedule initial appointments or follow-up appointments.

(H) Capability to be used 24 hours per day, seven days per week.

(I) Capability to ensure veterans who self-schedule appointments through the appointment self-scheduling technology have scheduled such appointment with a provider possessing the required specialty and clinical expertise.

(J) Capability to integrate with the Veterans Health Information Systems and Technology Architecture of the Department and the health record deployed by the Electronic Health Record Modernization program, or any successor information technology system or health record of the Department.

(K) Capability to integrate with information technology systems of Third Party Administrators.

(b) INDEPENDENT VALIDATION AND VERIFICATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall evaluate whether the appointment self-scheduling technology used in the pilot program includes the capabilities required under subsection (a) and successfully performs such capabilities. Evaluation.

(2) BRIEFING.—Not later than 30 days after the date on which the Comptroller General completes the evaluation under paragraph (1), the Comptroller General shall brief the appropriate congressional committees on such evaluation. Deadline.

(c) CERTIFICATION.—Not later than 18 months after commencement of the pilot program, the Secretary shall certify to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives whether the appointment self-scheduling technology used in the pilot program and any other patient self-scheduling technology developed or used by the Department of Veterans Affairs to schedule appointments under the Veterans Community Care Program as of the date of the certification includes the capabilities required under subsection (a). Deadline.

(d) THIRD PARTY ADMINISTRATOR DEFINED.—In this section, the term "Third Party Administrator" means an entity that manages a provider network and performs administrative services related to such network within the Veterans Community Care Program under section 1703 of title 38, United States Code.

SEC. 134. REPORT.

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Veterans Affairs shall submit to the appropriate congressional committees a report that includes—

Assessment. Time period.

(1) an assessment by the Secretary of the pilot program during the 180-day period preceding the date of the report, including—

(A) the cost of the pilot program;

(B) the volume of usage of the appointment self-scheduling technology under the pilot program;

(C) the quality of the pilot program;

(D) patient satisfaction with the pilot program;

(E) benefits to veterans of using the pilot program;

(F) the feasibility of allowing self-scheduling for different specialties under the pilot program;

(G) participation in the pilot program by health care providers under the Veterans Community Care Program; and

(H) such other findings and conclusions with respect to the pilot program as the Secretary considers appropriate; and

Recommendations.

(2) such recommendations as the Secretary considers appropriate regarding—

(A) extension of the pilot program to other or all Veterans Integrated Service Networks of the Department of Veterans Affairs; and

(B) making the pilot program permanent.

CHAPTER 4—ADMINISTRATION OF NON-DEPARTMENT CARE

SEC. 141. CREDENTIALING VERIFICATION REQUIREMENTS FOR PROVIDERS OF NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE SERVICES.

(a) CREDENTIALING VERIFICATION REQUIREMENTS.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by inserting after section 1703E the following new section:

38 USC 1703F.

"§ 1703F. Credentialing verification requirements for providers of non-Department health care services

Compliance.

"(a) IN GENERAL.—The Secretary shall ensure that Third Party Administrators and credentials verification organizations comply with the requirements specified in subsection (b) to help ensure certain health care providers are excluded from providing non-Department health care services.

"(b) REQUIREMENTS SPECIFIED.—The Secretary shall require Third Party Administrators and credentials verification organizations to carry out the following:

"(1) Hold and maintain an active credential verification accreditation from a national health care accreditation body.

Time period.

"(2) Conduct initial verification of provider history and license sanctions for all States and United States territories for a period of time—

"(A) that includes the period before the provider began providing non-Department health care services; and

"(B) dating back not less than 10 years.

"(3) Not less frequently than every three years, perform recredentialing, including verifying provider history and license sanctions for all States and United States territories. Deadlines.

"(4) Implement continuous monitoring of each provider through the National Practitioner Data Bank established pursuant to the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.).

"(5) Perform other forms of credentialing verification as the Secretary considers appropriate.

"(c) DEFINITIONS.—In this section:

"(1) The term 'credentials verification organization' means an entity that manages the provider credentialing process and performs credentialing verification for non-Department providers that participate in the Veterans Community Care Program under section 1703 of this title through a Veterans Care Agreement.

"(2) The term 'Third Party Administrator' means an entity that manages a provider network and performs administrative services related to such network within the Veterans Community Care Program under section 1703 of this title.

"(3) The term 'Veterans Care Agreement' means an agreement for non-Department health care services entered into under section 1703A of this title.

"(4) The term 'non-Department health care services' means services—

"(A) provided under this subchapter at non-Department facilities (as defined in section 1701 of this title);

"(B) provided under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note);

"(C) purchased through the Medical Community Care account of the Department; or

"(D) purchased with amounts deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1703E the following new item: 38 USC prec. 1701.

"1703F. Credentialing verification requirements for providers of non-Department health care services.".

(b) DEADLINE FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence the implementation of section 1703F of title 38, United States Code, as added by subsection (a)(1). 38 USC 1703F note.

SEC. 142. CLAIMS FOR PAYMENT FROM DEPARTMENT OF VETERANS AFFAIRS FOR EMERGENCY TREATMENT FURNISHED TO VETERANS.

(a) TREATMENT FOR NON-SERVICE-CONNECTED DISABILITIES.—

(1) IN GENERAL.—Section 1725 of title 38, United States Code, is amended—

(A) by redesignating subsection (f) as subsection (h); and

(B) by inserting after subsection (e) the following new subsections (f) and (g):

Deadline.

"(f) SUBMITTAL OF CLAIMS FOR DIRECT PAYMENT.—An individual or entity seeking payment under subsection (a)(2) for treatment provided to a veteran in lieu of reimbursement to the veteran shall submit a claim for such payment not later than 180 days after the latest date on which such treatment was provided.

"(g) HOLD HARMLESS.—No veteran described in subsection (b) may be held liable for payment for emergency treatment described in such subsection if—

"(1) a claim for direct payment was submitted by an individual or entity under subsection (f); and

"(2) such claim was submitted after the deadline established by such subsection due to—

"(A) an administrative error made by the individual or entity, such as submission of the claim to the wrong Federal agency, under the wrong reimbursement authority (such as section 1728 of this title), or submission of the claim after the deadline; or

"(B) an administrative error made by the Department, such as misplacement of a paper claim or deletion of an electronic claim.".

(b) TREATMENT FOR AND IN CONNECTION WITH SERVICE-CONNECTED DISABILITIES.—Section 1728 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) No veteran described in subsection (a) may be held liable for payment for emergency treatment described in such subsection if—

"(1) a claim for direct payment was submitted by an individual or entity under subsection (b)(2); and

"(2) such claim was submitted after a deadline established by the Secretary for purposes of this section due to—

"(A) an administrative error made by the individual or entity, such as submission of the claim to the wrong Federal agency or submission of the claim after the deadline; or

"(B) an administrative error made by the Department, such as misplacement of a paper claim or deletion of an electronic claim.".

(c) CONFORMING AMENDMENTS.—Such title is amended—

(1) in section 1705A(d), by striking "section 1725(f)" and inserting "section 1725(h)";

(2) in section 1725(b)(3)(B), by striking "subsection (f)(2)(B) or (f)(2)(C)" and inserting "subsection (h)(2)(B) or (h)(2)(C)";

(3) in section 1728(d), as redesignated by subsection (b)(4), by striking "section 1725(f)(1)" and inserting "section 1725(h)(1)";

(4) in section 1781(a)(4), by striking "section 1725(f)" and inserting "section 1725(h)"; and

(5) in section 1787(b)(3), by striking "section 1725(f)" and inserting "section 1725(h)".

38 USC 1703B note.

SEC. 143. PUBLICATION OF CLARIFYING INFORMATION FOR NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS.

Public information. Web posting. Summaries. List.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall publish on one or more publicly available internet websites of the Department of Veterans Affairs, including the main internet website

regarding emergency care authorization for non-Department providers, the following information:

(1) A summary table or similar resource that provides a list of all authorities of the Department to authorize emergency care from non-Department providers and, for each such authority, the corresponding deadline for submission of claims.

(2) An illustrated summary of steps, such as a process map, with a checklist for the submission of clean claims that non-Department providers can follow to assure compliance with the claims-filing process of the Department.

(3) Contact information for the appropriate office or service line of the Department to address process questions from non-Department providers.

(b) PERIODIC REVIEW.—Not less frequently than once every 180 days, the Secretary shall review the information published under subsection (a) to ensure that such information is current.

(c) CLEAN CLAIMS DEFINED.—In this section, the term "clean claims" means clean electronic claims and clean paper claims (as those terms are defined in section 1703D(i) of title 38, United States Code).

SEC. 144. INAPPLICABILITY OF CERTAIN PROVIDERS TO PROVIDE NON-DEPARTMENT OF VETERANS AFFAIRS CARE.

Section 108 of the VA MISSION Act of 2018 (Public Law 115–182; 38 U.S.C. 1701 note) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) APPLICATION.—The requirement to deny or revoke the eligibility of a health care provider to provide non-Department health care services to veterans under subsection (a) shall apply to any removal under paragraph (1) of such subsection or violation under paragraph (2) of such subsection that occurred on or after a date determined by the Secretary that is not less than five years before the date of the enactment of this Act.". Determination. Time period.

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. 38 USC 1701 note.

(a) FINDINGS.—Congress makes the following findings:

(1) The COVID–19 pandemic caused the Department of Veterans Affairs to exponentially increase telehealth and virtual care modalities, including VA Video Connect, to deliver health care services to veteran patients.

(2) Between January 2020 and January 2021, the number of telehealth appointments offered by the Department increased by 1,831 percent.

(3) The Department maintains strategic partnerships, such as the Digital Divide Consult, with a goal of ensuring veterans who reside in rural, highly rural, or medically underserved areas have access to high-quality telehealth services offered by the Department.

(4) As of 2019, veterans who reside in rural and highly rural areas make up approximately ⅓ of veteran enrollees in the patient enrollment system, and are on average, older than their veteran peers in urban areas, experience higher degrees of financial instability, and live with a greater number of complex health needs and comorbidities.

(5) The Federal Communications Commission estimated in 2020 that 15 percent of veteran households do not have an internet connection.

(6) Under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), Congress granted the Department additional authority to enter into short-term agreements or contracts with private sector telecommunications companies to provide certain broadband services for the purposes of providing expanded mental health services to isolated veterans through telehealth or VA Video Connect during a public health emergency.

(7) The authority described in paragraph (6) was not utilized to the fullest extent by the Department.

(8) Though the Department has made significant progress in expanding telehealth services offered to veterans who are enrolled in the patient enrollment system, significant gaps still exist to ensure all veterans receive equal and high-quality access to virtual care.

(9) Questions regarding the efficacy of using telehealth for certain health care services and specialties remain, and should be further studied.

(10) The Department continues to expand telehealth and virtual care offerings for primary care, mental health care, specialty care, urgent care, and even remote intensive care units.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the telehealth services offered by the Department of Veterans Affairs should be routinely measured and evaluated to ensure the telehealth technologies and modalities delivered to veteran patients to treat a wide variety of health conditions are as effective as in-person treatment for primary care, mental health care, and other forms of specialty care.

Deadlines.

(c) DEVELOPMENT OF STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, acting through the Office of Connected Care of the Department of Veterans Affairs, shall develop a strategic plan to ensure the effectiveness of the telehealth technologies and modalities delivered by the Department to veterans who are enrolled in the patient enrollment system.

(2) UPDATE.—

(A) IN GENERAL.—The Secretary shall update the strategic plan required under paragraph (1) not less frequently than once every three years following development of the plan.

(B) CONSULTATION.—The Secretary shall prepare any update required under subparagraph (A) in consultation with the following:

(i) The Chief Officer of the Office of Connected Care of the Department.

(ii) The Executive Director of Telehealth Services of the Office of Connected Care.

(iii) The Executive Director of Connected Health of the Office of Connected Care.

(iv) The Executive Director of the Office of Rural Health of the Department.

(v) The Executive Director of Solution Delivery, IT Operations and Services of the Office of Information and Technology of the Department.

(3) ELEMENTS.—The strategic plan required under paragraph (1), and any update to that plan under paragraph (2), shall include, at a minimum, the following: Assessments.

(A) A comprehensive list of all health care specialties the Department is currently delivering by telehealth or virtual care. List.

(B) An assessment of the effectiveness and patient outcomes for each type of health care specialty delivered by telehealth or virtual care by the Department.

(C) An assessment of satisfaction of veterans in receiving care through telehealth or virtual care disaggregated by age group and by Veterans Integrated Service Network. Assessment.

(D) An assessment of the percentage of virtual visits delivered by the Department through each modality including standard telephone telehealth, VA Video Connect, and the Accessing Telehealth through Local Area Stations program of the Department.

(E) An outline of all current partnerships maintained by the Department to bolster telehealth or virtual care services for veterans.

(F) An assessment of the barriers faced by the Department in delivering telehealth or virtual care services to veterans residing in rural and highly rural areas, and the strategies the Department is deploying beyond purchasing hardware for veterans who are enrolled in the patient enrollment system.

(G) A detailed plan illustrating how the Department is working with other Federal agencies, including the Department of Health and Human Services, the Department of Agriculture, the Federal Communications Commission, and the National Telecommunications and Information Administration, to enhance connectivity in rural, highly rural, and medically underserved areas to better reach all veterans.

(H) The feasibility and advisability of partnering with Federally qualified health centers, rural health clinics, and critical access hospitals to fill the gap for health care services that exists for veterans who reside in rural and highly rural areas.

(I) An evaluation of the number of veterans who are enrolled in the patient enrollment system who have previously received care under the Veterans Community Care Program under section 1703 of title 38, United States Code. Evaluation.

(d) SUBMITTAL TO CONGRESS.—Not later than 180 days after the development of the strategic plan under paragraph (1) of subsection (c), and not later than 180 days after each update under paragraph (2) of such subsection thereafter, the Secretary shall Reports.

submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that includes the following:

(1) The completed strategic plan or update, as the case may be.

Timeline.

(2) An identification of areas of improvement by the Department in the delivery of telehealth and virtual care services to veterans who are enrolled in the patient enrollment system, with a timeline for improvements to be implemented.

(e) DEFINITIONS.—

(1) PATIENT ENROLLMENT SYSTEM.—The term "patient enrollment system" means the system of annual patient enrollment of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

(2) RURAL; HIGHLY RURAL.—The terms "rural" and "highly rural" have the meanings given those terms in the Rural-Urban Commuting Areas coding system of the Department of Agriculture.

(3) VA VIDEO CONNECT.—The term "VA Video Connect" means the program of the Department of Veterans Affairs to connect veterans with their health care team from anywhere, using encryption to ensure a secure and private connection.

SEC. 152. COMPTROLLER GENERAL REPORT ON TRANSPORTATION SERVICES BY THIRD PARTIES FOR RURAL VETERANS.

(a) REPORT REQUIRED.—Not later than 540 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the program the establishment of which was facilitated under section 111A(b) of title 38, United States Code.

Assessments.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) A description of the program described in such subsection, including descriptions of the following:

(A) The purpose of the program.

(B) The activities carried out under the program.

(2) An assessment of the sufficiency of the program with respect to the purpose of the program.

(3) An assessment of the cost effectiveness of the program in comparison to alternatives.

(4) An assessment of the health benefits for veterans who have participated in the program.

(5) An assessment of the sufficiency of staffing of employees of the Department of Veterans Affairs who are responsible for facilitating the maintenance of the program.

(6) An assessment, with respect to the purpose of the program, of the number of vehicles owned by and operating in conjunction with the program.

(7) An assessment of the awareness and usage of the program by veterans and their families.

(8) An assessment of other options for transportation under the program, such as local taxi companies and ridesharing programs such as Uber and Lyft.

SEC. 153. COMPTROLLER GENERAL REPORT ON TELEHEALTH SERVICES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on telehealth services provided by the Department of Veterans Affairs.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following: Assessment.

(1) The telehealth and virtual health care programs of the Department of Veterans Affairs, including VA Video Connect.

(2) The challenges faced by the Department in delivering telehealth and virtual health care to veterans who reside in rural and highly rural areas due to lack of connectivity in many rural areas.

(3) Any mitigation strategies used by the Department to overcome connectivity barriers for veterans who reside in rural and highly rural areas.

(4) The partnerships entered into by the Office of Connected Care of the Department in an effort to bolster telehealth services.

(5) The extent to which the Department has examined the effectiveness of health care services provided to veterans through telehealth in comparison to in-person treatment.

(6) Satisfaction of veterans with respect to the telehealth services provided by the Department.

(7) The use by the Department of telehealth appointments in comparison to referrals to care under the Veterans Community Care Program under section 1703 of title 38, United States Code.

(8) Such other areas as the Comptroller General considers appropriate.

Subtitle E—Care for Aging Veterans

SEC. 161. STRATEGY FOR LONG-TERM CARE FOR AGING VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall develop a strategy for the long-term care of veterans.

(b) ELEMENTS.—The strategy developed under subsection (a) shall—

(1) identify current and future needs for the long-term care of veterans based on demographic data and availability of services both from the Department of Veterans Affairs and from non-Department providers in the community, include other Federal Government, non-Federal Government, nonprofit, for profit, and other entities;

(2) identify the current and future needs of veterans for both institutional and non-institutional long-term care (for example, home-based and community-based services), taking into account the needs of growing veteran population groups, including women veterans, veterans with traumatic brain injury, veterans with memory loss, and other population groups with unique needs; and

(3) address new and different care delivery models, including by—

Assessment.

(A) assessing the implications of such models for the design of facilities and how those facilities may need to change;

Examination.

(B) examining the workforce needed to support aging populations of veterans as they grow and receive long-term care through different trends of care delivery; and

(C) considering the feasibility and advisability of implementing a veteran-focused independent provider model for non-institutional care.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the strategy developed under subsection (a).

38 USC 1741 note.

SEC. 162. IMPROVEMENT OF STATE VETERANS HOMES.

(a) STANDARDIZED SHARING AGREEMENTS.—The Secretary of Veterans Affairs shall develop a standardized process throughout the Department of Veterans Affairs for entering into sharing agreements between State homes and medical centers of the Department.

(b) PROVISION OF MEDICATION TO CATASTROPHICALLY DISABLED VETERANS.—Section 1745(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) Any veteran who has been determined by the Secretary to be catastrophically disabled, as defined in section 17.36(e) of title 38, Code of Federal Regulations, or successor regulations, and on whose behalf the Secretary is paying a per diem for nursing home or domiciliary care in a State home under this chapter.".

(c) OVERSIGHT OF INSPECTIONS.—

(1) MONITORING.—The Secretary shall monitor any contractor used by the Department to conduct inspections of State homes, including by reviewing the inspections conducted by each such contractor for quality not less frequently than quarterly.

(2) REPORTING OF DEFICIENCIES.—The Secretary shall require that any deficiencies of a State home noted during the inspection of the State home be reported to the Secretary.

Public information. Web posting.

(3) TRANSPARENCY.—The Secretary shall publish the results of any inspection of a State home, and any associated corrective actions planned by the State home, on a publicly available internet website of the Department.

(d) STATE HOME DEFINED.—In this section, the term "State home" has the meaning given that term in section 101(19) of title 38, United States Code.

38 USC 1741 note.

SEC. 163. GERIATRIC PSYCHIATRY PILOT PROGRAM AT STATE VETERANS HOMES.

Deadline.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence the conduct of a pilot program under which the Secretary shall provide geriatric psychiatry assistance to eligible veterans at State homes.

(b) DURATION.—The Secretary shall carry out the pilot program under this section for a two-year period.

(c) TYPE OF ASSISTANCE.—Assistance provided under the pilot program under this section may include—

(1) direct provision of geriatric psychiatry services, including health care if feasible;

(2) payments to non-Department of Veterans Affairs providers in the community to provide such services;

(3) collaboration with other Federal agencies to provide such services; or

(4) such other forms of assistance as the Secretary considers appropriate.

(d) CONSIDERATION OF LOCAL AREA NEEDS.—In providing assistance under the pilot program under this section, the Secretary shall consider the geriatric psychiatry needs of the local area, including by considering—

(1) State homes with a high proportion of residents with unmet mental health needs;

(2) State homes located in mental health care health professional shortage areas designated under section 332 of the Public Health Service Act (42 U.S.C. 254e); or

(3) State homes located in rural or highly rural areas.

(e) DEFINITIONS.—In this section, the terms "State home" and "veteran" have the meanings given those terms in section 101 of title 38, United States Code.

SEC. 164. SUPPORT FOR AGING VETERANS AT RISK OF OR EXPERIENCING HOMELESSNESS.

38 USC 2041 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall work with public housing authorities and local organizations to assist aging homeless veterans in accessing existing housing and supportive services, including health services like home-based and community-based services from the Department of Veterans Affairs or from non-Department providers in the community.

(b) PAYMENT FOR SERVICES.—The Secretary may, and is encouraged to, pay for services for aging homeless veterans described in subsection (a).

SEC. 165. SECRETARY OF VETERANS AFFAIRS CONTRACT AUTHORITY FOR PAYMENT OF CARE FOR VETERANS IN NON-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FOSTER HOMES.

(a) AUTHORITY.—

(1) IN GENERAL.—Section 1720 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) During the five-year period beginning on the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, and subject to paragraph (3)—

Time period.

"(A) at the request of a veteran for whom the Secretary is required to provide nursing home care under section 1710A of this title, the Secretary may place the veteran in a medical foster home that meets Department standards, at the expense of the United States, pursuant to a contract, agreement, or other arrangement entered into between the Secretary and the medical foster home for such purpose; and

"(B) the Secretary may pay for care of a veteran placed in a medical foster home before such date of enactment, if the home meets Department standards, pursuant to a contract, agreement, or other arrangement entered into between the Secretary and the medical foster home for such purpose.

"(2) A veteran on whose behalf the Secretary pays for care in a medical foster home under paragraph (1) shall agree, as a condition of such payment, to accept home health services furnished by the Secretary under section 1717 of this title.

"(3) In any year, not more than a daily average of 900 veterans receiving care in a medical foster home, whether placed before, on, or after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, may have their care covered at the expense of the United States under paragraph (1).

"(4) The prohibition under section 1730(b)(3) of this title shall not apply to a veteran whose care is covered at the expense of the United States under paragraph (1).

Definition.

"(5) In this subsection, the term 'medical foster home' means a home designed to provide non-institutional, long-term, supportive care for veterans who are unable to live independently and prefer a family setting.".

38 USC 1720 note.

(2) EFFECTIVE DATE.—Subsection (h) of section 1720 of title 38, United States Code, as added by paragraph (1), shall take effect 90 days after the date of the enactment of this Act.

38 USC 1720 note.

(b) ONGOING MONITORING OF MEDICAL FOSTER HOME PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall create a system to monitor and assess the workload for the Department of Veterans Affairs in carrying out the authority under section 1720(h) of title 38, United States Code, as added by subsection (a)(1), including by tracking—

(A) requests by veterans to be placed in a medical foster home under such section;

(B) denials of such requests, including the reasons for such denials;

(C) the total number of medical foster homes applying to participate under such section, disaggregated by those approved and those denied approval by the Department to participate;

(D) veterans receiving care at a medical foster home at the expense of the United States; and

(E) veterans receiving care at a medical foster home at their own expense.

(2) REPORT.—Based on the monitoring and assessments conducted under paragraph (1), the Secretary shall identify and submit to Congress a report on such modifications to implementing section 1720(h) of title 38, United States Code, as added by subsection (a)(1), as the Secretary considers necessary to ensure the authority under such section is functioning as intended and care is provided to veterans under such section as intended.

(3) MEDICAL FOSTER HOME DEFINED.—In this subsection, the term "medical foster home" has the meaning given that term in section 1720(h) of title 38, United States Code, as added by subsection (a)(1).

Assessments.

(c) COMPTROLLER GENERAL REPORT.—Not later than each of three years and six years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report—

(1) assessing the implementation of this section and the amendments made by this section;

(2) assessing the impact of the monitoring and modifications under subsection (b) on care provided under section 1720(h) of title 38, United States Code, as added by subsection (a)(1); and

(3) setting forth recommendations for improvements to the implementation of such section, as the Comptroller General considers appropriate.

Recommendations.

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.

(a) FINDINGS.—Congress makes the following findings:

(1) Although section 161 of the VA MISSION Act of 2018 (Public Law 115–182; 132 Stat. 1438) expanded the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs under section 1720G(a) of title 38, United States Code, to veterans of all eras, it did not expand the program to family caregivers for veterans overseas.

(2) Although caregivers for veterans overseas can access online resources as part of the program of support services for caregivers of veterans under subsection (b) section 1720G of such title, those caregivers are not currently eligible for the comprehensive services and benefits provided under subsection (a) of such section.

(3) The Department has an outpatient clinic and a regional benefits office in Manila, Republic of the Philippines, and the Foreign Medical Program of the Department under section 1724 of such title is used heavily in the Republic of the Philippines by veterans who live in that country.

(4) Due to the presence of facilities of the Department in the Republic of the Philippines and the number of veterans who reside there, that country is a suitable test case to analyze the feasibility and advisability of expanding caregiver support to caregivers of veterans overseas.

(b) ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall complete an analysis of the feasibility and advisability of making assistance and support under section 1720G(a) of title 38, United States Code, available to caregivers of veterans in the Republic of the Philippines.

Deadline.

(c) REPORT.—Not later than 180 days after the conclusion of the analysis conducted under subsection (b), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that includes the following:

Assessments.

(1) The results of such analysis.

(2) An assessment of the number of veterans who are enrolled in the patient enrollment system and reside in the Republic of the Philippines.

(3) An assessment of the number of veterans residing in the Republic of the Philippines with a disability rating from the Department of not less than 70 percent.

(4) An assessment of the number of veterans who are enrolled in the patient enrollment system and reside in the Republic of the Philippines that have a caregiver to provide them personal care services described in section 1720G(a)(C) of title 38, United States Code.

(5) An assessment of the staffing needs and associated costs of making assistance and support available to caregivers of veterans in the Republic of the Philippines.

(6) An assessment of the infrastructure needs and associated costs of making assistance and support available to caregivers of veterans in the Republic of the Philippines.

(7) An assessment of the local transportation challenges to making assistance and support available to caregivers of veterans in the Republic of the Philippines.

(8) An assessment of how the Secretary would determine payment rates for caregivers of veterans in the Republic of the Philippines to account for variances in living standards in the Republic of the Philippines.

(9) Such other elements as the Secretary considers appropriate.

(d) DEFINITIONS.—In this section:

(1) CAREGIVER.—The term "caregiver" has the meaning given that term in section 1720G(d) of title 38, United States Code.

(2) PATIENT ENROLLMENT SYSTEM.—The term "patient enrollment system" means the system of annual patient enrollment of the Department of Veterans Affairs established and operated under section 1705(a) of such title.

(3) VETERAN.—The term "veteran" has the meaning given that term in section 101(2) of such title.

SEC. 172. COMPTROLLER GENERAL REPORT ON FOREIGN MEDICAL PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the Foreign Medical Program.

(b) ELEMENTS.—The report required by subsection (a) shall include, for the most recent five fiscal years for which data are available, an assessment of the following:

(1) The number of veterans who live overseas and are eligible for the Foreign Medical Program.

(2) The number of veterans who live overseas, are registered for the Foreign Medical Program, and use such program.

(3) The number of veterans who live overseas, are registered for the Foreign Medical Program, and do not use such program.

(4) The number of veterans who are eligible for care furnished by the Department of Veterans Affairs, live in the United States, including territories of the United States, and make use of such care, including through the Veterans Community Care Program under section 1703 of title 38, United States Code.

(5) Any challenges faced by the Department in administering the Foreign Medical Program, including—

(A) outreach to veterans on eligibility for such program and ensuring veterans who live overseas are aware of such program;

(B) executing timely reimbursements of claims by veterans under such program; and

(C) need for and use of translation services.

(6) Any trends relating to—

(A) the timeliness of processing by the Department of claims under the Foreign Medical Program and reimbursement of veterans under such program;

(B) types of care or treatment sought by veterans who live overseas that is reimbursed under such program; and

(C) types of care or treatment eligible for reimbursement under such program that veterans have difficulty accessing overseas.

(7) Any barriers or obstacles cited by veterans who live overseas who are registered for the Foreign Medical Program, including any differences between veterans who use the program and veterans who do not.

(8) Satisfaction of veterans who live overseas with the Foreign Medical Program.

(9) Such other areas as the Comptroller General considers appropriate.

(c) FOREIGN MEDICAL PROGRAM DEFINED.—In this section, the term "Foreign Medical Program" means the program under with the Secretary of Veterans Affairs provides hospital care and medical services under section 1724 of title 38, United States Code.

Subtitle G—Research Matters

SEC. 181. INAPPLICABILITY OF PAPERWORK REDUCTION ACT.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7330D. Inapplicability of Paperwork Reduction Act to research activities 38 USC 7330D.

"Subchapter I of chapter 35 of title 44 (commonly referred to as the 'Paperwork Reduction Act') shall not apply to the voluntary collection of information during the conduct of research by the Veterans Health Administration, including the Office of Research and Development, or individuals or entities affiliated with the Veterans Health Administration.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 7330C the following new item: 38 USC prec. 7301.

"(1) "7330D. Inapplicability of Paperwork Reduction Act to research activities.".

SEC. 182. RESEARCH AND DEVELOPMENT.

(a) OFFICE OF RESEARCH AND DEVELOPMENT.—Chapter 73 of title 38, United States Code, is amended by adding at the end the following new subchapter:

38 USC prec 7381.

"SUBCHAPTER V—RESEARCH AND DEVELOPMENT

38 USC 7381.

"§ 7381. Office of Research and Development

Establishment.

"(a) OFFICE OF RESEARCH AND DEVELOPMENT.—There is in the Veterans Health Administration an Office of Research and Development (in this section referred to as the 'Office').

"(b) PURPOSES.—The function of the Office is to serve veterans through a full spectrum of research (including pre-clinical, clinical, and health systems science), technology transfer, and application.

"(c) CHIEF RESEARCH AND DEVELOPMENT OFFICER.—The head of the Office is the Chief Research and Development Officer.

"(d) ORGANIZATION AND PERSONNEL.—The Office shall be organized in such manner, and its personnel shall perform such duties and have such titles, as the Secretary may prescribe.

38 USC 7382.

"§ 7382. Research personnel

"(a) WAIVER OF INTERGOVERNMENTAL PERSONNEL ACT MOBILITY PROGRAM LIMITS.—The Secretary may waive the limit on the period and number of assignments required under section 3372(a) of title 5 with respect to an individual who performs research for the Department under the mobility program under subchapter VI of chapter 33 of such title (commonly referred to as the 'Intergovernmental Personnel Act Mobility Program').

"(b) OUTSIDE EARNED INCOME FOR RESEARCH FOR THE DEPARTMENT.—(1) Compensation from a nonprofit corporation established under subchapter IV of this chapter, or a university affiliated with the Department, may be paid, without regard to section 209 of title 18, to an employee described in paragraph (2), for research conducted pursuant to section 7303 of this title if—

"(A) the research has been approved in accordance with procedures prescribed by the Under Secretary for Health;

"(B) the employee conducts research under the supervision of personnel of the Department; and

"(C) the Secretary agreed to the terms of such compensation in writing.

"(2) An employee described in this subsection is an employee who has an appointment within the Department, whether with or without compensation, and without regard to the source of such compensation.".

38 USC prec. 7301.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"SUBCHAPTER V—RESEARCH AND DEVELOPMENT

"7381. Office of Research and Development.
"7382. Research personnel.".

SEC. 183. EXPANSION OF HIRING AUTHORITIES FOR CERTAIN CLASSES OF RESEARCH OCCUPATIONS.

Section 7401(3) of title 38, United States Code, is amended by inserting "statisticians, economists, informaticists, data scientists, and" after "blind rehabilitation outpatient specialists,".

SEC. 184. COMPTROLLER GENERAL STUDY ON DEDICATED RESEARCH TIME FOR CERTAIN PERSONNEL OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the amount of time dedicated for research

for clinician-scientists appointed by the Secretary of Veterans Affairs.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) A review of the policies and practices of the Department of Veterans Affairs regarding the time dedicated for research for the personnel specified in subsection (a). Review.

(2) An assessment of the effect of such policies and practices on the following: Assessment.

(A) The recruitment and retention efforts of the Department.

(B) The productivity of the personnel specified in subsection (a) with respect to research.

(C) The efficient use of resources available for research on issues relating to the health of veterans.

(c) REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing the findings of the study conducted under subsection (a).

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.

(a) FINDINGS.—Congress makes the following findings:

(1) A systematic review in 2019 of the economics and quality of life relating to treatment-resistant depression summarized that major depressive disorder (in this subsection referred to as "MDD") is a global public health concern and that treatment-resistant depression in particular represents a key unmet need. The findings of that review highlighted the need for improved therapies for treatment-resistant depression to reduce disease burden, lower medical costs, and improve the quality of life of patients.

(2) The Clinical Practice Guideline for the Management of MDD (in this subsection referred to as the "CPG") developed jointly by the Department of Veterans Affairs and the Department of Defense defines treatment-resistant depression as at least two adequate treatment trials and lack of full response to each.

(3) The CPG recommends electro-convulsive therapy (in this subsection referred to as "ECT") as a treatment strategy for patients who have failed multiple other treatment strategies.

(4) The CPG recommends offering repetitive transcranial magnetic stimulation (in this subsection referred to as "rTMS"), an intervention that is indicated by the Food and Drug Administration, for treatment during a major depressive episode in patients with treatment-resistant MDD.

(5) The final report of the Creating Options for Veterans' Expedited Recovery Commission (commonly referred to as the "COVER Commission") established under section 931 of the Jason Simcakoski Memorial and Promise Act (title IX of Public

Law 114–198; 38 U.S.C. 1701 note) found that treatment-resistant depression is a major issue throughout the mental health treatment system, and that an estimated 50 percent of depressed patients are inadequately treated by available interventions.

(6) The COVER Commission also reported data collected from the Department of Veterans Affairs that found that only approximately 1,166 patients throughout the Department were referred for ECT in 2018 and only approximately 772 patients were referred for rTMS during that year.

Deadline.

(b) ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall complete an analysis of the feasibility and advisability of making repetitive transcranial magnetic stimulation available at all medical facilities of the Department of Veterans Affairs and electro-convulsive therapy available at one medical center located within each Veterans Integrated Service Network for the treatment of veterans who are enrolled in the patient enrollment system and have a diagnosis of treatment-resistant depression.

(c) INCLUSION OF ASSESSMENT OF REPORT.—The analysis conducted under subsection (b) shall include an assessment of the final report of the COVER Commission submitted under section 931(e)(2) of the Jason Simcakoski Memorial and Promise Act (title IX of Public Law 114–198; 38 U.S.C. 1701 note).

Assessments.

(d) REPORT.—Not later than 180 days after the conclusion of the analysis conducted under subsection (b), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that includes the following:

(1) The results of such analysis.

(2) An assessment of the number of veterans who are enrolled in the patient enrollment system and who have a diagnosis of treatment-resistant depression per Veterans Integrated Service Network during the two-year period preceding the date of the report.

(3) An assessment of the number of the veterans who are enrolled in the patient enrollment system who have a diagnosis of treatment-resistant depression and who have received or are currently receiving repetitive transcranial magnetic stimulation or electro-convulsive therapy as a treatment modality during the two-year period preceding the date of the report.

(4) An assessment of the number and locations of medical centers of the Department that currently provide repetitive transcranial magnetic stimulation to veterans who are enrolled in the patient enrollment system and who have a diagnosis of treatment-resistant depression.

(5) An assessment of the number and locations of medical centers of the Department that currently provide electro-convulsive therapy to veterans who are enrolled in the patient enrollment system and who have a diagnosis of treatment-resistant depression.

(e) PATIENT ENROLLMENT SYSTEM DEFINED.—In this section, the term "patient enrollment system" means the system of annual patient enrollment of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

SEC. 192. MODIFICATION OF RESOURCE ALLOCATION SYSTEM TO INCLUDE PEER SPECIALISTS.

38 USC 7401 note.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall modify the Veterans Equitable Resource Allocation system, or successor system, to ensure that resource allocations under such system, or successor system, include peer specialists appointed under section 7402(b)(13) of title 38, United States Code.

Deadline.

(b) VETERANS EQUITABLE RESOURCE ALLOCATION SYSTEM DEFINED.—In this section, the term "Veterans Equitable Resource Allocation system" means the resource allocation system established pursuant to section 429 of the Departments of Veterans Affairs and House and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2929).

SEC. 193. GAP ANALYSIS OF PSYCHOTHERAPEUTIC INTERVENTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall complete a gap analysis throughout the entire health care system of the Veterans Health Administration on the use and availability of psychotherapeutic interventions recommended in widely used clinical practice guidelines as recommended in the final report of the COVER Commission submitted under section 931(e)(2) of the Jason Simcakoski Memorial and Promise Act (title IX of Public Law 114–198; 38 U.S.C. 1701 note).

Deadline.

(b) ELEMENTS.—The gap analysis required under subsection (a) shall include the following:

Assessments.

(1) An assessment of the psychotherapeutic interventions available and routinely delivered to veterans at medical centers of the Department of Veterans Affairs within each Veterans Integrated Service Network of the Department.

(2) An assessment of the barriers faced by medical centers of the Department in offering certain psychotherapeutic interventions and why those interventions are not widely implemented or are excluded from implementation throughout the entire health care system of the Veterans Health Administration.

(c) REPORT AND PLAN.—Not later than 180 days after completing the gap analysis under subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives—

(1) a report on the results of the analysis; and

(2) a plan with measurable, time-limited steps for the Department to implement—

(A) to address the gaps that limit access of veterans to care; and

(B) to treat various mental health conditions across the entire health care system of the Veterans Health Administration.

SEC. 193A. PROHIBITION ON COLLECTION OF COPAYMENTS FOR FIRST THREE MENTAL HEALTH CARE OUTPATIENT VISITS OF VETERANS.

(a) PROHIBITION ON COLLECTION.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1722B

38 USC prec. 1701.

the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

38 USC 1722C.

"§ 1722C. Copayments: prohibition on collection of copayments for first three mental health care outpatient visits of veterans

"(a) PROHIBITION.—Except as provided in subsection (b), notwithstanding section 1710(g) of this title or any other provision of law, the Secretary may not impose or collect a copayment for the first three mental health care outpatient visits of a veteran in a calendar year for which the veteran would otherwise be required to pay a copayment under the laws administered by the Secretary.

"(b) COPAYMENT FOR MEDICATIONS.—The prohibition under subsection (a) shall not apply with respect to the imposition or collection of copayments for medications pursuant to section 1722A of this title.

"(c) MENTAL HEALTH CARE OUTPATIENT VISIT DEFINED.—In this section, the term 'mental health care outpatient visit' means an outpatient visit with a qualified mental health professional for the primary purpose of seeking mental health care or treatment for substance abuse disorder.

"(d) SUNSET.—This section shall terminate on the date that is five years after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022.".

Effective date. 38 USC 1722C note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to mental health care outpatient visits occurring on or after the date that is 180 days after the date of the enactment of this Act.

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.

(a) ONGOING ASSESSMENTS.—Subchapter I of chapter 17 of title 38, United States Code, is amended by inserting after section 1704 the following new section:

38 USC 1704A.

"§ 1704A. Independent assessments of health care delivery systems and management processes

Deadline. Contracts.

"(a) INDEPENDENT ASSESSMENTS.—(1) Not less frequently than once every 10 years, the Secretary shall enter into one or more contracts with a private sector entity or entities described in subsection (d) to conduct an independent assessment of the hospital care, medical services, and other health care furnished by the Department.

"(2) Each assessment required under paragraph (1) shall address each of the following:

"(A) Current and projected demographics and unique health care needs of the patient population served by the Department.

"(B) The accuracy of models and forecasting methods used by the Department to project health care demand, including with respect to veteran demographics, rates of use of health care furnished by the Department, the inflation of health care

costs, and such other factors as may be determined relevant by the Secretary.

"(C) The reliability and accuracy of models and forecasting methods used by the Department to project the budgetary needs of the Veterans Health Administration and how such models and forecasting methods inform budgetary trends.

"(D) The authorities and mechanisms under which the Secretary may furnish hospital care, medical services, and other health care at facilities of the Department and non-Department facilities, including through Federal and private sector partners and at joint medical facilities, and the effect of such authorities and mechanisms on eligibility and access to care.

"(E) The organization, workflow processes, and tools used by the Department to support clinical staffing, access to care, effective length-of-stay management and care transitions, positive patient experience, accurate documentation, and subsequent coding of inpatient services.

"(F) The efforts of the Department to recruit and retain staff at levels necessary to carry out the functions of the Veterans Health Administration and the process used by the Department to determine staffing levels necessary for such functions.

Assessments.

"(G) The staffing level at each medical facility of the Department and the productivity of each health care provider at the medical facility, compared with health care industry performance metrics, which may include the following:

"(i) An assessment of the case load of, and number of patients treated by, each health care provider at such medical facility during an average week.

"(ii) An assessment of the time spent by each such health care provider on matters other than the case load of the health care provider, including time spent by the health care provider as follows:

"(I) At a medical facility that is affiliated with the Department.

"(II) Conducting research.

"(III) Training or supervising other health care professionals of the Department.

"(iii) An assessment of the complexity of health care conditions per patient treated by each health care provider at such medical facility during an average week.

"(H) The information technology strategies of the Department with respect to furnishing and managing health care, including an identification of any weaknesses or opportunities with respect to the technology used by the Department, especially those strategies with respect to clinical documentation of hospital care, medical services, and other health care, including any clinical images and associated textual reports, furnished by the Department in facilities of the Department or non-Department facilities.

"(I) Business processes of the Veterans Health Administration, including processes relating to furnishing non-Department health care, insurance identification, third-party revenue collection, and vendor reimbursement, including an identification of mechanisms as follows:

"(i) To avoid the payment of penalties to vendors.

"(ii) To increase the collection of amounts owed to the Department for hospital care, medical services, or other health care provided by the Department for which reimbursement from a third party is authorized and to ensure that such amounts collected are accurate.

"(iii) To increase the collection of any other amounts owed to the Department with respect to hospital care, medical services, or other health care and to ensure that such amounts collected are accurate.

"(iv) To increase the accuracy and timeliness of payments by the Department to vendors and providers.

"(v) To reduce expenditures while improving the quality of care furnished.

"(J) The purchase, distribution, and use of pharmaceuticals, medical and surgical supplies, medical devices, and health care-related services by the Department, including the following:

"(i) The prices paid for, standardization of, and use by, the Department with respect to the following:

"(I) Pharmaceuticals.

"(II) Medical and surgical supplies.

"(III) Medical devices.

"(ii) The use by the Department of group purchasing arrangements to purchase pharmaceuticals, medical and surgical supplies, medical devices, and health care-related services.

"(iii) The strategy and systems used by the Department to distribute pharmaceuticals, medical and surgical supplies, medical devices, and health care-related services to Veterans Integrated Service Networks and medical facilities of the Department.

"(K) The competency of Department leadership with respect to culture, accountability, reform readiness, leadership development, physician alignment, employee engagement, succession planning, and performance management.

"(L) The effectiveness of the authorities and programs of the Department to educate and train health personnel pursuant to section 7302 of this title.

"(M) The conduct of medical and prosthetic research of the Department.

"(N) The provision of assistance by the Department to Federal agencies and personnel involved in responding to a disaster or emergency.

"(O) Such additional matters as may be determined relevant by the Secretary.

"(b) TIMING.—The private sector entity or entities carrying out an assessment pursuant to subsection (a) shall complete such assessment not later than 18 months after entering into the contract described in such paragraph.

"(c) LEVERAGING OF EXISTING DATA AND CONTRACTS.—To the extent practicable, the private sector entity or entities carrying out an assessment pursuant to subsection (a) shall—

"(1) make maximum use of existing data that has been compiled by the Department, compiled for the Department, or purchased by the Department, including data that has been collected for—

"(A) the performance of quadrennial market assessments under section 7330C of this title;

"(B) the quarterly publication of information on staffing and vacancies with respect to the Veterans Health Administration pursuant to section 505 of the VA MISSION Act of 2018 (Public Law 115–182; 38 U.S.C. 301 note); and

"(C) the conduct of annual audits pursuant to section 3102 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315; 38 U.S.C. 1701 note).

"(2) maximize the use of existing contracts and other agreements of the Department for studies, analysis, data collection, or research in order to efficiently fulfill the requirements of this section.

"(d) PRIVATE SECTOR ENTITIES DESCRIBED.—A private sector entity described in this subsection is a private entity that—

"(1) has experience and proven outcomes in optimizing the performance of national health care delivery systems, including the Veterans Health Administration, other federal health care systems, and systems in the private, non-profit, or public health care sector;

"(2) specializes in implementing large-scale organizational and cultural transformations, especially with respect to health care delivery systems; and

"(3) is not currently under contract with the Department to provide direct or indirect patient care or related clinical care services or supplies under the laws administered by the Secretary.

Contracts. Designation.

"(e) PROGRAM INTEGRATOR.—(1) If the Secretary enters into contracts with more than one private sector entity under subsection (a) with respect to a single assessment under such subsection, the Secretary shall designate one such entity as the program integrator.

Assessments.

"(2) The program integrator designated pursuant to paragraph (1) shall be responsible for coordinating the outcomes of the assessments conducted by the private sector entities pursuant to such contracts.

Recommendations.

"(f) REPORTS.—(1)(A) Not later than 60 days after completing an assessment pursuant to subsection (a), the private sector entity or entities carrying out such assessment shall submit to the Secretary and the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings and recommendations of the private sector entity or entities with respect to such assessment.

"(B) Each report under subparagraph (A) with respect to an assessment shall include an identification of the following:

"(i) Any changes with respect to the matters included in such assessment since the date that is the later of the following:

"(I) The date on which the independent assessment under section 201 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) was completed.

"(II) The date on which the last assessment under subsection (a) was completed.

Recommendations.

"(ii) Any recommendations regarding matters to be covered by subsequent assessments under subsection (a), including any additional matters to include for assessment or previously assessed matters to exclude.

Federal Register, publication.

"(2) Not later than 30 days after receiving a report under paragraph (1), the Secretary shall publish such report in the Federal Register and on a publicly accessible internet website of the Department.

Timeline. Costs.

"(3) Not later than 90 days after receiving a report under paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report outlining the feasibility and advisability of implementing the recommendations made by the private sector entity or entities in such report received, including an identification of the timeline, cost, and any legislative authorities necessary for such implementation.

"(g) SUNSET.—The requirement to enter into contracts under subsection (a) shall terminate on December 31, 2055.".

38 USC prec. 1701.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1704 the following new item:

"1704A. Independent assessments of health care delivery systems and management processes.".

38 USC 1704A note.

(c) DEADLINE FOR INITIAL ASSESSMENT.—The initial assessment under section 1704A of title 38, United States Code, as added by subsection (a), shall be completed by not later than December 31, 2025.

SEC. 195. IMPROVED TRANSPARENCY OF, ACCESS TO, AND USABILITY OF DATA PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) REVIEW OF TIMELINESS AND QUALITY OF CARE DATA.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall complete a review of data that is publicly available on the Access to Care internet website of the Department of Veterans Affairs (or successor website)) (in this section referred to as the "Website").

(2) ANALYSIS.—The review under paragraph (1) shall include an analysis of the access to and usability of the publicly available data on the Website, including a review of the availability of the following data:

(A) Any numeric indicators relating to timely care, effective care, safety, and veteran-centered care that the Secretary collects at medical facilities of the Department pursuant to section 1703C of title 38, United States Code.

(B) The patient wait times information required by subsection (a) of section 206 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 128 Stat. 1780); and

(C) the patient safety, quality of care, and outcome measures required by subsection (b) of such section 206.

(3) CONSULTATION.—In conducting the review under paragraph (1) of data described in such paragraph, the Secretary shall consult with veterans service organizations, veterans, and caregivers of veterans from geographically diverse areas and representing different eras of service in the Armed Forces to gather insights about potential modifications that could help improve the understanding and use of such data.

Assessment.

(4) REPORT.—Not later than 30 days after completing the review under paragraph (1), the Secretary shall submit to the

Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the outcome of the review, including an assessment of how the Secretary plans to modify the presentation of data described in such paragraph in light of the findings of the review.

(b) REQUIREMENTS OF WEBSITE.—

38 USC 1701 note.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, in addition to the requirements of section 206(b)(4) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 128 Stat. 1781), the Secretary shall ensure that the Website meets the following requirements:

Deadline.

(A) The Website is directly accessible from—

(i) the main homepage of the publicly accessible internet website of the Department; and

(ii) the main homepage of the publicly accessible internet website of each medical center of the Department.

(B) Where practicable, the Website is organized and searchable by each medical center of the Department.

(C) The Website is easily understandable and usable by the general public.

(2) CONSULTATION AND CONTRACT AUTHORITY.—In carrying out the requirements of paragraph (1)(C), the Secretary—

(A) shall consult with—

(i) veterans service organizations; and

(ii) veterans and caregivers of veterans from geographically diverse areas and representing different eras of service in the Armed Forces; and

(B) may enter into a contract to design the Website with a company, non-profit entity, or other entity specializing in website design that has substantial experience in presenting health care data and information in a easily understandable and usable manner to patients and consumers.

Contracts.

(c) ACCURACY OF DATA.—

(1) ANNUAL PROCESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall develop and implement a process to annually audit a generalizable subset of the data contained on the Website to assess the accuracy and completeness of the data.

Deadline.
Audit.

(2) CRITERIA.—The Secretary shall ensure that each audit under paragraph (1)—

(A) determines the extent that the medical record information, clinical information, data, and documentation provided by each medical facility of the Department that is used to calculate the information on the Website is accurate and complete;

Determination.

(B) identifies any deficiencies in the recording of medical record information, clinical information, or data by medical facilities of the Department that affects the accuracy and completeness of the information on the Website; and

(C) provides recommendations to medical facilities of the Department on how to—

Recommendations.

(i) improve the accuracy and completeness of the medical record information, clinical information, data, and documentation that is used to calculate the information on the Website; and

(ii) ensure that each medical facility of the Department provides such information in a uniform manner.

(3) ANNUAL REPORT.—Not later than two years after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of each audit under paragraph (1).

TITLE II—BENEFITS MATTERS

Subtitle A—Benefits Generally

SEC. 201. IMPROVEMENTS TO PROCESS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR CLOTHING ALLOWANCE CLAIMS.

(a) SHORT TITLE.—This section may be cited as the .

(b) PROCESS FOR CLOTHING ALLOWANCE CLAIMS.—Section 1162 of title 38, United States Code, is amended—

(1) by striking "The Secretary under" and inserting:

"(a) ELIGIBILITY REQUIREMENTS.—The Secretary, under";

(2) in paragraph (2)—

(A) by striking "which (A) a physician" and inserting: "which—"

"(A) a physician"; and

(B) by striking ", and (B) the Secretary" and inserting the following: "; and

"(B) the Secretary"; and

(3) by adding at the end the following new subsections:

"(b) CONTINUOUS NATURE OF PAYMENTS.—Payments made to a veteran under subsection (a) shall continue on an automatically recurring annual basis until the earlier of the following:

"(1) The date on which the veteran elects to no longer receive such payments.

Determination.

"(2) The date on which the Secretary determines the veteran is no longer eligible pursuant to subsection (c).

"(c) REVIEWS OF CLAIMS.—(1) The Secretary shall, in accordance with this subsection, conduct reviews of a claim on which a clothing allowance for a veteran under subsection (a) is based to determine the continued eligibility of the veteran for such allowance.

Standards.

"(2) The Secretary shall prescribe standards for determining whether a claim for a clothing allowance is based on a veteran's wearing or use of a prosthetic, orthopedic appliance (including a wheelchair), or medication whose wear or tear or irreparable damage on a veteran's outergarments or clothing is as likely as not subject to no change for the duration of such wearing or use.

Determination.

"(3)(A) If the Secretary determines, pursuant to standards prescribed under paragraph (2), that a claim for a clothing allowance is based on wear or tear or irreparable damage that is as likely as not subject to no change, the veteran shall continue to be deemed eligible for receipt of a clothing allowance under this section until the Secretary—

Notice.

"(i) receives notice under subparagraph (B); or

"(ii) finds otherwise under subparagraph (C) or (D).

"(B) The Secretary shall require a veteran who is receiving a clothing allowance under subsection (a), based on the wearing or use of a prosthetic, orthopedic appliance (including a wheelchair), or medication, to notify the Secretary when the veteran terminates the wearing or use of such a prosthetic, orthopedic appliance, or medication. Requirement. Notification.

"(C) For each veteran who is receiving a clothing allowance under subsection (a), based on the wearing or use of a prosthetic, orthopedic appliance (including a wheelchair), or medication, the Secretary shall periodically review the veteran's Department records for evidence that the veteran has terminated the wearing or use of such a prosthetic, orthopedic appliance, or medication. Review.

"(D) If a veteran who is receiving a clothing allowance under subsection (a), based on the wearing or use of a prosthetic, orthopedic appliance (including a wheelchair), or medication, has received such clothing allowance beyond the prescribed or intended lifespan of such prosthetic, orthopedic appliance, or medication, the Secretary may periodically request the veteran to attest to continued usage.

"(4) If the Secretary determines that a claim for a clothing allowance under subsection (a) does not meet the requirements of paragraph (3)(A), then the Secretary may require the veteran to recertify the veteran's continued eligibility for a clothing allowance under this section periodically, but not more frequently than once each year. Determination. Requirement. Certification. Deadline.

"(5) When reviewing a claim under this subsection, the Secretary shall evaluate the evidence presented by the veteran and such other relevant evidence as the Secretary determines appropriate. Evaluation.

"(d) DETERMINATION REGARDING CONTINUED ELIGIBILITY.—If the Secretary determines, as the result of a review of a claim conducted under subsection (c), that the veteran who submitted such claim no longer meets the requirements specified in subsection (a), the Secretary shall—

"(1) provide to the veteran notice of such determination that includes a description of applicable actions that may be taken following the determination, including the actions specified in section 5104C of this title; and Notice.

"(2) discontinue the clothing allowance based on such claim.".

(c) APPLICABILITY.—The amendments made by subsection (b) shall apply with respect to— 38 USC 1162 note.

(1) claims for clothing allowance submitted on or after the date of the enactment of this Act; and

(2) claims for clothing allowance submitted prior to the date of the enactment of this Act, if the veteran who submitted such claim is in receipt of the clothing allowance as of the date of the enactment of this Act.

SEC. 202. MEDICAL OPINIONS FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO DIE OF COVID–19.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall secure a medical opinion to determine if a service-connected disability was the principal or contributory cause of death before notifying the survivor of the final decision in any case in which all of the following factors are met: Determination. 38 USC 1164 note.

(1) A claim for compensation is filed under chapter 13 of title 38, United States Code, with respect to a veteran with one or more service-connected disabilities who dies.

(2) The death certificate for the veteran identifies Coronavirus Disease 2019 (COVID–19) as the principal or contributory cause of death.

(3) The death certificate does not clearly identify any of the service-connected disabilities of the veteran as the principal or contributory cause of death.

(4) A service-connected disability of the veteran includes a condition more likely to cause severe illness from COVID–19 as determined by the Centers for Disease Control and Prevention.

(5) The claimant is not entitled to benefits under section 1318 of such title.

(6) The evidence to support the claim does not result in a preliminary finding in favor of the claimant.

(b) OUTREACH.—The Secretary shall provide information to veterans, dependents, and veterans service organizations about applying to dependency and indemnity compensation when a veteran dies from COVID–19. The Secretary shall provide such information through the website of the Department of Veterans Affairs and via other outreach mechanisms.

Web posting.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the effects of the requirement to secure medical opinions pursuant to such subsection on dependency and indemnity compensation benefits under chapter 13 of title 38, United States Code.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, with respect to the year for which the report is submitted, the following:

(A) The total number of dependency and indemnity compensation claims filed.

(B) The number and percentage of dependency and indemnity compensation claims for which a disposition has been made, disaggregated by whether the disposition was a grant, denial, deferral, or withdrawal.

(C) The accuracy rate for all dependency and indemnity compensation claims.

(D) The total number of covered claims filed.

(E) The number and percentage of covered claims for which a disposition has been made, disaggregated by whether the disposition was a grant, denial, deferral, or withdrawal.

(F) The accuracy rate for covered claims.

(G) The total number and cost of medical opinions secured by the Secretary pursuant to subsection (a).

(d) STUDY ON CLAIMS DENIED PRIOR TO ENACTMENT.—

Reports.

(1) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete a study on covered claims that were denied prior to the date of the enactment of this Act and submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs

of the House of Representatives a report on the findings of the Secretary with respect to such study, including a description of any improvements made as a result of such study to trainings of the Department of Veterans Affairs relating to dependency and indemnity compensation claims.

(2) METHODOLOGY.—In carrying out the study under paragraph (1), the Secretary shall use a statistically valid, random sample of covered claims.

(3) ELEMENTS.—The study under paragraph (1) shall include, with respect to covered claims denied prior to the date of the enactment of this Act, the following elements:

Review.

(A) A review of whether the individuals processing such covered claims—

(i) correctly applied applicable laws, regulations, and policies, operating procedures, and guidelines of the Department of Veterans Affairs relating to the adjudication of dependency and indemnity compensation claims; and

(ii) completed all necessary claim development actions prior to making a disposition for the claim.

(B) An identification of—

(i) the total number of covered claims reviewed under the study;

(ii) the number and percentage of such covered claims the processing of which involved errors;

(iii) the top five claims processing errors and the number of such covered claims the processing of which involved any of such five errors.

(e) STUDY ON CLAIMS DENIED FOLLOWING ENACTMENT.—

Reports.

(1) STUDY.—Not later than two years after the date of the enactment of this Act, the Secretary shall complete a study on covered claims that have been denied following the date of the enactment of this Act and submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Secretary with respect to such study, including a description of any improvements made as a result of such study to trainings of the Department of Veterans Affairs relating to dependency and indemnity compensation claims.

(2) METHODOLOGY.—In carrying out the study under paragraph (1), the Secretary shall use a statistically valid, random sample of covered claims.

(3) ELEMENTS.—The study under paragraph (1) shall include, with respect to covered claims denied following the date of the enactment of this Act, each of the elements specified in subsection (d)(3).

(f) COVERED CLAIM DEFINED.—In this section, the term "covered claim" means a dependency and indemnity compensation claim filed with respect to a veteran the death certificate of whom identifies COVID–19 as the principal or contributory cause of death.

SEC. 203. ENHANCED LOAN UNDERWRITING METHODS.

(a) IN GENERAL.—Section 3710 of title 38, United States Code, is amended by adding at the end the following new subsection:

Regulations. Guidance.

"(i)(1) The Secretary, in consultation with the advisory group established under paragraph (3)(A), shall prescribe regulations and

issue guidance to assist lenders in evaluating the sufficiency of the residual income of a veteran pursuant to paragraph (2).

"(2)(A) Pursuant to the regulations and guidance prescribed under paragraph (1), in the case of a loan to a veteran to be guaranteed under this chapter, if the veteran provides to the lender an energy efficiency report described in subparagraph (B) —

Evaluation.

"(i) the evaluation by the lender of the sufficiency of the residual income of the veteran shall include a consideration of the estimate of the expected energy cost savings contained in the report; and

"(ii) the lender may apply the underwriting expertise of the lender in adjusting the residual income of the veteran in accordance with the information in the report.

"(B) An energy efficiency report described in this subparagraph is a report made with respect to a home for which a loan is to be guaranteed under this chapter that includes each of the following:

Estimate.

"(i) An estimate of the expected energy cost savings specific to the home, based on specific information about the home, including savings relating to electricity or natural gas, oil, and any other fuel regularly used to supply energy to the home.

"(ii) Any information required to be included pursuant to the regulations and guidance and regulations prescribed by the Secretary under paragraph (1).

"(iii) Information with respect to the energy efficiency of the home as determined pursuant to—

"(I) the Residential Energy Service Network's Home Energy Rating System (commonly know as 'HERS') by an individual certified by such Network; or

"(II) an other method determined appropriate by the Secretary, in consultation with the advisory group under paragraph (3), including with respect to third-party quality assurance procedures.

Establishment.

"(3)(A) To assist the Secretary in carrying out this subsection, the Secretary shall establish an advisory group consisting of individuals representing the interests of—

"(i) mortgage lenders;

"(ii) appraisers;

"(iii) energy raters and residential energy consumption experts;

"(iv) energy efficiency organizations;

"(v) real estate agents;

"(vi) home builders and remodelers;

"(vii) consumer advocates;

"(viii) veterans' service organizations; and

"(ix) other persons determined appropriate by the Secretary.

"(B) The advisory group established under subparagraph (A) shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(4) The Secretary shall ensure that marketing materials that the Secretary provides to veterans with respect to loans guaranteed under this chapter include information regarding the use of energy efficiency reports under this subsection.

Reports.

"(5) Not later than one year after the date on which the Secretary issues the regulations and guidance pursuant to paragraph

(2), and every year thereafter, the Secretary shall submit to Congress and make publicly available a report that includes the following information for the year covered by the report:

Public information. Reports.

"(A) An enumeration of the number of loans guaranteed under this chapter for which a veteran provided to the Secretary an energy efficiency report under this subsection, including the number of such loans for which cost savings were taken into account pursuant to paragraph (1).

"(B) Of the number of loans enumerated under subparagraph (A), an enumeration of the default rates and rates of foreclosure, including how such enumeration compares with the default rates and rates of foreclosure for guaranteed loans for which no energy efficiency report is provided.".

(b) CLARIFICATION OF REQUIREMENTS REGARDING ENERGY EFFICIENCY STANDARDS.—Section 3704(f) of such title is amended by striking "such standards" and inserting the following: "the standards established under such section 109, as in effect on the date of such construction".

SEC. 204. DEPARTMENT OF VETERANS AFFAIRS LOAN FEES.

The loan fee table in section 3729(b)(2) of title 38, United States Code, is amended by striking "January 14, 2031" each place it appears and inserting "November 14, 2031".

Subtitle B—Education

SEC. 211. NATIVE VETSUCCESS AT TRIBAL COLLEGES AND UNIVERSITIES PILOT PROGRAM.

Native VetSuccess at Tribal Colleges and Universities Pilot Program Act.
38 USC 3697B note.
Deadline.

(a) SHORT TITLE.—This section may be cited as the "Native VetSuccess at Tribal Colleges and Universities Pilot Program Act".

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence carrying out a pilot program to assess the feasibility and advisability of expanding the VetSuccess on Campus program to additional Tribal colleges and universities.

(2) DESIGNATION.—The pilot program carried out under paragraph (1) shall be known as the "Native VetSuccess at Tribal Colleges and Universities Pilot Program".

(c) DURATION.—The Secretary shall carry out the pilot program required by subsection (b)(1) during the five-year period beginning on the date of the commencement of the pilot program.

(d) PARAMETERS.—Under the pilot program required by subsection (b)(1) the Secretary shall—

(1) identify three regional Native VetSuccess service areas consisting of at least two participating Tribal colleges or universities that do not already have a VetSuccess program, counselor, or outreach coordinator; and

(2) assign to each regional Native VetSuccess service area a VetSuccess on Campus counselor and a full-time Vet Center outreach coordinator, both of whom shall—

(A) be based on one or more of the participating Tribal colleges or universities in the service area; and

(B) provide for eligible students at such participating colleges and universities with all services for which such

students would be eligible under the VetSuccess on Campus program of the Department of Veterans Affairs.

(e) ELIGIBLE STUDENTS.—For purposes of the pilot program, an eligible student is a student who is a veteran, member of the Armed Forces, or dependent of a veteran or member of the Armed Forces who is eligible for any service or benefit under the VetSuccess on Campus program of the Department.

(f) CONSULTATION REQUIREMENT.—In developing the pilot program required by subsection (b)(1), the Secretary shall, acting through the Veteran Readiness and Employment Program of the Department of Veterans Affairs and in coordination with the Office of Tribal Government Relations of the Department, consult with Indian Tribes, and Tribal organizations, and seek comment from the Advisory Committee on Tribal and Indian Affairs of the Department, and veterans service organizations regarding each of the following:

(1) The design of the pilot program.

(2) The process for selection of the three regional Native VetSuccess service areas and participating Tribal colleges and universities, taking into consideration—

(A) the number of eligible students enrolled in the college or university and in the regional service area;

(B) the capacity of the colleges and universities in the regional service area to accommodate a full-time VetSuccess on Campus counselor and a full-time Vet Center outreach coordinator;

(C) barriers in specific regional service areas that prevent native veterans' access to benefits and services under the laws administered by the Secretary; and

(D) any other factor that the Secretary, in consultation with Indian Tribes and Tribal organizations, and after considering input from veterans service organizations and the Advisory Committee on Tribal and Indian Affairs identifies as relevant.

(3) The most effective way to provide culturally competent outreach and services to eligible students at Tribal colleges and universities.

Notice.

(g) OUTREACH TO COLLEGES AND UNIVERSITIES.—The Secretary shall provide notice of the pilot program to all Tribal colleges and universities and encourage all Tribal colleges and universities to coordinate with each other to create regional service areas to participate in the pilot program.

(h) BRIEFINGS AND REPORTS.—

(1) IMPLEMENTATION BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide the appropriate committees of Congress a briefing on—

(A) the design, structure, and objectives of the pilot program required by subsection (b)(1); and

(B) the three regional Native Vet Success service areas and the Tribal colleges and universities selected for participation in the pilot program and the reason for the selection of such service areas and such colleges and universities.

(2) REPORT.—

(A) IN GENERAL.—Not later than four years after the date on which the Secretary commences the pilot program under subsection (b)(1), the Secretary shall submit to the

appropriate committees of Congress a report on the pilot program.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include each of the following:

(i) The number of eligible students provided services through the pilot program.

(ii) The types of services that eligible students received through the pilot program.

(iii) The graduation rate of eligible students who received services through the pilot program and graduation rate of eligible students who did not receive services through the pilot program.

(iv) The rate of employment within one year of graduation for eligible students who received services through the pilot program.

(v) Feedback from each Tribal college or university that participated in the pilot program, including on the regional nature of the program.

(vi) Analysis of the feasibility of expanding a regionally based Native VetSuccess at Tribal Colleges and Universities Program, including an explanation of the challenges of such a model due to issues with distance, communication, and coordination, and to the level of unmet services. Analysis.

(vii) A detailed proposal regarding a long-term extension of the pilot program, including a budget, unless the Secretary determines that such an extension is not appropriate.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEE OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Veterans' Affairs and the Committee on Indian Affairs of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Natural Resources of the House of Representatives.

(2) CULTURALLY COMPETENT.—The term "culturally competent" means considerate of the unique values, customs, traditions, cultures, and languages of Native American veterans.

(3) TRIBAL COLLEGE OR UNIVERSITY.—The term "Tribal college or university" has the meaning given the term "Tribal College or University" under section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

(4) TRIBAL ORGANIZATION.—The term "Tribal organization" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

SEC. 212. EDUCATION FOR SEPARATING MEMBERS OF THE ARMED FORCES REGARDING REGISTERED APPRENTICESHIPS.

Section 1144(b)(1) of title 10, United States Code, is amended by inserting "(including apprenticeship programs approved under chapters 30 through 36 of title 38)" after "employment opportunities".

38 USC 4102A note.

SEC. 213. WEBSITES REGARDING APPRENTICESHIP PROGRAMS.

Public information.

(a) WEBSITE UNDER THE JURISDICTION OF SECRETARY OF LABOR.—The Assistant Secretary of Labor for Veterans' Employment and Training, in coordination with the Secretary of Veterans Affairs, shall establish a user-friendly website (or update an existing website) that is available to the public on which veterans can find information about apprenticeship programs registered under the Act of August 16, 1937 (50 Stat. 664; commonly referred to as the "National Apprenticeship Act") and approved under chapters 30 through 36 of title 38, United States Code. Such information shall be searchable and sortable by occupation and location, and include, with regard to each such program, the following:

(1) A description, including any cost to a veteran.

(2) Contact information.

(3) Whether the program has been endorsed by a veterans service organization or nonprofit organization that caters to veterans.

(4) Whether the program prefers to hire veterans.

(5) Each certification or degree an individual earns by completing the program.

Update.

(b) COORDINATION WITH OTHER WEBSITE.—The Assistant Secretary shall update all information regarding programs for veterans listed on apprenticeship.gov (or any successor website) to include the information specified under subsection (a).

SEC. 214. TRANSFER OF ENTITLEMENT TO POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Paragraph (4) of section 3319(h) of title 38, United States Code, is amended to read as follows:

"(4) DEATH OF TRANSFEROR.—

"(A) IN GENERAL.—The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

"(B) DEATH PRIOR TO TRANSFER TO DESIGNATED TRANSFEREES.—(i) In the case of an eligible individual whom the Secretary has approved to transfer the individual's entitlement under this section who, at the time of death, is entitled to educational assistance under this chapter and has designated a transferee or transferees under subsection (e) but has not transferred all of such entitlement to such transferee or transferees, the Secretary shall transfer the entitlement of the individual under this section by evenly distributing the amount of such entitlement between all such transferees who would not be precluded from using some or all of the transferred benefits due to the expiration of time limitations found in paragraph (5) of this subsection or section 3321 of this title, notwithstanding the limitations under subsection (f).

"(ii) If a transferee cannot use all of the transferred benefits under clause (i) because of expiration of a time limitation, the unused benefits will be distributed among the other designated transferees who would not be precluded from using some or all of the transferred benefits due to expiration of time limitations found in paragraph (5) of this subsection or section 3321 of this title, unless

or until there are no transferees who would not be precluded from using the transferred benefits because of expiration of a time limitation.".

(b) APPLICABILITY.—Paragraph (4)(B) of section 3319(h) of title 38, United States Code, shall apply with respect to an eligible individual who dies on or after November 1, 2018. 38 USC 3319 note.

SEC. 215. USE OF ENTITLEMENT UNDER DEPARTMENT OF VETERANS AFFAIRS SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM FOR SECONDARY SCHOOL EDUCATION.

(a) IN GENERAL.—Section 3501(a)(6) of title 38, United States Code, is amended—

(1) by striking "secondary school,"; and

(2) by striking "secondary school level" and inserting "post-secondary school level".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2026, and shall apply with respect to an academic period that begins on or after that date. 38 USC 3501 note.

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.

(a) ESTABLISHMENT.—Chapter 36 of title 38, United States Code, amended by inserting after section 3691 the following new section:

"§ 3691A. Withdrawal or leave of absence from certain education 38 USC 3691A.

"(a) IN GENERAL.—(1) A covered member may, after receiving orders to enter a period of covered service, withdraw or take a leave of absence from covered education.

"(2)(A) The institution concerned may not take any adverse action against a covered member on the basis that such covered member withdraws or takes a leave of absence under paragraph (1).

"(B) Adverse actions under subparagraph (A) include the following:

"(i) The assignment of a failing grade to a covered member for covered education.

"(ii) The reduction of the grade point average of a covered member for covered education.

"(iii) The characterization of any absence of a covered member from covered education as unexcused.

"(iv) The assessment of any financial penalty against a covered member.

"(b) WITHDRAWAL.—If a covered member withdraws from covered education under subsection (a), the institution concerned shall refund all tuition and fees (including payments for housing) for the academic term from which the covered member withdraws.

"(c) LEAVE OF ABSENCE.—If a covered member takes a leave of absence from covered education under subsection (a), the institution concerned shall—

"(1) assign a grade of 'incomplete' (or equivalent) to the covered member for covered education for the academic term from which the covered member takes such leave of absence; and

"(2) to the extent practicable, permit the covered member, upon completion of the period covered service, to complete such academic term.

"(d) DEFINITIONS.—In this section:

"(1) The term 'covered education' means a course of education—

"(A) at an institution of higher education; and

"(B) paid for with educational assistance furnished under a law administered by the Secretary.

"(2) The term 'covered member' means a member of the Armed Forces (including the reserve components) enrolled in covered education.

"(3) The term 'covered service' means—

"(A) active service or inactive-duty training, as such terms are defined in section 101 of title 10; or

"(B) State active duty, as defined in section 4303 of this title.

"(4) The term 'institution concerned' means, with respect to a covered member, the institution of higher education where the covered member is enrolled in covered education.

"(5) The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(6) The term 'period of covered service' means the period beginning on the date on which a covered member enters covered service and ending on the date on which the covered member is released from covered service or dies while in covered service.".

38 USC prec. 3670.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such chapter is amended by inserting after the item relating to section 3691 the following new item:

"3691A.Withdrawal or leave of absence from certain education.".

GI Bill National Emergency Extended Deadline Act of 2022. 38 USC 101 note.

Subtitle C—GI Bill National Emergency Extended Deadline Act

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "GI Bill National Emergency Extended Deadline Act of 2022".

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.

(a) MONTGOMERY GI BILL.—Section 3031 of title 38, United States Code, is amended—

(1) in subsection (a), by inserting "and subsection (i)" after "through (g)"; and

(2) by adding at the end the following new subsection:

Determination. Time period.

"(i)(1) In the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual's chosen program of education before the expiration of the 10-year period for the use of entitlement under this chapter otherwise applicable under this section because of a covered reason, as determined by the Secretary, such 10-year period—

"(A) shall not run during the period the individual is so prevented from pursuing such program; and

"(B) shall again begin running on a date determined by the Secretary that is—

"(i) not earlier than the first day after the individual is able to resume pursuit of a program of education with educational assistance under this chapter; and

"(ii) not later than 90 days after that day.

"(2) In this subsection, a covered reason is—

"(A) the temporary or permanent closure of an educational institution by reason of an emergency situation; or

"(B) another reason that prevents the individual from pursuing the individual's chosen program of education, as determined by the Secretary.".

(b) POST-9/11 EDUCATIONAL ASSISTANCE.— Section 3321(b)(1) of such title is amended—

(1) by inserting "(A)" before "Subsections";

(2) by striking "and (d)" and inserting "(d), and (i)"; and

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

"(B) Subsection (i) of section 3031 of this title shall apply with respect to the running of the 15-year period described in paragraphs (4)(A) and (5)(A) of this subsection in the same manner as such subsection (i) applies under such section 3031 with respect to the running of the 10-year period described in subsection (a) of such section.". Applicability. Time periods.

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.

Section 3103 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "or (g)" and inserting "(g), or (h)"; and

(2) by adding at the end the following new subsection:

"(h)(1) In the case of a veteran who is eligible for a vocational rehabilitation program under this chapter and who is prevented from participating in the vocational rehabilitation program within the period of eligibility prescribed in subsection (a) because of a covered reason, as determined by the Secretary, such period of eligibility— Determination.

"(A) shall not run during the period the veteran is so prevented from participating in such program; and

"(B) shall again begin running on a date determined by the Secretary that is—

"(i) not earlier than the first day after the veteran is able to resume participation in a vocational rehabilitation program under this chapter; and

"(ii) not later than 90 days after that day.

"(2) In this subsection, a covered reason is—

"(A) the temporary or permanent closure of an educational institution by reason of an emergency situation; or

"(B) another reason that prevents the veteran from participating in the vocational rehabilitation program, as determined by the Secretary.". Determination.

SEC. 234. PERIOD FOR ELIGIBILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3512 of title 38, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (f); and

(2) by adding at the end the following new subsection:

Effective date.

"(g) Notwithstanding any other provision of this section, the following persons may be afforded educational assistance under this chapter at any time after August 1, 2023, and without regard to the age of the person:

"(1) A person who first becomes an eligible person on or after August 1, 2023.

"(2) A person who—

"(A) first becomes an eligible person before August 1, 2023; and

"(B) becomes 18 years of age, or completes secondary schooling, on or after August 1, 2023.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking "The educational" and inserting "Except as provided in subsection (g), the educational";

(2) in subsection (b)—

(A) in paragraph (1)(A), by inserting "subsection (g) or" after "provided in"; and

(B) in paragraph (2), by striking "Notwithstanding" and inserting "Except as provided in subsection (g), notwithstanding"; and

(3) in subsection (e), by striking "No person" and inserting "Except as provided in subsection (g), no person".

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.

(a) STUDY AND REPORT REQUIRED.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall—

Time period.

(1) complete a study on fraud, waste, and abuse of the benefits furnished under section 111 of title 38, United States Code, that may have occurred during the five-year period ending on the date of the enactment of this Act; and

(2) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Comptroller General with respect to the study completed under paragraph (1).

(b) ELEMENTS.—Study conducted under subsection (a)(1) shall cover the following:

(1) The quantity and monetary amount of claims that have been adjudicated as fraudulent or improper, disaggregated, to the extent possible, by general health care travel and by special mode of transportation.

(2) Instances of potential fraud or improper payments that may have occurred but were not detected, disaggregated, to the extent possible, by general health care travel and by special mode of transportation.

(3) The efforts of the Secretary of Veterans Affairs to mitigate fraud and the effectiveness of the efforts of the Secretary.

(4) Assessment of communication and training provided by the Department of Veterans Affairs to employees and contractors handling claims filed under section 111 of such title regarding fraud. Assessment.

(5) Such recommendations as the Comptroller General may have for further mitigation of fraud, waste, and abuse. Recommendations.

SEC. 242. COMPTROLLER GENERAL STUDY AND REPORT ON EFFECTIVENESS OF DEPARTMENT OF VETERANS AFFAIRS BENEFICIARY TRAVEL PROGRAM MILEAGE REIMBURSEMENT AND DEDUCTIBLE AMOUNTS.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) complete a study on—

(A) the efficacy of the current mileage reimbursement rate under subsection (a) of section 111 of title 38, United States Code, in mitigating the financial burden of transportation costs for traveling to and from Department of Veterans Affairs medical facilities for medical care;

(B) the origins of the amount of the deductible under subsection (c) of such section and its impact on the efficacy of the benefits provided under such section in mitigating financial burden on veterans seeking medical care; and

(C) developing such recommendations as the Comptroller General may have for how this program or another transportation assistance program could further encourage veterans, especially low-income veterans, to seek medical care, especially mental health care; and Recommendations.

(2) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Comptroller General with respect to the study completed under paragraph (1).

SEC. 243. DEPARTMENT OF VETERANS AFFAIRS TRANSPORTATION PILOT PROGRAM FOR LOW INCOME VETERANS. 38 USC 111 note.

(a) PILOT PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence carrying out a pilot program to assess the feasibility and advisability of providing payments authorized under subsection (a) of section 111 of title 38, United States Code, 48 hours in advance of travel to eligible appointments to veterans and other eligible individuals who are also eligible for a deduction waiver as provided by paragraphs (3) and (4) of subsection (c) of such section. Deadline. Assessment.

(b) DURATION.—The Secretary shall carry out the pilot program during the five-year period beginning on the date of the commencement of the pilot program.

(c) LOCATIONS.—The Secretary shall carry out the pilot program at not fewer than five locations selected by the Secretary for purposes of the pilot program.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the completion of the pilot program, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the pilot program.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The number of individuals who benefitted from the pilot program broken, disaggregated by geographic location, race or ethnicity, age, disability rating, and sex.

(B) Average distance traveled by participants to appointments and average funds provided per appointment, disaggregated by geographic region.

(C) A description of any impediments to carrying out the pilot program.

(D) An account of payments provided for travel that did not occur or was authorized incorrectly.

(E) An account of any attempts to retrieve such payment.

Recommendations.

(F) Recommendations of the Secretary for legislative or administrative action to reduce improper payments.

Assessment.

(G) An assessment of the feasibility and advisability of providing payments as described in subsection (a).

38 USC 111 note.

SEC. 244. PILOT PROGRAM FOR TRAVEL COST REIMBURSEMENT FOR ACCESSING READJUSTMENT COUNSELING SERVICES.

Deadline.

(a) PILOT PROGRAM REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall establish and commence a pilot program, within the Readjustment Counseling Services of the Veterans Health Administration, to assess the feasibility and advisability of providing payment to cover or offset financial difficulties of an individual in accessing or using transportation to and from the nearest Vet Center service site providing the necessary readjustment counseling services for the individual's plan of service.

(b) PARTICIPATION.—

(1) IN GENERAL.—In carrying out the pilot program required by subsection (a), the Secretary shall limit participation—

(A) by individuals pursuant to paragraph (2); and

(B) by Vet Centers pursuant to paragraph (3).

(2) PARTICIPATION BY INDIVIDUALS.—

(A) IN GENERAL.—The Secretary shall limit participation in the pilot program to individuals who are eligible for services at a participating Vet Center and experiencing financial hardship.

(B) FINANCIAL HARDSHIP.—The Secretary shall determine the meaning of "financial hardship" for purposes of subparagraph (A).

(3) PARTICIPATION OF VET CENTERS.—Vet Centers participating in the program shall be chosen by the Secretary from among those serving individuals in areas designated by the Secretary as rural or highly rural or Tribal lands.

Deadline.

(c) TRAVEL ALLOWANCES AND REIMBURSEMENTS.—Under the pilot program required by subsection (a), the Secretary shall provide a participating individual a travel allowance or reimbursement at the earliest time practicable, but not later than 10 business days after the date of the appointment.

(d) DURATION.—The Secretary shall carry out the pilot program required by subsection (a) during the five-year period beginning on the date of the commencement of the pilot program.

(e) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program at not fewer than five locations selected by the Secretary for purposes of the pilot program.

(2) EXISTING INITIATIVE.—

(A) LOCATIONS PARTICIPATING IN EXISTING INITIATIVE.—Of the locations selected under paragraph (1), four shall be the locations participating in the initiative commenced under section 104(a) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154), as most recently amended by section 105 of the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 (Public Law 117–180), as of the date of the enactment of this Act.

(B) TERMINATION OF EXISTING INITIATIVE.—Section 104(a) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, as so amended, is further amended by striking "September 30, 2023" and inserting "the date on which the pilot program required by subsection (a) of section 244 of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022 commences at each of the locations described in subsection (e)(2)(A) of such section".

(f) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the commencement of the pilot program required by subsection (a) and each year thereafter for the duration of the pilot program, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Secretary with respect to the pilot program.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The number of individuals who benefitted from the pilot program, disaggregated by age, race or ethnicity, and sex, to the extent possible.

(B) The average distance traveled by each individual per each Vet Center.

(C) The definition of financial hardship determined by the Secretary under subsection (b)(2)(B).

(D) A description of how the funds are distributed.

(E) The average amount of funds distributed per instance, disaggregated by Vet Center.

(F) A description of any impediments to the Secretary in paying expenses or allowances under the pilot program.

(G) An assessment of the potential for fraudulent receipt of payment under the pilot program and the recommendations of the Secretary for legislative or administrative action to reduce such fraud. Assessment.

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate with respect to the payment of expenses or allowances. Recommendations.

(g) VET CENTER DEFINED.—In this section, the term "Vet Center" means a center for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

VA Beneficiary Debt Collection Improvement Act of 2022.

Subtitle E—VA Beneficiary Debt Collection Improvement Act

38 USC 101 note.

SEC. 251. SHORT TITLE.

This subtitle may be cited as the "VA Beneficiary Debt Collection Improvement Act of 2022".

SEC. 252. PROHIBITION OF DEBT ARISING FROM OVERPAYMENT DUE TO DELAY IN PROCESSING BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) BAR TO RECOVERY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302A the following new section:

38 USC 5302B.

"§ 5302B. Prohibition of debt arising from overpayment due to delay in processing

"(a) LIMITATION.—(1) Except as provided in paragraph (2), no individual may incur a debt to the United States that—

"(A) arises from the participation of the individual in a program or benefit administered by the Under Secretary for Benefits; and

"(B) is attributable to the failure of an employee or official of the Department to process information provided by or on behalf of that individual within applicable timeliness standards established by the Secretary.

"(2) Nothing in this section shall be construed to affect the penal and forfeiture provisions for fiduciaries set forth in chapter 61 of this title.

Determination. Notice.

"(b) NOTICE.—(1) If the Secretary determines that the Secretary has made an overpayment to an individual, the Secretary shall provide notice to the individual of the overpayment.

"(2) Notice under paragraph (1) shall include a detailed explanation of the right of the individual—

"(A) to dispute the overpayment, including a detailed explanation of the process by which to dispute the overpayment; or

"(B) to request a waiver of indebtedness.

"(c) DELAY ON COLLECTION.—(1) Subject to paragraph (2), the Secretary may not take any action under section 3711 of title 31 regarding an overpayment described in a notice under subsection (b) of this section until the date that is 90 days after the date the Secretary issues such notice.

Determination.

"(2) The Secretary may take action under section 3711 of title 31 regarding an overpayment described in a notice under subsection (b) of this section before the date that is 90 days after the date the Secretary issues such notice if the Secretary determines that delaying such action is—

"(A) likely to make repayment of such overpayment more difficult for an individual;

"(B) likely to cause an unpaid debt to be referred to the Treasury Offset Program; or

"(C) not in the best interest of the individual.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5302A the following new item:

38 USC prec. 5301.

"5302B. Prohibition of debt arising from overpayment due to delay in processing.".

(3) DEADLINE.—The Secretary of Veterans Affairs shall prescribe regulations to establish standards under section 5302B(a)(2) of such title, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

Regulations. 38 USC 5302B note.

(b) PLAN FOR IMPROVED NOTIFICATION AND COMMUNICATION OF DEBTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year thereafter, the Secretary of Veterans Affairs shall provide the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of representatives a briefing and submit to such committees a report on the improvement of the notification of and communication with individuals who receive overpayments made by the Secretary.

Deadline.

(2) CONTENTS.—Each report under paragraph (1) shall include each of the following:

(A) The plan of the Secretary to carry out each of the following:

(i) The development and implementation of a mechanism by which individuals enrolled in the patient enrollment system under section 1705 of title 38, United States Code, may view their monthly patient medical statements electronically.

(ii) The development and implementation of a mechanism by which individuals eligible for benefits under the laws administered by the Secretary may receive electronic correspondence relating to debt and overpayment information.

(iii) The development and implementation of a mechanism by which individuals eligible for benefits under the laws administered by the Secretary may access information related to Department of Veterans Affairs debt electronically.

(iv) The improvement and clarification of Department communications relating to overpayments and debt collection, including letters and electronic correspondence and including information relating to the most common reasons individuals eligible for benefits under the laws administered by the Secretary incur debts to the United States and the process for requesting a waiver of such debt. The Secretary shall develop such improvements and clarifications in consultation with veterans service organizations, labor organizations that represent employees of the Department, other relevant nongovernmental organizations, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives.

(B) A description of the current efforts and plans for improving the accuracy of payments to individuals entitled

to benefits under the laws administered by the Secretary, including specific data matching agreements.

(C) A description of steps to be taken to improve the identification of underpayments to such individuals and to improve Department procedures and policies to ensure that such individuals who are underpaid receive adequate compensation payments.

List.

(D) A list of actions completed, implementation steps, and timetables for each requirement described in subparagraphs (A) through (C).

(E) A description of any new legislative authority required to complete any such requirement.

SEC. 253. PROHIBITION ON DEPARTMENT OF VETERANS AFFAIRS INTEREST AND ADMINISTRATIVE COST CHARGES FOR DEBTS RELATING TO CERTAIN BENEFITS PROGRAMS.

(a) IN GENERAL.—Section 5315(a)(1) of title 38, United States Code, is amended—

(1) by striking "other than a loan" and all that follows through the semicolon and inserting "other than—"; and

(2) by adding at the end the following new subparagraphs:

"(A) a loan, loan-guaranty, or loan-insurance program;

"(B) a disability compensation program;

"(C) a pension program; or

"(D) an educational assistance program.".

38 USC 5315 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to an indebtedness that occurs on or after the date of the enactment of this Act.

SEC. 254. EXTENSION OF WINDOW TO REQUEST RELIEF FROM RECOVERY OF DEBT ARISING UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5302(a) of title 38, United States Code, is amended by striking "180 days" and inserting "one year".

38 USC 5302 note.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the date that is two years after the date of the enactment of this Act.

SEC. 255. REFORMS RELATING TO RECOVERY BY DEPARTMENT OF VETERANS AFFAIRS OF AMOUNTS OWED BY INDIVIDUALS TO THE UNITED STATES.

(a) LIMITATION ON INDEBTEDNESS OFFSETS.—Subsection (a) of section 5314 of title 38, United States Code, is amended—

(1) by inserting "(1)" before "Subject to"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary may not make a deduction under paragraph (1) while the existence or amount of such indebtedness is disputed under section 5314A of this title.".

(b) ADMINISTRATIVE PROCESS FOR DISPUTE OF EXISTENCE OR AMOUNT OF INDEBTEDNESS.—

(1) ESTABLISHMENT.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5314 the following new section:

38 USC 5314A.

"§ 5314A. Dispute of indebtedness

Regulations.

"(a) ESTABLISHMENT.—The Secretary shall prescribe regulations that establish an administrative process for the dispute of the existence or amount of an indebtedness described in section

5314(a)(1) of this title (without regard to whether the Secretary has made a deduction under such section regarding such indebtedness).

"(b) STANDARDS.—The process under subsection (a) shall be efficient, effective, and equitable.

"(c) TIMELINESS.—The Secretary shall ensure that each dispute under subsection (a) proceeds in accordance with standards for timeliness prescribed by the Secretary under this section.

"(d) LIMITATION.—The Secretary may not submit to any debt collector (as defined in section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a)) any dispute pending under this section.

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify the procedures for seeking review of a decision of the agency of original jurisdiction described in section 5104C(a)(1) of this title.".

(2) EXISTING ADMINISTRATIVE PROCESS.—The Secretary of Veterans Affairs shall carry out section 5314A of such title, as added by paragraph (1), by improving the administrative process of the Department of Veterans Affairs for the dispute of the existing or amount of an indebtedness that was in effect on the day before the date of the enactment of this Act. 38 USC 5314A note.

(3) IMPROVEMENTS TO DEPARTMENT WEBSITE AND NOTICES.—In carrying out paragraph (2), the Secretary shall—

(A) improve the website of the Department; and

(B) ensure that such website and written notices sent to a person about indebtedness described in section 5314(a) of title 38, United States Code, contain all information a person needs to dispute such an indebtedness, including a description of—

(i) the specific actions the person will need to take in order to dispute the indebtedness;

(ii) the documentation that will be required for the dispute; and

(iii) how the documentation is to be submitted.

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5314 the following new item: 38 USC prec. 5301.

"5314A. Dispute of indebtedness.".

(c) LIMITATION ON AUTHORITY TO RECOVER DEBTS.—Section 5302(a) of title 38, United States Code, is amended—

(1) by inserting "(1)" before "There"; and

(2) by adding at the end the following new paragraph: Determination.

"(2) The Secretary may not seek to recover an indebtedness described in paragraph (1) if the Secretary determines that the cost to the Department to recover such indebtedness, as determined when the debt is established, would exceed the amount of the indebtedness.".

TITLE III—HOMELESSNESS MATTERS

SEC. 301. ADJUSTMENTS OF GRANTS AWARDED BY THE SECRETARY OF VETERANS AFFAIRS FOR COMPREHENSIVE SERVICE PROGRAMS TO SERVE HOMELESS VETERANS.

(a) ELIMINATION OF MATCHING REQUIREMENT.—

(1) IN GENERAL.—Section 2011(c) of title 38, United States Codes, is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

38 USC 2011 note.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply with respect to any grant awarded under section 2011 of title 38, United States Code, on or after the date of the enactment of this Act.

Effective date. 38 USC 2011 note.

(3) DETERMINATION OF AMOUNT OF GRANT.—On or after the date that is five years after the date of the enactment of this Act, the Secretary of Veterans Affairs may determine the maximum amount of a grant under section 2011 of title 38, United States Code, which shall be not less than 70 percent of the estimated cost of the project concerned.

(4) SUNSET.—Section 4201(b)(2) of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315; 134 Stat. 5009; 38 U.S.C. 2011 note) is amended—

(A) by striking "Subsection (c)(2)" and inserting the following:

"(A) IN GENERAL.—Subsection (c)(2)"; and

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

"(B) SUNSET.—Subparagraph (A) shall cease to be effective on the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022.".

(b) ELIMINATION OF PROPERTY DISPOSITION REQUIREMENTS.—

38 USC 2011 note.

(1) IN GENERAL.—A recipient of a grant awarded under section 2011 of title 38, United States Code, on or after the date of the enactment of this Act for a project described in subsection (b)(1) of such section shall not be subject to any real property or equipment disposition requirements relating to the grant under section 61.67 of title 38, Code of Federal Regulations, sections 200.311(c) and 200.313(e) of title 2, Code of Federal Regulations, or successor regulations.

(2) SUNSET.—Section 4201(b)(6) of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315; 134 Stat. 5010; 38 U.S.C. 2011 note) is amended—

(A) by striking "During" and inserting the following: "(A) IN GENERAL.—During"; and

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

"(B) SUNSET.—Subparagraph (A) shall cease to be effective on the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022.".

SEC. 302. MODIFICATIONS TO PROGRAM TO IMPROVE RETENTION OF HOUSING BY FORMERLY HOMELESS VETERANS AND VETERANS AT RISK OF BECOMING HOMELESS.

Section 2013 of title 38, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d);

(2) by inserting after subsection (a) the following new subsections:

"(b) SERVICES.—Services provided under the program shall include services to assist veterans described in subsection (a) with navigating resources provided by the Federal Government and State, local, and Tribal governments.

"(c) STAFFING.—In geographic areas where individuals who meet the licensure and certification requirements to provide services under the program are in high demand as determined by the Secretary, such services may be provided through one or more individuals with a master's degree in social work who are undergoing training to meet such requirements, if such individuals are under the supervision of an individual who meets such requirements."; and

(3) in subsection (d), as redesignated by paragraph (1), by adding at the end the following new paragraph:

"(3) The Secretary shall require each recipient of a grant awarded under this subsection to submit to the Secretary a report that describes the services provided or coordinated with amounts under such grant.". Requirement. Reports.

SEC. 303. MODIFICATIONS TO HOMELESS VETERANS REINTEGRATION PROGRAMS.

(a) IN GENERAL.—Section 2021 of title 38, United States Code, is amended to read as follows:

"§ 2021. Homeless veterans reintegration programs

"(a) IN GENERAL.—Subject to the availability of appropriations provided for such purpose, the Secretary of Labor shall conduct, directly or through grant or contract, such programs as that Secretary determines appropriate to provide job training, counseling, and placement services (including job readiness and literacy and skills training) to expedite the reintegration into the labor force of— Grants. Contracts.

"(1) homeless veterans, including— Time period.

"(A) veterans who were homeless but found housing during the 60-day period preceding the date on which the veteran begins to participate in a program under this section; and

"(B) veterans who are at risk of homelessness during the 60-day period beginning on the date on which the veteran begins to participate in a program under this section;

"(2) veterans participating in the Department of Housing and Urban Development-Department of Veterans Affairs supported housing program for which rental assistance is provided pursuant to section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) or the Tribal HUD-VA Supportive Housing (Tribal HUD-VASH) program;

"(3) Indians who are veterans and receiving assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.);

"(4) veterans described in section 2023(d) of this title or any other veterans who are transitioning from being incarcerated; and

"(5) veterans participating in the Department of Veterans Affairs rapid rehousing and prevention program authorized in section 2044 of this title.

"(b) GRANTS.—(1) In awarding grants for purposes of conducting programs described in subsection (a), the Secretary of Labor shall, to the maximum extent practicable, consider applications for fundable grants from entities in all States.

"(2) In each State in which no entity has been awarded a grant described in paragraph (1) as of the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, the Secretary of Labor shall, in coordination with the Director of Veterans' Employment and Training in the State, organize and conduct an outreach and education program to ensure communities are aware of the programs conducted under this section and the benefits of the programs.

"(c) TRAINING AND TECHNICAL ASSISTANCE.—(1) The Secretary of Labor shall provide training and technical assistance to entities seeking a grant or contract under this section and recipients of a grant or contract under this section regarding the planning, development, and provision of services for which the grant or contract is awarded, including before and during the grant application or contract award period.

"(2) The training and technical assistance provided under paragraph (1) shall include outreach and assistance specifically designed for entities serving regions and populations underserved by the programs conducted under this section.

"(3) The Secretary of Labor may provide training and technical assistance under paragraph (1) directly or through grants or contracts with such public or nonprofit private entities as that Secretary considers appropriate.

"(d) REQUIREMENT TO MONITOR EXPENDITURES OF FUNDS.—(1) The Secretary of Labor shall collect such information as that Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section.

"(2) Information collected under paragraph (1) shall include data with respect to the results or outcomes of the services provided to each homeless veteran under this section.

"(3) Information collected under paragraph (1) shall be furnished in such form and manner as the Secretary of Labor may specify.

"(e) ADMINISTRATION THROUGH ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—The Secretary of Labor shall carry out this section through the Assistant Secretary of Labor for Veterans' Employment and Training.

"(f) PROVISION OF SERVICES TO VETERANS IN CERTAIN INSTITUTIONS.—(1) The Attorney General of the United States shall permit a recipient of a grant or contract under this section or section 2023 of this title to provide services under this section or section 2023 of this title to any veteran described in subsection (a)(4) who is residing in a penal institution under the jurisdiction of the Bureau of Prisons.

Time period.

"(2) The recipient of a grant or contract under this section may provide to officials of an institution described in paragraph (1) information regarding the services provided to veterans under this section and section 2023 of this title during the 18-month period preceding the release or discharge of a veteran from the institution.

"(g) REPORT ON SERVICES PROVIDED.—(1) The Secretary of Labor shall require each recipient of a grant or contract under this section to submit to that Secretary a report on the services provided and veterans served using grant or contract amounts not later than 90 days after the end of each program year, beginning with the program year the begins after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022.

"(2) To the extent practicable, each report submitted under paragraph (1) shall—

"(A) disaggregate the number of veterans served by—

"(i) sex;

"(ii) age;

"(iii) race;

"(iv) ethnicity;

"(v) approximate era in which the veteran served in the Armed Forces;

"(vi) the highest level of education attained;

"(vii) the average period of time the veteran was unemployed or underemployed before receiving services under this section and while receiving such services; and

"(viii) housing status as of—

"(I) the date on which the veteran is first enrolled in services under this section; and

"(II) any subsequent date, if such data is available; and

"(B) include data on the number of veterans receiving services under this section who are eligible for health care and benefits provided by the Department of Veterans Affairs. Data.

"(h) REPORTS TO CONGRESS.—(1) Not less frequently than every two years, the Secretary of Labor shall submit to Congress a report on the programs conducted under this section. The Secretary of Labor shall include in the report the following:

"(A) An evaluation of services furnished to veterans under this section. Evaluation.

"(B) An analysis of the information collected under subsection (d). Analysis.

"(C) An identification of—

"(i) the total number of applications for grants under this section that the Secretary of Labor received during the fiscal year preceding the date on which the report is submitted; and

"(ii) the number of such applications that were denied.

"(D) With respect to each State in which no entity was awarded a grant under this section during the fiscal year preceding the date on which the report is submitted—

"(i) an identification of the top five reasons why entities that applied for such a grant were not awarded the grant; and

"(ii) information regarding the specific criteria used to score the applications and an explanation of if, how, or why such criteria differed from the previous fiscal year.

"(2) Not later than 180 days after the end of the program year that begins after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, and not later than 120 days after the end of each program year thereafter,

the Secretary of Labor shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the following:

Data.

"(A) Data obtained from the reports submitted under subsection (g), disaggregated by geographic location.

"(B) The number of grants and contracts not awarded under this section due to insufficient funds.

"(C) The number of returning recipients of grants or contracts that were and were not awarded grants or contracts under this section during the most recent application cycle.

"(D) The number of applications received from entities in States in which no entities received a grant or contract under this section.

"(E) The number of veterans who were admitted to a program conducted under this section but not placed in a job following participation in such program, disaggregated by geographic location, age, sex, and race or ethnicity.

Time periods.

"(i) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out this section amounts as follows:

"(A) $50,000,000 for fiscal year 2002.

"(B) $50,000,000 for fiscal year 2003.

"(C) $50,000,000 for fiscal year 2004.

"(D) $50,000,000 for fiscal year 2005.

"(E) $50,000,000 for fiscal year 2006.

"(F) $50,000,000 for each of fiscal years 2007 through 2023.

"(G) $60,000,000 for fiscal year 2024 and each fiscal year thereafter.

"(2) Funds appropriated to carry out this section shall remain available until expended. Funds obligated in any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.".

(b) CONFORMING AMENDMENT.—Section 2021A(e) of title 38, United States Code, is amended by striking "section 2021(d)" and inserting "section 2021(h)(1)".

SEC. 304. EXPANSION AND EXTENSION OF DEPARTMENT OF VETERANS AFFAIRS HOUSING ASSISTANCE FOR HOMELESS VETERANS.

(a) EXPANSION.—Subsection (a) of section 2041 of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "or permanent housing" after "shelter";

(B) in subparagraph (A), by striking "named in, or approved by the Secretary under, section 5902 of this title" and inserting "that is the recipient of a grant under section 2011, 2013, 2044, or 2061 of this title"; and

(C) in subparagraph (B), by inserting "or tribal entity," after "State"; and

(2) in paragraph (3)(B)—

(A) in clause (i)—

(i) by inserting "or permanent housing" after "shelter";

(ii) by inserting "(I)" before "utilize";

(iii) by striking the comma and inserting "; or"; and

(iv) by adding at the end the following new subclause:

"(II) sell or rent the property directly to homeless veterans or veterans at risk of homelessness;"; and

(B) in each of clauses (ii) and (iii), by striking the comma and inserting a semicolon.

(b) EXTENSION.—Subsection (c) of such section is amended by striking "September 30, 2017" and inserting "September 30, 2026".

SEC. 305. TRAINING AND TECHNICAL ASSISTANCE PROVIDED BY SECRETARY OF VETERANS AFFAIRS TO CERTAIN ENTITIES.

(a) SUPPORTIVE SERVICES FOR VERY LOW-INCOME FAMILIES IN PERMANENT HOUSING.—Section 2044(e) of title 38, United States Code, is amended—

(1) by striking paragraphs (2) and (3); and

(2) by striking "(1) From amounts" and inserting "From amounts".

(b) COMPREHENSIVE SERVICE PROGRAMS.—

(1) IN GENERAL.—Subchapter II of chapter 20 of title 38, United States Code, is amended—

(A) by redesignating section 2014 as section 2016; and

(B) by inserting after section 2013 the following new sections 2014 and 2015:

38 USC 2014, 2016.

"§ 2014. Training and technical assistance for recipients of certain financial assistance

38 USC 2014.

"(a) IN GENERAL.—The Secretary shall provide training and technical assistance to recipients of grants under sections 2011 and 2013 of this title and recipients of per diem payments under sections 2012 and 2061 of this title regarding the planning, development, and provision of services for which the grant or payment is made.

"(b) PROVISION OF TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance under subsection (a) directly or through grants or contracts with such public or nonprofit private entities as the Secretary considers appropriate.

"§ 2015. Training and technical assistance for entities regarding services provided to veterans at risk of, experiencing, or transitioning out of homelessness

38 USC 2015.

"(a) IN GENERAL.—The Secretary shall provide training and technical assistance to entities serving veterans at risk of, experiencing, or transitioning out of homelessness regarding—

"(1) the provision of such services to such veterans; and

"(2) the planning and development of such services.

"(b) COORDINATION.—The Secretary may coordinate the provision of training and technical assistance under subsection (a) with the Secretary of Housing and Urban Development and the Secretary of Labor.

"(c) ELEMENTS.—The training and technical assistance provided under subsection (a) shall include coordination and communication of best practices among all programs administered by the Veterans Health Administration directed at serving veterans at risk of, experiencing, or transitioning out of homelessness.

"(d) PROVISION OF TRAINING.—The Secretary may provide the training and technical assistance under subsection (a) directly or

through grants or contracts with such public or nonprofit private entities as the Secretary considers appropriate.".

Effective date. 38 USC 2014 note.

(2) USE OF AMOUNTS.—The Secretary of Veterans Affairs shall provide training and technical assistance under sections 2014 and 2015 of such title, as inserted by paragraph (1)(B), using amounts appropriated or otherwise made available to the Department of Veterans Affairs on or after the date of the enactment of this Act.

(3) CONFORMING AMENDMENT.—Section 20013(a) of the Coronavirus Aid, Relief, and Economic Security Act (38 U.S.C. 2011 note) is amended by striking "2014" and inserting "2016".

38 USC prec. 2001.

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by striking the item relating to section 2014 and inserting the following new items:

"2014. Training and technical assistance for recipients of certain financial assistance.
"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.".

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.

Section 304(c)(2)(A) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (38 U.S.C. 2041 note) is amended—

(1) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) providing case management services to veterans for obtaining suitable housing at varying locations nationwide or in the area or areas similar to where the services will be provided under the relevant contract or agreement;".

38 USC 2041 note.

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.

(a) IN GENERAL.—The Under Secretary for Health of the Department of Veterans Affairs shall—

(1) provide to staff of medical centers of the Department of Veterans Affairs and homelessness service providers of the Department the information described in subsection (b); and

(2) ensure that such information, and other resources the Under Secretary determines are appropriate, are accessible to such staff and providers.

(b) INFORMATION DESCRIBED.—The information described in this subsection is information related to best practices with respect to the collaboration between medical centers of the Department of Veterans Affairs, homelessness service providers of the Department, and local partners (including local offices of the Department of Housing and Urban Development or public housing agencies,

and private and public local community organizations) on the centralized or coordinated assessment systems established and operated by Continuums of Care under section 578.7(a)(8) of title 24, Code of Federal Regulations, including making referrals and sharing data, as the Under Secretary determines appropriate.

SEC. 308. DEPARTMENT OF VETERANS AFFAIRS COMMUNICATION WITH EMPLOYEES RESPONSIBLE FOR HOMELESSNESS ASSISTANCE PROGRAMS.

38 USC 701 note.

The Under Secretary for Health of the Department of Veterans Affairs shall clearly communicate with employees of the Department of Veterans Affairs whose responsibilities are related to homelessness assistance programs regarding—

(1) the measurement of performance of such programs by the Homeless Programs Office of the Department; and

(2) how to obtain and provide feedback about performance measures.

SEC. 309. SYSTEM FOR SHARING AND REPORTING DATA.

38 USC 2041 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Housing and Urban Development shall work together to develop a system for effectively sharing and reporting data between the community-wide homeless management information system described in section 402(f)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360a(f)(3)) and the Homeless Operations Management and Evaluation System of the Department of Veterans Affairs.

(b) DEADLINE.—The Secretary of Veterans Affairs and the Secretary of Housing and Urban Development shall ensure that the system developed under subsection (a) is operational not later than three years after the date of the enactment of this Act.

SEC. 310. PILOT PROGRAM ON GRANTS FOR HEALTH CARE FOR HOMELESS VETERANS.

38 USC 2061 note.

Deadline.

(a) PILOT PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence carrying out a pilot program to assess the feasibility and advisability of awarding grants to eligible entities to meet the health care needs of—

(1) veterans who are homeless;

(2) veterans who were previously homeless and are transitioning to permanent housing; and

(3) veterans who are at risk of becoming homeless.

(b) LOCATIONS.—The Secretary shall carry out the pilot program at not fewer than five locations selected by the Secretary for purposes of the pilot program.

(c) AWARD OF GRANTS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall award grants to eligible entities for the purpose described in subsection (a).

(2) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is any entity that is providing transitional housing services to veterans as of the date on which the entity applies for a grant under this section.

(3) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to eligible entities that are recipients of grants under sections 2012 and 2061 of title

38, United States Code, as of the date on which the entity applies for a grant under this section.

(4) EQUITABLE DISTRIBUTION; PRIORITIZATION.—

(A) EQUITABLE DISTRIBUTION.—The Secretary shall ensure that, to the extent practicable, grant amounts awarded under paragraph (1) are equitably distributed among eligible entities across geographic regions.

(B) PRIORITIZATION.—In awarding grants under this section, and in compliance with paragraphs (2) and (3), the Secretary may prioritize eligible entities located—

(i) in rural communities;

(ii) on Tribal lands; and

(iii) in areas where there is a significant population of veterans aged 55 years old and older.

(5) INTERVALS OF PAYMENT AND MAXIMUM GRANT AMOUNT.—The Secretary may establish intervals of payment for the administration of grants under this section and a maximum grant amount to be awarded, in accordance with the services being provided by staff hired using grant amounts and the duration of such services.

(d) USE OF GRANT AMOUNTS.—The recipient of a grant under the pilot program—

(1) shall use grant amounts for the hiring of appropriately qualified medical staff to care for veterans described in subsection (a) who require assistance with activities of daily living or need consistent medical attention and monitoring; and

(2) may use such amounts for supplies, administrative support, and infrastructure needs associated with the duties of such staff and the needs of such veterans.

(e) REQUIREMENTS FOR RECEIPT OF GRANTS.—

(1) NOTIFICATION THAT SERVICES ARE FROM DEPARTMENT.—Each entity receiving a grant under this section shall notify the recipients of services provided pursuant to grant amounts that such services are being paid for, in whole or in part, by the Department.

(2) COORDINATION.—An entity receiving a grant under this section shall—

(A) coordinate with the Secretary with respect to the provision of clinical services to eligible individuals or any other provisions of the law regarding the delivery of health care by the Secretary;

(B) inform each veteran who receives assistance under this section from the entity of the ability of the veteran to apply for enrollment in the patient enrollment system of the Department under section 1705(a) of title 38, United States Code; and

(C) if such a veteran wishes to so enroll, inform the veteran of a point of contact at the Department who can assist the veteran in such enrollment.

Requirement.

(f) REPORT ON SERVICES PROVIDED.—The Secretary shall require each eligible entity awarded a grant under this section to submit to the Secretary a report that describes the services provided or coordinated with amounts under such grant.

(g) DURATION.—The Secretary shall carry out the pilot program during the five-year period beginning on the date on which the pilot program commences.

(h) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date on which the first grants are awarded under this section, and annually thereafter until the program terminates, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the effectiveness of the program.

(2) ELEMENTS.—The report required by paragraph (1) shall include the number of veterans served by the pilot program under the care of a staff member the funding for whom is provided by a grant under the program, disaggregated by—

(A) geographic location;

(B) sex;

(C) age;

(D) race and ethnicity;

(E) whether or not a veteran received health care from the Department during the two-year period preceding the date on which the veteran began participating in the program;

(F) the number of veterans who transitioned into permanent housing as a result of participation in the program;

(G) with respect to veterans who did not transition into permanent housing as a result of participation in the program, the main reasons for not so transitioning;

(H) discharge status; and

(I) eligibility for health care provided by the Department of Veterans Affairs.

SEC. 311. PILOT PROGRAM ON AWARD OF GRANTS FOR SUBSTANCE USE DISORDER RECOVERY FOR HOMELESS VETERANS.

38 USC 1720A note.

(a) PILOT PROGRAM REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence carrying out a pilot program under which the Secretary shall award grants to eligible entities for the provision or coordination of services for recovery from substance use disorder for veterans who are homeless, were previously homeless and are transitioning to permanent housing, or are at risk of becoming homeless.

Deadline.

(b) DURATION.—The Secretary shall carry out the pilot program during the five-year period beginning on the date of the commencement of the pilot program.

(c) LOCATIONS.—The Secretary shall carry out the pilot program at not fewer than five locations selected by the Secretary for purposes of the pilot program.

(d) AWARD OF GRANTS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall award a grant to an eligible entity for each veteran with substance use disorder participating in the pilot program for which the eligible entity is providing or coordinating the provision of recovery services for substance use disorder under the pilot program.

(2) INTERVALS OF PAYMENT AND MAXIMUM AMOUNTS.—The Secretary may establish intervals of payment for the administration of grants under this section and a maximum amount to be awarded, in accordance with the services being provided and the duration of such services.

(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to eligible entities providing or coordinating the provision of recovery services for substance use disorder for veterans with substance-use dependency who face barriers in accessing substance-use recovery services from the Department of Veterans Affairs.

(4) EQUITABLE DISTRIBUTION.—The Secretary shall ensure that, to the extent practicable, grant amounts awarded under paragraph (1) are equitably distributed across geographic regions, including rural and Tribal communities.

Requirement.

(5) REPORT ON SERVICES PROVIDED.—The Secretary shall require each eligible entity awarded a grant under paragraph (1) to submit to the Secretary a report that describes the services provided or coordinated with amounts under such grant.

(e) REQUIREMENTS FOR RECEIPT OF GRANTS.—

(1) NOTIFICATION THAT SERVICES ARE FROM DEPARTMENT.—Each entity receiving a grant under this section shall notify the recipients of services provided pursuant to grant amounts that such services are being paid for, in whole or in part, by the Department.

(2) COORDINATION.—An entity receiving a grant under this section shall—

(A) coordinate with the Secretary with respect to the provision of clinical services to eligible individuals or any other provisions of law regarding the delivery of health care by the Secretary;

(B) inform each veteran who receives assistance under this section from the entity of the ability of the veteran to apply for enrollment in the patient enrollment system of the Department under section 1705(a) of title 38, United States Code; and

(C) if such a veteran wishes to so enroll, inform the veteran of a point of contact at the Department who can assist the veteran in such enrollment.

(f) GRANT APPLICATION.—

(1) IN GENERAL.—An eligible entity seeking the award of a grant under this section shall submit to the Secretary an application therefor in such form, in such manner, and containing such commitments and information as the Secretary considers necessary to carry out this section.

(2) CONTENTS OF APPLICATION.—Each application submitted by an eligible entity under paragraph (1) shall contain the following:

(A) A description of the recovery services for substance use disorder proposed to be provided by the eligible entity under the pilot program and the identified need for those services.

(B) A description of the types of veterans with substance use disorder proposed to be provided such recovery services.

Estimate.

(C) An estimate of the number of veterans with substance use disorder proposed to be provided such recovery services.

(D) Evidence of the experience of the eligible entity in providing such recovery services to veterans with substance use disorder.

(E) A description of the managerial capacity of the eligible entity—

(i) to assess continually the needs of veterans with substance use disorder for such recovery services;

(ii) to coordinate the provision of such recovery services with services provided by the Department; and

(iii) to tailor such recovery services to the needs of veterans with substance use disorder.

(3) CRITERIA FOR SELECTION.—

(A) IN GENERAL.—The Secretary shall establish criteria for the selection of eligible entities to be awarded grants under this section.

(B) ELEMENTS.—Criteria established under subparagraph (A) with respect to an eligible entity shall include the following:

(i) Relevant accreditation as may be required by each State in which the eligible entity operates.

(ii) Experience coordinating care or providing treatment for veterans or members of the Armed Forces.

(g) PARTICIPATION.—Participation by a veteran in the pilot program shall not affect any eligibility status or requirements for such veteran with respect to other benefits or services provided by the Department.

(h) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide training and technical assistance to eligible entities awarded grants under this section regarding the planning, development, and provision of recovery services for substance use disorder under this section.

(2) PROVISION OF TRAINING.—The Secretary may provide the training required under paragraph (1) directly or through grants or contracts with such public or nonprofit private entities as the Secretary considers appropriate for purposes of this section, including through grants awarded under section 2064 of title 38, United States Code.

(i) COLLECTION OF INFORMATION.—To the extent practicable, the Secretary may collect information from an eligible entity awarded a grant under this section relating to a substance use disorder of a veteran participating in the pilot program for inclusion in the electronic health record of the Department for such veteran for the sole purpose of improving care provided to such veteran.

(j) STUDY ON EFFECTIVENESS OF PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct a study on the effectiveness of the pilot program in meeting the needs of veterans with substance use disorder.

(2) COMPARISON.—In conducting the study required by paragraph (1), the Secretary shall compare the results of the pilot program with other programs of the Department dedicated to the delivery to veterans of recovery services for substance use disorder.

(3) CRITERIA.—In making the comparison required by paragraph (2), to the extent data is available, the Secretary shall examine the following:

(A) The satisfaction of veterans targeted by the programs described in paragraph (2).

(B) The health status of such veterans, including mental health.

(C) The degree to which such programs encourage such veterans to engage in productive activity.

(D) The number of veterans using such programs, disaggregated by—

(i) veterans who have received health care provided by the Department during the two-year period preceding the conduct of the study;

(ii) veterans who have not received health care provided by the Department during such period;

(iii) veterans eligible for health care provided by the Department, disaggregated by—

(I) veterans eligible for services from the Department similar to services provided under the pilot program; and

(II) veterans not eligible for such services from the Department; and

(iv) veterans ineligible for health care provided by the Department.

(E) The number of veterans who are still homeless or at risk of becoming homeless one year after completion of receipt of recovery services under such programs.

(F) The number of veterans who still have a substance use disorder that negatively impacts their daily living and ability to maintain independent housing 180 days after discharge from receipt of services provided under this section.

(G) The status of the discharge from the Armed Forces of veterans covered under this paragraph.

(4) REPORTS.—Not later than one year after the date on which the first grant is awarded under this section, and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the study required by paragraph (1).

(k) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means any of the following:

(A) An incorporated private institution or foundation—

(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(ii) that has a governing board that is responsible for the operation of the recovery services for substance use disorder provided under this section; and

(iii) that is approved by the Secretary with respect to financial responsibility.

(B) A for-profit limited partnership, the sole general partner of which is an organization meeting the requirements of subparagraph (A).

(C) A corporation wholly owned and controlled by an organization meeting the requirements of subparagraph (A).

(D) A tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)).

(2) SUBSTANCE USE DISORDER.—The term "substance use disorder", with respect to a veteran, means the veteran has been diagnosed with, or is seeking treatment for, substance use disorder, as determined by the Secretary.

SEC. 312. REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES ON AFFORDABLE HOUSING FOR VETERANS.

(a) REPORT REQUIRED.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the availability of affordable housing for veterans who have or are participating in any program administered by the Homeless Programs Office of the Department of Veterans Affairs.

(b) CONTENTS.—The report required by subsection (a) shall include, with respect to the one-year period preceding the date of the enactment of this Act, the following: Time period.

(1) The number of veterans using housing vouchers under the program carried out under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) (commonly referred to as "HUD–VASH").

(2) The number of veterans who were allocated a housing voucher described in paragraph (1) but who have been unable to attain permanent housing.

(3) The number of available housing vouchers described in paragraph (1) that are unused for any reason.

(4) Available data regarding the number of veterans who were discharged from transitional housing provided using amounts provided under sections 2061 and 2012 of title 38, United States Code, and did not transition to permanent housing due to a shortage of— Data.

(A) case managers under the program described in paragraph (1);

(B) housing vouchers described in such paragraph; or

(C) housing that meets the requirements and limitations with respect to such vouchers.

(c) DISAGGREGATION.—The contents of the report described in paragraphs (1), (2), and (4) of subsection (b) shall be disaggregated by veterans with a household income that does not exceed—

(1) the area median income;

(2) 80 percent of the area median income;

(3) 50 percent of the area median income; and

(4) 30 percent of the area median income.

SEC. 313. STUDY ON FINANCIAL AND CREDIT COUNSELING.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a comprehensive study on—

(1) the use of and variation of financial and credit counseling services available for homeless veterans and veterans experiencing housing instability;

(2) barriers to accessing financial and credit counseling for such veterans; and

(3) the ability to evaluate and assess the potential effects of financial and credit counseling for such veterans with respect to housing, employment, income, and other outcomes the Secretary determines appropriate.

(b) METHODOLOGY.—In conducting the study under subsection (a), the Secretary shall—

Survey.

(1) survey—

(A) homeless veterans and veterans experiencing housing instability who are enrolled in the Supportive Services for Veterans Families program;

(B) such veterans who do not seek or receive the care or services under such program or a similar program;

(C) grantees of the Supportive Services for Veterans Families program;

(D) financial and credit counselors; and

(E) persons who are subject matter experts regarding the use of financial and credit counseling services that the Secretary determines appropriate; and

(2) administer the survey to a representative sample of homeless veterans and veterans experiencing housing instability in areas with high veteran homelessness.

(c) USE AND VARIATION OF SERVICES.—In conducting the study under subsection (a)(1), the Secretary shall—

Data.

(1) use data from the Supportive Services for Veterans Families program and other data collected by the Department of Veterans Affairs, data collected by other departments or agencies of the Federal Government, and data collected by nongovernmental entities to compare the use of and variation of financial and credit counseling services available for homeless veterans and veterans experiencing housing instability and such use and variation for other individuals; and

Assessment.

(2) assess such services made available through the Supportive Services for Veterans Families program, including with respect to the types, modes of delivery, duration, consistency, and quality, of such services.

(d) BARRIERS TO COUNSELING.—In conducting the study under subsection (a)(2), the Secretary shall conduct research on the effects of the following perceived barriers to financial and credit counseling for homeless veterans and veterans experiencing housing instability surveyed in the study:

Cost.

(1) The cost of financial and credit counseling services.

(2) The perceived stigma associated with seeking financial and credit counseling assistance.

(3) The effect of driving distance or availability of other forms of transportation to the nearest facility that received a grant under the Supportive Services for Veterans Families program.

(4) The availability of child care.

(5) The comprehension of eligibility requirements for, and the scope of services available under, the Supportive Services for Veterans Families program.

(6) The effectiveness of outreach for the services available to such veterans under the Supportive Services for Veterans Families program.

(7) The location and operating hours of facilities that provide services to such veterans under the Supportive Services for Veterans Families program.

(8) The COVID–19 pandemic and other health related issues.

(9) Such other significant barriers as the Secretary considers appropriate.

(e) EVALUATION AND ASSESSMENT OF EFFECTS OF COUNSELING.—

(1) EFFECTS.—In conducting the study under subsection (a)(3), the Secretary shall conduct research on the ability to evaluate and assess the potential effects of financial and credit counseling services on homeless veterans and veterans experiencing housing instability with respect to the following:

(A) The effects of such services on employment by comparing the veterans who received such services and the veterans who did not receive such services.

(B) The effects of such services on housing status by comparing the veterans who received such services and the veterans who did not receive such services.

(C) The effects of such services on income by comparing the veterans who received such services and the veterans who did not receive such services.

(D) The effects of such services on credit score by comparing the veterans who received such services and the veterans who did not receive such services.

(E) The effects of such services on other outcomes the Secretary determines appropriate.

(2) DATA AND RECOMMENDATIONS.—In carrying out paragraph (1), the Secretary shall—

(A) determine the relevant data that is available to the Secretary and determine the confidence of the Secretary with respect to accessing any additional data the Secretary may require; and

Determination.

(B) provide recommendations regarding the optimal research or evaluation design that would generate the greatest insights and value.

(f) DISCHARGE BY CONTRACT.—The Secretary may seek to enter into a contract with a qualified independent entity or organization to carry out the study and research required under this section, including such an entity or organization that is able to access credit scores, data maintained by the Internal Revenue Service, and other date beneficial to studying income.

(g) MANDATORY REVIEW OF DATA BY CERTAIN ELEMENTS OF DEPARTMENT.—

(1) REVIEWS REQUIRED.—The Secretary shall ensure that the head of each element of the Department of Veterans Affairs specified in paragraph (3) reviews the results of the study conducted under subsection (a).

(2) SUBMITTAL OF FINDINGS.—The head of each element specified in paragraph (3) shall submit to the Deputy Under Secretary for Health for Operations and Management the findings of the head with respect to the review conducted by the under paragraph (1), including recommendations regarding what data the Secretary should collect from grantees under the Supportive Services for Veterans Families program.

Recommendations.

(3) SPECIFIED ELEMENTS.—The elements of the Department of Veterans Affairs specified in this paragraph are the following:

(A) The Advisory Committee on Homeless Veterans established under section 2066 of title 38, United States Code.

(B) The Advisory Committee on Women Veterans established under section 542 of title 38, United States Code.

(C) The Advisory Committee on Minority Veterans established under section 544 of title 38, United States Code.

(D) The Homeless Programs Office of the Veterans Health Administration.

(E) The Office of Tribal Government Relations of the Department.

(h) REPORTS.—

(1) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress an interim report on the study under subsection (a).

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study under subsection (a).

(B) CONTENTS.—The report required by subparagraph (A) shall include—

(i) the findings of the head of each element of the Department specified under subsection (g)(3); and

Recommendations.

(ii) recommendations for such administrative and legislative action as the Secretary considers appropriate.

(i) DEFINITION.—In this section:

(1) HOMELESS VETERANS AND VETERANS EXPERIENCING HOUSING INSTABILITY.—The term "homeless veterans and veterans experiencing housing instability" means veterans who are homeless (as that term is defined in subsection (a) or (b) of section 103 of the McKinney–Vento Homeless Assistance Act (42 U.S.C. 11302)).

(2) SUPPORTIVE SERVICES FOR VETERANS FAMILIES PROGRAM.—The term "Supportive Services for Veterans Families program" means the program established pursuant to section 2044 of title 38, United States Code.

TITLE IV—OTHER MATTERS

38 USC 8121 note.

SEC. 401. DEPARTMENT OF VETERANS AFFAIRS SUPPLY CHAIN RESILIENCY.

(a) REPORT ON CRITICAL ITEMS AND REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing each of the following:

(1) A description of the items and types of items the Secretary considers critical with respect to—

(A) the ongoing response to the Coronavirus 2019 (COVID–19) pandemic; and

(B) future epidemic, pandemic, emergency, national emergency, or natural disaster scenarios.

(2) The quantities of the items described in paragraph (1) that are available, as of the date of the enactment of this Act, in inventories, emergency caches, or other emergency inventories of the Department of Veterans Affairs.

(3) The anticipated quantities of the items described in paragraph (1) that would be necessary under potential epidemic, pandemic, emergency, national emergency, or natural disaster scenarios the Secretary determines to be relevant for planning purposes.

(4) The assumptions and key planning factors used by the Secretary to identify the items, types of items, and necessary quantities of items for types of scenarios, as described in paragraphs (1) and (3).

(b) PARTICIPATION IN WARSTOPPER PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall enter into an agreement to provide for the participation of the Department of Veterans Affairs in the program known as the "Warstopper Program" of the Defense Logistics Agency, or any successor program.

Deadline.
Contracts.

(2) REQUIREMENTS.—Pursuant to the agreement under paragraph (1), the Defense Logistics Agency shall—

(A) ensure the maintenance and stability of the items that are identified as critical in the report required under subsection (a) and that the Secretary of Defense determines are appropriate for the Warstopper Program;

(B) establish guidance for the participation of the Department of Veterans Affairs in the Warstopper Program that includes an identification of the items and types of items that are critical to the needs of the Department of Veterans Affairs; and

Guidance.

(C) use existing contracts and agreements and enter into new contracts and agreements, as necessary, with manufacturers and distributors to reserve the supply of such critical items rather than rely on holding physical inventories of such items.

(c) REIMBURSEMENT.—The Secretary of Veterans Affairs shall reimburse the Secretary of Defense for any expenses or obligations incurred to facilitate the participation of the Department of Veterans Affairs in the Warstopper Program pursuant to subsection (b).

(d) PROHIBITION ON EXCLUSIVE RELIANCE ON REGIONAL INVENTORIES.—The Secretary of Veterans Affairs shall ensure that the Department does not exclusively rely on holding regional, physical inventories of critical items in order to respond to greater than expected needs for such items during epidemic, pandemic, emergency, national emergency, or natural disaster situations.

(e) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 450 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section.

(2) CONTENTS.—The report submitted under paragraph (1) shall contain each the following:

(A) An implementation plan for the participation of the Department of Veterans Affairs in the Warstopper Program, including milestones and timelines for related administrative, contracting, and readiness activities.

Implementation plan.

(B) For each of the items and associated quantities identified in paragraphs (1) and (3) of subsection (a)—

(i) the method by which the Secretary of Veterans Affairs plans to ensure the Department continues to have access to adequate quantities of such items and types of items, including in the Warstopper Program, in regional, physical inventories, or other methods; and

(ii) justifications for the method or methods identified under clause (i).

(3) UPDATES TO REPORT.—The Secretary shall update the report required under paragraph (1) on an annual basis for each of the two years following the submission of the report under such paragraph and submit such updates to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 402. IMPROVEMENTS TO EQUAL EMPLOYMENT OPPORTUNITY FUNCTIONS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) ALIGNMENT OF EQUAL EMPLOYMENT OPPORTUNITY DIRECTOR.—

(1) REPORTING AND DUTIES.—Subsection (h) of section 516 of title 38, United States Code, is amended—

(A) by striking "The provisions" and inserting "(1) The provisions"; and

(B) by adding at the end the following new paragraph:

Deadline.

"(2) Beginning not later than 90 days after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, in carrying out paragraph (1), the Secretary shall ensure that the official of the Department who serves as the Equal Employment Opportunity Director of the Department—

"(A) reports directly to the Deputy Secretary with respect to the functions under this section; and

"(B) does not also serve in a position that has responsibility over personnel functions of the Department or other functions that conflict with the functions under this section.".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b)(1), by inserting ", in accordance with subsection (h)(2)," after "an Assistant Secretary or a Deputy Assistant Secretary"; and

(B) in subsection (e)(1)(A), by striking "the Assistant Secretary for Human Resources and Administration" and inserting "the Secretary".

(b) ALIGNMENT OF EEO PROGRAM MANAGERS.—Such section is further amended by adding at the end the following new subsection:

Deadline.

"(i) In accordance with subsection (b), not later than one year after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, the Secretary shall ensure that each Equal Employment Opportunity program manager of the Department at the facility level reports to the head of the Office of Resolution Management, or such successor office established pursuant to subsection (a), with respect to the equal employment functions of the program manager.".

(c) REPORTING HARASSMENT AND EMPLOYMENT DISCRIMINATION COMPLAINTS.—Subsection (a) of such section is amended—

(1) by striking "The Secretary" and inserting "(1) The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary shall ensure that the employment discrimination complaint resolution system established under paragraph (1) requires that any manager of the Department who receives a sexual or other harassment or employment discrimination complaint reports such complaint to the Office of Resolution Management, or successor office, immediately, or if such immediate reporting is impracticable, not later than two days after the date on which the manager receives the complaint.".

(d) TRAINING.—Subsection (c) of such section is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Beginning not later than 180 days after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, the Secretary shall provide to each employee of the Department mandatory annual training on identifying and addressing sexual and other harassment and employment discrimination, including with respect to processes under the Harassment Prevention Program of the Department, or such successor program. Deadlines.

"(B) An employee of the Department who is hired on or after such date shall receive the first such mandatory annual training not later than 60 days after being hired.".

(e) HARASSMENT AND EMPLOYMENT DISCRIMINATION POLICIES AND DIRECTIVES.—The Secretary of Veterans Affairs shall— Deadlines. 38 USC 516 note.

(1) by not later than the date that is 180 days after the date of the enactment of this Act, and on a regular basis thereafter, review the policies relating to sexual and other harassment and employment discrimination of the Department of Veterans Affairs to ensure that such policies are complete and in accordance with the sexual and other harassment and employment discrimination policies established by the Office of Resolution Management of the Department, or successor office; and

(2) by not later than 180 days after the date of the enactment of this Act, issue a final directive and a handbook for the Harassment Prevention Program of the Department.

(f) SEMIANNUAL REPORTS.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter for one year, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the progress the Secretary has made in carrying out this section and section 516 of title 38, United States Code, as amended by this section, including with respect to reporting sexual and other harassment and employment discrimination complaints pursuant to subsection (a)(2) of such section 516. 38 USC 516 note.

SEC. 403. DEPARTMENT OF VETERANS AFFAIRS INFORMATION TECHNOLOGY REFORM ACT OF 2022.

(a) IN GENERAL.—Chapter 81 of title 38, United States Code, is amended by adding at the end the following new subchapter:

38 USC prec. 8171.

"SUBCHAPTER VI—INFORMATION TECHNOLOGY PROJECTS AND ACTIVITIES

38 USC 8171.

"§ 8171. Definitions

"In this subchapter:

"(1) The term 'appropriate congressional committees' means—

"(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

"(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

"(2) The term 'information technology' has the meaning given that term in section 11101 of title 40.

"(3)(A) The term 'information technology project' means a project or program of the Department (including a project or program of any element of the Department) for, or including, the acquisition or implementation of information technology.

"(B) In cases where the Secretary transmits to the Director of the Office of Management and Budget information regarding information technology investments, which may consist of individual or multiple projects, the term 'information technology project' refers to an individual project or program or a grouping of multiple projects or programs resulting in the acquisition or implementation of discrete information technology.

"(4) The term 'life cycle costs' means all direct and indirect costs to acquire, implement, operate, and maintain information technology, including with respect to costs of any element of the Department.

"(5) The term 'major information technology project' means an information technology project if—

"(A) the project is designated by the Secretary, the Chief Information Officer of the Department, or the Director of the Office of Management and Budget as a major information technology investment, as defined in section 11302 of title 40; or

"(B) the dollar value of the project is estimated by the Secretary to exceed—

"(i) $1,000,000,000 (as adjusted for inflation pursuant to section 1908 of title 41) for the total life cycle costs of the project; or

"(ii) $200,000,000 (as adjusted for inflation pursuant to section 1908 of title 41) annually.

"(6) The term 'business owner' means, with respect to an information technology project, the program manager, project manager, or other supervisory official of the Department responsible for the project.

38 USC 8172.

"§ 8172. Management of major information technology projects

Reports.

"(a) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—(1) The Secretary shall, acting through the Chief Information Officer of the Department, submit to the appropriate congressional committees a report containing information on the cost, schedule, and performance of each major information technology project that begins after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and

Health Care Improvement Act of 2022, as generated by the business owner of the project, prior to the commencement of such project.

"(2) Each report submitted under paragraph (1) for a project shall include, with respect to such project, the following:

"(A) An estimate of acquisition costs, implementation costs, and life cycle costs. Estimate.

"(B) An intended implementation schedule indicating significant milestones, initial operating capability, and full operating capability or completion. Implementation schedule.

"(C) Key business, functional, and performance objectives.

"(b) BASELINE.—(1) The Secretary shall use the information on the cost, schedule, and performance of a major information technology project included in the report under subsection (a) as the baseline against which changes or variances are measured during the life cycle of such project.

"(2) The Secretary shall—

"(A) annually update the baseline of a major information technology project pursuant to subsection (c); and Deadline. Update.

"(B) include such updated baseline in the documents providing detailed information on the budget for the Department that the Secretary submits to Congress in conjunction with the President's budget submission pursuant to section 1105 of title 31.

"(c) CHANGES AND VARIANCES.—(1) Not later than 60 days after the date on which the Secretary identifies a change or variance described in paragraph (2) in the cost, schedule, or performance of a major information technology project, the Secretary, acting through the Chief Information Officer, shall submit to the appropriate congressional committees a notification of such change or variance, including a description and explanation for such change or variance. Deadline. Notification.

"(2) A change or variance in the cost, schedule, or performance of a major information technology project described in this paragraph is—

"(A) with respect to the acquisition, implementation, or life cycle cost of the project, or development increment therein, a change or variance that is 10 percent or greater compared to the baseline;

"(B) with respect to the schedule for a development increment or for achieving a significant milestone, initial operating capability, or full operating capability, or for the final completion of the project, a change or variance that is 180 days or greater compared to the baseline; or Time period.

"(C) with respect to the performance, an instance where a key business, functional, or performance objective is not attained, or is not anticipated to be attained, in whole or in part.

"(d) MANAGEMENT.—The Secretary shall ensure that each major information technology project is managed by an interdisciplinary team consisting of the following:

"(1) A project manager who—

"(A)(i) is certified in project management at level three by—

"(I) the Department;

"(II) the Federal Acquisition Institute pursuant to section 1201 of title 41; or

"(III) the Department of Defense pursuant to section 1701a of title 10; or

"(ii) holds an equivalent certification by a private sector project management certification organization, as determined appropriate by the Secretary; and

"(B) is an employee of the Office of Information and Technology of the Department or an employee of an element of the Department at which the project originates.

"(2) A functional lead who is an employee of the element of the Department at which the project originates.

"(3) A technical lead who is an employee of the Office of Information and Technology of the Department.

"(4) A contracting officer.

"(5) Sufficient other project management, functional, technical, and procurement personnel as the Secretary determines appropriate.

38 USC 8173.

"§ 8173. Information technology activities of the Financial Services Center

"(a) MANAGEMENT.—Consistent with sections 11302 and 11319 of title 40—

"(1) the Chief Information Officer of the Department shall—

"(A) exercise authority over the management, governance, and oversight processes relating to existing or proposed information technology of the Financial Services Center of the Department, or such successor office; and

"(B) supervise the information technology employees and contractors of the Financial Services Center; and

"(2) the Director of the Financial Services Center of the Department, or the head of such successor office, may not enter into a contract or other agreement for information technology or information technology services unless the contract or other agreement has been reviewed and approved by the Chief Information Officer.

"(b) OVERSIGHT.—The Chief Information Officer shall have oversight and operational authority over all information security practices of the Financial Services Center of the Department.

38 USC 8174.

"§ 8174. Submission of annual reviews of information technology

"(a) IN GENERAL.—The Secretary, acting through the Chief Information Officer of the Department, shall submit to the appropriate congressional committees each annual review of the information technology portfolio of the Department conducted pursuant to section 11319(d)(3) of title 40.

"(b) FIRST SUBMISSION.—The first annual review submitted under subsection (a) shall include a copy of each previous annual review conducted under section 11319(d)(3) of title 40.

38 USC 8175.

"§ 8175. Information technology matters to be included in budget justification materials for the Department

"(a) LIST OF INFORMATION TECHNOLOGY PROJECTS IN EFFECT.—The Secretary shall ensure that whenever the budget justification materials are submitted to Congress in support of the Department budget for a fiscal year (as submitted with the budget of the President for such fiscal year under section 1105(a) of title 31),

such budget justification materials include a list of every information technology project currently in effect at the Department (including not only congressional projects and subprojects as determined by the Director of the Office of Management and Budget or the Secretary).

"(b) PRIORITIZED LIST OF UNFUNDED PROJECTS.—(1) In addition to the list included in the budget justification materials required by subsection (a), the Secretary shall ensure that the budget justification materials described in such subsection also include summary descriptions and a prioritized list, in rank order, of every information technology project of the Department, proposed or intended to be proposed for the following one, two, or three fiscal years, that is unfunded as of the time of the inclusion of the list under this paragraph.

"(2) In producing the list required by paragraph (1), the Secretary shall—

"(A) ensure such list represents a ranking of all proposed information technology projects that reflects the needs of all elements of the Department;

"(B) produce one unified list for the entire Department demonstrating how the various proposed information technology projects of each of the elements of the Department rank in priority with the information technology projects of the other elements of the Department; and

"(C) ensure that the list—

"(i) does not disaggregate and rank information technology projects based on element of the Department; and

"(ii) does identify the element of the Department requesting the information technology project.

"(3)(A) In producing each list under paragraph (1), the Secretary shall prioritize and rank each information technology project based on an assessment of each of the following factors: Assessment.

"(i) Degree of collaboration between business owners and the Chief Information Officer with respect to joint functional-technical planning, requirements, and management.

"(ii) Operational or efficiency benefits to employees of the Department created or produced by the information technology project.

"(iii) The life cycle cost of the information technology project. Cost.

"(iv) The cost savings or cost avoidance yielded by the information technology project. Cost.

"(v) Time to completion of the information technology project.

"(vi) The difficulty of the information technology project, the likelihood the information technology project will be completed, or the risks associated with undertaking the information technology project.

"(vii) Tangible benefits to veterans created or produced by the information technology project.

"(viii) Such other factors as the Secretary considers appropriate.

"(B) The Secretary shall ensure that each list produced under paragraph (1) includes, for each information technology project included in the list, a brief description of the findings of the Secretary with respect to each assessment carried out by the Secretary

for each factor for the information technology project under subparagraph (A).

Time period.

"(c) PROJECTED FUNDING NEEDS.—(1) In addition to the matters included under subsections (a) and (b), the Secretary shall ensure that the budget justification materials described in subsection (a) also include a projection of the one-year, two-year, and three-year funding needs of the Department for information technology, disaggregated by—

"(A) portfolio; and

"(B) the product line of the Department that requires the funding.

"(2) In addition to the projections under paragraph (1), with respect to each of the periods set forth in such paragraph, the Secretary shall include a description of the funding required for each technology business management category used by the Office of Information Technology of the Department (commonly referred to as 'cost pools' and 'towers').".

38 USC prec. 8101.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding 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 justification materials for the Department.".

(c) APPLICATION AND REPORT REGARDING MANAGEMENT OF MAJOR INFORMATION TECHNOLOGY PROJECTS.—

38 USC 8172 note.

(1) CURRENT AND NEW MAJOR PROJECTS.—Except as specifically provided in subsection (a) of section 8172 of title 38, United States Code, as added by subsection (a) of this section, such section 8172 shall apply with respect to major information technology projects that begin before, on, or after the date of the enactment of this Act.

(2) REPORT ON CURRENT PROJECTS.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate congressional committees a report on each major information technology project that the Secretary is carrying out as of the date of the report.

(B) CONTENTS.—The report submitted under subparagraph (A) shall contain, with respect to each project described in such subparagraph, information on the cost, schedule, and performance of the project as described in subsection (a) of section 8172 of such title, as so added.

38 USC 8172 note.

(3) DEFINITIONS.—In this subsection, the terms "appropriate congressional committees" and "major information technology project" have the meanings given those terms in section 8171 of title 38, United States Code, as added by subsection (a) of this section.

38 USC 8173 note.

(d) INFORMATION TECHNOLOGY ACTIVITIES OF THE FINANCIAL SERVICES CENTER.—

(1) EFFECTIVE DATE.—Section 8173 of such title, as added by subsection (a), shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY.—Subsection (a)(2) of such section shall apply with respect to contracts and agreements entered into on or after the date of the enactment of this Act.

(e) EFFECTIVE DATE OF REQUIREMENT FOR PROJECTS IN BUDGET JUSTIFICATION MATERIALS.—Subsection (c) of section 8175 of such title, as added by subsection (a) of this section, shall take effect on the first Monday in the second January beginning after the date of the enactment of this Act. 38 USC 8175 note.

SEC. 404. REPORT ON INFORMATION TECHNOLOGY DASHBOARD INFORMATION.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, acting through the Chief Information Officer of the Department of Veterans Affairs, shall submit to the appropriate congressional committees a report containing—

(1) an explanation of the ratings, rankings, and risk categorizations used by the Chief Information Officer pursuant to subparagraph (C) of section 11302(c)(3) of title 40, United States Code, with respect to the information technology dashboard, or successor system, of the Office of Management and Budget developed under such section; and

(2) copies of supporting or explanatory information provided by the Chief Information Officer to the Office of Management and Budget with respect to submissions by the Chief Information Officer to the information technology dashboard, or successor system, for the fiscal year in which the report is submitted (other than information not otherwise made public pursuant to such section). Records.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In section, the term "appropriate congressional committees" has the meaning given such term in section 8171 of title 38, United States Code, as added by section 403.

SEC. 405. IMPROVEMENTS TO TRANSPARENCY OF LAW ENFORCEMENT OPERATIONS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) PROVISION OF INFORMATION.—Section 902 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) The Secretary shall publish on the internet website of each facility of the Department the following information with respect to the facility: Web posting.

"(A) Summaries and statistics covering the previous five-year period regarding— Summaries. Time period.

"(i) arrests made by and tickets issued by Department police officers;

"(ii) prosecutions, ticketing, and other actions relating to such arrests;

"(iii) the use of force and weapons discharge by Department police officers; and

"(iv) complaints, investigations, and disciplinary actions regarding Department police officers.

"(B) Contact information for employees of the Department and the public to directly contact the police force of the facility, including for an individual (or the representative, attorney, or authorized agent of the individual) to request information regarding the arrest, ticketing, detainment, use of force, or other police matters pertaining to that individual.

"(2) The Secretary shall ensure that each police force of a facility of the Department is able to provide to an individual who contacts the police force pursuant to paragraph (1)(B) the information described in such paragraph.".

Deadlines.

(b) USE OF BODY WORN CAMERAS BY DEPARTMENT POLICE OFFICERS.—

(1) REQUIREMENT.—Subsection (a) of such section 902 is amended by adding at the end the following new paragraph:

"(3) Beginning not later than 180 days after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, the Secretary shall require Department police officers to use cameras worn on the individual police officer's person that record and store audio and video (commonly known as 'body worn cameras').".

38 USC 902 note.

(2) GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall issue, and make publicly available, guidance on the use of body worn cameras by Department police officers pursuant to section 902(a)(3) of title 38, United States Code, as amended by paragraph (1).

(3) CONSULTATION.—The Secretary shall issue the guidance under paragraph (2) in consultation with veterans service organizations, civil rights organizations, law enforcement organizations, law enforcement accreditation organizations, privacy rights organizations, and other relevant organizations or experts.

(c) DATA AND REPORTING ON POLICE INCIDENTS.—Section 902 of title 38, United States Code, as amended by subsection (a), is further amended by adding at the end the following new subsection:

Analysis.

"(f) POLICE INCIDENTS.—(1)(A) The Secretary shall track and analyze the following information regarding the police force of the Department:

"(i) Arrests made by and tickets issued by Department police officers.

"(ii) Prosecutions, ticketing, and other actions relating to such arrests.

"(iii) The use of force and weapons discharge.

"(iv) Complaints, investigations, and disciplinary actions.

"(B) The Secretary shall carry out subparagraph (A) by implementing one or more Department-wide data systems.

Deadline.

"(2)(A) Beginning not later than one year after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, the Secretary shall ensure that each incident described in subparagraph (C) is promptly reported to the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

"(B) The Assistant Secretary shall, in a timely manner—

Review.

"(i) review each incident described in subparagraph (C)(i) that is reported under subparagraph (A); and

Investigate.

"(ii) investigate each incident described in subparagraph (C)(ii) that is reported under subparagraph (A).

"(C) An incident described in this subparagraph is either of the following:

"(i) An incident, including an allegation, of the use of force by a Department police officer.

"(ii) An incident, including an allegation, of the use of force by a Department police officer that results in any person receiving medical attention.".

(d) PLAN ON POLICE STAFFING.—The Secretary shall develop a plan that establishes minimum standards for police staffing at each facility of the Department, including with respect to—

(1) the number of Department police officers assigned to each facility; and

(2) the pay grades for such officers.

(e) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section and the amendments made by this section.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) With respect to the staffing needs of the Department police force—

(i) identification of the amount of turnover among Department police officers;

(ii) how the compensation for Department police officers affects such turnover;

(iii) a comparison of such compensation with the compensation provided to specialty police units, such as police units at medical facilities and other police units in the same locality pay area; and

(iv) the plan developed under subsection (d), including—

(I) estimates on the costs to carry out the plan; and — Cost estimates.

(II) any recommendations for legislative actions required to carry out the plan. — Recommendations.

(B) With respect to body worn cameras, a review of the implementation and use of body worn cameras by Department police officers, including under pilot programs carried out by the Secretary during the five-year period preceding the date of the report.

(f) DEFINITIONS.—In this section: — 38 USC 902 note.

(1) BODY WORN CAMERA.—The term "body worn camera" means a camera worn on an individual police officer's person that records and stores audio and video.

(2) DEPARTMENT POLICE OFFICER.—The term "Department police officer" means an employee of the Department of Veterans Affairs described in section 902(a) of title 38, United States Code.

SEC. 406. PLAN FOR REDUCTION OF BACKLOG OF FREEDOM OF INFORMATION ACT REQUESTS. — 38 USC 303 note.

(a) PLAN.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish and carry out a plan for the Secretary to meet, by not later than five years after the date of the enactment of this Act, the requirements of section 552 of title 5, United — Deadline.

States Code, (commonly known as the "Freedom of Information Act" or "FOIA") with respect to providing documents and information under such section within the timeframes required by such section.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Improving and acquiring technology, including with respect to searching email and other electronic information, and the timelines for such improvement, to ensure that the information technology of the Department of Veterans Affairs is capable of carrying out the plan.

(B) Identification of efficient procedures, policies, and systems of the Department that could be developed to allow employees of the Department responsible for replying to requests under such section 552 to search and review documents rather than other employees of the Department.

Schedule.

(C) A schedule for carrying out the plan, including key milestones and metrics.

(b) COMPLIANCE ASSESSMENT.—The Secretary shall request the Director of the Office of Government Information Services of the National Archives and Records Administration to conduct an assessment of the compliance by the Department of Veterans Affairs with section 552 of title 5, United States Code.

(c) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on implementing subsections (a) and (b).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The plan established under subsection (a).

Analysis.

(ii) An analysis of the root causes of the backlog of Freedom of Information Act requests.

Recommendations.

(iii) Recommendations with respect to any additional resources or legislative action the Secretary determines necessary for such implementation.

Time period.

(2) ANNUAL REPORTS.—During the five-year period following the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives annual reports on—

(A) carrying out the plan under subsection (a), including any updates or changes made to the plan; and

(B) the compliance by the Department as described in subsection (b).

Public information. Web posting.

(3) PUBLICATION.—The Secretary shall make publicly available on the internet website of the Department the reports under paragraphs (1) and (2) by not later than 30 days after the date on which the Secretary submits the reports to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.

(d) DEFINITION OF BACKLOG OF FREEDOM OF INFORMATION ACT REQUESTS.—In this section, the term "backlog of Freedom of Information Act requests" means the number of requests, as

reported by the Secretary of Veterans Affairs to the Attorney General in the Annual FOIA Report, made by individuals to the Secretary pursuant to section 552 of title 5, United States Code, for documents or information that the Secretary has not fulfilled or provided a response to the individual.

SEC. 407. MEDAL OF HONOR SPECIAL PENSION TECHNICAL CORRECTION.

(a) IN GENERAL.—Section 2003(a) of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is amended by striking "$1,388.68" and inserting "$1,406.73". 134 Stat. 4969

(b) CORRECTION TO CERTAIN PENSION PAYMENTS.—

(1) CORRECT CODIFICATION.—Section 1562(a)(1) of title 38, United States Code, is amended by striking "$1,388.68" and inserting "$ 1,406.73".

(2) RETROACTIVE EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if it were enacted immediately after the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315). 38 USC 1562 note.

(c) TREATMENT OF CERTAIN PENSION PAYMENTS.— 38 USC 1562 note.

(1) IN GENERAL.—A payment described in paragraph (2) shall be treated as an authorized payment.

(2) PAYMENTS DESCRIBED.—A payment described in this paragraph is a payment of pension under section 1562 of title 38, United States Code, by the Secretary of Veterans Affairs— Time periods.

(A) in the amount of $1,406.73 during the period beginning on January 5, 2021, and ending on November 30, 2021;

(B) in the amount of $1,489.73 during the period beginning on December 1, 2021, and ending on November 30, 2022; or

(C) in the amount of $1,619.34 during the period beginning on December 1, 2022, and ending on the date of the enactment of this Act.

SEC. 408. IMPOSITION OF CAP ON EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS WHO PROVIDE EQUAL EMPLOYMENT OPPORTUNITY COUNSELING.

(a) REIMPOSITION OF CAP.—

(1) IN GENERAL.—Section 516 of title 38, United States Code, as amended by section 7(a) of the Responsible Education Mitigating Options and Technical Extensions Act (Public Law 117–76), is further amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection (g):

"(g)(1)(A) Except as provided in paragraph (4), beginning on the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022 and ending on the date that is three years after the date of the enactment of such Act, the number of employees of the Department whose duties include equal employment opportunity counseling functions may not exceed 76 full-time equivalent employees. Time period.

Effective date.

"(B) Except as provided in paragraph (4), beginning on the date that is three years after the date of enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, the number of employees of the Department whose duties include equal employment opportunity counseling functions may not exceed 81 full-time equivalent employees.

"(2) Except as provided in paragraph (4), of the 76 full-time equivalent employees set forth in paragraph (1), the number of employees of the Department whose duties include equal employment opportunity counseling functions as well as other unrelated functions may not exceed 40 full-time equivalent employees.

"(3) Except as provided in paragraph (4), any employee described in paragraph (2) whose duties include equal employment opportunity counseling functions as well as other unrelated functions may be assigned equal employment opportunity counseling functions only at Department facilities in remote geographic locations.

Effective date.
Notification.

"(4)(A) Beginning on the date that is one year after the date of enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, the Secretary shall promptly notify Congress if, at any point in time, the number of full-time equivalent employees of the Department specified in paragraph (1), whose duties include equal opportunity counseling functions, is insufficient for the Department to meet its required obligations under law.

"(B) Notification under subparagraph (A) shall include—

Regulations.

"(i) the specific legal obligations relating to employment discrimination, or other matters similar to those covered by regulations prescribed by the Equal Employment Opportunity Commission, that the Department is unable to meet; and

"(ii) the total additional number of full-time equivalent employees of the Department that would be needed for the Department to meet such obligations.".

Repeal.

(2) CONFORMING AMENDMENT.—Subsection (b) of section 7 of such Act is hereby repealed.

Time periods.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report that includes the following elements:

(1) An accounting of the number of informal stage cases filed with the employment discrimination complaint resolution system established and administered under section 516(a) of title 38, United States Code, disaggregated by—

(A) the period beginning on January 1, 2019, and ending on the date of the enactment of this Act; and

(B) the three-year period beginning on the date of the enactment of this Act.

(2) A comparison of timeliness, with respect to the average time to process, of processing of informal stage cases by such system with respect to—

(A) the period beginning on January 1, 2019, and ending on the date of the enactment of this Act; and

(B) the three-year period beginning on the date of the enactment of this Act.

(3) An accounting of the amounts, times, and quality of informal claims processed by employees of the Department of Veterans Affairs whose duties include only equal employment

opportunity counseling functions under section 516 of title 38, United States Code, disaggregated by—

(A) the ten-year period ending on the date of the enactment of this Act; and

(B) the three-year period beginning on the date of the enactment of this Act.

(c) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and once each year thereafter, the Secretary of Veterans Affairs shall make available to the public on an internet website of the Department an annual report that includes, for the year covered by the report, the following:

Public information. Web posting. 38 USC 516 note.

(1) Total number of complaints filed through the employment discrimination complaint resolution system established and administered under subsection (a) of section 516 of title 38, United States Code.

(2) Total number of such complaints completed processing by such system in a timely manner.

(3) The percentage of all pre-complaint counseling provided under such section that led to resolution without further action.

(4) The percentage of all pre-complaint counseling provided under such section that led to resolution via alternative dispute resolution.

(5) The percentage of all pre-complaint counseling provided under such section that led to filing of a formal complaint via such system.

(6) An accounting of the amounts, times, and quality of informal claims processed by employees of the Department whose duties include equal employment opportunity counseling under such section.

(7) An estimate of the required ratio of Department employees whose duties include equal employment opportunity counseling functions relative to the number of full-time equivalent employees in the Department.

Estimate.

(d) INDEPENDENT ASSESSMENT.—Not later than 180 days after the first report is made available under subsection (c), the Comptroller General shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an independent assessment of the ratio reported by the Secretary pursuant to paragraph (7) of such subsection. Such assessment shall include such recommendations as the Secretary may have for improving such ratio and the ability of the Department to provide equal employment opportunity counseling.

Deadline.

Recommendations.

DIVISION V—STRONG VETERANS ACT OF 2022

Support The Resiliency of Our Nation's Great Veterans Act of 2022.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Support The Resiliency of Our Nation's Great Veterans Act of 2022" or the "STRONG Veterans Act of 2022".

38 USC 101 note.

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

DIVISION V—STRONG VETERANS ACT OF 2022

Sec. 1. Short title; table of contents.

TITLE I—TRAINING TO SUPPORT VETERANS' MENTAL HEALTH

Sec. 101. Mental health and suicide prevention outreach to minority veterans and American Indian and Alaska Native veterans.
Sec. 102. Expansion of Vet Center workforce.
Sec. 103. Expansion of mental health training for Department of Veterans Affairs.
Sec. 104. Expansion of scholarships and loan repayment programs for mental health providers.

TITLE II—VETERANS CRISIS LINE

Sec. 201. Veterans Crisis Line.

Subtitle A—Veterans Crisis Line Training and Quality Management

Sec. 211. Staff training.
Sec. 212. Quality review and management.
Sec. 213. Guidance for high-risk callers.
Sec. 214. Oversight of training of social service assistants and clarification of job responsibilities.

Subtitle B—Pilot Programs and Research on Veterans Crisis Line

Sec. 221. Pilot programs.
Sec. 222. Authorization of appropriations for research on effectiveness and opportunities for improvement of Veterans Crisis Line.

Subtitle C—Transition of Crisis Line Number

Sec. 231. Feedback on transition of crisis line number.

TITLE III—OUTREACH TO VETERANS

Sec. 301. Designation of Buddy Check Week by Secretary of Veterans Affairs.
Sec. 302. Improvements to Veterans Justice Outreach Program.
Sec. 303. Department of Veterans Affairs Governors Challenge Program.

TITLE IV—MENTAL HEALTH CARE DELIVERY

Sec. 401. Expansion of peer specialist support program of Department of Veterans Affairs.
Sec. 402. Expansion of Vet Center services.
Sec. 403. Eligibility for mental health services.
Sec. 404. Mental health consultations.

TITLE V—RESEARCH

Sec. 501. Veterans integration to academic leadership program of the Department of Veterans Affairs.
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.

TITLE I—TRAINING TO SUPPORT VETERANS' MENTAL HEALTH

Deadlines.

SEC. 101. MENTAL HEALTH AND SUICIDE PREVENTION OUTREACH TO MINORITY VETERANS AND AMERICAN INDIAN AND ALASKA NATIVE VETERANS.

38 USC 1712A note.

(a) STAFFING REQUIREMENT.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall ensure that each medical center of the Department

of Veterans Affairs has no fewer than one full-time employee whose responsibility is serving as a minority veteran coordinator.

38 USC 1712A note.

(b) TRAINING.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Indian Health Service and the Director of the Office of Mental Health and Suicide Prevention of the Department of Veterans Affairs, shall ensure that all minority veteran coordinators receive training in delivery of mental health and suicide prevention services culturally appropriate for American Indian and Alaska Native veterans, especially with respect to the identified populations and tribes within the coordinators' catchment areas.

Plan. Records. 38 USC 1712A note.

(c) COORDINATION WITH SUICIDE PREVENTION COORDINATORS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of the Office of Mental Health and Suicide Prevention, shall ensure that the suicide prevention coordinator and minority veteran coordinator of each medical center of the Department have developed and disseminated to the director of the medical center a written plan for conducting mental health and suicide prevention outreach to all tribes and urban Indian health organizations within the catchment area of the medical center. Each such plan shall include for each tribe covered by the plan—

(1) contact information for tribal leadership and the tribal health facility or Indian Health Service facility serving that tribe;

Schedule. List.

(2) a schedule for and list of outreach plans (including addressing any barriers to accessing Department mental health care);

(3) documentation of any conversation with tribal leaders that may guide culturally appropriate delivery of mental health care to American Indian or Alaska Native veterans;

(4) documentation of any progress in incorporating traditional healing practices into mental health and suicide prevention protocols and options available for veterans who are members of such tribe; and

(5) documentation of any coordination among the Department, the Indian Health Service, urban Indian health organizations, and the Substance Abuse and Mental Health Services Administration for the purpose of improving suicide prevention efforts tailored to veterans who are members of such tribe and the provision of culturally competent mental health care to such veterans.

(d) REPORT.—Not later than one year after the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on outreach efforts to minority veterans and American Indian and Alaska Native veterans. Such report shall include each of the following:

(1) The number of minority veteran coordinators within the Department.

(2) The number and percentage of minority veteran coordinators who are women.

(3) The number and percentage of minority veteran coordinators who are persons of color.

(4) The number and percentage of Department medical centers with minority veteran coordinators.

(5) The number and percentage of Department mental health providers who are enrolled members of a federally recognized Indian tribe or self-identify as Native American.

(6) The number and percentage of Department mental health providers who speak a second language.

Review.

(7) A review of the outreach plans developed and submitted to all Department medical centers for outreach to American Indian and Alaska Native veterans.

Review.
Time period.

(8) A review of mental health care provided annually by the Department to American Indian and Alaska Native veterans for the past three years, including number of appointments, and an assessment of any barriers to providing this care.

38 USC 1712A note.
Deadline.

SEC. 102. EXPANSION OF VET CENTER WORKFORCE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and subject to the availability of appropriations, the Secretary of Veterans Affairs shall hire an additional 50 full-time equivalent employees for Vet Centers to bolster the workforce of Vet Centers and to provide expanded mental health care to veterans, members of the Armed Forces, and their families through outreach, community access points, outstations, and Vet Centers.

(b) VET CENTER DEFINED.—In this section, the term "Vet Center" has the meaning given that term in section 1712A(h) of title 38, United States Code.

38 USC 7401 note.

SEC. 103. EXPANSION OF MENTAL HEALTH TRAINING FOR DEPARTMENT OF VETERANS AFFAIRS.

Deadline.

(a) IN GENERAL.—Not later than three years after the date of the enactment of this Act and subject to the availability of appropriations, the Secretary of Veterans Affairs, in collaboration with the Office of Mental Health and Suicide Prevention and the Office of Academic Affiliations, shall add an additional 250 paid trainee slots in covered mental health disciplines to the workforce of the Department of Veterans Affairs.

(b) COVERED MENTAL HEALTH DISCIPLINES DEFINED.—In this section, the term "covered mental health disciplines" means psychiatry, psychology, advanced practice nursing (with a focus on mental health or substance use disorder), social work, licensed professional mental health counseling, and marriage and family therapy.

SEC. 104. EXPANSION OF SCHOLARSHIPS AND LOAN REPAYMENT PROGRAMS FOR MENTAL HEALTH PROVIDERS.

38 USC 7611 note.

(a) EXPANSION OF HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.—Beginning in academic year 2022, the Secretary of Veterans Affairs shall include not fewer than an additional (as compared to academic year 2021) 50 awards per academic year under the Department of Veterans Affairs Health Professional Scholarship Program under subchapter II of chapter 76 of title 38, United States Code, for applicants otherwise eligible for such program who are pursuing degrees or training in mental health disciplines, including advanced practice nursing (with a focus on mental health or substance use disorder), psychology, and social work.

38 USC 7681 note.
Effective date.

(b) EXPANSION OF EDUCATION DEBT REDUCTION PROGRAM.—

(1) IN GENERAL.—Beginning in fiscal year 2022, the Secretary shall provide not fewer than an additional (as compared to fiscal year 2021) 200 debt reduction awards per year under

the Department of Veterans Affairs Education Debt Reduction Program under subchapter VII of chapter 76 of title 38, United States Code, to be used to recruit mental health professionals to the Department of Veterans Affairs in disciplines that include psychiatry, psychology, advanced practice nursing (with a focus on mental health or substance use disorder), and social work.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs $8,000,000 per year to carry out the additional awards under paragraph (1).

(c) OUTREACH.— 38 USC 7401 note. Deadline.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall develop a public awareness campaign to encourage veterans and mental health professionals to choose the Department for their mental health career.

(2) ELEMENTS.—The campaign required under paragraph (1)—

(A) shall advertise the paid trainee, scholarship, and loan repayment opportunities offered by the Department; and

(B) may highlight the new graduate medical education residencies available at the Department for medical students entering residency.

TITLE II—VETERANS CRISIS LINE

SEC. 201. VETERANS CRISIS LINE. Definition. 38 USC 1720F note.

In this title, the term "Veterans Crisis Line" means the toll-free hotline for veterans established under section 1720F(h) of title 38, United States Code.

Subtitle A—Veterans Crisis Line Training and Quality Management

SEC. 211. STAFF TRAINING. Deadlines.

(a) REVIEW OF TRAINING FOR VETERANS CRISIS LINE CALL RESPONDERS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall enter into an agreement with an organization outside the Department of Veterans Affairs to review the training for Veterans Crisis Line call responders on assisting callers in crisis. Contracts.

(2) COMPLETION OF REVIEW.—The review conducted under paragraph (1) shall be completed not later than one year after the date of the enactment of this Act.

(3) ELEMENTS OF REVIEW.—The review conducted under paragraph (1) shall consist of a review of the training provided by the Department on subjects including risk assessment, lethal means assessment, substance use and overdose risk assessment, safety planning, referrals to care, supervisory consultation, and emergency dispatch.

(4) UPDATE OF TRAINING.—If any deficiencies in the training for Veterans Crisis Line call responders are found pursuant to the review under paragraph (1), the Secretary shall update such training and associated standards of practice to correct

those deficiencies not later than one year after the completion of the review.

(b) RETRAINING GUIDELINES FOR VETERANS CRISIS LINE CALL RESPONDERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall develop guidelines on retraining and quality management for when a Veterans Crisis Line call responder has an adverse event or when a quality review check by a supervisor of such a call responder denotes that the call responder needs improvement.

(2) ELEMENTS OF GUIDELINES.—The guidelines developed under paragraph (1) shall specify the subjects and quantity of retraining recommended and how supervisors should implement increased use of silent monitoring or other performance review mechanisms.

SEC. 212. QUALITY REVIEW AND MANAGEMENT.

(a) MONITORING OF CALLS ON VETERANS CRISIS LINE.—

Requirement.

(1) IN GENERAL.—The Secretary of Veterans Affairs shall require that not fewer than two calls per month for each Veterans Crisis Line call responder be subject to supervisory silent monitoring, which is used to monitor the quality of conduct by such call responder during the call.

(2) BENCHMARKS.—The Secretary shall establish benchmarks for requirements and performance of Veterans Crisis Line call responders on supervisory silent monitored calls.

(3) QUARTERLY REPORTS.—Not less frequently than quarterly, the Secretary shall submit to the Office of Mental Health and Suicide Prevention of the Department of Veterans Affairs a report on occurrence and outcomes of supervisory silent monitoring of calls on the Veterans Crisis Line.

(b) QUALITY MANAGEMENT PROCESSES FOR VETERANS CRISIS LINE.—Not later than one year after the date of the enactment of this Act, the leadership for the Veterans Crisis Line, in partnership with the Office of Mental Health and Suicide Prevention of the Department and the National Center for Patient Safety of the Department, shall establish quality management processes and expectations for staff of the Veterans Crisis Line, including with respect to reporting of adverse events and close calls.

Deadline.

(c) ANNUAL COMMON CAUSE ANALYSIS FOR CALLERS TO VETERANS CRISIS LINE WHO DIE BY SUICIDE.—

(1) IN GENERAL.—Not less frequently than annually, the Secretary shall perform a common cause analysis for all identified callers to the Veterans Crisis Line that died by suicide during the one-year period preceding the conduct of the analysis before the caller received contact with emergency services and in which the Veterans Crisis Line was the last point of contact.

(2) SUBMITTAL OF RESULTS.—The Secretary shall submit to the Office of Mental Health and Suicide Prevention of the Department the results of each analysis conducted under paragraph (1).

(3) APPLICATION OF THEMES OR LESSONS.—The Secretary shall apply any themes or lessons learned under an analysis under paragraph (1) to updating training and standards of practice for staff of the Veterans Crisis Line.

SEC. 213. GUIDANCE FOR HIGH-RISK CALLERS. Deadlines.

(a) DEVELOPMENT OF ENHANCED GUIDANCE AND PROCEDURES FOR RESPONSE TO CALLS RELATED TO SUBSTANCE USE AND OVERDOSE RISK.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with national experts within the Department of Veterans Affairs on substance use disorder and overdose, shall— Updates.

(1) develop enhanced guidance and procedures to respond to calls to the Veterans Crisis Line related to substance use and overdose risk;

(2) update training materials for staff of the Veterans Crisis Line in response to such enhanced guidance and procedures; and

(3) update criteria for monitoring compliance with such enhanced guidance and procedures. Criteria.

(b) REVIEW AND IMPROVEMENT OF STANDARDS FOR EMERGENCY DISPATCH.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall—

(A) review the current emergency dispatch standard operating procedure of the Veterans Crisis Line to identify any additions to such procedure to strengthen communication regarding—

(i) emergency dispatch for disconnected callers; and

(ii) the role of social service assistants in requesting emergency dispatch and recording such dispatches; and

(B) update such procedure to include the additions identified under subparagraph (A). Update.

(2) TRAINING.—The Secretary shall ensure that all staff of the Veterans Crisis Line are trained on all updates made under paragraph (1)(B) to the emergency dispatch standard operating procedure of the Veterans Crisis Line.

SEC. 214. OVERSIGHT OF TRAINING OF SOCIAL SERVICE ASSISTANTS AND CLARIFICATION OF JOB RESPONSIBILITIES.

Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall— Deadline.

(1) establish oversight mechanisms to ensure that social service assistants and supervisory social service assistants working with the Veterans Crisis Line are appropriately trained and implementing guidance of the Department regarding the Veterans Crisis Line; and

(2) refine standard operating procedures to delineate roles and responsibilities for all levels of supervisory social service assistants working with the Veterans Crisis Line.

Subtitle B—Pilot Programs and Research on Veterans Crisis Line

SEC. 221. PILOT PROGRAMS. Deadlines.

(a) EXTENDED SAFETY PLANNING PILOT PROGRAM FOR VETERANS CRISIS LINE.—

(1) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to determine Determination.

whether a lengthier, templated safety plan used in clinical settings could be applied in call centers for the Veterans Crisis Line.

Recommendations.

(2) BRIEFING.—Not later than two years after the date of the enactment of this Act, the Secretary shall provide to Congress a briefing on the findings of the Secretary under the pilot program conducted under paragraph (1), which shall include any recommendations of the Secretary with respect to the continuation or discontinuation of the pilot program.

(b) CRISIS LINE FACILITATION PILOT PROGRAM.—

(1) IN GENERAL.—Commencing not later than one year after the date of the enactment of this Act, the Secretary shall carry out a pilot program on the use of crisis line facilitation to increase use of the Veterans Crisis Line among high-risk veterans.

(2) BRIEFING.—Not later than two years after the date of the enactment of this Act, the Secretary shall provide to Congress a briefing on the findings of the Secretary under the pilot program under paragraph (1), including any recommendations of the Secretary with respect to the continuation or discontinuation of the pilot program.

(3) DEFINITIONS.—In this section:

(A) The term "crisis line facilitation", with respect to a high-risk veteran, means the presentation by a therapist of psychoeducational information about the Veterans Crisis Line and a discussion of the perceived barriers and facilitators to future use of the Veterans Crisis Line for the veteran, which culminates in the veteran calling the Veterans Crisis Line with the therapist to provide firsthand experiences that may counter negative impressions of the Veterans Crisis Line.

(B) The term "high-risk veteran" means a veteran receiving inpatient mental health care following a suicidal crisis.

Time periods.

SEC. 222. AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH ON EFFECTIVENESS AND OPPORTUNITIES FOR IMPROVEMENT OF VETERANS CRISIS LINE.

There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal years 2022 and 2023, a total of $5,000,000 for the Mental Illness Research, Education, and Clinical Centers of the Department of Veterans Affairs to conduct research on the effectiveness of the Veterans Crisis Line and areas for improvement for the Veterans Crisis Line.

Subtitle C—Transition of Crisis Line Number

SEC. 231. FEEDBACK ON TRANSITION OF CRISIS LINE NUMBER.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall solicit feedback from veterans service organizations on how to conduct outreach to members of the Armed Forces, veterans, their family members, and other members of the military and veterans community on the move to 988 as the new, national three-digit suicide

and mental health crisis hotline, which is expected to be implemented by July 2022, to minimize confusion and ensure veterans are aware of their options for reaching the Veterans Crisis Line.

(b) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any feedback solicited under subsection (a).

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term "veterans service organization" means an organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

TITLE III—OUTREACH TO VETERANS

SEC. 301. DESIGNATION OF BUDDY CHECK WEEK BY SECRETARY OF VETERANS AFFAIRS.

38 USC 1712A note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall designate one week each year to organize outreach events and educate veterans on how to conduct peer wellness checks, which shall be known as "Buddy Check Week".

(b) EDUCATIONAL OPPORTUNITIES.—

(1) IN GENERAL.—During Buddy Check Week, the Secretary, in consultation with organizations that represent veterans, nonprofits that serve veterans, mental health experts, members of the Armed Forces, and such other entities and individuals as the Secretary considers appropriate, shall collaborate with organizations that represent veterans to provide educational opportunities for veterans to learn how to conduct peer wellness checks.

(2) TRAINING MATTERS.—As part of the educational opportunities provided under paragraph (1), the Secretary shall provide the following:

(A) A script for veterans to use to conduct peer wellness checks that includes information on appropriate referrals to resources veterans might need.

(B) Online and in-person training, as appropriate, on how to conduct a peer wellness check.

(C) Opportunities for members of organizations that represent veterans to learn how to train individuals to conduct peer wellness checks.

(D) Training for veterans participating in Buddy Check Week on how to transfer a phone call directly to the Veterans Crisis Line.

(E) Resiliency training for veterans participating in Buddy Check Week on handling a veteran in crisis.

(3) ONLINE MATERIALS.—All training materials provided under the educational opportunities under paragraph (1) shall be made publicly available on a website of the Department of Veterans Affairs.

Public information. Web posting.

(c) OUTREACH.—The Secretary, in collaboration with organizations that represent veterans, may conduct outreach regarding educational opportunities under subsection (b) at—

(1) public events where many veterans are expected to congregate;

(2) meetings of organizations that represent veterans;

(3) facilities of the Department; and

(4) such other locations as the Secretary, in collaboration with organizations that represent veterans, considers appropriate.

(d) VETERANS CRISIS LINE PLAN.—

(1) IN GENERAL.—The Secretary shall ensure that a plan exists for handling the potential increase in the number of calls into the Veterans Crisis Line that may occur during Buddy Check Week.

(2) SUBMITTAL OF PLAN.—The head of the Veterans Crisis Line shall submit to the Secretary a plan for how to handle excess calls during Buddy Check Week, which may include the following:

(A) Additional hours for staff.

(B) The use of a backup call center.

(C) Any other plan to ensure that calls from veterans in crisis are being answered in a timely manner by an individual trained at the same level as a Veterans Crisis Line responder.

(e) DEFINITIONS.—In this section:

(1) The term "organization that represents veterans" means an organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(2) The term "veteran" has the meaning given that term in section 101 of such title.

(3) The term "Veterans Crisis Line" means the toll-free hotline for veterans provided by the Secretary under section 1720F(h) of such title.

38 USC 6303 note.

SEC. 302. IMPROVEMENTS TO VETERANS JUSTICE OUTREACH PROGRAM.

(a) OUTREACH REQUIREMENT.—The Secretary of Veterans Affairs shall conduct outreach regarding the Veterans Justice Outreach Program to justice-involved veterans, military and veterans service organizations, and relevant stakeholders in the criminal justice community, including officials from local law enforcement, court, and jail systems and others as determined appropriate by the Secretary. Such outreach—

(1) shall be designed—

(A) to spread awareness and understanding of the Program;

(B) to spread awareness and understanding of veteran eligibility for the Program, including the eligibility of veterans who were discharged from service in the Armed Forces under conditions other than honorable; and

(C) to improve the identification of justice-involved veterans; and

(2) may be conducted in person, virtually, or through other means, including by the dissemination of informational materials and contact information.

(b) STRATEGIC PLAN.—The Secretary of Veterans Affairs shall develop a strategic plan for the Veterans Justice Outreach Program. In developing such plan, the Secretary shall conduct—

Assessment.

(1) an assessment of barriers to working with justice-involved veterans in rural, remote, and underserved areas, including potential steps to address such barriers; and

Analysis.

(2) a workforce gap analysis for the Program.

(c) INCREASE IN NUMBER OF VJO SPECIALISTS.—

(1) INCREASE.—The Secretary of Veterans Affairs shall increase the number of Veterans Justice Outreach specialists responsible for supporting justice-involved veterans in rural, remote, or underserved areas, including areas located far from Department of Veterans Affairs medical centers, as determined by the Secretary, through— Determination.

(A) the hiring of additional Veterans Justice Outreach specialists;

(B) the reallocation of existing Veterans Justice Outreach specialists; or

(C) such other means as may be determined appropriate by the Secretary.

(2) DETERMINATION.—The Secretary shall determine the number of Veterans Justice Outreach specialists required, and the locations of such specialists, under paragraph (1) by taking into account—

(A) such number and locations needed to achieve the mission and strategic goals of the Veterans Justice Outreach Program;

(B) any gaps in the workforce of the Program, including such gaps identified pursuant to subsection (b)(2); and

(C) strategies to address such gaps.

(3) USE OF TECHNOLOGY.—In carrying out paragraph (1), the Secretary shall consider the use of virtual technology.

(d) PERFORMANCE GOALS AND IMPLEMENTATION PLANS.—

(1) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish performance goals and implementation plans for—

(A) the Veterans Justice Outreach Program;

(B) Veterans Justice Outreach Specialists; and

(C) providing support for research regarding justice-involved veterans.

(2) CONSISTENCY WITH STRATEGIC PLAN.—The Secretary shall ensure that the performance goals and implementation plans under paragraph (1) are consistent with the strategic plan under subsection (b) and include—

(A) qualitative and quantitative milestones, measures, and metrics, and associated timelines for completion of the plans under paragraph (1) and barriers to such completion;

(B) an identification of relevant staff; and

(C) an estimate of resource needs and sources.

(3) PERFORMANCE DATA.—The Secretary shall establish a process to regularly collect and analyze performance data to assess the efficiency and effectiveness of implementing the plans under paragraph (1). Analysis.

(e) TRAINING REQUIREMENT.—The Secretary shall ensure that all Veterans Justice Outreach Specialists receive training not less frequently than annually on— Deadline.

(1) best practices for identifying and conducting outreach to justice-involved veterans and relevant stakeholders in the criminal justice community; and

(2) veteran eligibility for the Veterans Justice Outreach Program, including with respect to consistently communicating changes regarding eligibility (including through the use of a script or other reference materials).

(f) REPORTS ON IMPLEMENTATION.—

(1) FIRST REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the following:

Assessment.

(A) An assessment of implementing subsection (c), including—

(i) strategies to increase Veterans Justice Outreach specialists responsible for supporting justice-involved veterans in rural, remote, or underserved areas; and

(ii) the progress of the Secretary in addressing gaps in the workforce of the Veterans Justice Outreach Program identified pursuant to paragraph (2) of such subsection.

(B) The performance goals and implementation plans established under subsection (d)(1).

(2) SUBSEQUENT REPORT.—Not later than three years after the date on which the first report is submitted under paragraph (1), the Secretary shall submit to Congress a report on the progress of the Secretary in meeting the performance goals and carrying out activities under the implementation plans established under subsection (d)(1).

(g) REPORT ON VETERANS TREATMENT COURTS.—Not later than one year after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General, shall submit to Congress a report on the engagement of the Department of Veterans Affairs with veterans treatment courts, including—

(1) the availability and efficacy of veterans treatment courts in meeting the needs of justice-involved veterans;

(2) best practices for Department of Veterans Affairs staff and justice-involved veterans in working with veterans treatment courts; and

(3) the ability of justice-involved veterans to access veterans treatment courts, including any barriers that exist to increasing such access.

(h) DEFINITIONS.—In this section:

(1) The term "justice-involved veteran" means a veteran with active, ongoing, or recent contact with some component of a local criminal justice system.

(2) The term "Veterans Justice Outreach Program" means the program through which the Department of Veterans Affairs identifies justice-involved veterans and provides such veterans with access to Department services.

(3) The term "Veterans Justice Outreach Specialist" means an employee of the Department of Veterans Affairs who serves as a liaison between the Department and the local criminal justice system on behalf of a justice-involved veteran.

(4) The term "veterans treatment court" means a State or local court that is participating in the veterans treatment court program (as defined in section 2991(i)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(i)(1))).

38 USC 1720F note.

SEC. 303. DEPARTMENT OF VETERANS AFFAIRS GOVERNORS CHALLENGE PROGRAM.

The Secretary of Veterans Affairs may enter into agreements with States, territories, and American Indian and Alaska Native

tribes for the development and implementation of veteran suicide prevention proposals through the Governors Challenge Program.

TITLE IV—MENTAL HEALTH CARE DELIVERY

SEC. 401. EXPANSION OF PEER SPECIALIST SUPPORT PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) EXPANSION.—Section 506 of the VA MISSION Act of 2018 (Public Law 115–182; 38 U.S.C. 1701 note) is amended—

(1) by redesignating subsections (d) through (f) as subsections (e) through (g);

(2) in subsection (a), by adding at the end the following new sentence: "Each such peer specialist shall be a full-time employee whose primary function is to serve as a peer specialist and shall be in addition to all other employees of such medical center.";

(3) in the heading of subsection (b), by striking "TIMEFRAME" and inserting "INITIAL TIMEFRAME";

(4) in subsection (c)—

(A) in the heading, by striking "SELECTION" and inserting "INITIAL SELECTION"; and

(B) in paragraph (1), by striking "The Secretary shall" and inserting "In establishing the program at initial locations, the Secretary shall";

(5) by inserting after subsection (c) the following new subsection:

"(d) TIMEFRAME FOR EXPANSION OF PROGRAM; SELECTION OF ADDITIONAL LOCATIONS.—

"(1) TIMEFRAME FOR EXPANSION.—The Secretary shall make permanent and expand the program to additional medical centers of the Department as follows:

"(A) As of the date of the enactment of the STRONG Veterans Act of 2022, the Secretary shall make such program permanent at each medical center participating in the program on the day before such date of enactment.

"(B) During the seven-year period following such date of enactment, the Secretary shall expand the program to an additional 25 medical centers per year until the program is carried out at each medical center of the Department.

"(2) SELECTION OF ADDITIONAL LOCATIONS.—In selecting medical centers for the expansion of the program under paragraph (1)(B), until such time as each medical center of the Department is participating in the program by establishing not fewer than two peer specialists at the medical center, the Secretary shall prioritize medical centers in the following areas:

"(A) Rural areas and other areas that are underserved by the Department.

"(B) Areas that are not in close proximity to an active duty military installation.

"(C) Areas representing different geographic locations, such as census tracts established by the Bureau of the Census.";

(6) in subsection (e), as redesignated by paragraph (1)—

(A) in the heading, by striking "GENDER-SPECIFIC SERVICES" and inserting "CONSIDERATIONS FOR HIRING PEER SPECIALISTS";

(B) in the matter preceding paragraph (1), by striking "location selected under subsection (c)" and inserting "medical center";

(C) in paragraph (1), by striking "and" at the end; and

(D) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) female peer specialists are hired and made available to support female veterans who are treated at each medical center."; and

(7) by amending subsection (g), as redesignated by paragraph (1), to read as follows:

"(g) REPORTS.—

"(1) PERIODIC REPORTS.—

"(A) IN GENERAL.—Not later than one year after the date of the enactment of the STRONG Veterans Act of 2022, and annually thereafter for five years, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the program, including the expansion of the program under subsection (d)(1).

Assessments.

"(B) ELEMENTS.—Each report under subparagraph (A) shall include, with respect to the one-year period preceding the submission of the report, the following:

"(i) The findings and conclusions of the Secretary with respect to the program.

"(ii) An assessment of the benefits of the program to veterans and family members of veterans.

"(iii) An assessment of the effectiveness of peer specialists in engaging under subsection (f) with health care providers in the community and veterans served by such providers.

"(iv) The name and location of each medical center where new peer specialists were hired.

"(v) The number of new peer specialists hired at each medical center pursuant to this section and the total number of peer specialists within the Department hired pursuant to this section.

"(vi) An assessment of any barriers confronting the recruitment, training, or retention of peer specialists.

Determination.
Notification.

"(2) FINAL REPORT.—Not later than one year after the Secretary determines that the program is being carried out at each medical center of the Department, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report notifying such committees of such determination.".

Time periods.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Veterans Affairs to implement section 506 of the VA MISSION Act of 2018 (Public Law 115–182; 38 U.S.C. 1701 note), as amended by subsection (a), the following amounts:

(1) $3,600,000 for fiscal year 2022.

(2) $7,200,000 for fiscal year 2023.

(3) $10,800,000 for fiscal year 2024.
(4) $14,400,000 for fiscal year 2025.
(5) $18,000,000 for fiscal year 2026.
(6) $21,600,000 for fiscal year 2027.
(7) $25,000,000 for fiscal year 2028.

SEC. 402. EXPANSION OF VET CENTER SERVICES.

(a) VETERANS AND MEMBERS USING EDUCATIONAL ASSISTANCE BENEFITS.—Section 1712A of title 38, United States Code, is amended—

(1) by striking "clauses (i) through (vi)" both places it appears and inserting "clauses (i) through (vii)";

(2) by striking "in clause (vii)" both places it appears and inserting "in clause (viii)";

(3) in subsection (a)(1)(C)—

(A) by redesignating clause (vii) as clause (viii); and

(B) by inserting after clause (vi) the following new clause:

"(vii) Any veteran or member of the Armed Forces pursuing a course of education using covered educational assistance benefits."; and

(4) in subsection (h), by adding at the end the following new paragraph:

"(6) The term 'covered educational assistance benefits' means educational assistance benefits provided pursuant to— Definition.

"(A) chapter 30, 31, 32, or 33 of this title;

"(B) chapter 1606 or 1607 of title 10;

"(C) section 116 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3001 note); or

"(D) section 8006 of the American Rescue Plan Act of 2021 (Public Law 117–2; 38 U.S.C. 3001 note prec.).".

(b) GAO REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report assessing— Assessments.

(1) the mental health needs of veterans pursuing a course of education using covered educational assistance benefits (as defined in section 1712A(h)(6) of title 38, United States Code, as added by subsection (a)); and

(2) the efforts of the Department of Veterans Affairs to address such mental health needs.

SEC. 403. ELIGIBILITY FOR MENTAL HEALTH SERVICES.

(a) IN GENERAL.—Section 1712A(a)(1) of title 38, United States Code, as amended by section 402, is further amended—

(1) in subparagraph (A)(ii)—

(A) in subclause (I), by striking "and";

(B) in subclause (II), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(III) in the case of a veteran or member who died by suicide, to the degree that counseling furnished to such individual is found to aid in coping with the effects of such suicide.";

(2) in subparagraph (B)(i)(II)—

(A) in item (aa), by striking "or";

(B) in item (bb), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following;

"(cc) coping with the effects of a suicide described in subclause (III) of such clause."; and

(3) in subparagraph (C)(vii)—

(A) in subclause (I), by striking "or" at the end;

(B) in subclause (II), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(III) veteran or member of the Armed Forces who died by suicide.".

38 USC 1712A note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to family members of a member or veteran who died by suicide before, on, or after the date of the enactment of this Act.

38 USC 1167.

SEC. 404. MENTAL HEALTH CONSULTATIONS.

(a) MENTAL HEALTH CONSULTATIONS FOR VETERANS FILING FOR COMPENSATION.—

(1) IN GENERAL.—Subchapter VI of chapter 11 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1167. Mental health consultations

Deadline. Assessment.

"(a) IN GENERAL.—Not later than 30 days after the date on which a veteran submits to the Secretary a claim for compensation under this chapter for a service-connected disability relating to a mental health diagnosis, the Secretary shall offer the veteran a mental health consultation to assess the mental health needs of, and care options for, the veteran.

"(b) AVAILABILITY.—The Secretary shall—

"(1) offer a veteran a consultation under subsection (a) without regard to any previous denial or approval of a claim of that veteran for a service-connected disability relating to a mental health diagnosis; and

"(2) ensure that a veteran offered a mental health consultation under subsection (a) may elect to receive such consultation during the one-year period beginning on the date on which the consultation is offered or during such longer period beginning on such date as the Secretary considers appropriate.

"(c) RULE OF CONSTRUCTION.—A consultation provided to a veteran under this section shall not be construed as a determination that any disability of such veteran is service-connected for the purposes of any benefit under the laws administered by the Secretary.".

38 USC prec. 1101.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of such title is amended by adding at the end the following new item:

"1167. Mental health consultations.".

(b) MENTAL HEALTH CONSULTATIONS FOR VETERANS ENTERING HOMELESS PROGRAMS OFFICE PROGRAMS.—

(1) IN GENERAL.—Subchapter VII of chapter 20 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2068. Mental health consultations

38 USC 2068.

"(a) IN GENERAL.—Not later than two weeks after the date on which a veteran described in subsection (b) enters into a program administered by the Homeless Programs Office of the Department, the Secretary shall offer the veteran a mental health consultation to assess the health needs of, and care options for, the veteran.

Deadline. Assessment.

"(b) VETERAN DESCRIBED.—A veteran described in this subsection is a veteran to whom a mental health consultation is not offered or provided through the case management services of the program of the Homeless Programs Office into which the veteran enters.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

38 USC prec. 2001.

"2068. Mental health consultations.".

TITLE V—RESEARCH

SEC. 501. VETERANS INTEGRATION TO ACADEMIC LEADERSHIP PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

38 USC note prec. 3001.

Assessments.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the Veterans Integration to Academic Leadership program of the Department of Veterans Affairs. The report shall include the following:

(1) The number of medical centers of the Department, institutions of higher learning, non-college degree programs, and student veterans supported by the program, and relevant trends since the program began.

(2) The staff and resources allocated to the program, and relevant trends since the program began.

(3) An assessment of the outcomes and effectiveness of the program in—

(A) supporting student veterans;

(B) connecting student veterans to needed services of the Department or services provided by non-Department entities;

(C) addressing the mental health needs of student veterans;

(D) lowering the suicide risk of student veterans; and

(E) helping student veterans achieve educational goals.

(4) An assessment of barriers to expanding the program and how the Secretary intends to address such barriers.

(5) An assessment of whether the program should be expanded outside of the Office of Mental Health and Suicide Prevention to support students veterans with needs unrelated to mental health or suicide.

(b) UNIFORM BEST PRACTICES, GOALS, AND MEASURES.—The Secretary shall establish best practices, goals, and measures for the Veterans Integration to Academic Leadership program of the Department that are uniform among the medical centers of the Department.

(c) OUTREACH.—The Secretary shall conduct outreach among the Armed Forces, veterans service organizations, institutions of higher learning, and non-college degree programs with respect to

the Veterans Integration to Academic Leadership program of the Department.

(d) ASSESSMENT.—The Secretary shall assess the feasibility and advisability of including the suicide rate for student veterans in the National Veteran Suicide Prevention Annual Report of the Office of Mental Health and Suicide Prevention of the Department.

(e) DEFINITIONS.—In this section:

(1) The term "institution of higher learning" has the meaning given that term in section 3452 of title 38, United States Code.

(2) The term "student veteran" means the following:

(A) A veteran or member of the Armed Forces using educational assistance under any of the following provisions of law:

(i) Chapter 30, 31, 32, or 33 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code.

(ii) Section 116 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3001 note).

(iii) Section 8006 of the American Rescue Plan Act of 2021 (Public Law 117–2; 38 U.S.C. 3001 note prec.).

(B) A veteran who is enrolled in an institution of higher learning or other training program, without regard to whether the veteran is using educational assistance specified in subparagraph (A).

38 USC 1701 note.

SEC. 502. IMPROVEMENT OF SLEEP DISORDER CARE FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Pursuant to the analysis conducted under subsection (b), the Secretary of Veterans Affairs shall take such action as the Secretary considers appropriate to improve the assessment and treatment of veterans with sleep disorders, including by conducting in-home sleep studies for veterans.

(b) ANALYSIS.—The Secretary shall conduct an analysis of the ability of the Department of Veterans Affairs to treat sleep disorders among veterans, including—

Assessment.

(1) assessment and treatment options for such disorders;

(2) barriers to care for such disorders, such as wait time, travel time, and lack of staffing;

(3) the efficacy of the clinical practice guidelines of the Department of Veterans Affairs and the Department of Defense for such disorders; and

(4) the availability of and efficacy of the use by the Department of Veterans Affairs of cognitive behavioral therapy for insomnia.

(c) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on—

(1) the findings from the analysis conducted under subsection (b); and

(2) any actions taken under subsection (a) to improve the assessment and treatment of veterans with sleep disorders.

(d) AUTHORIZATION OF APPROPRIATIONS FOR IN-HOME SLEEP STUDIES.—There is authorized to be appropriated to the Secretary

of Veterans Affairs $5,000,000 to be used to conduct in-home sleep studies for veterans, as part of sleep disorder assessment and treatment conducted by the Department of Veterans Affairs.

SEC. 503. STUDY ON INPATIENT MENTAL HEALTH AND SUBSTANCE USE CARE FROM DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall complete the conduct of a study on access of veterans to care under the residential rehabilitation treatment programs of the Department of Veterans Affairs to determine— Deadline. Determination.

(1) if there are sufficient geographic offerings of inpatient mental health care, especially for veterans in rural and remote communities;

(2) if there are sufficient bed spaces at each location, based on demand and drive time from the homes of veterans;

(3) if there are any workforce-related capacity limitations at each location, including if beds are unable to be used because there are not enough providers to care for additional patients;

(4) if there are diagnosis-specific or sex-specific barriers to accessing care under such programs; and

(5) the average wait time for a bed in such a program, broken out by—

(A) Veterans Integrated Service Network;

(B) rural or urban area;

(C) sex; and

(D) specialty (general program, substance use disorder program, military sexual trauma program, etc.).

(b) RECOMMENDATIONS FOR MODIFICATIONS TO TREATMENT PROGRAMS.—Using the results from the study conducted under subsection (a), the Secretary shall make recommendations for—

(1) new locations for opening facilities to participate in the residential rehabilitation treatment programs of the Department;

(2) facilities under such programs at which new beds can be added; and

(3) any additional specialty tracks to be added to such programs, such as substance use disorder or military sexual trauma, in order to meet veteran need and demand.

(c) REPORT.—Not later than 180 days after completion of the study under subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the study conducted under subsection (a) and the recommendations made by the Secretary under subsection (b).

SEC. 504. STUDY ON TREATMENT FROM DEPARTMENT OF VETERANS AFFAIRS FOR CO-OCCURRING MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a study examining— Deadline. Examination.

(1) the availability of treatment programs for veterans with co-occurring mental health and substance use disorders (including both inpatient and outpatient care);

(2) any geographic disparities in access to such programs, such as for rural and remote veterans; and

(3) the average wait times for care under such programs.

(b) REPORT.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the study conducted under subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include—

Recommendations.

(A) any recommendations resulting from the study conducted under subsection (a) with respect to improving timeliness and quality of care and meeting treatment preferences for veterans with co-occurring mental health and substance use disorders; and

(B) a description of any actions taken by the Secretary to improve care for such veterans.

SEC. 505. STUDY ON WORKLOAD OF SUICIDE PREVENTION TEAMS OF DEPARTMENT OF VETERANS AFFAIRS.

Evaluation.

(a) IN GENERAL.—The Secretary of Veterans Affairs, acting through the Under Secretary for Health and the Office of Mental Health and Suicide Prevention, shall conduct a study evaluating the workload of local suicide prevention teams of the Department of Veterans Affairs.

(b) ELEMENTS.—The study conducted under subsection (a) shall—

(1) identify the effects of the growth of the suicide prevention program of the Department on the workload of suicide prevention teams;

(2) incorporate key practices for staffing model design in determining suicide prevention staffing needs; and

Determination.

(3) determine which facilities of the Department need increased suicide prevention coordinator staffing to meet the needs of veterans, with an emphasis placed on facilities with high patient volume and facilities located in States with high rates of veteran suicide.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report—

(1) on the findings of the study conducted under subsection (a); and

List.

(2) indicating any changes made to the staffing of suicide prevention teams of the Department resulting from the determinations made under subsection (b)(3), including a list of facilities of the Department where staffing was adjusted.

38 USC 7303 note.

SEC. 506. EXPANSION OF SUICIDE PREVENTION AND MENTAL HEALTH RESEARCH.

(a) RESEARCH ON MORAL INJURY.—The Secretary of Veterans Affairs, acting through the Office of Research and Development of the Department of Veterans Affairs, shall conduct suicide prevention and mental health care improvement research on how moral injury relates to the mental health needs of veterans who served in the Armed Forces after September 11, 2001, and best practices for mental health treatment for such veterans.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Veterans Affairs an additional $10,000,000 to be used by the Center of Excellence for Suicide Prevention of the Department and the Rocky Mountain Mental Illness Research Education and Clinical Center for purposes of conducting research on the factors impacting veteran suicide and best practices for early intervention and support.

SEC. 507. STUDY ON MENTAL HEALTH AND SUICIDE PREVENTION SUPPORT FOR MILITARY FAMILIES.

(a) IN GENERAL.—The Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall conduct a study on secondary post-traumatic stress disorder and depression and its impact on spouses, children, and caregivers of members of the Armed Forces.

(b) REPORT.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall submit to Congress, veterans service organizations, and military support organizations a report on the findings of the study conducted under subsection (a).

(2) DEFINITIONS.—In this subsection:

(A) The term "military support organization" has the meaning given that term by the Secretary of Defense.

(B) The term "veterans service organization" means an organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 508. RESEARCH ON BRAIN HEALTH.

There is authorized to be appropriated to the Department of Veterans Affairs an additional $5,000,000 for ongoing and future research at the Translational Research Center of the Department of Veterans Affairs for traumatic brain injury and stress disorders to provide better understanding of, and improved treatment options for, veterans who served in the Armed Forces after September 11, 2001, and who have traumatic brain injury or post-traumatic stress disorder.

SEC. 509. STUDY ON EFFICACY OF CLINICAL AND AT-HOME RESOURCES FOR POST-TRAUMATIC STRESS DISORDER.

Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs, acting through the Office of Research and Development of the Department of Veterans Affairs, shall conduct a study on—

(1) the efficacy of clinical and at-home resources, such as mobile applications like COVID Coach, for providers, veterans, caregivers, and family members to use for dealing with stressors;

(2) the feasibility and advisability of developing more such resources;

(3) strategies for improving mental health care and outcomes for veterans with post-traumatic stress disorder; and

(4) best practices for helping family members of veterans deal with secondary post-traumatic stress disorder or mental health concerns.

Unleashing American Innovators Act of 2022.

DIVISION W—UNLEASHING AMERICAN INNOVATORS ACT OF 2022

35 USC 1 note.

SEC. 101. SHORT TITLE.

This division may be cited as the "Unleashing American Innovators Act of 2022".

35 USC 1 note.

SEC. 102. DEFINITIONS.

In this division:

(1) DIRECTOR.—The term "Director" means the Under Secretary of Commerce for Intellectual Property and Director of the Office.

(2) OFFICE.—The term "Office" means the United States Patent and Trademark Office.

(3) PATENT PRO BONO PROGRAMS.—The term "patent pro bono programs" means the programs established pursuant to section 32 of the Leahy-Smith America Invents Act (35 U.S.C. 2 note).

(4) SOUTHEAST REGION OF THE UNITED STATES.—The term "southeast region of the United States" means the area of the United States that is comprised of the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, and Arkansas.

SEC. 103. SATELLITE OFFICES.

(a) AMENDMENTS TO PURPOSE AND REQUIRED CONSIDERATIONS.—Section 23 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "increase outreach activities to"; and

(ii) by inserting after "Office" the following: ", including by increasing outreach activities, including to individual inventors, small businesses, veterans, low-income populations, students, rural populations, and any geographic group of innovators that the Director may determine to be underrepresented in patent filings"; and

(B) by striking paragraph (2) and inserting the following:

"(2) enhance patent examiner and administrative patent judge retention, including patent examiners and administrative patent judges from economically, geographically, and demographically diverse backgrounds;"; and

(2) in subsection (c)(1)—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(F) with respect to each office established after January 1, 2023, shall consider the proximity of the office to anchor institutions (such as hospitals primarily serving veterans and institutions of higher education), individual inventors, small businesses, veterans, low-income populations, students, rural populations, and any geographic

group of innovators that the Director may determine to be underrepresented in patent filings.".

(b) SOUTHEAST REGIONAL OFFICE.— 35 USC 1 note.

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director shall establish a satellite office of the Office in the southeast region of the United States. Deadline. Establishment.

(2) CONSIDERATIONS.—When selecting a site for the office required under paragraph (1), the Director shall consider the following:

(A) The number of patent-intensive industries located near the site.

(B) How many research-intensive institutions, including institutions of higher education, are located near the site.

(C) The State and local government legal and business frameworks that support intellectual property-intensive industries located near the site.

(c) STUDY ON ADDITIONAL SATELLITE OFFICES.—Not later than 2 years after the date of enactment of this Act, the Director shall complete a study to determine whether additional satellite offices of the Office are necessary to— Deadline. Determination.

(1) achieve the purposes described in section 23(b) of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), as amended by this section; and

(2) increase participation in the patent system by individual inventors, small businesses, veterans, low-income populations, students, rural populations, and any geographic group of innovators that the Director may determine to be underrepresented in patent filings.

SEC. 104. COMMUNITY OUTREACH OFFICES. 35 USC 1 note.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than 5 years after the date of enactment of this Act, the Director shall establish not fewer than 4 community outreach offices throughout the United States. Deadline.

(2) RESTRICTION.—No community outreach office established under paragraph (1) may be located in the same State as—

(A) the principal office of the Office; or

(B) any satellite office of the Office.

(3) REQUIREMENT FOR NORTHERN NEW ENGLAND REGION.—

(A) IN GENERAL.—The Director shall establish not less than 1 community outreach office under this subsection in the northern New England region, which shall serve the States of Vermont, New Hampshire, and Maine.

(B) CONSIDERATIONS.—In determining the location for the office required to be established under subparagraph (A), the Director shall give preference to a location in which—

(i) as of the date of enactment of this Act—

(I) there is located not less than 1 public institution of higher education and not less than 1 private institution of higher education; and

(II) there are located not more than 15 registered patent attorneys, according to data from

the Office of Enrollment and Discipline of the Office; and

(ii) according to data from the 2012 Survey of Business Owners conducted by the Bureau of the Census, less than 45 percent of the firms (as that term is defined for the purposes of that Survey) are owned by women, minorities, or veterans.

(b) PURPOSES.—The purposes of the community outreach offices established under subsection (a) are to—

(1) further achieve the purposes described in section 23(b)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), as amended by this division;

(2) partner with local community organizations, institutions of higher education, research institutions, and businesses to create community-based programs that—

(A) provide education regarding the patent system; and

(B) promote the career benefits of innovation and entrepreneurship; and

(3) educate prospective inventors, including individual inventors, small businesses, veterans, low-income populations, students, rural populations, and any geographic group of innovators that the Director may determine to be underrepresented in patent filings, about all public and private resources available to potential patent applicants, including the patent pro bono programs.

35 USC 2 note.

SEC. 105. UPDATES TO THE PATENT PRO BONO PROGRAMS.

(a) STUDY AND UPDATES.—

Deadline.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall—

(A) complete a study of the patent pro bono programs; and

(B) submit the results of the study required under subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(2) SCOPE OF THE STUDY.—The study required under paragraph (1)(A) shall—

Assessment.

(A) assess—

(i) whether the patent pro bono programs, as in effect on the date on which the study is commenced, are sufficiently serving prospective and existing participants;

(ii) whether the patent pro bono programs are sufficiently funded to serve prospective participants;

(iii) whether any participation requirement of the patent pro bono programs, including any requirement to demonstrate knowledge of the patent system, serves as a deterrent for prospective participants;

(iv) the degree to which prospective inventors are aware of the patent pro bono programs;

(v) what factors, if any, deter attorneys from participating in the patent pro bono programs;

(vi) whether the patent pro bono programs would be improved by expanding those programs to include non-attorney advocates; and

(vii) any other issue the Director determines appropriate; and

(B) make recommendations for such administrative and legislative action as may be appropriate. Recommendations.

(b) USE OF RESULTS.—Upon completion of the study required under subsection (a), the Director shall work with the Pro Bono Advisory Council, the operators of the patent pro bono programs, and intellectual property law associations across the United States to update the patent pro bono programs in response to the findings of the study. Update.

(c) EXPANSION OF INCOME ELIGIBILITY.—

(1) IN GENERAL.—The Director shall work with and support, including by providing financial support to, existing patent pro bono programs and intellectual property law associations across the United States to expand eligibility for the patent pro bono programs to an individual living in a household, the gross household income of which is not more than 400 percent of the Federal poverty line.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to prevent a patent pro bono program from electing to establish a higher eligibility level, as compared to the level described in that paragraph.

SEC. 106. PRE-PROSECUTION ASSESSMENT PILOT PROGRAM. 35 USC 131 note.

(a) PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Director shall establish a pilot program to assist first-time prospective patent applicants in assessing the strengths and weaknesses of a potential patent application submitted by such a prospective applicant. Deadline. Assessments.

(b) CONSIDERATIONS.—In developing the pilot program required under subsection (a), the Director shall establish—

(1) a notification process to notify a prospective patent applicant seeking an assessment described in that subsection that any assessment so provided may not be considered an official ruling of patentability from the Office; Notification.

(2) conditions to determine eligibility for the pilot program, taking into consideration available resources;

(3) reasonable limitations on the amount of time to be spent providing assistance to each individual first-time prospective patent applicant;

(4) procedures for referring prospective patent applicants to legal counsel, including through the patent pro bono programs; and Procedures.

(5) procedures to protect the confidentiality of the information disclosed by prospective patent applicants. Procedures.

SEC. 107. FEE REDUCTION FOR SMALL AND MICRO ENTITIES.

(a) TITLE 35.—Section 41(h) of title 35, United States Code, is amended—

(1) in paragraph (1), by striking "50 percent" and inserting "60 percent"; and

(2) in paragraph (3), by striking "75 percent" and inserting "80 percent".

(b) FALSE CERTIFICATIONS.—Title 35, United States Code, is amended—

(1) in section 41, by adding at the end the following:

"(j) PENALTY FOR FALSE ASSERTIONS.—In addition to any other penalty available under law, an entity that is found to have falsely Determination.

asserted entitlement to a fee reduction under this section shall be subject to a fine, to be determined by the Director, the amount of which shall be not less than 3 times the amount that the entity failed to pay as a result of the false assertion, whether the Director discovers the false assertion before or after the date on which a patent has been issued."; and

(2) in section 123, by adding at the end the following:

"(f) PENALTY FOR FALSE CERTIFICATIONS.—In addition to any other penalty available under law, an entity that is found to have falsely made a certification under this section shall be subject to a fine, to be determined by the Director, the amount of which shall be not less than 3 times the amount that the entity failed to pay as a result of the false certification, whether the Director discovers the false certification before or after the date on which a patent has been issued.".

(c) LEAHY-SMITH AMERICA INVENTS ACT.—Section 10(b) of the Leahy Smith America Invents Act (35 U.S.C. 41 note) is amended—

(1) by striking "50 percent" and inserting "60 percent"; and

(2) by striking "75 percent" and inserting "80 percent".

(d) STUDY ON FEES.—

Deadline.

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall—

(A) complete a study of the fees charged by the Office; and

(B) submit the results of the study required under subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(2) SCOPE OF STUDY.—The study required under paragraph (1)(A) shall—

Assessments.

(A) assess whether—

(i) fees for small and micro entities are inhibiting the filing of patent applications by those entities;

(ii) fees for examination should approximately match the costs of examination and what incentives are created by using maintenance fees to cover the costs of examination; and

(iii) the results of the assessments performed under clauses (i) and (ii) counsel in favor of changes to the fee structure of the Office, such as—

(I) raising standard application and examination fees;

(II) reducing standard maintenance fees; and

(III) reducing the fees for small and micro entities as a percentage of standard application fees; and

Recommendations.

(B) make recommendations for such administrative and legislative action as may be appropriate.

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

SEC. 101. EXTENSION OF AUTHORIZATION FOR SPECIAL ASSESSMENT FOR DOMESTIC TRAFFICKING VICTIMS' FUND.

Section 3014(a) of title 18, United States Code, is amended, in the matter preceding paragraph (1), by striking "December 23, 2022" and inserting "December 23, 2024".

DIVISION Y—CONTRACT ACT OF 2022

Continuity for Operators with Necessary Training Required for ATC Contract Towers Act of 2022.

SEC. 101. SHORT TITLE.

This division may be cited as the "Continuity for Operators with Necessary Training Required for ATC Contract Towers Act of 2022" or the "CONTRACT Act of 2022".

SEC. 102. ANNUITY SUPPLEMENT.

5 USC 101 note.

Section 8421a(c) of title 5, United States Code, is amended—

(1) by striking "as an air traffic" and inserting the following: "as an—

"(1) air traffic";

(2) in paragraph (1), as so designated, by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(2) air traffic controller pursuant to a contract made with the Secretary of Transportation under section 47124 of title 49.".

DIVISION Z—COVS ACT

Computers for Veterans and Students Act of 2022.
40 USC 101 note.

SEC. 101. SHORT TITLE.

This division may be cited as the "Computers for Veterans and Students Act of 2022" or the "COVS Act".

SEC. 102. FINDINGS.

40 USC 549a note.

Congress finds the following:

(1) Access to computers and computer technology is indispensable for success in the 21st century. Millions of Americans do not regularly use a computer and research shows that substantial disparities remain in both internet use and the quality of access, with the digital divide concentrated among older, less educated, less affluent populations, especially veterans, low-income students, and senior citizens.

(2) The COVID–19 pandemic has highlighted the gap between those with computer access and those without. Millions of students, their families, and workers from across the economy were unable to do schoolwork, work remotely from home, or connect to loved ones and their communities because of the digital divide.

(3) Any Federal program that distributes surplus, repairable Federal computers or technology equipment would benefit

from a partnership with a nonprofit organization whose mission is bridging the digital divide.

SEC. 103. REFURBISHMENT AND DISTRIBUTION OF SURPLUS COMPUTERS AND TECHNOLOGY EQUIPMENT.

(a) IN GENERAL.—Subchapter III of chapter 5 of title 40, United States Code, is amended by inserting after section 549 the following:

40 USC 549a.

"§ 549a. Donation of personal property through nonprofit refurbishers

Deadline. Transfer authority.

"(a) AUTHORIZATION.—Not later than 30 days after the date on which the Administrator provides State agencies for surplus property an opportunity to review surplus computer or technology equipment under section 549, the Administrator shall, as appropriate, transfer full title to such surplus computer or technology equipment that is determined to be eligible under subsection (b)(1) to nonprofit computer refurbishers for repair, distribution, and subsequent transfer of full title of the equipment to eligible recipients under this section.

"(b) ELIGIBILITY, PARTICIPATION, AND DUTIES.—

Determination.

"(1) ELIGIBILITY.—Surplus computer or technology equipment is eligible for transfer under this section if a Federal agency determines that—

"(A) the surplus computer or technology equipment is repairable; and

"(B) the surplus computer or technology equipment meets the Guidelines for Media Sanitization issued by the National Institute of Standards and Technology (NIST Special Publication 800–88), or any successor thereto.

"(2) PARTICIPATION.—The Administrator may establish partnerships with nongovernmental entities, at no cost and through cooperative agreements, to facilitate the identification and participation of nonprofit computer refurbishers under this section.

"(3) DUTIES OF REFURBISHERS.—A nonprofit computer refurbisher that receives surplus computer or technology equipment under this section shall—

"(A) make necessary repairs to restore the surplus computer or technology equipment to working order;

"(B) distribute the repaired surplus computer or technology equipment to eligible recipients at no cost, except to the extent—

"(i) necessary to facilitate shipping and handling of such equipment; and

"(ii) that such cost is consistent with any regulations promulgated by the Administrator under subsection (d);

"(C) offer training programs on the use of the repaired computers and technology equipment for the recipients of the equipment; and

"(D) use recyclers to the maximum extent practicable in the event that surplus computer or technology equipment transferred under this section cannot be repaired or reused.

"(c) REPORTING REQUIREMENTS.—

"(1) REFURBISHER REPORTS.—A nonprofit computer refurbisher that receives surplus computer or technology equipment under this section shall provide the Administrator with any

information the Administrator determines to be necessary for required reporting—

"(A) including information about the distribution of such equipment; and

"(B) which shall not include any personal identifying information about the recipient of such equipment apart from whether a recipient is an educational institution, individual with disabilities, low-income individual, student, senior in need, or veteran for the purposes of eligibility under this section.

Public information. Lists.

"(2) ADMINISTRATOR REPORTS.—Annually and consistent with reporting requirements for transfers of Federal personal property to non-Federal entities, the Administrator shall submit to Congress and make publicly available a report that includes, for the period covered by the report—

"(A) a description of the efforts of the Administrator under this section;

"(B) a list of nongovernmental entities with which the Administrator had a partnership described in subsection (b)(2);

"(C) a list of nonprofit computer refurbishers that received, made repairs to, and distributed surplus computer and technology equipment, including disclosure of any foreign ownership interest in a nonprofit computer refurbisher; and

"(D) a list of donated and subsequently repaired surplus computer or technology equipment identifying—

"(i) the Federal agency that donated the surplus computer or technology equipment;

"(ii) the State and county (or similar unit of local government) where the recipient is located; and

"(iii) whether the recipient is an educational institution, individual with disabilities, low-income individual, student, senior in need, or veteran.

Public information.

"(3) AGENCY REPORTS.—Not later than 5 years after the date of enactment of this section, and annually thereafter, the head of each Federal agency shall make publicly available a report on the number of pieces of repairable surplus computer or technology equipment that were sent to recycling, abandoned, or destroyed.

"(d) REGULATIONS.—The Administrator shall issue regulations that are necessary and appropriate to implement this section, including—

"(1) allowing nonprofit computer refurbishers to assess nominal fees (which shall not exceed fair market value) on recipients of refurbished surplus computer or technology equipment to facilitate shipping and handling of the surplus computer or technology equipment;

Determination.

"(2) determining, in coordination with other relevant Federal agencies, eligibility and certification requirements for nongovernmental entities and nonprofit computer refurbishers to participate in the program established under this section, including whether the participation of a nongovernmental entity or nonprofit computer refurbisher poses any actual or potential harm to the national security interests of the United States;

"(3) establishing an efficient process for identifying eligible recipients; and

Determination.

"(4) determining appropriate recyclers to dispose of surplus computer or technology equipment if it cannot be repaired or refurbished under this section.

"(e) JUDICIAL REVIEW.—Nothing in this section shall be construed to create any substantive or procedural right or benefit enforceable by law by a party against the United States, its agencies, its officers, or its employees.

"(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supersede the requirements of the Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96–480; 15 U.S.C. 3701 et seq.).

"(g) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

"(2) DIGITAL DIVIDE.—The term 'digital divide' means the gap between those who have an internet-connected computer and the skills to use the computer and those who do not.

"(3) DISABILITY.—The term 'disability' has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

"(4) EDUCATIONAL INSTITUTION.—The term 'educational institution' means—

"(A) any public or private child care center, preschool, elementary school, secondary school, accredited institution of vocational or professional education, or institution of higher education;

"(B) in the case of an accredited institution of vocational or professional education or an institution of higher education composed of more than 1 school, college, or department that is administratively a separate unit, each such school, college, or department; and

"(C) a home school (whether treated as a home school or private school for the purposes of applicable State law).

"(5) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means an educational institution, individual with a disability, low-income individual, student, senior in need, or veteran that is residing or based in the United States.

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

"(7) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given that term in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689).

"(8) NONGOVERNMENTAL ENTITY.—The term 'nongovernmental entity' means an organization or group of organizations that—

"(A) are not part of a Federal, State, local, Tribal, or territorial government; and

"(B) are nonprofit computer refurbishers or other industry participants that—

"(i) primarily work to improve access to information and communication technology in their mission to bridge the digital divide through coordination and oversight of computer refurbishment and repair; and

"(ii) operate in the United States.

"(9) NONPROFIT COMPUTER REFURBISHER.—The term 'nonprofit computer refurbisher' means a nonprofit organization that—

"(A) primarily works to improve access to information and communication technology in their mission to bridge the digital divide; and

"(B) operates in the United States.

"(10) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization that is described under section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

"(11) REPAIRABLE.—The term 'repairable' means property that is unusable in its current state but can be economically repaired.

"(12) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(13) SENIOR.—The term 'senior' means an individual who is 65 years of age or older.

"(14) SENIOR IN NEED.—The term 'senior in need' means a senior who experiences cultural, social, or geographical isolation that—

"(A) restricts the ability of the senior to perform normal daily tasks; or

"(B) threatens the capacity of the senior to live independently.

"(15) STATE AGENCY FOR SURPLUS PROPERTY.—The term 'State agency for surplus property' has the meaning given the term 'state agency' under section 549(a).

"(16) STUDENT.—The term 'student' means any individual enrolled in an educational institution, but not a public or private child care center.

"(17) SURPLUS COMPUTER OR TECHNOLOGY EQUIPMENT.—The term 'surplus computer or technology equipment' means computer or technology equipment that is property described under section 549(b)(2).

"(18) TECHNOLOGY EQUIPMENT.—The term 'technology equipment' means any physical asset related to a computer or information technology, including any peripheral component, tablet, communication device (such as a router, server, or cell phone), printer, scanner, uninterruptible power source, cable, or connection.

"(19) VETERAN.—The term 'veteran' has the meaning given that term in section 101 of title 38.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 549 the following:

40 USC prec. 501.

"549a. Donation of personal property through nonprofit refurbishers.".

DIVISION AA—FINANCIAL SERVICES MATTERS

TITLE I—REGISTRATION FOR INDEX-LINKED ANNUITIES

15 USC 77s note.

SEC. 101. PARITY FOR REGISTERED INDEX-LINKED ANNUITIES REGARDING REGISTRATION RULES.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Securities and Exchange Commission.

(2) INVESTMENT COMPANY.—The term "investment company" has the meaning given the term in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3).

(3) MARKET VALUE ADJUSTMENT.—The term "market value adjustment" means, with respect to a registered index-linked annuity, after an early withdrawal or contract discontinuance—

(A) an adjustment to the value of that annuity based on calculations using a predetermined formula; or

(B) a change in interest rates (or other factor, as determined by the Commission) that apply to that annuity.

(4) PURCHASER.—The term "purchaser" means a purchaser of a registered index-linked annuity.

(5) REGISTERED INDEX-LINKED ANNUITY.—The term "registered index-linked annuity" means an annuity—

(A) that is deemed to be a security;

(B) that is registered with the Commission in accordance with section 5 of the Securities Act of 1933 (15 U.S.C. 77e);

(C) that is issued by an insurance company that is subject to the supervision of—

(i) the insurance commissioner or bank commissioner of any State; or

(ii) any agency or officer performing like functions as a commissioner described in clause (i);

(D) that is not issued by an investment company; and

(E) the returns of which—

(i) are based on the performance of a specified benchmark index or rate (or a registered exchange traded fund that seeks to track the performance of a specified benchmark index or rate); and

(ii) may be subject to a market value adjustment if amounts are withdrawn before the end of the period during which that market value adjustment applies.

(6) SECURITY.—The term "security" has the meaning given the term in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)).

(b) RULES.—

Deadlines.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall propose, and, not later than 18 months after the date of enactment of this Act, the Commission shall prepare and finalize, new or amended rules, as appropriate, to establish a new form in accordance with paragraph (2) on which an issuer of a registered index-linked annuity may register that registered index-linked

annuity, subject to conditions the Commission determines appropriate, which may include requiring the issuer to take the steps described in section 240.12h–7(e) of title 17, Code of Federal Regulations, or any successor regulation, with respect to the registered index-linked annuity.

(2) DESIGN OF FORM.—In developing the form required to be established under paragraph (1), the Commission shall—

(A) design the form to ensure that a purchaser using the form receives the information necessary to make knowledgeable decisions, taking into account—

(i) the availability of information;

(ii) the knowledge and sophistication of that class of purchasers;

(iii) the complexity of the registered index-linked annuity; and

(iv) any other factor the Commission determines appropriate;

(B) engage in investor testing; and

(C) incorporate the results of the testing required under subparagraph (B) in the design of the form, with the goal of ensuring that key information is conveyed in terms that a purchaser is able to understand.

(c) TREATMENT IF RULES NOT PREPARED AND FINALIZED IN A TIMELY MANNER.—

(1) IN GENERAL.—If, as of the date that is 18 months after the date of enactment of this Act, the Commission has failed to prepare and finalize the rules required under subsection (b)(1), any registered index-linked annuity may be registered on the form described in section 239.17b of title 17, Code of Federal Regulations, or any successor regulation.

(2) PREPARATION.—A registration described in paragraph (1) shall be prepared pursuant to applicable provisions of the form described in that paragraph.

(3) TERMINATION.—This subsection shall terminate upon the establishment by the Commission of the form described in subsection (b).

(d) RULES OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) limit the authority of the Commission to—

(A) determine the information to be requested in the form described in subsection (b); or

(B) extend the eligibility for the form described in subsection (b) to a product that is similar to, but is not, a registered index-linked annuity; or

(2) preempt any State law, regulation, rule, or order.

TITLE II—MASIH ALINEJAD HUNT ACT OF 2022

Masih Alinejad Harassment and Unlawful Targeting Act of 2022.
22 USC 8501 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Masih Alinejad Harassment and Unlawful Targeting Act of 2022" or the "Masih Alinejad HUNT Act of 2022".

22 USC 8561.

SEC. 202. FINDINGS.

Congress finds that the Government of the Islamic Republic of Iran surveils, harasses, terrorizes, tortures, abducts, and murders individuals who peacefully defend human rights and freedoms in Iran, and innocent entities and individuals considered by the Government of Iran to be enemies of that regime, including United States citizens on United States soil, and takes foreign nationals hostage, including in the following instances:

(1) In 2021, Iranian intelligence agents were indicted for plotting to kidnap United States citizen, women's rights activist, and journalist Masih Alinejad, from her home in New York City, in retaliation for exercising her rights under the First Amendment to the Constitution of the United States. Iranian agents allegedly spent at least approximately half a million dollars to capture the outspoken critic of the authoritarianism of the Government of Iran, and studied evacuating her by military-style speedboats to Venezuela before rendition to Iran.

(2) Prior to the New York kidnapping plot, Ms. Alinejad's family in Iran was instructed by authorities to lure Ms. Alinejad to Turkey. In an attempt to intimidate her into silence, the Government of Iran arrested 3 of Ms. Alinejad's family members in 2019, and sentenced her brother to 8 years in prison for refusing to denounce her.

(3) According to Federal prosecutors, the same Iranian intelligence network that allegedly plotted to kidnap Ms. Alinejad is also targeting critics of the Government of Iran who live in Canada, the United Kingdom, and the United Arab Emirates.

(4) In 2021, an Iranian diplomat was convicted in Belgium of attempting to carry out a 2018 bombing of a dissident rally in France.

(5) In 2021, a Danish high court found a Norwegian citizen of Iranian descent guilty of illegal espionage and complicity in a failed plot to kill an Iranian Arab dissident figure in Denmark.

(6) In 2021, the British Broadcasting Corporation (BBC) appealed to the United Nations to protect BBC Persian employees in London who suffer regular harassment and threats of kidnapping by Iranian government agents.

(7) In 2021, 15 militants allegedly working on behalf of the Government of Iran were arrested in Ethiopia for plotting to attack citizens of Israel, the United States, and the United Arab Emirates, according to United States officials.

Jamshid Sharmand.

(8) In 2020, Iranian agents allegedly kidnapped United States resident and Iranian-German journalist Jamshid Sharmahd, while he was traveling to India through Dubai. Iranian authorities announced they had seized Mr. Sharmahd in "a complex operation", and paraded him blindfolded on state television. Mr. Sharmahd is arbitrarily detained in Iran, allegedly facing the death penalty. In 2009, Mr. Sharmahd was the target of an alleged Iran-directed assassination plot in Glendora, California.

Habib Chabi.

(9) In 2020, the Government of Turkey released counterterrorism files exposing how Iranian authorities allegedly collaborated with drug gangs to kidnap Habib Chabi, an Iranian-Swedish activist for Iran's Arab minority. In 2020, the Government of Iran allegedly lured Mr. Chabi to Istanbul through

a female agent posing as a potential lover. Mr. Chabi was then allegedly kidnapped from Istanbul, and smuggled into Iran where he faces execution, following a sham trial.

(10) In 2020, a United States-Iranian citizen and an Iranian resident of California pleaded guilty to charges of acting as illegal agents of the Government of Iran by surveilling Jewish student facilities, including the Hillel Center and Rohr Chabad Center at the University of Chicago, in addition to surveilling and collecting identifying information about United States citizens and nationals who are critical of the Iranian regime.

Masoud Molavi Vardanjani.

(11) In 2019, 2 Iranian intelligence officers at the Iranian consulate in Turkey allegedly orchestrated the assassination of Iranian dissident journalist Masoud Molavi Vardanjani, who was shot while walking with a friend in Istanbul. Unbeknownst to Mr. Molavi, his "friend" was in fact an undercover Iranian agent and the leader of the killing squad, according to a Turkish police report.

(12) In 2019, around 1,500 people were allegedly killed amid a less than 2 week crackdown by security forces on anti-government protests across Iran, including at least an alleged 23 children and 400 women.

Ruhollah Zam.

(13) In 2019, Iranian operatives allegedly lured Paris-based Iranian journalist Ruhollah Zam to Iraq, where he was abducted, and hanged in Iran for sedition.

Ali Javanmardi.

(14) In 2019, a Kurdistan regional court convicted an Iranian female for trying to lure Voice of America reporter Ali Javanmardi to a hotel room in Irbil, as part of a foiled Iranian intelligence plot to kidnap and extradite Mr. Javanmardi, a critic of the Government of Iran.

Roya Hakakian.

(15) In 2019, Federal Bureau of Investigation agents visited the rural Connecticut home of Iran-born United States author and poet Roya Hakakian to warn her that she was the target of an assassination plot orchestrated by the Government of Iran.

Ahmad Mola Nissi.
Reza Kolahi Samadi.

(16) In 2019, the Government of the Netherlands accused the Government of Iran of directing the assassination of Iranian Arab activist Ahmad Mola Nissi, in The Hague, and the assassination of another opposition figure, Reza Kolahi Samadi, who was murdered near Amsterdam in 2015.

(17) In 2018, German security forces searched for 10 alleged spies who were working for Iran's al-Quds Force to collect information on targets related to the local Jewish community, including kindergartens.

(18) In 2017, Germany convicted a Pakistani man for working as an Iranian agent to spy on targets including a former German lawmaker and a French-Israeli economics professor.

(19) In 2012, an Iranian American pleaded guilty to conspiring with members of the Iranian military to bomb a popular Washington, DC, restaurant with the aim of assassinating the ambassador of Saudi Arabia to the United States.

(20) In 1996, agents of the Government of Iran allegedly assassinated 5 Iranian dissident exiles across Turkey, Pakistan, and Baghdad, over a 5-month period that year.

Salman Rushdie.

(21) In 1992, the Foreign and Commonwealth Office of the United Kingdom expelled 2 Iranians employed at the Iranian Embassy in London and a third Iranian on a student

visa amid allegations they were plotting to kill Indian-born British American novelist Salman Rushdie, pursuant to the fatwa issued by then supreme leader of Iran, Ayatollah Ruhollah Khomeini.

(22) In 1992, 4 Iranian Kurdish dissidents were assassinated at a restaurant in Berlin, Germany, allegedly by Iranian agents.

Fereydoun Farrokhzad.

(23) In 1992, singer, actor, poet, and gay Iranian dissident Fereydoun Farrokhzad was found dead with multiple stab wounds in his apartment in Germany. His death is allegedly the work of Iran-directed agents.

Ali Akbar Tabatabaei. Dawud Salahuddin.

(24) In 1980, Ali Akbar Tabatabaei, a leading critic of Iran and then president of the Iran Freedom Foundation, was murdered in front of his Bethesda, Maryland, home by an assassin disguised as a postal courier. The Federal Bureau of Investigation had identified the "mailman" as Dawud Salahuddin, born David Theodore Belfield. Mr. Salahuddin was working as a security guard at an Iranian interest office in Washington, DC, when he claims he accepted the assignment and payment of $5,000 from the Government of Iran to kill Mr. Tabatabaei.

Shahriar Shafiq. Shapour Bakhtiar. Gholam Ali Oveissi.

(25) Other exiled Iranian dissidents alleged to have been victims of the Government of Iran's murderous extraterritorial campaign include Shahriar Shafiq, Shapour Bakhtiar, and Gholam Ali Oveissi.

(26) Iranian Americans face an ongoing campaign of intimidation both in the virtual and physical world by agents and affiliates of the Government of Iran, which aims to stifle freedom of expression and eliminate the threat Iranian authorities believe democracy, justice, and gender equality pose to their rule.

22 USC 8562.

SEC. 203. DEFINITIONS.

In this title:

(1) ADMISSION; ADMITTED; ALIEN.—The terms "admission", "admitted", and "alien" have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms "correspondent account" and "payable-through account" have the meanings given those terms in section 5318A of title 31, United States Code.

(4) FOREIGN FINANCIAL INSTITUTION.—The term "foreign financial institution" has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(5) FOREIGN PERSON.—The term "foreign person" means any individual or entity that is not a United States person.

(6) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 204. REPORT AND IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN ABUSES TOWARD DISSIDENTS ON BEHALF OF THE GOVERNMENT OF IRAN. 22 USC 8563.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Attorney General, shall submit to the appropriate congressional committees a report that—

(A) includes a detailed description and assessment of— Assessment.

(i) the state of human rights and the rule of law inside Iran, including the treatment of marginalized individuals and communities in Iran;

(ii) actions taken by the Government of Iran during the year preceding submission of the report to target and silence dissidents both inside and outside of Iran who advocate for human rights inside Iran;

(iii) the methods used by the Government of Iran to target and silence dissidents both inside and outside of Iran; and

(iv) the means through which the Government of Iran finances efforts to target and silence dissidents both inside and outside of Iran and the amount of that financing;

(B) identifies foreign persons working as part of the Government of Iran or acting on behalf of that Government or its proxies that are involved in harassment and surveillance and that the Secretary of State may also, as appropriate, determine, in consultation with the Secretary of the Treasury, are knowingly responsible for, complicit in, or involved in ordering, conspiring, planning, or implementing the surveillance, harassment, kidnapping, illegal extradition, imprisonment, torture, killing, or assassination, on or after the date of the enactment of this Act, of citizens of Iran (including citizens of Iran of dual nationality) or citizens of the United States, inside or outside Iran, who seek— Determination.

(i) to expose illegal or corrupt activity carried out by officials of the Government of Iran; or

(ii) to obtain, exercise, defend, or promote the human rights of individuals, including members of marginalized communities, in Iran; and

(C) includes, for each foreign person identified under subparagraph (B), a clear explanation for why the foreign person was so identified.

Time period.

(2) UPDATES OF REPORT.—The report required by paragraph (1) shall be updated, and the updated version submitted to the appropriate congressional committees, during the 10-year period following the date of the enactment of this Act—

(A) not less frequently than annually; and

(B) with respect to matters relating to the identification of foreign persons under paragraph (1)(B), on an ongoing basis as appropriate.

(3) FORM OF REPORT.—

(A) IN GENERAL.—Each report required by paragraph (1) and each update required by paragraph (2) shall be submitted in unclassified form but may include a classified annex.

Web posting.

(B) PUBLIC AVAILABILITY.—The Secretary of State shall post the unclassified portion of each report required by paragraph (1) and each update required by paragraph (2) on a publicly available internet website of the Department of State.

President.

(b) IMPOSITION OF SANCTIONS.—In the case of a foreign person identified under paragraph (1)(B) of subsection (a) in the most recent report or update submitted under that subsection, the President shall impose the sanctions described in subsection (c), pursuant to this section or an appropriate Executive authority.

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

President.

(1) BLOCKING OF PROPERTY.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person described in subsection (a)(1)(B) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INADMISSIBILITY OF CERTAIN INDIVIDUALS .—

(A) INELIGIBILITY FOR VISAS AND ADMISSION TO THE UNITED STATES.—In the case of a foreign person described in subsection (a)(1)(B) who is an individual, the individual is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of an individual described in subparagraph (A) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the individual's possession.

SEC. 205. REPORT AND IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS CONDUCTING SIGNIFICANT TRANSACTIONS WITH PERSONS RESPONSIBLE FOR OR COMPLICIT IN ABUSES TOWARD DISSIDENTS ON BEHALF OF THE GOVERNMENT OF IRAN. 22 USC 8564.

(a) REPORT REQUIRED.—Not earlier than 30 days and not later than 60 days after the Secretary of State submits to the appropriate congressional committees a report required by section 204(a), the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report that identifies any foreign financial institution that knowingly conducts a significant transaction with a foreign person identified in the report submitted under section 204(a) on or after the date on which the foreign person is identified in that report.

(b) IMPOSITION OF SANCTIONS.—The Secretary of the Treasury may prohibit the opening, or prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution identified under subsection (a).

SEC. 206. EXCEPTIONS; WAIVERS; IMPLEMENTATION. 22 USC 8565.

(a) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under sections 204 and 205 shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under section 204(c)(2) shall not apply with respect to the admission of an individual to the United States if the admission of the individual is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(b) NATIONAL INTERESTS WAIVER.—The President may waive the application of sanctions under section 204 with respect to a person if the President— President.

(1) determines that the waiver is in the national interests of the United States; and Determination.

(2) submits to the appropriate congressional committees a report on the waiver and the reasons for the waiver. Reports.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this title. President.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of section 204(c)(1) or 205(b) or any regulation, license, or order issued to carry out either such section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

22 USC 8566.

SEC. 207. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the authorities and requirements to impose sanctions under this title shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term "good" means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

TITLE III—TRADING PROHIBITIONS

SEC. 301. TRADING PROHIBITION FOR 2 CONSECUTIVE NON-INSPECTION YEARS.

Section 104(i) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)) is amended—

(1) in paragraph (2)(A)(ii), by striking "the foreign jurisdiction described in clause (i)" and inserting "a foreign jurisdiction"; and

(2) in paragraph (3)—

(A) in the paragraph heading, by striking "3" and inserting "2"; and

(B) in subparagraph (A), in the matter preceding clause (i), by striking "3" and inserting "2".

TITLE IV—ANTI-MONEY LAUNDERING WHISTLEBLOWER IMPROVEMENT

SEC. 401. WHISTLEBLOWER INCENTIVES AND PROTECTIONS.

(a) IN GENERAL.—Section 5323 of title 31, United States Code, as amended by section 6314 of the Anti-Money Laundering Act of 2020 (division F of Public Law 116–283) is amended by striking subsection (b) and inserting the following:

"(b) AWARDS.—

Regulations.
Payment.

"(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Secretary, under regulations prescribed by the Secretary, in consultation with the Attorney General and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the employer of the individual, the Secretary, or the Attorney General, as applicable, that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

"(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

"(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

"(2) PAYMENT OF AWARDS.—

"(A) IN GENERAL.—Any amount paid under paragraph (1) shall be paid from the Fund established under paragraph (3).

"(B) RELATED ACTIONS.—The Secretary may pay awards less than the amount described in paragraph (1)(A) for related actions in which a whistleblower may be paid by another whistleblower award program.

"(3) SOURCE OF AWARDS.—

"(A) IN GENERAL.—There shall be established in the Treasury of the United States a revolving fund to be known as the Financial Integrity Fund (referred to in this subsection as the 'Fund').

"(B) USE OF FUND.—The Fund shall be available to the Secretary, without further appropriation or fiscal year limitations, only for the payment of awards to whistleblowers as provided in subsection (b).

"(C) RESTRICTIONS ON USE OF FUND.—The Fund shall not be available to pay any personnel or administrative expenses.

"(4) DEPOSITS AND CREDITS.—

"(A) IN GENERAL.—There shall be deposited into or credited to the Fund an amount equal to—

"(i) any monetary sanction collected by the Secretary or Attorney General in any judicial or administrative action under this title, chapter 35 or section 4305 or 4312 of title 50, or the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), unless the balance of the Fund at the time the monetary sanction is collected exceeds $300,000,000; and

"(ii) all income from investments made under paragraph (5).

"(B) ADDITIONAL AMOUNTS.—If the amounts deposited into or credited to the Fund under subparagraph (A) are not sufficient to satisfy an award made under this subsection, there shall be deposited into or credited to the Fund an amount equal to the unsatisfied portion of the award from any monetary sanction collected by the Secretary of the Treasury or Attorney General in the covered judicial or administrative action on which the award is based.

"(C) EXCEPTION.—No amounts to be deposited or transferred into the United States Victims of State Sponsored Terrorism Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144) or the Crime Victims Fund pursuant section 1402 of the Victims of Crime Act of 1984 (34 U.S.C. 20101) shall be deposited into or credited to the Fund.

"(5) INVESTMENTS.—

"(A) AMOUNTS IN FUND MAY BE INVESTED.—The Secretary of the Treasury may invest the portion of the Fund that is not required to meet the current needs of the Fund.

"(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Secretary.

"(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any

obligations held in the Fund shall be credited to, and form a part of, the Fund.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5323 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraphs (1) and (5), by striking "this subchapter or subchapter III" each place the term appears and inserting "this subchapter, chapter 35 or section 4305 or 4312 of title 50, the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), or .), and for conspiracies to violate the aforementioned provisions"; and

(B) in paragraph (4)—

(i) by inserting "covered" after "respect to any";

(ii) by striking "under this subchapter or subchapter III"; and

(iii) by striking "action by the Secretary or the Attorney General" and inserting "covered action";

(2) in subsection (c)(1)(B)(iii)—

(A) by striking "subchapter and subchapter III" and inserting "this subchapter, chapter 35 or section 4305 or 4312 of title 50, and the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.)"; and

(B) by striking "either such subchapter" and inserting "the covered judicial or administrative action"; and

(3) in subsection (g)(4)(D)(i), by inserting "chapter 35 or section 4305 or 4312 of title 50, or the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.)," after "subchapter,".

TITLE V—SMALL BUSINESS MERGERS, ACQUISITIONS, SALES, AND BROKERAGE SIMPLIFICATION

SEC. 501. REGISTRATION EXEMPTION FOR MERGER AND ACQUISITION BROKERS.

(a) IN GENERAL.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following:

"(13) REGISTRATION EXEMPTION FOR MERGER AND ACQUISITION BROKERS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an M&A broker shall be exempt from registration under this section.

"(B) EXCLUDED ACTIVITIES.—An M&A broker is not exempt from registration under this paragraph if such broker does any of the following:

"(i) Directly or indirectly, in connection with the transfer of ownership of an eligible privately held company, receives, holds, transmits, or has custody of the funds or securities to be exchanged by the parties to the transaction.

"(ii) Engages on behalf of an issuer in a public offering of any class of securities that is registered, or is required to be registered, with the Commission under section 12 or with respect to which the issuer

files, or is required to file, periodic information, documents, and reports under subsection (d).

"(iii) Engages on behalf of any party in a transaction involving a shell company, other than a business combination related shell company.

"(iv) Directly, or indirectly through any of its affiliates, provides financing related to the transfer of ownership of an eligible privately held company.

"(v) Assists any party to obtain financing from an unaffiliated third party without—

"(I) complying with all other applicable laws in connection with such assistance, including, if applicable, Regulation T (12 C.F.R. 220 et seq.); and

"(II) disclosing any compensation in writing to the party.

"(vi) Represents both the buyer and the seller in the same transaction without providing clear written disclosure as to the parties the broker represents and obtaining written consent from both parties to the joint representation.

"(vii) Facilitates a transaction with a group of buyers formed with the assistance of the M&A broker to acquire the eligible privately held company.

"(viii) Engages in a transaction involving the transfer of ownership of an eligible privately held company to a passive buyer or group of passive buyers.

"(ix) Binds a party to a transfer of ownership of an eligible privately held company.

"(C) DISQUALIFICATION.—An M&A broker is not exempt from registration under this paragraph if such broker (and if and as applicable, including any officer, director, member, manager, partner, or employee of such broker)—

"(i) has been barred from association with a broker or dealer by the Commission, any State, or any self-regulatory organization; or

"(ii) is suspended from association with a broker or dealer.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit any other authority of the Commission to exempt any person, or any class of persons, from any provision of this title, or from any provision of any rule or regulation thereunder.

"(E) DEFINITIONS.—In this paragraph:

"(i) BUSINESS COMBINATION RELATED SHELL COMPANY.—The term 'business combination related shell company' means a shell company that is formed by an entity that is not a shell company—

"(I) solely for the purpose of changing the corporate domicile of that entity solely within the United States; or

"(II) solely for the purpose of completing a business combination transaction (as defined under section 230.165(f) of title 17, Code of Federal Regulations) among one or more entities other than the company itself, none of which is a shell company.

"(ii) CONTROL.—The term 'control' means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. There is a presumption of control if, upon completion of a transaction, the buyer or group of buyers—

"(I) has the right to vote 25 percent or more of a class of voting securities or the power to sell or direct the sale of 25 percent or more of a class of voting securities; or

"(II) in the case of a partnership or limited liability company, has the right to receive upon dissolution, or has contributed, 25 percent or more of the capital.

"(iii) ELIGIBLE PRIVATELY HELD COMPANY.—The term 'eligible privately held company' means a privately held company that meets both of the following conditions:

"(I) The company does not have any class of securities registered, or required to be registered, with the Commission under section 12 or with respect to which the company files, or is required to file, periodic information, documents, and reports under subsection (d).

"(II) In the fiscal year ending immediately before the fiscal year in which the services of the M&A broker are initially engaged with respect to the securities transaction, the company meets either or both of the following conditions (determined in accordance with the historical financial accounting records of the company):

"(aa) The earnings of the company before interest, taxes, depreciation, and amortization are less than $25,000,000.

"(bb) The gross revenues of the company are less than $250,000,000.

Determination.

For purposes of this subclause, the Commission may by rule modify the dollar figures if the Commission determines that such a modification is necessary or appropriate in the public interest or for the protection of investors.

"(iv) M&A BROKER.—The term 'M&A broker' means a broker, and any person associated with a broker, engaged in the business of effecting securities transactions solely in connection with the transfer of ownership of an eligible privately held company, regardless of whether the broker acts on behalf of a seller or buyer, through the purchase, sale, exchange, issuance, repurchase, or redemption of, or a business combination involving, securities or assets of the eligible privately held company, if the broker reasonably believes that—

"(I) upon consummation of the transaction, any person acquiring securities or assets of the eligible privately held company, acting alone or in concert—

"(aa) will control the eligible privately held company or the business conducted with the assets of the eligible privately held company; and

"(bb) directly or indirectly, will be active in the management of the eligible privately held company or the business conducted with the assets of the eligible privately held company, including without limitation, for example, by—

"(AA) electing executive officers;

"(BB) approving the annual budget;

"(CC) serving as an executive or other executive manager; or

"(DD) carrying out such other activities as the Commission may, by rule, determine to be in the public interest; and

"(II) if any person is offered securities in exchange for securities or assets of the eligible privately held company, such person will, prior to becoming legally bound to consummate the transaction, receive or have reasonable access to the most recent fiscal year-end financial statements of the issuer of the securities as customarily prepared by the management of the issuer in the normal course of operations and, if the financial statements of the issuer are audited, reviewed, or compiled, any related statement by the independent accountant, a balance sheet dated not more than 120 days before the date of the offer, and information pertaining to the management, business, results of operations for the period covered by the foregoing financial statements, and material loss contingencies of the issuer. Time period.

"(v) SHELL COMPANY.—The term 'shell company' means a company that at the time of a transaction with an eligible privately held company—

"(I) has no or nominal operations; and

"(II) has—

"(aa) no or nominal assets;

"(bb) assets consisting solely of cash and cash equivalents; or

"(cc) assets consisting of any amount of cash and cash equivalents and nominal other assets.

"(F) INFLATION ADJUSTMENT.—

"(i) IN GENERAL.—On the date that is 5 years after the date of the enactment of this paragraph, and every 5 years thereafter, each dollar amount in subparagraph (E)(iii)(II) shall be adjusted by— Effective date. Time period.

"(I) dividing the annual value of the Employment Cost Index For Wages and Salaries, Private Industry Workers (or any successor index), as published by the Bureau of Labor Statistics, for the calendar year preceding the calendar year in which the adjustment is being made by the annual value

of such index (or successor) for the calendar year ending December 31, 2020; and

"(II) multiplying such dollar amount by the quotient obtained under subclause (I).

"(ii) ROUNDING.—Each dollar amount determined under clause (i) shall be rounded to the nearest multiple of $100,000.".

15 USC 78o note.

(b) EFFECTIVE DATE.—This section and any amendment made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

TITLE VI—PUBLIC AND FEDERALLY ASSISTED HOUSING FIRE SAFETY

SEC. 601. SMOKE ALARMS IN FEDERALLY ASSISTED HOUSING.

(a) PUBLIC HOUSING, TENANT-BASED ASSISTANCE, AND PROJECT-BASED ASSISTANCE.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 3(a) (42 U.S.C. 1437a(a)), by adding at the end the following:

"(9) QUALIFYING SMOKE ALARMS.—

"(A) IN GENERAL.—Each public housing agency shall ensure that a qualifying smoke alarm is installed in accordance with applicable codes and standards published by the International Code Council or the National Fire Protection Association and the requirements of the National Fire Protection Association Standard 72, or any successor standard, in each level and in or near each sleeping area in any dwelling unit in public housing owned or operated by the public housing agency, including in basements but excepting crawl spaces and unfinished attics, and in each common area in a project containing such a dwelling unit.

"(B) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) SMOKE ALARM DEFINED.—The term 'smoke alarm' has the meaning given the term 'smoke detector' in section 29(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225(d)).

"(ii) QUALIFYING SMOKE ALARM DEFINED.—The term 'qualifying smoke alarm' means a smoke alarm that—

"(I) in the case of a dwelling unit built before the date of enactment of this paragraph and not substantially rehabilitated after the date of enactment of this paragraph—

"(aa)(AA) is hardwired; or

"(BB) uses 10-year non rechargeable, non-replaceable primary batteries and is sealed, is tamper resistant, and contains silencing means; and

"(bb) provides notification for persons with hearing loss as required by the National Fire Protection Association Standard 72, or any successor standard; or

"(II) in the case of a dwelling unit built or substantially rehabilitated after the date of enactment of this paragraph, is hardwired."; and

(2) in section 8 (42 U.S.C. 1437f)—

(A) by inserting after subsection (k) the following:

"(l) QUALIFYING SMOKE ALARMS.—

"(1) IN GENERAL.—Each owner of a dwelling unit receiving project-based assistance under this section shall ensure that qualifying smoke alarms are installed in accordance with applicable codes and standards published by the International Code Council or the National Fire Protection Association and the requirements of the National Fire Protection Association Standard 72, or any successor standard, in each level and in or near each sleeping area in such dwelling unit, including in basements but excepting crawl spaces and unfinished attics, and in each common area in a project containing such a dwelling unit.

"(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) SMOKE ALARM DEFINED.—The term 'smoke alarm' has the meaning given the term 'smoke detector' in section 29(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225(d)).

"(B) QUALIFYING SMOKE ALARM DEFINED.—The term 'qualifying smoke alarm' means a smoke alarm that—

"(i) in the case of a dwelling unit built before the date of enactment of this subsection and not substantially rehabilitated after the date of enactment of this subsection—

"(I)(aa) is hardwired; or

"(bb) uses 10-year non rechargeable, non-replaceable primary batteries and—

"(AA) is sealed;

"(BB) is tamper resistant; and

"(CC) contains silencing means; and

"(II) provides notification for persons with hearing loss as required by the National Fire Protection Association Standard 72, or any successor standard; or

"(ii) in the case of a dwelling unit built or substantially rehabilitated after the date of enactment of this paragraph, is hardwired."; and

(B) in subsection (o), by adding at the end the following:

"(22) QUALIFYING SMOKE ALARMS.—

"(A) IN GENERAL.—Each dwelling unit receiving tenant-based assistance or project-based assistance under this subsection shall have a qualifying smoke alarm installed in accordance with applicable codes and standards published by the International Code Council or the National Fire Protection Association and the requirements of the National Fire Protection Association Standard 72, or any successor standard, in each level and in or near each sleeping area in such dwelling unit, including in basements but excepting crawl spaces and unfinished attics, and in each common area in a project containing such a dwelling unit.

Applicability.

"(B) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) SMOKE ALARM DEFINED.—The term 'smoke alarm' has the meaning given the term 'smoke detector' in section 29(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225(d)).

"(ii) QUALIFYING SMOKE ALARM DEFINED.—The term 'qualifying smoke alarm' means a smoke alarm that—

"(I) in the case of a dwelling unit built before the date of enactment of this paragraph and not substantially rehabilitated after the date of enactment of this paragraph—

"(aa)(AA) is hardwired; or

"(BB) uses 10-year non rechargeable, non-replaceable primary batteries and is sealed, is tamper resistant, and contains silencing means; and

"(bb) provides notification for persons with hearing loss as required by the National Fire Protection Association Standard 72, or any successor standard; or

"(II) in the case of a dwelling unit built or substantially rehabilitated after the date of enactment of this paragraph, is hardwired.".

(b) SUPPORTIVE HOUSING FOR THE ELDERLY.—Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following:

"(10) QUALIFYING SMOKE ALARMS.—

"(A) IN GENERAL.—Each owner of a dwelling unit assisted under this section shall ensure that qualifying smoke alarms are installed in accordance with the requirements of applicable codes and standards and the National Fire Protection Association Standard 72, or any successor standard, in each level and in or near each sleeping area in such dwelling unit, including in basements but excepting crawl spaces and unfinished attics, and in each common area in a project containing such a dwelling unit.

Applicability.

"(B) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) SMOKE ALARM DEFINED.—The term 'smoke alarm' has the meaning given the term 'smoke detector' in section 29(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225(d)).

"(ii) QUALIFYING SMOKE ALARM DEFINED.—The term 'qualifying smoke alarm' means a smoke alarm that—

"(I) in the case of a dwelling unit built before the date of enactment of this paragraph and not substantially rehabilitated after the date of enactment of this paragraph—

"(aa)(AA) is hardwired; or

"(BB) uses 10-year non rechargeable, non-replaceable primary batteries and is sealed, is tamper resistant, and contains silencing means; and

"(bb) provides notification for persons with hearing loss as required by the National Fire Protection Association Standard 72, or any successor standard; or

"(II) in the case of a dwelling unit built or substantially rehabilitated after the date of enactment of this paragraph, is hardwired.".

(c) SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.—Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following:

"(8) QUALIFYING SMOKE ALARMS.—

"(A) IN GENERAL.—Each dwelling unit assisted under this section shall contain qualifying smoke alarms that are installed in accordance with applicable codes and standards published by the International Code Council or the National Fire Protection Association and the requirements of the National Fire Protection Association Standard 72, or any successor standard, in each level and in or near each sleeping area in such dwelling unit, including in basements but excepting crawl spaces and unfinished attics, and in each common area in a project containing such a dwelling unit.

"(B) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply: Applicability.

"(i) SMOKE ALARM DEFINED.—The term 'smoke alarm' has the meaning given the term 'smoke detector' in section 29(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225(d)).

"(ii) QUALIFYING SMOKE ALARM DEFINED.—The term 'qualifying smoke alarm' means a smoke alarm that—

"(I) in the case of a dwelling unit built before the date of enactment of this paragraph and not substantially rehabilitated after the date of enactment of this paragraph—

"(aa)(AA) is hardwired; or

"(BB) uses 10-year non rechargeable, non-replaceable primary batteries and is sealed, is tamper resistant, and contains silencing means; and

"(bb) provides notification for persons with hearing loss as required by the National Fire Protection Association Standard 72, or any successor standard; or

"(II) in the case of a dwelling unit built or substantially rehabilitated after the date of enactment of this paragraph, is hardwired.".

(d) HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS.—Section 856 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12905) is amended by adding at the end the following new subsection:

"(j) QUALIFYING SMOKE ALARMS.—

"(1) IN GENERAL.—Each dwelling unit assisted under this subtitle shall contain qualifying smoke alarms that are installed in accordance with applicable codes and standards published

by the International Code Council or the National Fire Protection Association and the requirements of the National Fire Protection Association Standard 72, or any successor standard, in each level and in or near each sleeping area in such dwelling unit, including in basements but excepting crawl spaces and unfinished attics, and in each common area in a project containing such a dwelling unit.

Applicability.

"(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) SMOKE ALARM DEFINED.—The term 'smoke alarm' has the meaning given the term 'smoke detector' in section 29(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225(d)).

"(B) QUALIFYING SMOKE ALARM DEFINED.—The term 'qualifying smoke alarm' means a smoke alarm that—

"(i) in the case of a dwelling unit built before the date of enactment of this subsection and not substantially rehabilitated after the date of enactment of this subsection—

"(I)(aa) is hardwired; or

"(bb) uses 10-year non rechargeable, non-replaceable primary batteries and—

"(AA) is sealed;

"(BB) is tamper resistant; and

"(CC) contains silencing means; and

"(II) provides notification for persons with hearing loss as required by the National Fire Protection Association Standard 72, or any successor standard; or

"(ii) in the case of a dwelling unit built or substantially rehabilitated after the date of enactment of this subsection, is hardwired.".

(e) RURAL HOUSING.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended—

(1) in section 514 (42 U.S.C. 1484), by adding at the end the following:

"(k) QUALIFYING SMOKE ALARMS.—

"(1) IN GENERAL.—Housing and related facilities constructed with loans under this section shall contain qualifying smoke alarms that are installed in accordance with applicable codes and standards published by the International Code Council or the National Fire Protection Association and the requirements of the National Fire Protection Association Standard 72, or any successor standard, in each level and in or near each sleeping area in such dwelling unit, including in basements but excepting crawl spaces and unfinished attics, and in each common area in a project containing such a dwelling unit.

Applicability.

"(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) SMOKE ALARM DEFINED.—The term 'smoke alarm' has the meaning given the term 'smoke detector' in section 29(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225(d)).

"(B) QUALIFYING SMOKE ALARM DEFINED.—The term 'qualifying smoke alarm' means a smoke alarm that—

"(i) in the case of a dwelling unit built before the date of enactment of this subsection and not substantially rehabilitated after the date of enactment of this subsection—

"(I)(aa) is hardwired; or

"(bb) uses 10-year non rechargeable, non-replaceable primary batteries and—

"(AA) is sealed;

"(BB) is tamper resistant; and

"(CC) contains silencing means; and

"(II) provides notification for persons with hearing loss as required by the National Fire Protection Association Standard 72, or any successor standard; or

"(ii) in the case of a dwelling unit built or substantially rehabilitated after the date of enactment of this subsection, is hardwired."; and

(2) in section 515(m) (42 U.S.C. 1485(m)), by adding at the end the following:

"(3) QUALIFYING SMOKE ALARMS.—

"(A) IN GENERAL.—Housing and related facilities rehabilitated or repaired with amounts received under a loan made or insured under this section shall contain qualifying smoke alarms that are installed in accordance with applicable codes and standards published by the International Code Council or the National Fire Protection Association and the requirements of the National Fire Protection Association Standard 72, or any successor standard, in each level and in or near each sleeping area in such dwelling unit, including in basements but excepting crawl spaces and unfinished attics, and in each common area in a project containing such a dwelling unit.

"(B) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply: Applicability.

"(i) SMOKE ALARM DEFINED.—The term 'smoke alarm' has the meaning given the term 'smoke detector' in section 29(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225(d)).

"(ii) QUALIFYING SMOKE ALARM DEFINED.—The term 'qualifying smoke alarm' means a smoke alarm that—

"(I) in the case of a dwelling unit built before the date of enactment of this paragraph and not substantially rehabilitated after the date of enactment of this paragraph—

"(aa)(AA) is hardwired; or

"(BB) uses 10-year non rechargeable, non-replaceable primary batteries and is sealed, is tamper resistant, and contains silencing means; and

"(bb) provides notification for persons with hearing loss as required by the National Fire Protection Association Standard 72, or any successor standard; or

"(II) in the case of a dwelling unit built or substantially rehabilitated after the date of enactment of this paragraph, is hardwired.".

(f) FARM LABOR HOUSING DIRECT LOANS & GRANTS.—Section 516 of the Housing Act of 1949 (42 U.S.C. 1486) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) that such housing shall contain qualifying smoke alarms that are installed in accordance with applicable codes and standards published by the International Code Council or the National Fire Protection Association and the requirements of the National Fire Protection Association Standard 72, or any successor standard, in each level and in or near each sleeping area in such dwelling unit, including in basements but excepting crawl spaces and unfinished attics, and in each common area in a project containing such a dwelling unit."; and

(2) in subsection (g)—

(A) in paragraph (3) by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

Definition.

"(5) the term 'smoke alarm' has the meaning given the term 'smoke detector' in section 29(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225(d)); and

Definition.

"(6) the term 'qualifying smoke alarm' means a smoke alarm that—

"(A) in the case of a dwelling unit built before the date of enactment of this paragraph and not substantially rehabilitated after the date of enactment of this paragraph—

"(i)(I) is hardwired; or

"(II) uses 10-year non rechargeable, nonreplaceable primary batteries and—

"(aa) is sealed;

"(bb) is tamper resistant; and

"(cc) contains silencing means; and

"(ii) provides notification for persons with hearing loss as required by the National Fire Protection Association Standard 72, or any successor standard; or

"(B) in the case of a dwelling unit built or substantially rehabilitated after the date of enactment of this paragraph, is hardwired.".

Time period.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendments made by this section such sums as are necessary for each of fiscal years 2023 through 2027.

12 USC 1701q note.

(h) EFFECTIVE DATE.—The amendments made by subsections (a) through (f) shall take effect on the date that is 2 years after the date of enactment of this Act.

12 USC 1701q note.

(i) NO PREEMPTION.—Nothing in the amendments made by this section shall be construed to preempt or limit the applicability of any State or local law relating to the installation and maintenance of smoke alarms in housing that requires standards that are more stringent than the standards described in the amendments made by this section.

TITLE VII—BENJAMIN BERELL FERENCZ CONGRESSIONAL GOLD MEDAL

Benjamin Berell Ferencz Congressional Gold Medal Act.

SEC. 701. SHORT TITLE.

31 USC 5111 note.

This title may be cited as the "Benjamin Berell Ferencz Congressional Gold Medal Act".

SEC. 702. FINDINGS.

Congress finds the following:

(1) Benjamin "Ben" Berell Ferencz was born on March 11, 1920, in Transylvania, now modern-day Hungary.

(2) In 1920, Ben and his family fled anti-Semitic persecution and emigrated to the United States. Ben grew up in New York City, and, in 1940, was awarded a scholarship to Harvard Law School where he graduated with honors.

(3) After the onset of World War II, Ben enlisted in the United States Army in 1943, and joined an anti-aircraft artillery battalion preparing for the invasion of France. As an enlisted man under General Patton, he fought in most of the major campaigns in Europe.

(4) As Nazi atrocities were uncovered, Ben was transferred to a newly created War Crimes Branch of the Army to gather evidence of war crimes that could be used in a court of law to prosecute persons responsible for these crimes. Ben documented the horrors perpetrated by Nazi Germany, visiting concentration camps as they were liberated.

(5) At the end of 1945, Ben was honorably discharged from the United States Army with the rank of Sergeant of Infantry. He had been awarded five battle stars.

(6) In 1946, the United States Government recruited Ben to join the team working on the Nuremberg tribunals, a novel independent court established to try top-ranking Nazi officials for crimes perpetrated during the course of the war, including those crimes we now call the Holocaust. Mr. Ferencz was sent to Berlin to oversee a team of 50 researchers investigating official Nazi records, which provided overwhelming evidence to implicate German doctors, lawyers, judges, generals, industrialists, and others in genocide.

(7) By 1948, at age 27, Ben had secured enough evidence to prosecute 22 SS members of Nazi killing squads charged for the murder of over 1,000,0000 Jewish, Roma, Soviet, and other men, women, and children in shooting massacres in occupied Soviet territory. He was appointed chief prosecutor in the Einsatzgruppen Trial, in what the Associated Press called "the biggest murder trial in history". The court found 20 Nazi officials guilty of war crimes, crimes against humanity, and membership in a criminal organization for their roles in the murder of over a million people. An additional two defendants were found guilty for membership in a criminal organization.

(8) After the Nuremberg trials ended, Ben fought for compensation for victims and survivors of the Holocaust, the return of stolen assets, and other forms of restitution for those who had suffered at the hands of the Nazis.

(9) Since the 1970s, Ben has worked tirelessly to promote development of international mechanisms to outlaw and punish aggressive war and the crimes of genocide, crimes against humanity and war crimes. His efforts contributed to the establishment of the International Criminal Court and to the recognition of aggression as an international crime.

(10) Ben is a tireless advocate for international criminal justice and the conviction that the rule of law offers the world a sustainable path to stem conflict and reach peaceful conclusions to geopolitical disputes. His unwavering goal has been "to establish a legal precedent that would encourage a more humane and secure world in the future".

(11) Ben, at age 102, is still active, giving speeches throughout the world about lessons learned during his extraordinary career. He is compelled by the imperative to "replace the rule of force with the rule of law", promoting judicial mechanisms that can resolve conflict. He often tells young people to "never give up" because the fight for peace and justice is worth the long struggle ahead.

SEC. 703. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Benjamin Berell Ferencz, in recognition of his service to the United States and international community during the post-World War II Nuremberg trials and lifelong advocacy for international criminal justice and rule of law.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this title as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary. The design shall bear an image of, and inscription of the name of, Benjamin Berell Ferencz.

(c) DISPOSITION OF MEDAL.—Following the award of the gold medal under subsection (a), the gold medal shall be given to Benjamin Berell Ferencz or, if unavailable, to his son, Donald Ferencz.

SEC. 704. DUPLICATE MEDALS.

(a) IN GENERAL.—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 703, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

(b) UNITED STATES HOLOCAUST MEMORIAL MUSEUM.—

(1) IN GENERAL.—The Secretary shall provide a duplicate bronze medal described under subsection (a) to the United States Holocaust Memorial Museum.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the United States Holocaust Memorial Museum should make the duplicate medal received under this subsection available for display to the public whenever the United States Holocaust Memorial Museum determines that such display is timely, feasible, and practical.

SEC. 705. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this title are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this title shall be considered to be numismatic items.

SEC. 706. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck under this title.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 704 shall be deposited into the United States Mint Public Enterprise Fund.

TITLE VIII—CONGRESSIONAL OVERSIGHT COMMISSION

SEC. 801. TERMINATION OF CONGRESSIONAL OVERSIGHT COMMISSION.

Section 4020(f) of the CARES Act (15 U.S.C. 9055(f)) is amended by striking "September 30, 2025" and inserting "June 30, 2023".

TITLE IX—FLOOD INSURANCE

SEC. 901. REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking "September 30, 2022" and inserting "September 30, 2023".

(b) PROGRAM EXPIRATION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 2022" and inserting "September 30, 2023".

(c) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if enacted on September 30, 2022. 42 USC 4016 note.

DIVISION BB—CONSUMER PROTECTION AND COMMERCE

TITLE I—MANUFACTURING.GOV

SEC. 101. MANUFACTURING.GOV HUB. 15 USC 1512 note.

(a) DEFINITION.—In this section, the term "Secretary" means the Secretary of Commerce.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Chief Information Officer of the Department of Commerce, shall modify the manufacturing.gov website by establishing a section of the website to be known as the "manufacturing.gov hub". Deadline. Website.

(c) FUNCTIONS.—The manufacturing.gov hub established under subsection (b) shall—

(1) serve as the primary hub for information relating to every Federal manufacturing program, including the programs identified in the report of the Government Accountability Office entitled "U.S. Manufacturing" (GAO 17–240), published on March 28, 2017;

(2) provide the contact information of relevant program offices carrying out the Federal manufacturing programs described in paragraph (1);

(3) provide an avenue for public input and feedback relating to—

(A) the functionality of the website of the Department of Commerce;

(B) the Federal manufacturing programs described in paragraph (1); and

(C) any other manufacturing-related challenges experienced by manufacturers in the United States;

(4) establish web pages within the hub that shall focus on—

(A) technology and research and development;

(B) trade;

(C) workforce development and training;

(D) industrial commons and supply chains; and

(E) small and medium manufacturers; and

(5) use machine learning to—

(A) identify frequently asked questions; and

(B) disseminate to the public answers to the questions identified under subparagraph (A).

(d) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated for the purpose of carrying out this section.

TITLE II—STURDY

15 USC 2056f.

SEC. 201. CONSUMER PRODUCT SAFETY STANDARD TO PROTECT AGAINST TIP-OVER OF CLOTHING STORAGE UNITS.

(a) CLOTHING STORAGE UNIT DEFINED.—In this section, the term "clothing storage unit" means any free-standing furniture item manufactured in the United States or imported for use in the United States that is intended for the storage of clothing, typical of bedroom furniture.

(b) CPSC DETERMINATION OF SCOPE.—The Consumer Product Safety Commission shall specify the types of furniture items within the scope of subsection (a) as part of a standard promulgated under this section based on tip-over data as reasonably necessary to protect children up to 72 months of age from injury or death.

(c) CONSUMER PRODUCT SAFETY STANDARD REQUIRED.—

Deadline.

(1) IN GENERAL.—Except as provided in subsection (f)(1), not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

Examination. Assessment.

(A) in consultation with representatives of consumer groups, clothing storage unit manufacturers, craft or handmade furniture manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for clothing storage units; and

(B) in accordance with section 553 of title 5, United States Code, and paragraph (2), promulgate a final consumer product safety standard for clothing storage units to protect children from tip-over-related death or injury, that shall take effect 180 days after the date of promulgation or such a later date as the Commission determines appropriate.

Regulations. Effective date.

(2) REQUIREMENTS.—The standard promulgated under paragraph (1) shall protect children from tip-over-related death or injury with—

(A) tests that simulate the weight of children up to 60 pounds;

(B) objective, repeatable, reproducible, and measurable tests or series of tests that simulate real-world use and account for impacts on clothing storage unit stability that may result from placement on carpeted surfaces, drawers with items in them, multiple open drawers, and dynamic force;

(C) testing of all clothing storage units, including those 27 inches and above in height; and

(D) warning requirements based on ASTM F2057–19, or its successor at the time of enactment, provided that the Consumer Product Safety Commission may strengthen the warning requirements of ASTM F2057–19, or its successor, if reasonably necessary to protect children from tip-over-related death or injury.

(3) TESTING CLARIFICATION.—Tests referred to in paragraph (2)(B) shall allow for the utilization of safety features (excluding tip restraints) to work as intended if the features cannot be overridden by consumers in normal use.

(4) TREATMENT OF STANDARD.—A consumer product safety standard promulgated under paragraph (1) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(d) ADOPTION OF VOLUNTARY STANDARD.—

(1) IN GENERAL.—If a voluntary standard exists that meets the requirements of paragraph (2), the Commission shall, not later than 90 days after the date on which such determination is made and in accordance with section 553 of title 5, United States Code, promulgate a final consumer product safety standard that adopts the applicable performance requirements of such voluntary standard related to protecting children from tip-over-related death or injury. A consumer product safety standard promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058). Such standard shall take effect 120 days after the date of the promulgation of the rule, or such a later date as the Commission determines appropriate. Such standard will supersede any other existing standard for clothing storage units to protect children from tip-over-related death or injury.

Deadline. Regulation.

Effective date.

(2) REQUIREMENTS.—The requirements of this paragraph with respect to a voluntary standard for clothing storage units are that such standard—

(A) protects children up to 72 months of age from tip-over-related death or injury;

(B) meets the requirements described in subsection (c)(2);

Publication. Deadline.

(C) is, or will be, published not later than 60 days after the date of enactment of this Act; and

Determination.

(D) is developed by ASTM International or such other standard development organization that the Commission determines is in compliance with the intent of this section.

(3) NOTICE REQUIRED TO BE PUBLISHED IN THE FEDERAL REGISTER.—The Commission shall publish a notice in the Federal Register upon beginning the promulgation of a rule under this subsection.

(e) REVISION OF VOLUNTARY STANDARD.—

(1) NOTICE TO COMMISSION.—If the performance requirements of a voluntary standard adopted under subsection (d) are subsequently revised, the organization that revised the performance requirements of such standard shall notify the Commission of such revision after final approval.

Deadline. Determination.

(2) TREATMENT OF REVISION.—Not later than 90 days after the date on which the Commission is notified of revised performance requirements of a voluntary standard described in paragraph (1) (or such later date as the Commission determines appropriate), the Commission shall determine whether the revised performance requirements meet the requirements of subsection (d)(2)(B), and if so, modify, in accordance with section 553 of title 5, United States Code, the standard promulgated under subsection (d) to include the revised performance requirements that the Commission determines meet such requirements. The modified standard shall take effect after 180 days or such later date as the Commission deems appropriate.

Effective date.

(f) SUBSEQUENT RULEMAKING.—

Effective date. Determination.

(1) IN GENERAL.—Beginning 5 years after the date of enactment of this Act, subsequent to the publication of a consumer product safety standard under this section, the Commission may, at any time, initiate rulemaking, in accordance with section 553 of title 5, United States Code, to modify the requirements of such standard or to include additional provisions if the Commission makes a determination that such modifications or additions are reasonably necessary to protect children from tip-over-related death or injury.

(2) PETITION FOR REVISION OF RULE.—

Determination. Deadline.

(A) IN GENERAL.—If the Commission receives a petition for a new or revised test that permits incorporated safety features (excluding tip restraints) to work as intended, if the features cannot be overridden by consumers in normal use and provide an equivalent or greater level of safety as the tests developed under subsection (c)(2) or the performance requirements described in subsection (d)(2)(B), as applicable, the Commission shall determine within 120 days—

(i) whether the petition meets the requirements for petitions set forth in section 1051.5 of title 16, Code of Federal Regulations, or any successor regulation implementing section 9(i) of the Consumer Product Safety Act (15 U.S.C. 2058(i)); and

(ii) whether the petition demonstrates that the test could reasonably meet the requirements of subsection (c)(2)(B), and if so, the Commission shall determine by recorded vote, within 60 days after the determination, whether to initiate rulemaking, in accordance with section 553 of title 5, United States Code, to revise a consumer product safety standard promulgated under this section to include the new or revised test.

Determination. Deadline.

(B) DEMONSTRATION OF COMPLIANCE.—Compliance with the testing requirements of a standard revised under subparagraph (A) may be demonstrated either through the performance of a new or revised test under subparagraph (A) or the performance of the tests otherwise required under a standard promulgated under this section.

(3) TREATMENT OF RULES.—Any rule promulgated under this subsection, including any modification or revision made under this subsection, shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

TITLE III—INFORM CONSUMERS

SEC. 301. COLLECTION, VERIFICATION, AND DISCLOSURE OF INFORMATION BY ONLINE MARKETPLACES TO INFORM CONSUMERS.

15 USC 45f.

(a) COLLECTION AND VERIFICATION OF INFORMATION.—

(1) COLLECTION.—

Deadlines.

(A) IN GENERAL.—An online marketplace shall require any high-volume third party seller on such online marketplace's platform to provide, not later than 10 days after qualifying as a high-volume third party seller on the platform, the following information to the online marketplace:

(i) BANK ACCOUNT.—

(I) IN GENERAL.—A bank account number, or, if such seller does not have a bank account, the name of the payee for payments issued by the online marketplace to such seller.

(II) PROVISION OF INFORMATION.—The bank account or payee information required under subclause (I) may be provided by the seller in the following ways:

(aa) To the online marketplace.

(bb) To a payment processor or other third party contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it can obtain such information within 3 business days from such payment processor or other third party.

(ii) CONTACT INFORMATION.—Contact information for such seller as follows:

(I) With respect to a high-volume third party seller that is an individual, the individual's name.

Records.

(II) With respect to a high-volume third party seller that is not an individual, one of the following forms of contact information:

(aa) A copy of a valid government-issued identification for an individual acting on behalf of such seller that includes the individual's name.

(bb) A copy of a valid government-issued record or tax document that includes the business name and physical address of such seller.

(iii) TAX ID.—A business tax identification number, or, if such seller does not have a business tax identification number, a taxpayer identification number.

(iv) WORKING EMAIL AND PHONE NUMBER.—A current working email address and phone number for such seller.

(B) NOTIFICATION OF CHANGE; ANNUAL CERTIFICATION.—An online marketplace shall—

(i) periodically, but not less than annually, notify any high-volume third party seller on such online marketplace's platform of the requirement to keep any information collected under subparagraph (A) current; and

(ii) require any high-volume third party seller on such online marketplace's platform to, not later than 10 days after receiving the notice under clause (i), electronically certify that—

(I) the seller has provided any changes to such information to the online marketplace, if any such changes have occurred; or

(II) there have been no changes to such seller's information.

(C) SUSPENSION.—In the event that a high-volume third party seller does not provide the information or certification required under this paragraph, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide such information or certification not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller until such seller provides such information or certification.

(2) VERIFICATION.—

Deadlines.

(A) IN GENERAL.—An online marketplace shall—

(i) verify the information collected under paragraph (1)(A) not later than 10 days after such collection; and

(ii) verify any change to such information not later than 10 days after being notified of such change by a high-volume third party seller under paragraph (1)(B).

(B) PRESUMPTION OF VERIFICATION.—In the case of a high-volume third party seller that provides a copy of a valid government-issued tax document, any information contained in such document shall be presumed to be verified as of the date of issuance of such document.

(3) DATA USE LIMITATION.—Data collected solely to comply with the requirements of this section may not be used for any other purpose unless required by law.

(4) DATA SECURITY REQUIREMENT.—An online marketplace shall implement and maintain reasonable security procedures and practices, including administrative, physical, and technical safeguards, appropriate to the nature of the data and the purposes for which the data will be used, to protect the data collected to comply with the requirements of this section from unauthorized use, disclosure, access, destruction, or modification.

Procedures. Compliance.

(b) DISCLOSURE REQUIRED.—

(1) REQUIREMENT.—

(A) IN GENERAL.—An online marketplace shall—

(i) require any high-volume third party seller with an aggregate total of $20,000 or more in annual gross revenues on such online marketplace, and that uses such online marketplace's platform, to provide the information described in subparagraph (B) to the online marketplace; and

(ii) disclose the information described in subparagraph (B) to consumers in a clear and conspicuous manner—

(I) on the product listing page (including via hyperlink); or

(II) in the order confirmation message or other document or communication made to the consumer after the purchase is finalized and in the consumer's account transaction history.

(B) INFORMATION DESCRIBED.—The information described in this subparagraph is the following:

(i) Subject to paragraph (2), the identity of the high-volume third party seller, including—

(I) the full name of the seller, which may include the seller name or seller's company name, or the name by which the seller or company operates on the online marketplace;

(II) the physical address of the seller; and

(III) contact information for the seller, to allow for the direct, unhindered communication with high-volume third party sellers by users of the online marketplace, including—

(aa) a current working phone number;

(bb) a current working email address; or

(cc) other means of direct electronic messaging (which may be provided to such seller by the online marketplace), provided that the requirements of this item shall not prevent an online marketplace from monitoring communications between high-volume third party sellers and users of the online marketplace for fraud, abuse, or spam.

(ii) Whether the high-volume third party seller used a different seller to supply the consumer product to the consumer upon purchase, and, upon the request of an authenticated purchaser, the information described in clause (i) relating to any such seller that

supplied the consumer product to the purchaser, if such seller is different than the high-volume third party seller listed on the product listing prior to purchase.

(2) EXCEPTION.—

Certifications.

(A) IN GENERAL.—Subject to subparagraph (B), upon the request of a high-volume third party seller, an online marketplace may provide for partial disclosure of the identity information required under paragraph (1)(B)(i) in the following situations:

(i) If such seller certifies to the online marketplace that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace may—

(I) disclose only the country and, if applicable, the State in which such seller resides; and

(II) inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace.

(ii) If such seller certifies to the online marketplace that the seller is a business that has a physical address for product returns, the online marketplace may disclose the seller's physical address for product returns.

Certification.

(iii) If such seller certifies to the online marketplace that the seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller's email address or other means of electronic messaging provided to such seller by the online marketplace.

Deadline.

(B) LIMITATION ON EXCEPTION.—If an online marketplace becomes aware that a high-volume third party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under subparagraph (A) or that a high-volume third party seller who has requested and received a provision for a partial disclosure under subparagraph (A) has not provided responsive answers within a reasonable time frame to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to respond not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller unless such seller consents to the disclosure of the identity information required under paragraph (1)(B)(i).

(3) REPORTING MECHANISM.—An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third party seller a reporting mechanism that allows for electronic and telephonic

reporting of suspicious marketplace activity to the online marketplace.

(4) COMPLIANCE.—If a high-volume third party seller does not comply with the requirements to provide and disclose information under this subsection, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide or disclose such information not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller until the seller complies with such requirements.

Notice. Deadline. Suspension.

(c) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR AND DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) or (b) by an online marketplace shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce subsections (a) and (b) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates subsection (a) or (b) shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(3) REGULATIONS.—The Commission may promulgate regulations under section 553 of title 5, United States Code, with respect to the collection, verification, or disclosure of information under this section, provided that such regulations are limited to what is necessary to collect, verify, and disclose such information.

(4) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—If the attorney general of a State has reason to believe that any online marketplace has violated or is violating this section or a regulation promulgated under this section that affects one or more residents of that State, the attorney general of the State may bring a civil action in any appropriate district court of the United States, to—

(A) enjoin further such violation by the defendant;

(B) enforce compliance with this section or such regulation;

(C) obtain civil penalties in the amount provided for under subsection (c);

(D) obtain other remedies permitted under State law; and

(E) obtain damages, restitution, or other compensation on behalf of residents of the State.

(2) NOTICE.—The attorney general of a State shall provide prior written notice of any action under paragraph (1) to the Commission and provide the Commission with a copy of the complaint in the action, except in any case in which such

Records.

prior notice is not feasible, in which case the attorney general shall serve such notice immediately upon instituting such action.

(3) INTERVENTION BY THE COMMISSION.—Upon receiving notice under paragraph (2), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard on all matters arising therein; and

(C) to file petitions for appeal.

(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this section or a regulation promulgated under this section, no State attorney general, or official or agency of a State, may bring a separate action under paragraph (1) during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this section or a regulation promulgated under this section that is alleged in the complaint. A State attorney general, or official or agency of a State, may join a civil action for a violation of this section or regulation promulgated under this section filed by the Commission.

(5) RULE OF CONSTRUCTION.—For purposes of bringing a civil action under paragraph (1), nothing in this section shall be construed to prevent the chief law enforcement officer, or official or agency of a State, from exercising the powers conferred on such chief law enforcement officer, or official or agency of a State, by the laws of the State to conduct investigations, administer oaths or affirmations, or compel the attendance of witnesses or the production of documentary and other evidence.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so, except for any private person on behalf of the State attorney general, may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

(e) SEVERABILITY.—If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

(f) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) CONSUMER PRODUCT.—The term "consumer product" has the meaning given such term in section 101 of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act

(15 U.S.C. 2301) and section 700.1 of title 16, Code of Federal Regulations.

(3) HIGH-VOLUME THIRD PARTY SELLER.—

(A) IN GENERAL.—The term "high-volume third party seller" means a participant on an online marketplace's platform who is a third party seller and, in any continuous 12-month period during the previous 24 months, has entered into 200 or more discrete sales or transactions of new or unused consumer products and an aggregate total of $5,000 or more in gross revenues.

Time periods.

(B) CLARIFICATION.—For purposes of calculating the number of discrete sales or transactions or the aggregate gross revenues under subparagraph (A), an online marketplace shall only be required to count sales or transactions made through the online marketplace and for which payment was processed by the online marketplace, either directly or through its payment processor.

(4) ONLINE MARKETPLACE.—The term "online marketplace" means any person or entity that operates a consumer-directed electronically based or accessed platform that—

(A) includes features that allow for, facilitate, or enable third party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States;

(B) is used by one or more third party sellers for such purposes; and

(C) has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products.

(5) SELLER.—The term "seller" means a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace's platform.

(6) THIRD PARTY SELLER.—

(A) IN GENERAL.—The term "third party seller" means any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in the United States through such online marketplace's platform.

(B) EXCLUSIONS.—The term "third party seller" does not include, with respect to an online marketplace—

(i) a seller who operates the online marketplace's platform; or

(ii) a business entity that has—

(I) made available to the general public the entity's name, business address, and working contact information;

(II) an ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and

(III) provided to the online marketplace identifying information, as described in subsection (a), that has been verified in accordance with that subsection.

(7) VERIFY.—The term "verify" means to confirm information provided to an online marketplace pursuant to this section,

which may include the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, corresponding to the seller or an individual acting on the seller's behalf, not misappropriated, and not falsified.

(g) RELATIONSHIP TO STATE LAWS.—No State or political subdivision of a State, or territory of the United States, may establish or continue in effect any law, regulation, rule, requirement, or standard that conflicts with the requirements of this section.

(h) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

TITLE IV—VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT REAUTHORIZATION

SEC. 401. COVERED ENTITY DEFINED.

(a) IN GENERAL.—Section 1403 of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8002) is amended—

(1) by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (6), (7), (8), (9), and (10), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) COVERED ENTITY.—The term 'covered entity' means—

"(A) a State; or

"(B) an Indian Tribe.

"(5) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).".

(b) TECHNICAL CORRECTION.—Paragraph (10) of section 1403 of the Virginia Graeme Baker Pool and Spa Safety Act (as so redesignated) is amended by striking "section 3(10) of the Consumer Product Safety Act (15 U.S.C. 2052(10))" and inserting "section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a))".

SEC. 402. SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004) is amended to read as follows:

"SEC. 1405. SWIMMING POOL SAFETY GRANT PROGRAM.

"(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall carry out a grant program to provide assistance to eligible covered entities.

"(b) ELIGIBILITY.—To be eligible for a grant under the program, a covered entity shall—

"(1) demonstrate to the satisfaction of the Commission that, as of the date on which the covered entity submits an application to the Commission for a grant under this section, the covered entity has enacted and provides for the enforcement of a statute that—

"(A) except as provided in section 1406(a)(1)(A)(i), applies to all swimming pools constructed in the State or in the jurisdiction of the Indian Tribe (as the case may be) on or after such date; and

"(B) meets the minimum State law requirements of section 1406; and

"(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

"(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this section, and shall consider— Determination.

"(1) the population of the covered entity;

"(2) the relative enforcement and implementation needs of the covered entity; and

"(3) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment.

"(d) USE OF GRANT FUNDS.—A State or an Indian Tribe receiving a grant under this section shall use—

"(1) at least 25 percent of amounts made available—

"(A) to hire and train personnel for implementation and enforcement of standards under the swimming pool and spa safety law of the State or Indian Tribe; and

"(B) to defray administrative costs associated with the hiring and training programs under subparagraph (A); and

"(2) the remainder—

"(A) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law of the State or Indian Tribe and about the prevention of drowning or entrapment of children using swimming pools and spas; and

"(B) to defray administrative costs associated with the education programs under subparagraph (A).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for fiscal year 2023 $2,500,000 to carry out this section.".

(b) CONFORMING AMENDMENTS.—Section 1406 of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8005) is amended—

(1) in subsection (a)(2), by striking "the eligibility of a State" each place it appears and inserting "the eligibility of a covered entity"; and

(2) by adding at the end the following:

"(e) STATE DEFINED.—In this section, the term 'State' includes an Indian Tribe.".

SEC. 403. REAUTHORIZATION OF CPSC EDUCATION AND AWARENESS PROGRAM.

Section 1407 of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8006) is amended to read as follows:

"SEC. 1407. EDUCATION AND AWARENESS PROGRAM.

"(a) IN GENERAL.—The Commission shall establish and carry out an education and awareness program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

"(1) educational materials designed for swimming pool and spa manufacturers, service companies, and supply retail outlets, including guidance on barrier and drain cover inspection, maintenance, and replacement;

"(2) educational materials designed for swimming pool and spa owners and operators, consumers, States, and Indian Tribes; and

"(3) a national media campaign to promote awareness of swimming pool and spa safety.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for fiscal year 2023 $2,500,000 to carry out the education and awareness program authorized by subsection (a).".

TITLE V—RANSOMWARE ACT

Reporting Attacks from Nations Selected for Oversight and Monitoring Web Attacks and Ransomware from Enemies Act.

SEC. 501. SHORT TITLE.

This title may be cited as the "Reporting Attacks from Nations Selected for Oversight and Monitoring Web Attacks and Ransomware from Enemies Act" or the "RANSOMWARE Act".

SEC. 502. INCLUSION OF REPORT.

134 Stat. 837

Section 2 of Public Law 116–173 is amended—

(1) in paragraph (3), by striking "; and";

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) the first report required by the RANSOMWARE Act.".

SEC. 503. REPORT ON RANSOMWARE AND OTHER CYBER-RELATED ATTACKS BY CERTAIN FOREIGN INDIVIDUALS, COMPANIES, AND GOVERNMENTS.

(a) IN GENERAL.—With the transmission of the report required by section 2 of Public Law 116–173, and separately in 2025 and 2027, the Federal Trade Commission shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, which may include a classified annex for information that is nonpublic or related to Commission investigations or interagency deliberations, and that shall include the following:

(1) The number and details of cross-border complaints received by the Commission (including which such complaints were acted upon and which such complaints were not acted upon) that relate to incidents that were reported to the Commission as committed by individuals, companies, or governments, including those described in subsection (b), broken down by each type of individual, type of company, or government described in a paragraph of such subsection.

(2) The number and details of cross-border complaints received by the Commission (including which such complaints were acted upon and which such complaints were not acted upon) that involve ransomware or other cyber-related attacks that were reported to the Commission as committed by individuals, companies, or governments, including those described in subsection (b), broken down by each type of individual, type of company, or government described in a paragraph of such subsection.

(3) A description of trends in the number of cross-border complaints received by the Commission and reported to the Commission as incidents that were committed by individuals,

companies, or governments, including those described in subsection (b), broken down by each type of individual, type of company, or government described in a paragraph of such subsection.

(4) Identification and details of foreign agencies (including foreign law enforcement agencies (as defined in section 4 of the Federal Trade Commission Act (15 U.S.C. 44))) located in Russia, China, North Korea, or Iran with which the Commission has cooperated and the results of such cooperation, including any foreign agency enforcement action or lack thereof.

(5) A description of Commission litigation, in relation to cross-border complaints described in paragraphs (1) and (2), brought in foreign courts and the results of such litigation.

Recommendations.

(6) Any recommendations for legislation that may advance the mission of the Commission in carrying out the U.S. SAFE WEB Act of 2006 and the amendments made by such Act.

Recommendations.

(7) Any recommendations for legislation that may advance the security of the United States and United States companies against ransomware and other cyber-related attacks.

Recommendations.

(8) Any recommendations for United States citizens and United States businesses to implement best practices on mitigating ransomware and other cyber-related attacks.

(b) INDIVIDUALS, COMPANIES, AND GOVERNMENTS DESCRIBED.—The individuals, companies, and governments described in this subsection are the following:

(1) An individual located within Russia or with direct or indirect ties to the Government of the Russian Federation.

(2) A company located within Russia or with direct or indirect ties to the Government of the Russian Federation.

(3) The Government of the Russian Federation.

(4) An individual located within China or with direct or indirect ties to the Government of the People's Republic of China.

(5) A company located within China or with direct or indirect ties to the Government of the People's Republic of China.

(6) The Government of the People's Republic of China.

(7) An individual located within North Korea or with direct or indirect ties to the Government of the Democratic People's Republic of Korea.

(8) A company located within North Korea or with direct or indirect ties to the Government of the Democratic People's Republic of Korea.

(9) The Government of the Democratic People's Republic of Korea.

(10) An individual located within Iran or with direct or indirect ties to the Government of the Islamic Republic of Iran.

(11) A company located within Iran or with direct or indirect ties to the Government of the Islamic Republic of Iran.

(12) The Government of the Islamic Republic of Iran.

TITLE VI—TRAVEL AND TOURISM

15 USC 9801.

SEC. 600. DEFINED TERM.

In this title, the term "COVID–19 public health emergency"—

(1) means the public health emergency first declared on January 31, 2020, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19; and

(2) includes any renewal of such declaration pursuant to such section 319.

Subtitle A—Travel Promotion

Visit America Act.

15 USC 9801 note.

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "Visit America Act".

15 USC 9802.

SEC. 602. PURPOSES.

The purposes of this subtitle are—

(1) to support the travel and tourism industry, which produces economic impacts that are vital to our national economy; and

(2) to establish national goals for international visitors to the United States, including—

(A) recommendations for achieving such goals and timelines for implementing such recommendations;

(B) coordination between Federal and State agencies;

(C) the resources needed by each Government agency to achieve such goals; and

(D) the number of international visitors and the value of national travel exports.

15 USC 9802 note.

SEC. 603. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) setting a national goal for the number of international visitors to the United States is vital for aligning Federal tourism policy to support American jobs and economic growth;

(2) setting a national goal for travel exports is vital for aligning Federal tourism policy to support American jobs, increase travel exports, and improve our Nation's balance of trade;

(3) the travel industry is an essential part of the United States services exports with respect to business, education, medical, and leisure travel;

(4) the promotion of travel and visitation by the Corporation for Travel Promotion (doing business as "Brand USA") is vital to increasing visitation and articulating the visitation laws of the United States; and

(5) there is an urgent need for a coordinated travel and tourism industry response and strategy to respond to the current state of such industry and future unforeseen circumstances that may impact the travel and tourism industry.

SEC. 604. ASSISTANT SECRETARY OF COMMERCE FOR TRAVEL AND TOURISM.

19 USC 2171 note.

Section 2(d) of the Reorganization Plan Numbered 3 of 1979 (93 Stat. 1382; 5 U.S.C. App.) is amended—

(1) by striking "There shall be in the Department two additional Assistant Secretaries" and inserting "(1) There shall be in the Department three additional Assistant Secretaries, including the Assistant Secretary of Commerce for Travel and Tourism,"; and

(2) by adding at the end the following:

"(2) The Assistant Secretary of Commerce for Travel and Tourism shall report directly to the Under Secretary of Commerce for International Trade.".

SEC. 605. RESPONSIBILITIES OF THE ASSISTANT SECRETARY OF COMMERCE FOR TRAVEL AND TOURISM. 15 USC 9803.

(a) VISITATION GOALS.—The Assistant Secretary of Commerce for Travel and Tourism (referred to in this section as the "Assistant Secretary") shall—

(1) after consultation with the travel and tourism industry, work with the Travel Promotion Committee and the United States Travel and Tourism Advisory Board to establish an annual goal, consistent with the goals of the travel and tourism strategy developed pursuant to section 606(1), for—

(A) the number of international visitors to the United States; and

(B) the value of travel and tourism commerce;

(2) develop recommendations for achieving the annual goals established pursuant to paragraph (1);

(3) ensure that travel and tourism policy is developed in consultation with—

(A) the Tourism Policy Council;

(B) the Secretary of State;

(C) the Secretary of Homeland Security;

(D) the Corporation for Travel Promotion;

(E) the United States Travel and Tourism Advisory Board; and

(F) travel and tourism industry representatives, including public and private destination marketing organizations, travel and tourism suppliers, gig economy representatives, and labor representatives from these industries;

(4) establish short, medium, and long-term timelines for implementing the recommendations developed pursuant to paragraph (2);

(5) conduct Federal agency needs assessments, in consultation with the Office of Management and Budget and other relevant Federal agencies, to identify the resources, statutory or regulatory changes, and private sector engagement needed to achieve the annual visitation goals; and

(6) provide assessments and recommendations to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) the public through a publicly accessible website.

(b) DOMESTIC TRAVEL AND TOURISM.—The Assistant Secretary, to the extent feasible, shall—

(1) evaluate, on an ongoing basis, domestic policy options for supporting competitiveness with respect to the strengths, weaknesses, and growth of the domestic travel industry;

(2) develop recommendations and goals to support and enhance domestic tourism, separated by business and leisure; and

(3) engage public and private stakeholders to support domestic tourism.

(c) WORKFORCE.—The Assistant Secretary shall—

(1) consult with the Secretary of Labor to develop strategies and best practices for improving the timeliness and reliability of travel and tourism workforce data;

(2) work with the Secretary of Labor and the Bureau of Economic Analysis to improve travel and tourism industry data;

(3) provide recommendations for policy enhancements and efficiencies; and

(4) provide policy recommendations regarding the gig economy as it relates to travel and tourism.

(d) FACILITATION OF INTERNATIONAL BUSINESS TRAVEL.—The Assistant Secretary, in coordination with relevant Federal agencies, shall strive to increase and facilitate international business travel to the United States and ensure competitiveness by—

(1) facilitating large meetings, incentives, conferences, and exhibitions in the United States;

(2) emphasizing rural and other destinations in the United States that are rich in cultural heritage or ecological tourism, among other uniquely American destinations, as locations for hosting international meetings, incentives, conferences, and exhibitions; and

(3) facilitating sports and recreation events and activities in the United States.

(e) RECOVERY STRATEGIES.—

Deadline.

(1) IN GENERAL.—Not later than 1 year after amounts are appropriated to the Department of Commerce to accomplish the purposes of this section, the Assistant Secretary, in consultation with the entities referred to in subsection (a)(3), shall develop recovery strategies for the travel and tourism industry in response to the economic impacts of the COVID–19 pandemic and in anticipation of other unpredictable catastrophic events that would significantly affect the travel and tourism industry, such as hurricanes, floods, tsunamis, tornadoes, wildfires, terrorist attacks, and pandemics.

(2) COST-BENEFIT ANALYSIS.—In developing the recovery strategies under paragraph (1), the Assistant Secretary shall conduct cost-benefit analyses that take into account the health and economic effects of public health mitigation measures on the travel and tourism industry.

(f) REPORTING REQUIREMENTS.—

(1) ASSISTANT SECRETARY.—The Assistant Secretary, subject to the availability of appropriations, shall produce an annual forecasting report on the travel and tourism industry, which shall include current and anticipated—

(A) domestic employment needs;

(B) international inbound volume and spending, taking into account the lasting effects of the COVID–19 public health emergency and the impact of the recovery strategy implemented pursuant to subsection (e)(1); and

(C) domestic volume and spending, including Federal and State public land travel and tourism data.

(2) BUREAU OF ECONOMIC ANALYSIS.—The Director of the Bureau of Economic Analysis, subject to the availability of appropriations and to the extent feasible, should make quarterly updates to the Travel and Tourism Satellite Accounts, including—

(A) State-level travel and tourism spending data;

(B) travel and tourism workforce data for full-time and part-time employment; and

(C) Federal and State public lands outdoor recreational activity and tourism spending data.

(3) NATIONAL TRAVEL AND TOURISM OFFICE.—The Director of the National Travel and Tourism Office—

(A) in partnership with the Bureau of Economic Analysis and other relevant Federal agencies, shall provide a monthly report on international arrival and spending data to—

(i) the Travel and Tourism Advisory Board; and

(ii) the public through a publicly accessible website; and

(B) shall include questions in the Survey of International Air Travelers regarding wait-times, visits to public lands, and State data, to the extent applicable.

SEC. 606. TRAVEL AND TOURISM STRATEGY.

15 USC 9804.

Not less frequently than once every 10 years, the Secretary of Commerce, in consultation with the United States Travel and Tourism Advisory Board, the Tourism Policy Council, the Secretary of State, and the Secretary of Homeland Security, shall develop and submit to Congress a 10-year travel and tourism strategy, which shall include—

Deadline. Time period.

(1) the establishment of goals with respect to the number of annual international visitors to the United States and the annual amount of travel and tourism commerce in the United States during such 10-year period;

(2) the resources needed to achieve the goals established pursuant to paragraph (1); and

(3) recommendations for statutory or regulatory changes that would be necessary to achieve such goals.

Recommendations.

SEC. 607. UNITED STATES TRAVEL AND TOURISM ADVISORY BOARD.

Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (15 U.S.C. 1546) is amended to read as follows:

"SEC. 3. UNITED STATES TRAVEL AND TOURISM ADVISORY BOARD.

"(a) IN GENERAL.—There is established the United States Travel and Tourism Advisory Board (referred to in this section as the 'Board'), the members of which shall be appointed by the Secretary of Commerce for 2-year terms from companies and organizations in the travel and tourism industry.

Appointment.

"(b) EXECUTIVE DIRECTOR.—The Assistant Secretary of Commerce for Travel and Tourism shall serve as the Executive Director of the Board.

"(c) EXECUTIVE SECRETARIAT.—The National Travel and Tourism Office of the International Trade Administration shall serve as the Executive Secretariat for the Board.

"(d) FUNCTIONS.—The Board's Charter shall specify that the Board will—

"(1) serve as the advisory body to the Secretary of Commerce on matters relating to the travel and tourism industry in the United States;

"(2) advise the Secretary of Commerce on government policies and programs that affect the United States travel and tourism industry;

"(3) offer counsel on current and emerging issues;

"(4) provide a forum for discussing and proposing solutions to problems related to the travel and tourism industry; and

"(5) provide advice regarding the domestic travel and tourism industry as an economic engine.

"(e) RECOVERY STRATEGIES.—The Board shall assist the Assistant Secretary of Commerce for Travel and Tourism in the development and implementation of the recovery strategies required under section 605(e)(1) of the Visit America Act.".

15 USC 9805.

SEC. 608. DATA ON DOMESTIC TRAVEL AND TOURISM.

The Assistant Secretary of Commerce for Travel and Tourism, subject to the availability of appropriations, shall collect and make public aggregate data on domestic travel and tourism trends.

15 USC 9801 note.

SEC. 609. COMPLETION OF PROCEEDING.

If the Secretary of Commerce, before the date of the enactment of this Act, has taken any action that, in whole or in part, implements this title or the amendments made by this title, the Secretary is not required to revisit such action to the extent such action is consistent with this title and the amendments made by this title.

Subtitle B—Travel Safety

SEC. 611. STUDY AND REPORT ON EFFECTS OF COVID–19 PANDEMIC ON TRAVEL AND TOURISM INDUSTRY IN UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) PANDEMIC PERIOD.—The term "pandemic period" has the meaning given the term "emergency period" in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), excluding any portion of such period after the date that is 1 year after the date of the enactment of this Act.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(3) TRAVEL AND TOURISM INDUSTRY.—The term "travel and tourism industry" means the travel and tourism industry in the United States.

(b) INTERIM STUDY AND REPORT.—

(1) IN GENERAL.—Not later than 3 months after the date of the enactment of this Act, the Secretary, after consultation with relevant stakeholders, including the United States Travel and Tourism Advisory Board, shall—

(A) complete an interim study, which shall be based on data available at the time the study is conducted and provide a framework for the study required under subsection (c), regarding the effects of the COVID–19 pandemic on the travel and tourism industry, including various segments of the travel and tourism industry, such as domestic, international, leisure, business, conventions, meetings, and events; and

(B) submit a report containing the results of such interim study to—

(i) the Committee on Commerce, Science, and Transportation of the Senate; and

(ii) the Committee on Energy and Commerce of the House of Representatives.

(2) AVAILABILITY.—The Secretary shall make the report described in paragraph (1) publicly available on the website of the Department of Commerce.

Public information. Web posting.

(c) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the United States Travel and Tourism Advisory Board and the head of any other Federal agency the Secretary considers appropriate, shall complete a study on the effects of the COVID–19 pandemic on the travel and tourism industry, including various segments of the travel and tourism industry, such as domestic, international, leisure, business, conventions, meetings, and events.

(d) MATTERS FOR CONSIDERATION.—In conducting the interim study required under subsection (b) and the study required under subsection (c), the Secretary shall consider—

(1) changes in employment rates in the travel and tourism industry during the pandemic period;

(2) changes in revenues of businesses in the travel and tourism industry during the pandemic period;

(3) changes in employment and sales in industries related to the travel and tourism industry, and changes in contributions of the travel and tourism industry to such related industries, during the pandemic period;

(4) the effects attributable to the changes described in paragraphs (1) through (3) in the travel and tourism industry and such related industries on the overall economy of the United States, including—

(A) an analysis of regional economies (on a per capita basis) during the pandemic period; and

Analysis.

(B) the projected effects of such changes on the regional and overall economy of the United States following the pandemic period;

(5) the effects attributable to the changes described in paragraphs (1) through (3) in the travel and tourism industry and such related industries on minority communities, including Native Americans, Native Hawaiians, and Alaska Natives;

(6) reports on the economic impact of COVID–19 issued by other Federal agencies;

(7) the costs and health benefits associated with COVID–19 requirements for air travel for entry into or exit from the United States and any consequent disincentives for tourism;

(8) any Federal barriers related to the response to the COVID–19 pandemic that are disincentivizing international tourism in the United States, including the source and policy rationale for these barriers; and

(9) any additional matters that the Secretary considers appropriate.

(e) CONSULTATION AND PUBLIC COMMENT.—In conducting the study required under subsection (c), the Secretary shall—

(1) consult with representatives of—

(A) the small business sector;

(B) the restaurant or food service sector;

(C) the hotel and alternative accommodations sector;
(D) the attractions or recreation sector;
(E) the outdoor recreation sector;
(F) the travel distribution services sector;
(G) destination marketing organizations;
(H) State tourism offices;
(I) the passenger air, railroad, bus, and rental car sectors; and
(J) labor representatives for—
(i) the sectors referred to in subparagraph (I); and
(ii) security screening personnel designated by the Administrator of the Transportation Security Administration; and

(2) provide an opportunity for public comment and advice relevant to conducting such study.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 6 months after the completion of the study required under subsection (c), the Secretary, in consultation with the United States Travel and Tourism Advisory Board and the Tourism Policy Council, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains—

(A) the results of such study;

Recommendations.

(B) policy recommendations for—
(i) promoting and assisting the travel and tourism industry generally; and
(ii) promoting and assisting travel and tourism to Native American, Native Hawaiian, and Alaska Native communities, by fully implementing the Native American Tourism and Improving Visitor Experience Act (Public Law 114–221); and

(C) a description of the actions that should be taken by the Federal Government to accelerate the implementation of travel and tourism policies and programs authorized by law.

Public information. Web posting.

(2) AVAILABILITY.—The Secretary shall make the report described in paragraph (1) publicly available on the website of the Department of Commerce.

DIVISION CC—WATER RELATED MATTERS

SEC. 101. EXTENSION OF AUTHORIZATIONS RELATED TO FISH RECOVERY PROGRAMS.

Section 3 of Public Law 106–392 (114 Stat. 1603; 123 Stat. 1310) is amended—

(1) by striking "2023" each place it appears and inserting "2024";

(2) in subsection (b)(1), by striking "$179,000,000" and inserting "$184,000,000";

(3) in subsection (b)(2), by striking "$30,000,000" and inserting "$25,000,000";

(4) in subsection (h), by striking ", at least 1 year prior to such expiration,"; and

(5) in subsection (j), by striking "2021" each place it appears and inserting "2022".

SEC. 102. COLORADO RIVER SYSTEM CONSERVATION PILOT PROGRAM.

Section 206 of the Energy and Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113–235), is amended—

(1) in subsection (b)(2), by striking "additional funds" and inserting "funds for new water conservation agreements or";

(2) in subsection (c)(2), by striking "2022" and inserting "2024"; and

(3) in subsection (d), by striking "2018" and inserting "2025".

SEC. 103. SALTON SEA PROJECTS.

California.

Section 1101 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4661) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(2) by inserting after subsection (a) the following:

"(b) ADDITIONAL PROJECT AUTHORITIES.—

"(1) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide grants and enter into contracts and cooperative agreements to carry out projects located in the area of the Salton Sea in southern California to mitigate impacts from dust from dry and drying lakebeds and to improve fish and wildlife habitat, recreational opportunities, and water quality, in partnership with—

Grants.
Contracts.

"(A) State, Tribal, and local governments;

"(B) water districts;

"(C) joint powers authorities, including the Salton Sea Authority;

"(D) nonprofit organizations; and

"(E) institutions of higher education.

"(2) INCLUDED ACTIVITIES.—The projects described in paragraph (1) may include—

"(A) construction, operation, maintenance, permitting, and design activities required for the projects; and

"(B) dust suppression projects."; and

(3) in subsection (c) (as so redesignated), by striking "project referred to in subsection (a)" and inserting "projects referred to in subsections (a) and (b)".

SEC. 104. AUTHORIZATION OF SUN RIVER PROJECT, MONTANA.

(a) AUTHORIZATION.—The Secretary, acting through the Commissioner of Reclamation and pursuant to the reclamation laws, may construct, operate, and maintain facilities in the Sun River project, Montana, for the purpose of hydroelectric power generation.

(b) EFFECT.—The authorization under subsection (a) shall—

(1) be in addition to any other authorizations for the Sun River project under existing law; and

(2) not limit, restrict, or alter operations of the Sun River project in a manner that would be adverse to the satisfaction of valid existing water rights or water deliveries to the holder of any valid water service contract.

SEC. 105. ELIGIBILITY UNDER THE INFRASTRUCTURE INVESTMENT AND JOBS ACT OF SMALL WATER STORAGE AND GROUNDWATER STORAGE PROJECTS.

Section 40903(b)(1)(B)(i) of the Infrastructure Investment and Jobs Act (43 U.S.C. 3203(b)(1)(B)(i)) is amended by striking "2,000" and inserting "200".

DIVISION DD—PUBLIC LAND MANAGEMENT

43 USC 776 note.

SEC. 1. DEFINITION OF SECRETARY.

In this division, the term "Secretary" means the Secretary of the Interior.

TITLE I—DEPARTMENT OF THE INTERIOR PROVISIONS

43 USC 1732 note.

SEC. 101. PILOT PROGRAM FOR NATIVE PLANT SPECIES.

(a) DEFINITIONS.—In this section:

(1) INVASIVE SPECIES.—The term "invasive species" means, with respect to a particular ecosystem, a nonnative organism, the introduction of which causes or is likely to cause economic or environmental harm or harm to human, animal, or plant health.

(2) LOCALLY ADAPTED.—The term "locally adapted" means, with respect to plants, plants that—

(A) originate from an area that is geographically proximate to a planting area; and

(B) are environmentally adapted to and likely to become established and persist in that planting area.

(3) NATIVE PLANT SPECIES.—The term "native plant species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(4) NONNATIVE.—The term "nonnative" means, with respect to a particular ecosystem, an organism, including the seeds, eggs, spores, or other biological material of the organism capable of propagating that species, that occurs outside of the natural range of the organism.

(5) PLANT MATERIAL.—The term "plant material" means a plant or the seeds, eggs, spores, or other biological material of a plant capable of propagating the species of the plant.

(b) ESTABLISHMENT.—Not later than 180 days after the date on which funds are made available to carry out this section, the Secretary shall, in accordance with any existing laws and management policies, carry out a pilot program to prioritize the use of native plant species within geographically diverse units of the National Park System and public land administered by the Bureau of Land Management.

(c) IMPLEMENTATION.—In carrying out the pilot program under subsection (b), the Secretary shall, to the extent practicable—

(1) give preference to the use of locally adapted native plant materials where appropriate;

(2) incorporate efforts to prevent, control, or eradicate the spread of invasive species;

(3) incorporate efforts to use native plants in areas that have experienced a recent wildfire event; and

(4) identify situations in which the use of non-native plants may be warranted.

(d) COORDINATION.—The Secretary shall, in carrying out the pilot program under subsection (b), coordinate activities with—

(1) the National Seed Strategy of the Bureau of Land Management;

(2) the Plant Conservation Alliance; and

(3) the Plant Materials Centers of the Natural Resources Conservation Service.

(e) TERMINATION OF AUTHORITY.—The authority to carry out the pilot program under subsection (b) terminates on the date that is 5 years after the date on which the pilot program is established under that subsection.

(f) REPORT.—Not later than 1 year after the date on which the authority to carry out the pilot program terminates under subsection (e), the Secretary shall submit to Congress a report describing—

(1) the results of the pilot program carried out under subsection (b); and

(2) the cost-effectiveness of using native plants in units of the National Park System and public land administered by the Bureau of Land Management.

SEC. 102. REAUTHORIZATION OF THE HIGHLANDS CONSERVATION ACT.

The Highlands Conservation Act (Public Law 108–421; 118 Stat. 2375) is amended—

(1) in section 3— 118 Stat. 2375.

(A) by amending paragraph (1) to read as follows:

"(1) HIGHLANDS REGION.—The term 'Highlands region' means—

"(A) the area depicted on the map entitled 'The Highlands Region', dated June 2004, updated after the date of enactment of this subparagraph to comprise each municipality included on the list of municipalities included in the Highlands region as of that date of enactment, and maintained in the headquarters of the Forest Service in Washington, District of Columbia; and

"(B) a municipality approved by the Director of the United States Fish and Wildlife Service under section 4(e).";

(B) in paragraph (3), by amending subparagraph (B) to read as follows:

"(B) identified by a Highlands State as having high conservation value using the best available science and geographic information systems; and";

(C) in paragraph (4)(A), by striking "; or" and inserting ", including a political subdivision thereof; or"; and

(D) by striking paragraphs (5) through (7);

(2) in section 4— 118 Stat. 2376.

(A) in subsection (a)(1), by striking "in the Study" and all that follows through the end of the paragraph and inserting "using the best available science and geographic information systems; and";

(B) in subsection (c), by amending paragraph (5) to read as follows:

"(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in accordance with the purposes described in section 2 in the Highlands region.";

(C) in subsection (e), by striking "fiscal years 2005 through 2021" and inserting "fiscal years 2023 through 2029";

(D) by redesignating subsection (e) as subsection (g); and

(E) by inserting after subsection (d) the following:

"(e) REQUEST FOR INCLUSION OF ADDITIONAL MUNICIPALITY.—The Director of the United States Fish and Wildlife Service may, at the request of a Highlands State, with the concurrence of the municipality, approve the inclusion of a municipality within the State as part of the Highlands region.

"(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—

"(1) FEDERAL ADMINISTRATION.—The Secretary of the Interior may not expend more than $300,000 for the administration of this Act in each fiscal year.

"(2) STATE ADMINISTRATION.—A State that receives funds under this section for a land conservation partnership project may not use more than 5 percent of the funds to administer the land conservation partnership project.";

118 Stat. 2377.

(3) in section 5—

(A) in subsection (a), by striking "the Study, Update, and any future study that the Forest Service may undertake in";

(B) in subsection (b)—

(i) in paragraph (1), by striking ", including a Pennsylvania and Connecticut Update"; and

(ii) in paragraph (2), by striking "the findings" and all that follows through the end of the paragraph and inserting "with stakeholders regarding implementation of the program; and"; and

(C) in subsection (c), by striking "2005 through 2014" and inserting "2023 through 2029"; and

118 Stat. 2378.

(4) in section 6, by adding at the end the following:

"(f) APPRAISAL METHODOLOGY.—

"(1) IN GENERAL.—With respect to an appraisal related to a land acquisition carried out under this Act, a Highlands State shall use an appraisal methodology approved by the Secretary of the Interior.

"(2) ALTERNATIVE APPRAISAL METHODOLOGY.—A Highlands State may petition the Secretary of the Interior to consider an alternative appraisal methodology when there is a conflict, in any Highlands State, between—

"(A) an appraisal methodology approved by the Secretary of the Interior under paragraph (1); and

"(B) applicable State law.".

43 USC 776.

SEC. 103. CADASTRE OF FEDERAL REAL PROPERTY.

(a) DEFINITIONS.—In this section:

(1) CADASTRE.—

(A) IN GENERAL.—The term "cadastre" means an inventory of real property developed through collecting, storing,

retrieving, or disseminating graphical or digital data depicting natural or man-made physical features, phenomena, or boundaries of the earth, and any information related to the data, including—

(i) surveys;

(ii) maps;

(iii) charts;

(iv) satellite and airborne remote sensing data;

(v) images; and

(vi) services of an architectural or engineering nature performed by 1 or more professionals, as authorized to perform the services under State law, if applicable, such as—

(I) a surveyor;

(II) a photogrammetrist;

(III) a hydrographer;

(IV) a geodesist; or

(V) a cartographer.

(B) INCLUSIONS.—The term "cadastre" includes—

(i) a reference frame consisting of a current geodetic network that is consistent with, and not duplicative of, the National Geodic Survey of the National Oceanic and Atmospheric Administration;

(ii) a series of current and accurate large-scale maps;

(iii) an existing cadastral boundary overlay delineating all cadastral parcels;

(iv) a system for indexing and identifying each cadastral parcel; and

(v) a series of land data files, each including the parcel identifier, which can be used to retrieve information and cross-reference between and among other existing data files that may contain information about the use, assets, and infrastructure of each parcel.

(2) FEDERAL REAL PROPERTY.—

(A) IN GENERAL.—The term "Federal real property" means any real property owned, leased, or otherwise managed by the Secretary concerned.

(B) EXCLUSIONS.—The term "Federal real property" does not include—

(i) real property held in trust by the Federal Government for the benefit of 1 or more Indian Tribes or individual Indians; or

(ii) restricted land owned by an Indian Tribe or individual Indians.

(3) REAL PROPERTY.—The term "real property" means real estate consisting of—

(A) land;

(B) buildings, crops, forests, or other resources still attached to or within the land;

(C) improvements or fixtures permanently attached to the land;

(D) any structure on the land; or

(E) any interest, benefit, right, or privilege in the property described in subparagraphs (A) through (D).

(4) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary; or

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) CADASTRE OF FEDERAL REAL PROPERTY.—

Deadline.

(1) INTERAGENCY DATA STANDARDIZATION.—Not later than 18 months after the date of enactment of this Act, the Secretaries concerned shall jointly develop and adopt interagency standards to ensure compatibility and interoperability among applicable Federal databases with respect to the collection and dissemination of data relating to Federal real property.

Deadline.

(2) DEVELOPMENT OF CADASTRE.—Not later than 2 years after the date of enactment of this Act, the Secretaries concerned, subject to the availability of appropriations, shall develop (and thereafter maintain) a current and accurate multipurpose cadastre of Federal real property under the jurisdiction of the Secretaries concerned to support Federal land management activities on Federal real property, including—

(A) resource development and conservation;

(B) agricultural use;

(C) active forest management;

(D) environmental protection; and

(E) other use of the real property.

Inventory.

(3) CONSOLIDATION AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries concerned shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing—

(A) the existing real property inventories or any components of any cadastre of Federal real property currently authorized by law or maintained by the Secretary concerned, including—

(i) the statutory authorization for each existing real property inventory or component of a cadastre; and

(ii) the amount expended by the Federal Government for each existing real property inventory or component of a cadastre in fiscal year 2022;

(B) the existing real property inventories or any components of any cadastre of Federal real property currently authorized by law or maintained by the Secretary concerned that will be eliminated or consolidated into the multipurpose cadastre under paragraph (2);

(C)(i) the existing real property inventories or any components of any cadastre of Federal real property currently authorized by law or maintained by the Secretary concerned that will not be eliminated or consolidated into the multipurpose cadastre under paragraph (2); and

(ii) a justification for not eliminating or consolidating an existing real property inventory or component of a cadastre described in clause (i) into the multipurpose cadastre under paragraph (2);

(D) the use of existing real property inventories or any components of any cadastre currently maintained by any unit of State or local government that can be used to identify Federal real property within that unit of government;

(E) the cost savings that will be achieved by eliminating or consolidating duplicative or unneeded real property inventories or any components of any cadastre of Federal real property currently authorized by law or maintained by the Secretary concerned that will become part of the multipurpose cadastre under paragraph (2);

Implementation plan.
Cost estimate.
Assessment.

(F) a plan for the implementation of this section, including a cost estimate and an assessment of the feasibility of using revenue from any transactional activity authorized by law to offset any costs of implementing this section; and

Recommendations.

(G) recommendations for any legislation necessary to increase the cost savings and enhance the effectiveness and efficiency of replacing, eliminating, or consolidating Federal real property inventories or any components of any cadastre of Federal real property currently authorized by law or maintained by the Secretary concerned.

(4) COORDINATION.—

(A) IN GENERAL.—In carrying out this section, the Secretaries concerned shall—

(i) participate (in accordance with section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347) and section 757 of the Geospatial Data Act of 2018 (43 U.S.C. 2806)) in the establishment of such standards and common protocols as are necessary to ensure the interoperability of geospatial information pertaining to the cadastre under paragraph (2) for all users of the information;

(ii) coordinate with, seek assistance and cooperation of, and provide liaison to the Federal Geographic Data Committee established by section 753(a) of the Geospatial Data Act of 2018 (43 U.S.C. 2802(a)) for the implementation of and compliance with such standards and requirements of that Act as may be applicable to—

(I) the cadastre under paragraph (2); and

(II) any aspect of the development of the cadastre under paragraph (2);

(iii) integrate, or make the cadastre interoperable with, the Federal Real Property Profile or other inventories established pursuant to Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management), the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287), or the Federal Property Management Reform Act of 2016 (Public Law 114–318; 130 Stat. 1608); and

(iv) to the maximum extent practicable, integrate with and leverage current cadastre activities of units of State and local government.

(B) CONTRACTS CONSIDERED SURVEYING AND MAPPING.—

(i) IN GENERAL.—A contract between the Secretaries concerned and a member of the private sector to provide products and services for the development of the cadastre shall be considered to be a contract

for services of surveying and mapping (within the meaning of chapter 11 of title 40, United States Code).

(ii) SELECTION PROCEDURES.—A contract described in clause (i) shall be entered into in accordance with the selection procedures in chapter 11 of title 40, United States Code.

(c) TRANSPARENCY AND PUBLIC ACCESS.—The Secretary concerned shall—

Web posting.

(1) in accordance with any requirements applicable to the Secretary concerned under section 759 of the Geospatial Data Act of 2018 (43 U.S.C. 2808), make the cadastre under subsection (b)(2) publicly available on the internet—

(A) in a graphically geo-enabled and searchable format; and

(B) in a manner that is consistent with, and meets any requirements for integration with, the GeoPlatform established under section 758(a) of that Act (43 U.S.C. 2807(a));

(2) ensure that the inventory referred to in subsection (b) includes the identification of all land suitable for disposal and the appraised value of the land, if an appraisal has been conducted, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) in consultation with the Secretary of Defense and the Secretary of Homeland Security, prevent the disclosure of any parcel or parcels of land, any buildings or facilities on the land, or any information related to the land, buildings, or facilities if that disclosure would impair or jeopardize the national security or homeland defense of the United States.

Data.

(d) APPLICABLE LAW.—Any data that is part of the cadastre developed under subsection (b)(2) shall be—

(1) considered to be geospatial data for purposes of the Geospatial Data Act of 2018 (43 U.S.C. 2801 et seq.); and

(2) subject to the requirements of that Act.

(e) EFFECT.—Nothing in this section—

(1) creates any substantive or procedural right or benefit; or

(2) requires or authorizes—

(A) any new surveying or mapping of Federal real property;

(B) the evaluation of any parcel of land or other real property for potential management by a non-Federal entity;

(C) the disposal of any Federal real property; or

(D) any new appraisal or assessment of—

(i) the value of any parcel of Federal land or other real property; or

(ii) the cultural and archaeological resources on any parcel of Federal land or other real property.

SEC. 104. SALE OR LEASE OF LAND TO FEDERALLY RECOGNIZED INDIAN TRIBES UNDER THE RECREATION AND PUBLIC PURPOSES ACT.

(a) APPLICATION; ACREAGE LIMITATIONS.—The first section of the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; 68 Stat. 174, chapter 263; 43 U.S.C. 869), is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by inserting "federally recognized Indian Tribe," before "Territory,"; and

(ii) by inserting "Tribal," before "Territorial,"; and

(B) in the second sentence, by inserting ", Tribal," before "or local authority";

(2) in subsection (b)—

(A) by striking "(i) For recreational" and inserting the following:

"(1) For recreational";

(B) by striking "(ii) For public purposes" and inserting the following:

"(2) For public purposes";

(C) in paragraph (1) (as so designated), by adding at the end the following:

"(D) To any federally recognized Indian Tribe, 6,400 acres."; and

(D) in paragraph (2) (as so designated), by adding at the end the following:

"(D) To any federally recognized Indian Tribe, 640 acres."; and

(3) in subsection (c)—

(A) in the second sentence, by striking "States and counties and to State and Federal" and inserting "States, federally recognized Indian Tribes, and counties and to State, Tribal, Territorial, and Federal"; and

(B) in the last sentence, by striking ", except for a use authorized under the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C., sec. 682a), as amended".

(b) CONVEYANCE.—Section 2 of the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; 43 U.S.C. 869–1), is amended—

(1) by inserting ", federally recognized Indian Tribe" before ", Territory" each place it appears;

(2) by inserting "Tribal," before "Territorial," each place it appears; and

(3) by inserting "federally recognized Indian Tribe or" before "municipal corporation" each place it appears.

TITLE II—FOREST SERVICE PROVISIONS

SEC. 201. ADMINISTRATION OF THE LAND BETWEEN THE LAKES NATIONAL RECREATION AREA.

(a) DEFINITIONS.—Section 502 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(2) by inserting after paragraph (10) the following:

"(11) QUALIFIED RESIDENT OR RELATIVE.—The term 'qualified resident or relative' means—

"(A) a former resident of the area within the Recreation Area or the spouse of a former resident of that area; or

"(B) a widow, widower, or lineal descendant of an individual buried in a cemetery located in the Recreation Area.".

(b) ESTABLISHMENT.—Section 511(b) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–11(b)) is amended by striking paragraph (3) and inserting the following:

"(3) STATUS OF UNIT.—The Secretary shall administer the Recreation Area as a separate unit of the National Forest System.".

(c) ADVISORY BOARD.—Section 522 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–22) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "17" and inserting "13";

(B) by striking paragraphs (4) and (5);

(C) in paragraph (3), by adding "and" after the semicolon at the end; and

(D) by redesignating paragraph (6) as paragraph (4);

(2) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) NONCONSECUTIVE TERMS.—Members of the Advisory Board may serve multiple terms, but may not serve consecutive terms.";

(3) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking "may advise" and inserting "shall advise";

(B) in paragraph (1), by striking "and" after the semicolon at the end;

(C) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(3) an annual work plan for recreation and environment education areas in the Recreation Area, including the heritage program, with the nonappropriated amounts in the Land Between the Lakes Management Fund;

"(4) an annual forest management and harvest plan for the Recreation Area; and

"(5) the Land Between the Lakes Management Fund."; and

(4) in subsection (g)—

(A) in paragraph (1), by striking "biannually" and inserting "twice each year";

(B) in paragraph (3), by inserting ", on a public website of the Department of Agriculture," before "and by"; and

(C) by adding at the end the following:

Public information. Web posting.

"(4) MINUTES.—The Secretary shall publish the minutes of each meeting of the Advisory Board on a public website of the Department of Agriculture.".

(d) FEES.—Section 523(a) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–23(a)) is amended by striking "may charge reasonable fees" and inserting "shall charge reasonable fees, in consultation with the Advisory Board and consistent with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.),".

(e) DISPOSITION OF RECEIPTS.—Section 524 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–24) is amended by striking subsection (b) and inserting the following:

"(b) USE.—Amounts in the Land Between the Lakes Management Fund shall be available to the Secretary until expended,

without further appropriation, for construction, improvement, or maintenance in the Recreation Area.

"(c) RESTRICTION ON USE OF FUND.—Except as provided in subsection (b), amounts in the Land Between the Lakes Management Fund shall not be used for management of the Recreation Area, including salaries and expenses.".

(f) COOPERATIVE AUTHORITIES AND GIFTS.—Section 526 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–26) is amended by adding at the end the following:

"(c) MEMORANDA OF UNDERSTANDING.—The Secretary may, for purposes of carrying out this Act—

"(1) enter into memoranda of understanding with State or local government entities, including law enforcement, as appropriate, to clarify jurisdictional matters, such as road management, policing, and other functions that are typically performed by the entity on non-Federal land; and

"(2) make available on a public website of the Department of Agriculture any memoranda of understanding entered into under paragraph (1).". Public information. Web posting.

(g) CEMETERIES.—Section 528 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–28) is amended—

(1) by striking "The Secretary" and inserting the following: "(a) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(b) LAND FOR PLOTS FOR QUALIFIED RESIDENTS OR RELATIVES.—

"(1) REQUESTS.—The Secretary, on request from a qualified resident or relative or a cemetery association, shall grant additional land for the minor expansion of existing cemeteries within the Recreation Area, to the extent necessary, to allow for the burial of qualified residents or relatives.

"(2) EXPENSES.—Any expenses required to move border fences or markers due to an expansion under paragraph (1) shall be the responsibility of the person making the request under that paragraph.".

(h) RESOURCE MANAGEMENT.—Section 529 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–29) is amended by adding at the end the following:

"(c) HISTORICAL RESOURCES.—

"(1) IN GENERAL.—The Secretary shall identify and manage the historical resources of the Recreation Area—

"(A) in accordance with the requirements of division A of subtitle III of title 54, United States Code (formerly known as the 'National Historic Preservation Act'); and

"(B) in consultation with qualified residents or relatives.

"(2) CONSIDERATION.—The Secretary shall—

"(A) in accordance with applicable law, give consideration to requests by qualified residents or relatives to use and maintain traditional sites, buildings, cemeteries, and other areas of cultural importance in the Recreation Area; and

"(B) consult with qualified residents or relatives in the management of the historical resources of the Recreation Area.". Consultation.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–61) is amended—

(1) in subsection (a)(2), by striking "Recreation Area area" and inserting "Recreation Area"; and

(2) by striking subsection (c) and inserting the following: "(c) USE OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture may expend amounts appropriated to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary of Agriculture, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.

"(2) EXCEPTION.—The Secretary of Agriculture shall not use amounts appropriated to carry out this title for an activity described in section 524(b).".

SEC. 202. HAWAII NATIONAL FOREST STUDY.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STUDY AREA.—The term "study area" means the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai in the State of Hawaii.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study—

Determination.

(A) to determine the suitability and feasibility of establishing a unit of the National Forest System in the study area; and

(B) to identify available land within the study area that could be included in the unit described in subparagraph (A).

(2) COORDINATION AND CONSULTATION.—In conducting the study under paragraph (1), the Secretary shall—

(A) coordinate with the Hawaii Department of Land and Natural Resources; and

(B) consult with the Hawaii Department of Agriculture and other interested governmental entities, private and nonprofit organizations, and any interested individuals.

(3) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) consider unique vegetation types that occur in the study area and that should be targeted for inclusion in the unit of the National Forest System described in paragraph (1)(A);

Evaluation.

(B) evaluate the ability of the Secretary—

(i) to improve and protect forest areas within the study area; and

(ii) to secure favorable water flows within the study area;

Determination.

(C) determine whether the unit of the National Forest System described in paragraph (1)(A) would expand, enhance, or duplicate—

(i) resource protection; and

(ii) visitor-use opportunities;

(D) consider parcels of an appropriate size or location to be capable of economical administration as part of the National Forest System separately or jointly with the other land identified under paragraph (1)(B);

(E) evaluate the willingness of landowners to sell or transfer land in the study area to the Secretary; Evaluation.

(F) evaluate the suitability of land in the study area for potential selection and designation as a research natural area or an experimental forest; Evaluation.

(G) identify cost estimates for any Federal acquisition, development, operation, and maintenance that would be needed to establish the unit of the National Forest System described in paragraph (1)(A); and

(H) consider other alternatives for the conservation, protection, and use of areas within the study area by the Federal Government, State or local government entities, or private and nonprofit organizations.

(c) EFFECT.—Nothing in this section authorizes the Secretary to take any action that would affect the use of any land owned by the United States or not owned by the United States.

(d) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

TITLE III—LAND CONVEYANCES AND EXCHANGES

SEC. 301. GILT EDGE MINE CONVEYANCE. South Dakota.

(a) DEFINITIONS.—In this section

(1) FEDERAL LAND.—The term "Federal land" means all right, title, and interest of the United States in and to approximately 266 acres of National Forest System land within the Gilt Edge Mine Superfund Boundary, as generally depicted on the map.

(2) MAP.—The term "map" means the map entitled "Gilt Edge Mine Conveyance Act" and dated August 20, 2020.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(4) STATE.—The term "State" means State of South Dakota.

(b) LAND CONVEYANCE.—

(1) IN GENERAL.—Subject to the terms and conditions described in this section, if the State submits to the Secretary an offer to acquire the Federal land for the market value, as determined by the appraisal under paragraph (3), the Secretary shall convey the Federal land to the State.

(2) TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be—

(A) subject to valid existing rights;

(B) made by quitclaim deed; and

(C) subject to any other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) APPRAISAL.—

Determination.

(A) IN GENERAL.—After the State submits an offer under paragraph (1), the Secretary shall complete an appraisal to determine the market value of the Federal land.

(B) STANDARDS.—The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(4) MAP.—

(A) AVAILABILITY OF MAP.—The map shall be kept on file and available for public inspection in the appropriate office of the Forest Service.

(B) CORRECTION OF ERRORS.—The Secretary may correct any errors in the map.

(5) CONSIDERATION.—As consideration for the conveyance under paragraph (1), the State shall pay to the Secretary an amount equal to the market value of the Federal land, as determined by the appraisal under paragraph (3).

(6) SURVEY.—The State shall prepare a survey that is satisfactory to the Secretary of the exact acreage and legal description of the Federal land to be conveyed under paragraph (1).

(7) COSTS OF CONVEYANCE.—As a condition on the conveyance under paragraph (1), the State shall pay all costs associated with the conveyance, including the cost of—

(A) the appraisal under paragraph (3); and

(B) the survey under paragraph (6).

(8) PROCEEDS FROM THE SALE OF LAND.—Any proceeds received by the Secretary from the conveyance under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for the maintenance and improvement of land or administration facilities in the Black Hills National Forest in the State.

(9) ENVIRONMENTAL CONDITIONS.—Notwithstanding section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)), the Secretary shall not be required to provide any covenant or warranty for the Federal land conveyed to the State under this section.

SEC. 302. CONVEYANCES TO THE UNIVERSITY OF ALASKA.

(a) DEFINITIONS.—In this section:

(1) AVAILABLE STATE-SELECTED LAND.—The term "available State-selected land" means Federal land in the State that has been selected by the State pursuant to section 6(b) of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21), including land upon which the State has, prior to December 31, 1993, filed a future selection application under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)), but not conveyed or patented to the State, pursuant to Public Law 85–508 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21).

(2) INHOLDING.—The term "inholding" means any interest in land owned by the University within—

(A) any conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)); or

(B) any unit of the National Forest System in the State.

(3) SECRETARY.—The term "Secretary" means the Secretary, acting through the Director of the Bureau of Land Management.

(4) STATE.—The term "State" means the State of Alaska.

(5) UNIVERSITY.—The term "University" means the University of Alaska, acting through the Board of Regents.

(b) ESTABLISHMENT.—The Secretary shall establish a program within the Bureau of Land Management—

(1) to identify and convey available State-selected land to the University to support higher education in the State; and

(2) to acquire, by purchase or exchange, University-owned inholdings in the State.

(c) IDENTIFICATION OF LAND TO BE CONVEYED TO THE UNIVERSITY.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the State and the University may jointly identify not more than 500,000 acres of available State-selected land for inclusion in the program established under subsection (b), of which not more than 360,000 acres may be conveyed and patented to the University. Deadline.

(2) TECHNICAL ASSISTANCE.—On the request of the State and the University, the Secretary shall provide technical assistance in the identification of available State-selected land for inclusion in the program established under subsection (b).

(3) MAPS.—As soon as practicable after the date on which the available State-selected land is identified under paragraph (1), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives 1 or more maps depicting the available State-selected land identified for potential conveyance to the University.

(4) CONVEYANCE.—Subject to paragraph (5), if the State and the University notify the Secretary in writing that the State and the University jointly concur with the conveyance of all or a portion of the available State-selected land identified under paragraph (1), and that the State will conditionally relinquish the selection rights of the State to the land covered by the notification on the issuance of the land being tentatively approved, and will fully relinquish those selection rights on final patent by the Secretary to the University, the Secretary shall convey the applicable identified available State-selected land to the University, subject to valid existing rights, in the same manner and subject to the same terms, conditions, and limitations as is applicable to the State under section 6(b) of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21) and other applicable law, to be held in trust for the exclusive use and benefit of the University, to be administered in accordance with subsection (e). Notification.

(5) TERMS AND CONDITIONS.—

(A) MAXIMUM ACREAGE.—Subject to subparagraph (C), the Secretary shall convey not more than a total of 360,000 acres of available State-selected land to the University under this subsection, not to exceed the remaining entitlement of the State under section 6(b) of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21).

(B) LETTERS OF CONCURRENCE.—For purposes of paragraph (4) and subject to the maximum acreage limitation under paragraph (1), the State and the University may submit to the Secretary 1 or more joint letters of concurrence identifying parcels of available State selected land for conveyance as a subset of the total acres to be conveyed under this subsection.

(C) ACREAGE CHARGED AGAINST ALASKA STATEHOOD ACT ENTITLEMENT.—The acreage of land conveyed to the University under this subsection shall be charged against the remaining entitlement of the State under section 6(b) of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21).

(D) SURVEY COSTS.—In accordance with Public Law 85–508 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21), the Secretary shall be responsible for the costs of required surveys.

(E) SUBMERGED LANDS.—Lands beneath navigable waters (as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)) shall not be available for conveyance to the University under the program established under subsection (b).

(d) UNIVERSITY OF ALASKA INHOLDINGS.—

(1) IN GENERAL.—The Secretary or the Secretary of Agriculture, as appropriate, may acquire by purchase or exchange, with the consent of the University, University-owned inholdings within Federal land in the State.

Determination.

(2) APPRAISALS.—The value of the land to be exchanged or acquired under this subsection shall be determined by the Secretary or the Secretary of Agriculture, as appropriate, through appraisals conducted—

(A) in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice; and

(B) by a qualified appraiser mutually agreed to by the Secretary or the Secretary of Agriculture, as appropriate, and the University.

(3) EQUAL VALUE EXCHANGES.—For any land exchange entered into under this subsection, the Federal land and University-owned inholdings exchanged shall be of equal value.

(4) PURCHASE ACQUISITIONS.—Pursuant to chapter 2003 of title 54, United States Code, amounts in the Land and Water Conservation Fund established by section 200302 of that title may be used for the purchase of University-owned inholdings within Federal land in the State under this subsection.

(5) REQUIREMENT.—Any land acquired by the United States under this subsection shall be administered in accordance with

the laws (including regulations) applicable to the conservation system unit or unit of the National Forest System in which the land is located.

(e) ADMINISTRATION OF CONVEYED OR EXCHANGED LAND.—All available State-selected land that is tentatively approved or conveyed to the University under this section, and all land or assets acquired by the University through an exchange under this section, together with the income therefrom and the proceeds from any dispositions thereof, shall be administered by the University in trust to meet the necessary expenses of higher education programs, similar to prior Federal land grants to the University.

(f) STATE AND UNIVERSITY PARTICIPATION.—Nothing in this section requires the State or the University—

(1) to participate in the program established under subsection (b); or

(2) to enter into sales or exchanges of University-owned inholdings under subsection (d).

(g) CONGRESSIONAL NOTIFICATION.—Not later than 90 days after the date of any conveyance and patent to the University under this section, the Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives of the land conveyed and patented. Deadline.

(h) NO EFFECT ON ALASKA STATEHOOD ACT ENTITLEMENT.—Except for any available State-selected land conveyed under subsection (c) and charged against the remaining entitlement of the State under section 6(b) of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21)—

(1) the operation of the program established under subsection (b) shall not diminish or alter the rights of the State to receive the entitlement of the State in any way; and

(2) the State may continue to pursue the transfer of the remaining entitlement of the State under section 6(b) of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21) at any time.

SEC. 303. BONNEVILLE SHORELINE TRAIL WILDERNESS BOUNDARY ADJUSTMENTS.

(a) WILDERNESS AREA INCLUDED IN MOUNT OLYMPUS WILDERNESS.— Section 102(a) of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1657; 16 U.S.C. 1132 note) is amended—

(1) in paragraph (11), by striking "and" at the end;

(2) in paragraph (12), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(13) certain lands in the Uinta-Wasatch-Cache National Forest which comprise approximately 326.27 acres as generally depicted on a map entitled the 'Bonneville Shoreline Trail Legislative Map' dated July 9, 2020, are, subject to valid existing rights, hereby incorporated as part of the Mount Olympus Wilderness designated under paragraph (3).".

(b) WILDERNESS BOUNDARY ADJUSTMENTS.—

(1) MOUNT NAOMI WILDERNESS BOUNDARY ADJUSTMENT.—

(A) ADJUSTMENT.—Section 102 of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1657; 16 U.S.C. 1132 note) is amended by adding at the end the following:

"(c) MOUNT NAOMI WILDERNESS BOUNDARY ADJUSTMENT.—Certain lands in the Uinta-Wasatch-Cache National Forest which comprise approximately 11.17 acres as generally depicted on a map entitled the 'Bonneville Shoreline Trail Legislative Map', dated July 9, 2020, are hereby removed from the Mount Naomi Wilderness designated under subsection (a)(1).".

(B) MANAGEMENT.—The Mount Naomi Wilderness, as designated under section 102(a)(1) of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1658; 16 U.S.C. 1132 note) and adjusted under subparagraph (A), effective beginning on the date of enactment of this Act, shall be managed as part of the Uinta-Wasatch-Cache National Forest.

(2) MOUNT OLYMPUS WILDERNESS BOUNDARY ADJUSTMENT.—

(A) ADJUSTMENT.—Section 102 of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1657; 16 U.S.C. 1132 note), as amended by paragraph (1)(A), is amended by adding at the end the following:

"(d) MOUNT OLYMPUS WILDERNESS BOUNDARY ADJUSTMENT.—Certain lands in the Uinta-Wasatch-Cache National Forest which comprise approximately 197.4 acres as generally depicted on a map entitled the 'Bonneville Shoreline Trail Legislative Map', dated July 9, 2020, are hereby removed from the Mount Olympus Wilderness designated under subsection (a)(3).".

(B) MANAGEMENT.—The Mount Olympus Wilderness, as designated under section 102(a)(3) of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1658; 16 U.S.C. 1132 note) and adjusted under subparagraph (A), effective beginning on the date of enactment of this Act, shall be managed as part of the Uinta-Wasatch-Cache National Forest.

(3) TWIN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—

(A) ADJUSTMENT.—Section 102 of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1657; 16 U.S.C. 1132 note), as amended by paragraphs (1) and (2), is amended by adding at the end the following:

"(e) TWIN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Certain lands in the Uinta-Wasatch-Cache National Forest which comprise approximately 9.8 acres as generally depicted on a map entitled the 'Bonneville Shoreline Trail Legislative Map', dated July 9, 2020, are hereby removed from the Twin Peaks Wilderness designated under subsection (a)(4).".

(B) MANAGEMENT.—The Twin Peaks Wilderness, as designated under section 102(a)(4) of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1658; 16 U.S.C. 1132 note) and adjusted under subparagraph (A), effective beginning on the date of enactment of this Act, shall be managed as part of the Uinta-Wasatch-Cache National Forest.

(4) LONE PEAK WILDERNESS BOUNDARY ADJUSTMENT.—

(A) ADJUSTMENT.—Section 2 of the Endangered American Wilderness Act of 1978 (Public Law 95–237; 92 Stat. 42; 16 U.S.C. 1132 note) is amended—

(i) in subsection (j), by striking "and" at the end;

(ii) in subsection (k), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(l) certain lands in the Uinta-Wasatch-Cache National Forest, Utah, which comprise approximately 107.9 acres as generally depicted on a map entitled the 'Bonneville Shoreline Trail Legislative Map', dated July 9, 2020, are hereby removed from the Lone Peak Wilderness Area designated under subsection (i).".

(B) MANAGEMENT.—The Lone Peak Wilderness Area, as designated under section 2(i) of the Endangered American Wilderness Act of 1978 (Public Law 95–237; 92 Stat. 42; 16 U.S.C. 1132 note) and adjusted under subparagraph (A), effective beginning on the date of enactment of this Act, shall be managed as part of the Uinta-Wasatch-Cache National Forest.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section—

(1) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(2) affects any water right (as defined by applicable State law) in existence on the date of enactment of this Act, including any water right held by the United States;

(3) affects any interstate water compact in existence on the date of enactment of this Act; or

(4) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(d) MAP.—

(1) MAP ON FILE.—The map entitled the "Bonneville Shoreline Trail Legislative Map", dated July 9, 2020, shall be on file and available for inspection in the office of the Chief of the Forest Service.

(2) CORRECTIONS.—The Secretary of Agriculture may make technical corrections to the map described in paragraph (1).

SEC. 304. ARIZONA EXPERIMENT STATION LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) EASEMENT.—The term "easement" means an easement to access and use Forest Service Road 9201D from its junction with Forest Service Road 0618 (commonly known as "Beaver Creek").

(2) FEDERAL LAND.—The term "Federal land" means the approximately 13.3 acres of National Forest System land within the Coconino National Forest in the State of Arizona, as generally depicted on the map entitled "Act to Convey Certain NFS Land and non-Federal Land in Arizona Winter Quarters" and dated June 20, 2019.

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

(4) UNIVERSITY.—The term "University" means the Arizona Board of Regents, acting on behalf of the University of Arizona Experiment Station.

(b) COCONINO NATIONAL FOREST LAND CONVEYANCE.—

(1) CONVEYANCE AUTHORIZED.—Subject to this subsection, if the University submits to the Secretary not later than 180 days after the date of enactment of this Act a written request to acquire the Federal land for market value, as determined by the appraisal conducted under paragraph (4), the Secretary

Deadlines.

shall, not later than 1 year after the date of enactment of this Act, convey to the University all right, title, and interest of the United States in and to that land, including related infrastructure, improvements, and easements on that land.

(2) TERMS AND CONDITIONS.—The conveyance authorized under paragraph (1) shall be—

(A) subject to valid existing rights;

(B) notwithstanding any other provision of law; and

(C) subject to any other terms and conditions as considered appropriate by the Secretary.

(3) FOREST SERVICE ACCESS.—The Secretary shall retain all other rights not included in the conveyance authorized under paragraph (1) to Forest Service Road 9201D from its junction with Forest Service Road 0618 (commonly known as "Beaver Creek"), including the maintenance of, and continued administrative access to, that road.

(4) APPRAISAL.—

Deadline.
Determination.

(A) IN GENERAL.—Not later than 90 days after the date on which the University submits a written request under paragraph (1), the Secretary shall complete an appraisal to determine the market value of the Federal land.

(B) STANDARDS.—The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

Washington.

SEC. 305. WIND RIVER ADMINISTRATIVE SITE CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Skamania County, Washington.

(2) MAP.—The term "map" means the map entitled "Wind River Administrative Site Conveyance Proposal" and dated July 7, 2020.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

Deadlines.

(b) CONVEYANCE OF LAND AND IMPROVEMENTS.—If the County submits a written request to the Secretary not later than 180 days after the date of enactment of this Act, the Secretary shall, not later than 2 years after the date of the enactment of this Act, convey to the County all right, title, and interest of the United States in and to the approximately 23.4 acres of National Forest System land, related infrastructure, and all improvements, as generally depicted as "proposed conveyance" on the map.

(c) MAP.—

(1) AVAILABILITY OF MAP.—The map shall be kept on file and available for public inspection in the appropriate office of the Forest Service.

(2) CORRECTION OF ERRORS.—The Secretary may correct minor errors in the map.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance under subsection (b) shall be—

(A) subject to valid existing rights;

(B) notwithstanding any other provision of law, made without consideration;

(C) made by quitclaim deed;

(D) subject to a right-of-way and restrictive easement reservation of a width to be determined by the Secretary, for the protection of the Pacific Crest National Scenic Trail;

(E) completed in accordance with the Forest Service Facility Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note; Public Law 109–54), except that subsections (b) and (c) of section 504 of that Act shall not apply;

(F) subject to right-of-way reservations made pursuant to section 507 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1767);

(G) subject to the County managing a portion of the land conveyed under subsection (b) for public recreational purposes;

(H) subject to the County retaining ownership of the land conveyed under subsection (b) in perpetuity; and

(I) subject to any other terms and conditions as the Secretary determines appropriate.

(2) REVERSION.—The land conveyed under subsection (b) shall, at the discretion of the Secretary, revert to the United States if—

(A) the land is used in a manner that is inconsistent with the use described in paragraph (1)(G); or

(B) the County attempts to dispose of the land.

(e) FEDERAL PROPERTY DISPOSAL.—Chapter 5 of subtitle I of title 40, United States Code, shall not apply to the conveyance under subsection (b).

(f) HAZARDOUS MATERIALS.—With respect to the conveyance under subsection (b), the Secretary—

(1) shall meet disclosure requirements for hazardous substances, pollutants, or contaminants under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)); and

(2) shall not otherwise be required to remediate or abate the hazardous substances, pollutants, or contaminants disclosed pursuant to paragraph (1).

(g) CLOSING COSTS.—As a condition for the conveyance under subsection (b), the County shall pay all closing costs associated with the conveyance, including for—

(1) title insurance and title search; and

(2) any applicable inspection fees, escrow fees, attorneys' fees, and recording fees.

(h) SURVEY.—

(1) IN GENERAL.—The exact acreage and legal description of the National Forest System land to be conveyed under subsection (b) shall be determined by a survey satisfactory to the Secretary. Determination.

(2) COSTS OF SURVEY.—The Secretary may bear all costs associated with the survey under paragraph (1).

(i) USE OF LAND.—

(1) IN GENERAL.—The land and related infrastructure conveyed under subsection (b) shall be maintained by the County pursuant to standards established by the Secretary of the Interior under section 306101 of title 54, United States Code.

(2) REVERSION.—If any portion of the land conveyed under subsection (b) is used in a manner that is inconsistent with the use described in paragraph (1), the land shall, at the discretion of the Secretary, revert to the United States.

SEC. 306. RIGHT-OF-WAY PERMIT FOR NATURAL GAS DISTRIBUTION MAIN SEGMENT AT VALLEY FORGE NHP.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may issue a right-of-way permit pursuant to part 14 of title 36, Code of Federal Regulations (as in effect on the date of the enactment of this Act), for the covered main segment if the covered main segment is relocated to a proposed realignment of Valley Forge Park Road and North Gulph Road within the Park.

Applicability.

(b) SCOPE OF AUTHORITY.—The authority to grant a right-of-way permit under subsection (a) shall apply only to the covered main segment and shall not apply to any other part of the natural gas distribution main system or any other pipeline system within the Park.

(c) DEFINITIONS.—In this section:

(1) COVERED MAIN SEGMENT.—The term "covered main segment" means the portions of the natural gas distribution main (including all appurtenances used in the operation of such main) within the Park—

(A) existing on the date of the enactment of this Act; and

(B) that are located under, along, or adjacent to the segments of North Gulph Road and Valley Forge Park Road (SR3039 and SR0023 respectively, as those roads were aligned on January 21, 2022) that are between—

(i) the intersection of North Gulph Road with Richards Road; and

(ii) a point on Valley Forge Park Road located 500 feet northwest of its intersection with County Line Road.

(2) PARK.—The term "Park" means Valley Forge National Historical Park.

TITLE IV—WILD AND SCENIC RIVER DESIGNATIONS

SEC. 401. DESIGNATION OF YORK WILD AND SCENIC RIVER, MAINE.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(231) YORK RIVER, MAINE.—The following segments of the main stem and tributaries (including portions of Bass Cove Creek, Cider Hill Creek, Cutts Ridge Brook, Dolly Gordon Brook, Libby Brook, Rogers Brook, and Smelt Brook) in the State of Maine, totaling approximately 30.8 miles, to be administered by the Secretary of the Interior, as a recreational river:

"(A) The approximately 0.95-mile segment of Bass Cove Creek from the outlet of Boulter Pond in York, Maine, and extending downstream to the confluence with the York River in York, Maine.

"(B) The approximately 3.77-mile segment of Cider Hill Creek from the Middle Pond dam in York, Maine, and extending downstream to the confluence with the York River in York, Maine.

"(C) The approximately 2.15-mile segment of Cutts Ridge Brook from the headwaters in Kittery, Maine, and extending downstream to the confluence with the York River in York, Maine.

"(D) The approximately 3.17-mile segment of Dolly Gordon Brook from the headwaters in York, Maine, and extending downstream to the confluence with the York River in York, Maine.

"(E) The approximately 1.65-mile segment of Libby Brook from the headwaters in Kittery, Maine, and extending downstream to the confluence with Dolly Gordon Brook in York, Maine.

"(F) The approximately 2.43-mile segment of Rogers Brook from the headwaters in Eliot, Maine, and extending downstream to the confluence with the York River in York, Maine.

"(G) The approximately 4.54-mile segment of Smelt Brook from the Bell Marsh Reservoir dam in York, Maine, and extending downstream to the confluence with the York River in York, Maine.

"(H) The approximately 12.14-mile segment of the York River from the outlet of York Pond in Eliot, Maine, and extending downstream to the Route 103 Bridge in York, Maine, including Barrell Mill Pond in York, Maine.".

(b) MANAGEMENT OF YORK WILD AND SCENIC RIVER, MAINE.— 16 USC 1274 note.

(1) DEFINITIONS.—In this subsection:

(A) COVERED SEGMENT.—The term "covered segment" means a river segment designated by paragraph (231) of section 3(a) of the of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)).

(B) STATE.—The term "State" means the State of Maine.

(C) STEWARDSHIP COMMITTEE.—The term "Stewardship Committee" means the York River Stewardship Committee.

(D) STEWARDSHIP PLAN.—The term "stewardship plan" means the plan entitled the "York River Watershed Stewardship Plan", dated August 2018, and developed pursuant to the study described in section 5(b)(21) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)(21)).

(2) STEWARDSHIP PLAN.—

(A) IN GENERAL.—The Secretary shall manage the covered segments in accordance with—

(i) the stewardship plan; and

(ii) any amendments to the stewardship plan that—

(I) the Secretary determines are consistent with this section; and

(II) are approved by the Stewardship Committee.

(B) COMPREHENSIVE MANAGEMENT PLAN.—The stewardship plan shall be considered to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(3) COORDINATION WITH COMMITTEE.—The Secretary shall coordinate the management responsibilities of the Secretary under this section and the amendments made by this section with the Stewardship Committee, as provided in the stewardship plan.

(4) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—To provide for the long-term protection, preservation, and enhancement of the covered segments, the Secretary may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with—

(i) the State;

(ii) the towns of Eliot, Kittery, South Berwick, and York in the State; and

(iii) appropriate local, regional, or State planning, environmental, or recreational organizations.

(B) CONSISTENCY.—Each cooperative agreement entered into under this paragraph—

(i) shall be consistent with the stewardship plan; and

(ii) may include provisions for Federal financial or other assistance.

(5) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—For the purposes of the covered segments, the zoning ordinances adopted by the towns described in paragraph (4)(A)(ii), including any provisions for the conservation of floodplains, wetlands, and watercourses associated with the covered segments, shall be considered to satisfy the requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) ACQUISITION OF LAND.—The authority of the Secretary to acquire land for the purposes of the covered segments shall be—

(i) limited to acquisition by donation or acquisition with the consent of the owner of the land; and

(ii) subject to the additional criteria provided in the stewardship plan.

(C) NO CONDEMNATION.—No land or interest in land within the watersheds of the covered segments may be acquired by condemnation.

(6) RELATION TO THE NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the covered segments shall not be—

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) applicable to the National Park System.

SEC. 402. DESIGNATION OF HOUSATONIC WILD AND SCENIC RIVER, CONNECTICUT.

(a) AMENDMENTS TO WILD AND SCENIC RIVERS ACT.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 401(a)) is amended by adding at the end the following:

"(232) HOUSATONIC RIVER, CONNECTICUT.—

"(A) IN GENERAL.—The following segments of the Housatonic River in the State of Connecticut, to be administered by the Secretary of the Interior:

"(i) The approximately 14.9-mile segment from the Massachusetts-Connecticut boundary to the covered bridge in West Cornwall, as a scenic river.

"(ii) The approximately 4.1-mile segment from the covered bridge in West Cornwall to the Cornwall Bridge, as a recreational river.

"(iii) The approximately 9.1-mile segment from the Cornwall Bridge to the Route 341 bridge in Kent, as a scenic river.

"(iv) The approximately 12.2-mile segment from the Route 341 bridge in Kent to the Boardman Bridge in New Milford, as a recreational river.

"(B) EFFECTS ON HYDROELECTRIC FACILITIES.—The designation of the river segments in subparagraph (A) shall not—

"(i) impact or alter the existing terms of permitting, licensing, or operation of—

"(I) the Falls Village Hydroelectric Generating Station located in Falls Village, Connecticut (FERC P–2576); or

"(II) the Bulls Bridge Hydroelectric Generating Station located in New Milford, Connecticut (FERC P–2576); or

"(ii) preclude the Federal Energy Regulatory Commission from licensing, relicensing, or otherwise authorizing the operation or continued operation of the facilities named in clause (i).".

(b) MANAGEMENT.— 16 USC 1274 note.

(1) PROCESS.—The Housatonic River segments shall be managed in accordance with—

(A) the Management Plan; and

(B) such amendments to the Management Plan as the Secretary determines are consistent with this section and the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(2) COMPREHENSIVE MANAGEMENT PLAN.—The Management Plan shall be considered to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(3) COOPERATIVE MANAGEMENT.—

(A) IN GENERAL.—To provide for long-term protection, preservation, and enhancement of the Housatonic River segments, the Secretary shall coordinate management responsibilities under this section, and may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), with—

(i) the State of Connecticut;

(ii) the towns of Sharon, Canaan, Cornwall, Salisbury, New Milford, Kent, and North Canaan, Connecticut; and

(iii) appropriate planning, environmental, and recreational organizations, including—

(I) local, regional, State, and multistate organizations; and

(II) any other appropriate organizations, as determined by the Housatonic River Commission, or its successor organization, as defined in the Management Plan.

(B) COOPERATIVE AGREEMENTS.—Each cooperative agreement entered into under this paragraph shall be consistent with the Management Plan and may include provisions for financial or other assistance from the United States.

(4) ZONING ORDINANCES.—For the purposes of the Housatonic River segments, the zoning ordinances adopted by the municipalities named in paragraph (3)(A)(ii) shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(5) ACQUISITION OF LANDS.—The authority of the Secretary to acquire land for the Housatonic River segments shall be—

(A) limited to acquisition by donation or acquisition with the consent of the owner thereof; and

(B) subject to the additional criteria set forth in the Management Plan.

(6) NO CONDEMNATION.—No land or interest in land may be acquired for the Housatonic River segments by condemnation.

(7) RELATION TO THE NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Housatonic River segments shall not be—

(A) administered as a part or unit of the National Park System; or

(B) subject to regulations that govern the National Park System.

(8) DEFINITIONS.—In this subsection:

(A) MANAGEMENT PLAN.—The term "Management Plan" means the Housatonic River Management Plan, dated September 2006.

(B) HOUSATONIC RIVER SEGMENTS.—The term "Housatonic River segments" means the river segments designated by the amendments made by subsection(a).

SEC. 403. DESIGNATION FOR STUDY OF WILD AND SCENIC RIVER SEGMENTS, LITTLE MANATEE RIVER, FLORIDA.

(a) IN GENERAL.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

"(145) LITTLE MANATEE RIVER, FLORIDA.—The approximately 50-mile segment beginning at the source in southeastern Hillsborough County, Florida, downstream to the point at which the river enters Tampa Bay, including appropriate tributaries, but shall not include—

"(A) those portions lying within Manatee County, Florida, and being more particularly described as Parcel ID 247800059, Parcel ID 248200008, and Parcel ID 248100000; and

"(B) South Fork.".

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

"(22) LITTLE MANATEE RIVER, FLORIDA.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

"(A) complete the study of the Little Manatee River, Florida named in subsection (a)(145); and

"(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.".

(c) EFFECT ON MANAGEMENT.—This section and the amendments made by this section shall not interfere with the current management of the area of the Little Manatee River described in paragraph (145) of section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)), nor shall the fact that such area is listed for study under that Act be used as justification for more restrictive management until Congress acts on the study recommendations. 16 USC 1276 note.

SEC. 404. DESIGNATION FOR STUDY OF WILD AND SCENIC RIVER SEGMENTS, KISSIMMEE RIVER, FLORIDA.

(a) IN GENERAL.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) (as amended by section 403(a)) is amended by adding at the end the following:

"(146) KISSIMMEE RIVER, FLORIDA.—The restored segment of the Kissimmee River, beginning approximately 16 miles downstream of Lake Kissimmee and ending approximately 15 miles upstream of Lake Okeechobee.".

(b) STUDIES AND REPORTS.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) (as amended by section 403(b)) is amended by adding at the end the following:

"(23) KISSIMMEE RIVER, FLORIDA.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall— Deadline.

"(A) complete the study of the Kissimmee River, Florida named in paragraph (146) of subsection (a); and

"(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.".

(c) EFFECT ON MANAGEMENT.—This section and the amendments made by this section shall not interfere with the current management of the area of the Kissimmee River described in paragraph (146) of section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)), nor shall the fact that such area is listed for study under that Act be used as justification for more restrictive management until Congress acts on the study recommendations. 16 USC 1276 note.

TITLE V—NATIONAL TRAILS SYSTEM

SEC. 501. DESIGNATION OF THE CHILKOOT NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(31) CHILKOOT NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Chilkoot National Historic Trail, an approximately 16.5-mile route within the Klondike Gold Rush National Historical Park that was traditionally

used as a trading route by the Tlingit Indian Tribe and Tagish First Nation and as a gold rush route, as generally depicted on the map entitled 'Proposed Chilkoot National Historic Trail', numbered KLGO–461–173787, and dated October 2020.

"(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(C) ADMINISTRATION.—The Chilkoot National Historic Trail shall be administered by the Secretary of the Interior.

"(D) EFFECT.—The designation of the Chilkoot National Historic Trail shall not affect any authorities under Public Law 94–323 (16 U.S.C. 410bb et seq.).

"(E) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with public and nongovernmental organizations and institutions of higher education in the United States and Canada, Alaska Native Corporations, and, in consultation with the Secretary of State, the Government of Canada and any political subdivisions of the Government of Canada for the purposes of—

"(i) exchanging information and research relating to the Chilkoot National Historic Trail;

"(ii) supporting the preservation of, and educational programs relating to, the Chilkoot National Historic Trail;

"(iii) providing technical assistance with respect to the Chilkoot National Historic Trail; and

"(iv) working to establish an international historic trail incorporating the Chilkoot National Historic Trail that provides for complementary preservation and education programs in the United States and Canada.".

SEC. 502. ALASKA LONG NATIONAL SCENIC TRAIL STUDY.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

"(48) ALASKA LONG TRAIL.—

"(A) IN GENERAL.—The Alaska Long Trail, extending approximately 500 miles from Seward, Alaska, to Fairbanks, Alaska.

"(B) REQUIREMENT.—The Secretary of the Interior (referred to in this paragraph as the 'Secretary') shall study the feasibility of designating the trail described in subparagraph (A), including evaluating the potential impacts of the trail on rights-of-way, existing rights, or other recreational uses of the land proposed to be used for the trail.

"(C) CONSULTATION.—The Secretary shall conduct the study under this paragraph in consultation with—

"(i) the Secretary of Agriculture, acting through the Chief of the Forest Service;

"(ii) the State of Alaska;

"(iii) units of local government in the State of Alaska;

"(iv) Alaska Native Corporations; and

"(v) representatives of the private sector, including any entity that holds a permit issued by the Federal Energy Regulatory Commission.".

SEC. 503. BUCKEYE NATIONAL SCENIC TRAIL FEASIBILITY STUDY.

Ohio.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) (as amended by section 502) is amended by adding at the end the following:

"(49) BUCKEYE TRAIL.—The Buckeye Trail, a system of trails creating a loop extending approximately 1,454 miles from Lake Erie to the Ohio River, through the farmland of northwest Ohio, the hills of Appalachia, the Black Hand sandstone cliffs of the Hocking Hills region, and the Bluegrass region of southwest Ohio.".

TITLE VI—NATIONAL PARK SERVICE PROVISIONS

Subtitle A—Additions to the National Park System

SEC. 601. NEW PHILADELPHIA NATIONAL HISTORIC SITE.

Illinois.
54 USC 320101 note.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term "historic site" means the New Philadelphia National Historic Site established by subsection (b)(1).

(2) STATE.—The term "State" means the State of Illinois.

(b) ESTABLISHMENT OF NEW PHILADELPHIA NATIONAL HISTORIC SITE.—

(1) ESTABLISHMENT.—There is established in the State as a unit of the National Park System the New Philadelphia National Historic Site.

(2) PURPOSE.—The purpose of the historic site is to protect, preserve, and interpret the historic resources associated with the town of New Philadelphia, the first town in the United States planned and legally registered by a free African American before the Civil War.

(3) BOUNDARY.—The historic site shall consist of the approximately 124.33 acres of land within the boundary generally depicted as "Proposed Boundary" on the map prepared by the National Park Service entitled "New Philadelphia National Historic Site Proposed Boundary", numbered 591/176,516, and dated July 2021.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer land within the boundary of the historic site in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(ii) chapter 3201 of title 54, United States Code.

(2) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into cooperative agreements with the State or other public and private entities—

(i) to coordinate preservation and interpretation activities within the historic site; and

(ii) to identify, interpret, and provide assistance for the preservation and interpretation of non-Federal land within the boundary of the historic site and at sites in close proximity to the historic site that are located outside the boundary of the historic site.

(B) PUBLIC ACCESS.—Any cooperative agreement entered into under subparagraph (A) to provide assistance to non-Federal land shall provide for reasonable public access to the non-Federal land.

(3) ACQUISITION OF LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may acquire land and interests in land for inclusion in the historic site by—

(i) donation;

(ii) purchase with donated or appropriated funds; or

(iii) exchange.

(B) LIMITATION.—Any land owned by the State or a political subdivision of the State may be acquired for inclusion in the historic site only by donation.

(4) TECHNICAL AND PRESERVATION ASSISTANCE.—The Secretary may provide public interpretation and technical assistance for the preservation of historic structures of, the maintenance of the cultural landscape of, and local preservation planning for, related historic and cultural resources within the boundaries of the historic site.

Deadline.

(5) MANAGEMENT PLAN.—Not later than 3 fiscal years after the date on which funds are first made available to carry out this section, the Secretary, in consultation with the State, shall complete a general management plan for the historic site in accordance with—

(A) section 100502 of title 54, United States Code; and

(B) any other applicable laws.

Subtitle B—Modifications to Existing Units of the National Park System

54 USC 320301 note.

SEC. 611. SUNSET CRATER VOLCANO NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the approximately 97.71 acres of Forest Service land identified as "Proposed transfer from USDA Forest Service to National Park Service" on the Map.

(2) MAP.—The term "Map" means the map entitled "Sunset Crater Volcano National Monument Draft Proposed Boundary Adjustment", numbered 039/80,053d, and dated January 2021.

(3) MONUMENT.—The term "Monument" means the Sunset Crater Volcano National Monument established by Presidential Proclamation 1911 (54 U.S.C. 320301 note; 46 Stat. 3023) and

redesignated by section 15 of the Smith River National Recreation Area Act (Public Law 101–612; 104 Stat. 3222).

(4) SECRETARY.—The term "Secretary" means the Secretary, acting through the Director of the National Park Service.

(b) SUNSET CRATER VOLCANO NATIONAL MONUMENT BOUNDARY MODIFICATION.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.—Administrative jurisdiction over the Federal land is transferred from the Forest Service to the National Park Service.

(2) MAP AVAILABILITY.—The Map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(3) BOUNDARY MODIFICATION.—The boundary of the Monument is modified to include the Federal land.

(4) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall administer the Federal land added to the Monument under paragraph (3)—

(A) as part of the Monument; and

(B) in accordance with applicable laws (including regulations).

SEC. 612. ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK.

(a) NYSTROM ELEMENTARY SCHOOL ADDITION.—Section 2 of the Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000 (16 U.S.C. 410ggg) is amended by striking subsection (b) and inserting the following:

"(b) AREAS INCLUDED.—

"(1) IN GENERAL.—The boundaries of the park shall include—

"(A)(i) the areas generally depicted on the map entitled 'Proposed Boundary Map, Rosie the Riveter/World War II Home Front National Historical Park', numbered 963/80,000, and dated May 2000; and

"(ii) the areas depicted as the 'Proposed Boundary Addition' on the map entitled 'Rosie the Riveter/World War II Home Front National Historical Park Proposed Boundary Addition', numbered 499/168,353, and dated May 2020; and

"(B) any other historic properties identified by the Secretary as appropriate for addition to the park, subject to the requirement that a historic property proposed for addition to the park shall—

"(i) be determined to be eligible for listing in the National Register of Historic Places;

"(ii) have a direct connection to World War II home front themes in Richmond, California; and

"(iii) relate to the purpose, significance, and interpretive themes of the park.

"(2) AVAILABILITY OF MAPS.—The maps referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.".

(b) ADMINISTRATION.—Section 3(a) of the Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000 (16 U.S.C. 410ggg–1(a)) is amended by adding at the end the following:

"(3) NYSTROM ELEMENTARY SCHOOL.—Nothing in this Act affects the authority of the West Contra Costa Unified School District to administer Nystrom Elementary School.".

(c) COOPERATIVE AGREEMENTS.—Section 3(b) of the Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000 (16 U.S.C. 410ggg–1(b)) is amended by adding at the end the following:

"(3) WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT.—

"(A) IN GENERAL.—The Secretary may enter into cooperative agreements with the West Contra Costa Unified School District and other appropriate public and private agencies, organizations, and institutions to carry out the purposes of this Act.

"(B) VISITOR INTERPRETATION.—The Secretary shall coordinate visitor interpretation of the Nystrom Elementary School site with the West Contra Costa Unified School District.".

16 USC 459b–7 note. Effective date.

SEC. 613. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Effective September 26, 2018, section 8 of Public Law 87–126 (16 U.S.C. 459b–7) is amended—

(1) in subsection (a), in the second sentence, by striking "2018" and inserting "2029";

(2) by striking subsection (g); and

(3) by redesignating subsection (h) as subsection (g).

SEC. 614. CANE RIVER CREOLE NATIONAL HISTORICAL PARK BOUNDARY MODIFICATION.

Section 303(b) of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–1(b)) is amended by adding at the end the following:

"(5) The approximately 46.1 acres of land identified as 'Proposed Addition', as generally depicted on the map entitled 'Cane River Creole National Historical Park Proposed Addition—Magnolia Plantation Unit', numbered 494/176,958, and dated October 2021.".

SEC. 615. USE OF CERTAIN ROADS WITHIN THE DELAWARE WATER GAP NATIONAL RECREATION AREA.

Section 4(b) of the Delaware Water Gap National Recreation Area Improvement Act (Public Law 109–156; 119 Stat. 2948; 131 Stat. 2246) is amended, in the matter preceding paragraph (1), by striking "Until" and all that follows through "subsection (a)" and inserting "Until September 30, 2026, subsection (a)".

SEC. 616. WILSON'S CREEK NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.

Section 1(b) of Public Law 86–434 (16 U.S.C. 430kk(b)) is amended—

(1) in paragraph (1)—

(A) in the second sentence, by striking "The map" and inserting the following:

"(C) AVAILABILITY OF MAPS.—The maps described in subparagraphs (A) and (B)";

(B) by striking "(1) The boundaries" and inserting the following:

"(1) ADDITIONAL LAND.—

"(A) IN GENERAL.—The boundaries";

(C) by inserting after subparagraph (A) (as so designated) the following:

"(B) NEWTONIA BATTLEFIELD ADDITION.—The boundary of the Wilson's Creek National Battlefield is revised to include the approximately 25 acres of land identified as 'Proposed Addition' on the map entitled 'Wilson's Creek National Battlefield Proposed Boundary Modification', numbered 410/177,379, and dated July 2022."; and

(D) by adding at the end the following:

"(D) ERRORS.—The Secretary of the Interior may correct any clerical or typographical error in a map described in subparagraph (A) or (B)."; and

(2) in paragraph (2)—

(A) by striking "(2) The Secretary is authorized to acquire the lands referred to in paragraph (1)" and inserting the following:

"(2) METHOD OF ACQUISITION.—The Secretary of the Interior may acquire the land described in subparagraphs (A) and (B) of paragraph (1)"; and

(B) in the second sentence, by striking "the park" and inserting "Wilson's Creek National Battlefield".

SEC. 617. STE. GENEVIEVE NATIONAL HISTORICAL PARK BOUNDARY REVISION.

(a) DEFINITIONS.—Section 7134(a) of the Energy and Natural Resources Act of 2017 (as enacted into law by section 121(a)(2) of division G of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 16 U.S.C. 410xxx(a)(3))) is amended—

(1) in paragraph (3), by striking "numbered 571/149,942, and dated December 2018" and inserting "numbered 571/177,464, and dated September 2021";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.".

(b) AUTHORITY TO CORRECT ERRORS IN MAP.—Section 7134(d) of the Energy and Natural Resources Act of 2017 (as enacted into law by section 121(a)(2) of division G of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 16 U.S.C. 410xxx(d))) is amended—

(1) by striking "The Map" and inserting the following: "(1) IN GENERAL.—The Map"; and

(2) by adding at the end the following:

"(2) AUTHORITY TO CORRECT ERRORS.—The Secretary may correct any clerical or typographical errors in the Map.".

(c) VISITOR CENTER AND ADMINISTRATIVE FACILITIES.—Section 7134(e) of the Energy and Natural Resources Act of 2017 (as enacted into law by section 121(a)(2) of division G of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 16 U.S.C. 410xxx(e))) is amended by adding at the end the following:

"(3) VISITOR CENTER.—The Secretary—

"(A) may acquire, by donation, the land (including any improvements to the land) owned by the city of Ste. Genevieve, Missouri, and used as the visitor center for the Historical Park, as generally depicted on the Map as 'Proposed Boundary Addition'; and

"(B) on acquisition of the land described in subparagraph (A), shall revise the boundary of the Historical Park to include the acquired land.

"(4) ADMINISTRATIVE FACILITIES.—The Secretary may acquire, by purchase from a willing seller or by donation, not more than 20 acres of land in the vicinity of the Historical Park for administrative facilities for the Historical Park.".

SEC. 618. CONVEYANCE OF CERTAIN FEDERAL LAND IN MAINE FOR AFFORDABLE WORKFORCE HOUSING.

Section 102(f) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking "by any town which so desires" in the first sentence and all that follows through the period at the end of paragraph (2) and inserting the following: "for affordable workforce housing to benefit the towns on Mount Desert Island, subject to the limitation that the Secretary may retain not more than 15 acres of the Federal land identified as '4DBH' on the map, to be used by the Secretary to provide housing and administrative facilities for the use of, and supporting the purposes of, the Park.".

Illinois.
16 USC 410jjjj.

SEC. 619. DESIGNATION OF PULLMAN NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term "historical park" means the Pullman National Historical Park.

(2) MAP.—The term "map" means the map entitled "Pullman National Historical Park Boundary", numbered 590/125,485, and dated November 2021.

(b) REDESIGNATION OF PULLMAN NATIONAL MONUMENT.—

(1) IN GENERAL.—The Pullman National Monument, established by Proclamation Number 9233, dated February 19, 2015, is redesignated as the "Pullman National Historical Park".

(2) AVAILABILITY OF FUNDS.—Any funds available for purposes of the Pullman National Monument shall be available for purposes of the historical park.

(3) REFERENCES.—Any references in a law, regulation, document, record, map, or other paper of the United States to the Pullman National Monument shall be considered to be a reference to the historical park.

(4) PROCLAMATION.—Proclamation Number 9233, dated February 19, 2015, shall have no force or effect.

(c) PURPOSES.—The purposes of the historical park are to preserve, protect, and interpret Pullman's nationally significant cultural and historical resources associated with—

(1) the labor history of the United States and creation of a national Labor Day holiday;

(2) the first planned industrial community in the United States;

(3) the architecture and landscape design of the planned community;

(4) the pivotal role of the Pullman porter in the rise of the African-American middle class; and

(5) the entirety of history, culture, and historic figures embodied in Presidential Proclamation Number 9233.

(d) ADMINISTRATION.—The Secretary shall administer the land within the boundary of the historical park in accordance with—

(1) this section; and

(2) the laws generally applicable to units of the National Park System, including—

(A) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753 and 102101 of title 54, United States Code; and

(B) chapter 3201 of title 54, United States Code.

(e) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—To further the purposes of this section and notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into cooperative agreements with the State of Illinois, other public and nonprofit entities, and other interested parties, subject to paragraph (2)—

(A) to support collaborative interpretive and educational programs at non-Federal historic properties within the boundaries of the historical park; and

(B) to identify, interpret, and provide assistance for the preservation of non-Federal land within the boundaries of the historical park and at sites in close proximity to the historical park, but located outside the boundaries of the historical park, including providing for placement of directional and interpretive signage, exhibits, and technology-based interpretive devices.

(2) PUBLIC ACCESS.—A cooperative agreement entered under this subsection shall provide for reasonable public access.

(f) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary may use appropriated funds to mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of the properties.

Determination. Reimbursement.

(2) INCONSISTENT PURPOSES.—Any payment made by the Secretary under this subsection shall be subject to an agreement that the conversion, use, or disposal of the project for purposes that are inconsistent with the purposes of this section, as determined by the Secretary, shall result in a right of the United States to reimbursement of the greater of—

(A) the amount provided by the Secretary to the project; and

(B) an amount equal to the increase in the value of the project that is attributable to the funds, as determined by the Secretary at the time of the conversion, use, or disposal.

(g) ACQUISITION OF LAND.—The Secretary may acquire for inclusion in the historical park any land (including interests in land), buildings, or structures owned by the State of Illinois, or any other political, private, or nonprofit entity by donation, transfer, exchange, or purchase from a willing seller.

Deadline.

(h) MANAGEMENT PLAN.—Not later than 3 fiscal years after the date on which funds are first made available to carry out this section, the Secretary shall complete a management plan for the historical park.

SEC. 620. PALO ALTO BATTLEFIELD NATIONAL HISTORIC PARK BOUNDARY ADDITION.

(a) BOUNDARY.—Section 3(b)(2) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 410nnn–1(b)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—

"(i) In addition to the land described in paragraph (1), the historical park shall consist of—

"(I) the approximately 34 acres of land, as generally depicted on the map entitled 'Palo Alto Battlefield NHS Proposed Boundary Expansion', numbered 469/80,012, and dated May 21, 2008; and

"(II) on the date that such land is donated to the United States, the approximately 166.44 acres of land generally depicted on the map entitled 'PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK Proposed Boundary Addition, Fort Brown Unit', numbered 469/143,589, and dated April 2018.

"(ii) Before accepting any donated land described in this subparagraph, the Secretary shall complete a boundary study analyzing the feasibility of adding the land to the national historical park.

"(iii) If a boundary study completed under clause (ii) finds that acceptance of the donated land is feasible and appropriate, the Secretary may accept such land and administer the land as part of the historical park after providing notice of such finding to Congress."; and

(2) in subparagraph (B)—

(A) in the heading, by striking "MAP" and inserting "MAPS"; and

(B) by striking "map" and inserting "maps".

(b) LEGAL DESCRIPTION.—Section 3(b)(3) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 410nnn–1(b)(3)) is amended by striking "after" and all that follows through "Secretary of the Interior" and inserting "after the addition of lands to the historic park boundary, the Secretary of the Interior".

Virgin Islands.
16 USC 398 note.

SEC. 621. INSTALLATION OF PLAQUE COMMEMORATING SLAVE REBELLION ON ST. JOHN.

Deadline.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall install, in an appropriate location in the area of the Ram Head trail at the peak of Ram Head in the Virgin Islands National Park on St. John, United States Virgin Islands, a suitable plaque to commemorate the slave rebellion that began on St. John on November 23, 1733.

(b) CONTENTS OF PLAQUE.—The plaque installed under subsection (a) shall include information regarding—

(1) important facts about the slave rebellion that began on St. John in 1733;

(2) the collective suicide that occurred during the slave rebellion in the vicinity of Ram Head on St. John in 1734; and

(3) the significance of the slave rebellion to the history of St. John, the United States Virgin Islands, and the United States.

Subtitle C—National Park Service Studies

SEC. 631. SPECIAL RESOURCE STUDY OF JOHN P. PARKER HOUSE. Ohio.

(a) DEFINITION OF STUDY AREA.—In this section, the term "study area" means the John P. Parker House in Ripley, Ohio, which was recognized as a National Historic Landmark in 1997.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a special resource study of the study area to determine the suitability and feasibility of establishing the John P. Parker House in Ripley, Ohio, as a unit of the National Park System.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area; Evaluation.

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System; Determination.

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and Consultation.

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives described in subparagraphs (B) and (C).

(3) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretary.

SEC. 632. DEARFIELD, COLORADO, SPECIAL RESOURCE STUDY.

(a) DEFINITION OF STUDY AREA.—In this section, the term "study area" means the site known as "Dearfield", in Weld County, Colorado, which was a historically black agricultural settlement founded by Oliver Toussaint Jackson. Oliver Toussaint Jackson.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area; Evaluation.

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System; Determination.

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal

Government, State or local government entities, or private and nonprofit organizations;

Consultation.

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives described in subparagraphs (B) and (C).

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(c) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (b)(1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 633. SPECIAL RESOURCE STUDY OF LYNCHING LOCATIONS.

Tennessee.
Wash Henley.
Christopher Bender.
Bud Whitfield.
Thomas Moss.
Will Stewart.
Calvin McDowell.
Lee Walker.
Warner Williams.
Daniel Hawkins.
Robert Haynes.
Edward Hall.
John Hayes.
Graham White.
Ell Persons.
Jesse Lee Bond.
Elbert Williams.

(a) DEFINITION OF STUDY AREA.—In this section, the term "study area" means sites within approximately 100 miles of Memphis, Tennessee, at which lynchings took place, including the lynching sites of—

(1) Wash Henley in 1869;

(2) Christopher Bender and Bud Whitfield in 1868;

(3) Thomas Moss, Will Stewart, and Calvin McDowell in 1892 during the event referred to as "The People's Grocery Lynchings";

(4) Lee Walker in 1893;

(5) Warner Williams, Daniel Hawkins, Robert Haynes, Edward Hall, John Hayes, and Graham White in 1894;

(6) Ell Persons in 1917;

(7) Jesse Lee Bond in 1939; and

(8) Elbert Williams in 1940.

(b) STUDY.—The Secretary shall conduct a special resource study of the study area.

(c) CONTENTS.—In conducting the special resource study under subsection (b), the Secretary shall—

Evaluation.
Determination.

(1) evaluate the national significance of the study area;

(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

Consultation.

(4) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested persons; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(d) APPLICABLE LAW.—The special resource study required under subsection (b) shall be conducted in accordance with section 100507 of title 54, United States Code.

(e) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the results of the special resource study required under subsection (b); and

(2) any recommendations of the Secretary.

SEC. 634. RESOURCE STUDY OF THE LOS ANGELES COASTAL AREA, CALIFORNIA.

(a) DEFINITION OF STUDY AREA.—In this section, the term "study area" means the coastline and adjacent areas to the Santa Monica Bay from Will Rogers State Beach to Torrance Beach, including the areas in and around Ballona Creek and the Baldwin Hills and the San Pedro section of the City of Los Angeles, excluding the Port of Los Angeles north of Crescent Avenue.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area; Evaluation.

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System; Determination.

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and Consultation.

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

Subtitle D—National Park Service Programs

SEC. 641. ACQUISITION OF LAND FOR ADMINISTRATIVE PURPOSES OF HISTORIC PRESERVATION TRAINING CENTER. Maryland.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term "Center" means the Historic Preservation Training Center and related facilities of the National Park Service in Frederick County, Maryland.

(2) SECRETARY.—The term "Secretary" means the Secretary, acting through the Director of the National Park Service.

(b) AUTHORIZATION OF ACQUISITION.—To further develop the Center in accordance with section 305306 of title 54, United States Code, the Secretary may acquire not more than 20 acres of land or interests in land in Frederick County, Maryland, for the Center for the purpose of supporting the physical space, program initiatives, and workforce development capacity of the Center.

(c) METHOD OF ACQUISITION.—Land or an interest in land for the Center may only be acquired under subsection (b) by donation, transfer, exchange, or purchase from a willing seller using donated or appropriated funds.

(d) ADMINISTRATION OF ACQUIRED LAND.—On acquisition of land or an interest in land for the Center under subsection (b), the acquired land or interest in land shall be administered by the Secretary for the purpose described in subsection (b).

40 USC 8909 note.

SEC. 642. WAIVER OF SPECIAL USE PERMIT APPLICATION FEE FOR VETERANS' SPECIAL EVENTS.

(a) DEFINITIONS.—In this section:

(1) MEMBER OF A GOLD STAR FAMILY.—The term "member of a Gold Star Family" means any individual that meets the eligibility requirements of section 3.2 of Department of Defense Instruction 1348.36 (or a successor instruction).

(2) SPECIAL EVENTS.—The term "special events" has the meaning given the term in section 7.96(g)(1) of title 36, Code of Federal Regulations (or a successor regulation).

(3) THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term "the District of Columbia and its environs" has the meaning given the term in section 8902(a) of title 40, United States Code.

(4) VETERAN.—The term "veteran" has the meaning given the term in section 101 of title 38, United States Code.

(5) VETERANS' SPECIAL EVENT.—The term "veterans' special event" means a special event at which the majority of attendees are veterans or members of Gold Star Families.

(6) WAR MEMORIAL.—The term "war memorial" means any memorial or monument that has been erected or dedicated to commemorate a military unit, military group, war, conflict, victory, or peace.

Disctict of Columbia.

(b) WAIVER.—The application fee for any application for a special use permit, the sole purpose of which is to hold a veterans' special event at a war memorial on land administered by the National Park Service in the District of Columbia and its environs, shall be waived.

(c) APPLICABILITY OF EXISTING LAWS.—Notwithstanding subsection (b), an applicant for a special use permit described in that subsection shall be subject to any other law (including regulations) or policy applicable to the application, issuance, or execution of the special use permit.

(d) APPLICABILITY.—This section shall apply to any special use permit application submitted after the date of enactment of this Act.

SEC. 643. UNITED STATES AFRICAN-AMERICAN BURIAL GROUNDS PRESERVATION PROGRAM.

(a) ESTABLISHMENT.—Subdivision 1 of division B of subtitle III of title 54, United States Code, is amended by inserting after chapter 3085 the following:

"CHAPTER 3086—UNITED STATES AFRICAN-AMERICAN BURIAL GROUNDS PRESERVATION PROGRAM

54 USC prec. 308601.

"Sec.
"308601. Definitions.
"308602. United States African-American Burial Grounds Preservation Program.
"308603. Authority to make grants.
"308604. Cooperative agreements and memoranda of understanding.
"308605. Private property protection.

"§ 308601. Definitions

54 USC 308601.

"In this chapter:

"(1) BURIAL GROUND.—The term 'burial ground' means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which human remains are deposited as a part of the death rite or ceremony of a culture.

"(2) HISTORIC.—The term 'historic', with respect to a property, means a property that can reasonably be considered to date back at least 50 years.

"(3) PROGRAM.—The term 'Program' means the United States African-American Burial Grounds Preservation Program established under section 308602(a).

"§ 308602. United States African-American Burial Grounds Preservation Program

54 USC 308602.

"(a) IN GENERAL.—The Secretary shall establish within the Service, in accordance with this chapter, a program to be known as the 'United States African-American Burial Grounds Preservation Program'.

"(b) DUTIES OF SECRETARY.—In carrying out the Program, the Secretary, in consultation with the National Trust for Historic Preservation and members of the African-American heritage community, shall develop a program for the provision of grants in accordance with section 308603(a).

"(c) DONATIONS.—The Secretary may accept monetary donations to further the purposes of this chapter.

"(d) CONSENT OF PRIVATE PROPERTY OWNER REQUIRED.—Burial grounds shall only be considered for a grant under the Program—

"(1) with the consent of the property owner; and

"(2) at the request of an individual, landowner, private or nonprofit organization, State, Tribal, or local government, or other entity.

"§ 308603. Authority to make grants

54 USC 308603.

"(a) IN GENERAL.—The Secretary may make grants to other Federal agencies, State, local, and Tribal governments, other public entities, educational institutions, historic preservation groups, and private nonprofit organizations in accordance with this chapter for—

"(1) the identification of historic African-American burial grounds that may qualify for the Program;

"(2) the preservation and restoration of African-American burial grounds;

"(3) the interpretation of African-American burial grounds; and

"(4) related research and documentation for historic African-American burial grounds.

"(b) FUNDING.—

Time period.

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section $3,000,000 for each of fiscal years 2023 through 2027.

"(2) AVAILABILITY.—Any amounts made available for a fiscal year under paragraph (1) that are not used during that fiscal year shall be available for use under this section during any subsequent fiscal year.

54 USC 308604.

"§ 308604. Cooperative agreements and memoranda of understanding

"The Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to, the heads of other Federal agencies, States, units of local government, Tribal governments, regional governmental bodies, nonprofit organizations, educational institutions, and private entities—

"(1) to achieve the purposes of this chapter; and

"(2) to ensure effective coordination of the Federal elements and non-Federal elements provided a grant or other assistance under the Program with System units and programs of the Service.

54 USC 308605.

"§ 308605. Private property protection

"Nothing in this chapter—

"(1) authorizes the Secretary to require or affect the management or use of private property without the written consent of the owner of the private property;

"(2) prohibits the Secretary from providing land management guidance or requirements relating to private property as a condition of a grant provided to the owner of the private property under this chapter; or

"(3) shall be construed as creating any new regulatory burden on any Federal, State, Tribal, or private entity.".

54 USC prec. 100101.

(b) CLERICAL AMENDMENT.—The table of chapters for title 54, United States Code, is amended by inserting after the item relating to chapter 3085 the following:

"3086. United States African-American Burial Grounds Preservation Program ..... 308601".

54 USC note prec. 308101.

SEC. 644. NORMAN Y. MINETA JAPANESE AMERICAN CONFINEMENT EDUCATION GRANTS.

120 Stat. 3288.

Public Law 109–441 (120 Stat. 3289) is amended—

120 Stat. 3289.

(1) in section 2, by adding at the end the following:

Definition.

"(4) JAPANESE AMERICAN CONFINEMENT EDUCATION GRANTS.—The term 'Japanese American Confinement Education Grants' means competitive grants, awarded through the Japanese American Confinement Sites Program, for Japanese American organizations to educate individuals, including through the use of digital resources, in the United States on the historical importance of Japanese American confinement during World War II, so that present and future generations may learn from Japanese American confinement and the

commitment of the United States to equal justice under the law.

"(5) JAPANESE AMERICAN ORGANIZATION.—The term 'Japanese American organization' means a private nonprofit organization within the United States established to promote the understanding and appreciation of the ethnic and cultural diversity of the United States by illustrating the Japanese American experience throughout the history of the United States."; and

Definition.

(2) in section 4—

120 Stat. 3290.

(A) by inserting "(a) IN GENERAL.—" before "There are authorized";

(B) by striking "$38,000 ,000" and inserting "$80,000,000"; and

(C) by adding at the end the following:

"(b) JAPANESE AMERICAN CONFINEMENT EDUCATION GRANTS.—

"(1) IN GENERAL.—Of the amounts made available under this section, not more than $10,000,000 shall be awarded as Japanese American Confinement Education Grants to Japanese American organizations. Such competitive grants shall be in an amount not less than $750,000 and the Secretary shall give priority consideration to Japanese American organizations with fewer than 100 employees.

"(2) MATCHING REQUIREMENT.—

"(A) FIFTY PERCENT.—Except as provided in subparagraph (B), for funds awarded under this subsection, the Secretary shall require a 50 percent match with non-Federal assets from non-Federal sources, which may include cash or durable goods and materials fairly valued, as determined by the Secretary.

"(B) WAIVER.—The Secretary may waive all or part of the matching requirement under subparagraph (A), if the Secretary determines that—

Determination.

"(i) no reasonable means are available through which an applicant can meet the matching requirement; and

"(ii) the probable benefit of the project funded outweighs the public interest in the matching requirement.".

SEC. 645. JAPANESE AMERICAN WORLD WAR II HISTORY NETWORK.

54 USC note prec. 308101.

(a) ESTABLISHMENT.—The Secretary shall establish, within the National Park Service, a program to be known as the "Japanese American World War II History Network" (referred to in this section as the "Network").

(b) DUTIES OF SECRETARY.—In carrying out the Network, the Secretary shall—

(1) review studies and reports to complement and not duplicate studies of Japanese American World War II history and Japanese American experiences during World War II, including studies related to relocation centers and confinement sites, that are underway or completed;

(2) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information relating to Japanese American World War II history and Japanese American experiences during the war, including relocation centers and confinement sites;

(3) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (d); and

(4)(A) create and adopt an official, uniform symbol or device for the Network; and

(B) issue regulations for the use of the symbol or device adopted under subparagraph (A).

(c) ELEMENTS.—The Network shall encompass the following elements:

Determination.

(1) All units and programs of the National Park Service that are determined by the Secretary to relate to Japanese American World War II history and Japanese American experiences during the war, including relocation centers and confinement sites.

(2) With the consent of the property owner, other Federal, State, local, Tribal, and privately owned properties that—

(A) relate to Japanese American World War II history and Japanese experiences during the war, including relocation centers and confinement sites;

(B) have a verifiable connection to Japanese American World War II history and Japanese experiences during the war, including relocation and confinement sites; and

(C) are included in, or determined by the Secretary to be eligible for inclusion in, the National Register of Historic Places.

(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to Japanese American World War II history and the experiences of Japanese Americans during the war, including relocation centers and confinement sites.

(d) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this section and to ensure effective coordination of the Federal and non-Federal elements of the Network described in subsection (c) with units of the National Park System and programs of the National Park Service, including the Japanese American Confinement Sites Program, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to, the heads of other Federal agencies, States, units of local government, Indian Tribes, regional governmental bodies, and private entities.

(e) SUNSET.—The authority of the Secretary under this section shall expire 7 years after the date of enactment of this Act.

SEC. 646. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL PARK FOUNDATION.

Section 101122(a) of title 54, United States Code, is amended—

(1) by striking "$5,000,000" and inserting "$15,000,000"; and

(2) by striking "2023" and inserting "2030".

TITLE VII—COMMEMORATIVE WORKS AND NATIONAL MEMORIALS

Ohio.
54 USC 320301 note.

SEC. 701. DESIGNATION OF THE KOL ISRAEL FOUNDATION HOLOCAUST MEMORIAL AS A NATIONAL MEMORIAL.

(a) CONGRESSIONAL RECOGNITION.—Congress—

(1) recognizes the significance of the Kol Israel Foundation Holocaust Memorial in preserving the memory of the 6,000,000 Jews murdered by the Nazi regime and allies and collaborators of the Nazi regime; and

(2) honors the life and legacy of the Holocaust survivors who erected the Kol Israel Foundation Holocaust Memorial.

(b) DESIGNATION.—

(1) IN GENERAL.—The Kol Israel Foundation Holocaust Memorial located in Bedford Heights, Ohio, is designated as a national memorial.

(2) EFFECT OF DESIGNATION.—

(A) IN GENERAL.—The national memorial designated by paragraph (1) is not a unit of the National Park System.

(B) USE OF FEDERAL FUNDS.—The designation of the national memorial by paragraph (1) shall not require or permit Federal funds to be expended for any purpose relating to the national memorial.

SEC. 702. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK TO COMMEMORATE THE COMMITMENT AND SERVICE REPRESENTED BY WOMEN WHO WORKED ON THE HOME FRONT DURING WORLD WAR II.

District of Columbia.
40 USC 8903 note.

(a) IN GENERAL.—The Women Who Worked on the Home Front Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate the commitment and service represented by women who worked on the home front during World War II.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(c) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF WOMEN WHO WORKED ON THE HOME FRONT FOUNDATION.—The Women Who Worked on the Home Front Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) IN GENERAL.—If, on payment of all expenses for the establishment of the commemorative work under this section (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Women Who Worked on the Home Front Foundation shall transmit the amount of the balance to the Secretary for deposit in the account provided for in section 8906(b)(3) of that title.

(2) ON EXPIRATION OF AUTHORITY.—If, on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Women Who Worked on the Home Front Foundation shall transmit the amount of the balance to a separate account

with the National Park Foundation for memorials, to be available to the Secretary or Administrator of General Services, as appropriate, in accordance with the process provided in paragraph (4) of section 8906(b) of that title for accounts established under paragraph (2) or (3) of that section.

SEC. 703. EXTENSION OF AUTHORITY FOR ESTABLISHMENT OF NATIONAL LIBERTY MEMORIAL COMMEMORATIVE WORK.

Applicability.

Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by section 2860 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2164; 40 U.S.C. 8903 note) shall continue to apply through September 30, 2027.

District of Columbia.
40 USC 8903 note.

SEC. 704. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK TO COMMEMORATE THE HEROIC DEEDS AND SACRIFICES OF SERVICE ANIMALS AND HANDLERS OF SERVICE ANIMALS IN THE UNITED STATE.

National Service Animals Monument Corporation.

(a) IN GENERAL.—The National Service Animals Monument Corporation (referred to in this section as the "Corporation") may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate the heroic deeds and sacrifices of service animals and handlers of service animals in the United States.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(c) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF THE NATIONAL SERVICE ANIMALS MONUMENT CORPORATION.—The Corporation shall be solely responsible for the acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) IN GENERAL.—If, on payment of all expenses for the establishment of the commemorative work under this section (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Corporation shall transmit the amount of the balance to the Secretary for deposit in the account provided for in section 8906(b)(3) of that title.

(2) ON EXPIRATION OF AUTHORITY.—If, on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work under this section, the Corporation shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary or the Administrator of General Services, as appropriate, in accordance with the process provided in paragraph (4) of section 8906(b) of that title for accounts established under paragraph (2) or (3) of that section.

SEC. 705. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK TO HONOR JEAN MONNET.

District of Columbia. France. 40 USC 8903 note.

(a) IN GENERAL.—The Embassy of France in Washington, DC (referred to in this section as the "Embassy"), may establish a commemorative work on Federal land in the District of Columbia and its environs to honor the extraordinary contributions of Jean Monnet with respect to—

(1) restoring peace between European nations; and

(2) establishing the European Union.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(c) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF THE EMBASSY OF FRANCE IN WASHINGTON, DC.—The Embassy shall be solely responsible for the acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) IN GENERAL.—If, on payment of all expenses for the establishment of the commemorative work under this section (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Embassy shall transmit the amount of the balance to the Secretary for deposit in the account provided for in section 8906(b)(3) of that title.

(2) ON EXPIRATION OF AUTHORITY.—If, on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Embassy shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary or the Administrator of General Services, as appropriate, in accordance with the process provided in paragraph (4) of section 8906(b) of that title for accounts established under paragraph (2) or (3) of that section.

SEC. 706. DESIGNATION OF EL PASO COMMUNITY HEALING GARDEN NATIONAL MEMORIAL.

Texas. 54 USC 320301 note.

(a) DESIGNATION.—The Healing Garden located at 6900 Delta Drive, El Paso, Texas, is designated as the "El Paso Community Healing Garden National Memorial".

(b) EFFECT OF DESIGNATION.—The national memorial designated by this section is not a unit of the National Park System and the designation of the El Paso Community Healing Garden National Memorial shall not require or authorize Federal funds to be expended for any purpose related to that national memorial.

District of Columbia. 40 USC 8903 note.

SEC. 707. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK TO COMMEMORATE THE ENSLAVED INDIVIDUALS WHO ENDURED THE MIDDLE PASSAGE.

Georgetown African American Historic Landmark Project and Tour.

(a) IN GENERAL.—The Georgetown African American Historic Landmark Project and Tour may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate the enslaved individuals, the identities of whom may be known or unknown, who endured the Middle Passage.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(c) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF THE GEORGETOWN AFRICAN AMERICAN HISTORIC LANDMARK PROJECT AND TOUR.—The Georgetown African American Historic Landmark Project and Tour shall be solely responsible for the acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) IN GENERAL.—If, on payment of all expenses for the establishment of the commemorative work under this section (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Georgetown African American Historic Landmark Project and Tour shall transmit the amount of the balance to the Secretary for deposit in the account provided for section 8906(b)(3) of that title.

(2) ON EXPIRATION OF AUTHORITY.—If, on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Georgetown African American Historic Landmark Project and Tour shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary or the Administrator of General Services, as appropriate, in accordance with the process provided in paragraph (4) of section 8906(b) of that title for accounts established under paragraph (2) or (3) of that section.

District of Columbia. 40 USC 8903 note.

SEC. 708. APPROVAL OF LOCATION OF COMMEMORATIVE WORK TO HONOR JOURNALISTS WHO SACRIFICED THEIR LIVES IN SERVICE TO A FREE PRESS.

The location of a commemorative work to commemorate the commitment of the United States to a free press by honoring journalists who sacrificed their lives in service to that cause within Area I, as depicted on the map entitled "Commemorative Areas Washington, DC and Environs", numbered 869/86501 B, and dated June 24, 2003, is approved.

SEC. 709. AUTHORIZATION OF THOMAS PAINE COMMEMORATIVE WORK.

District of Columbia. 40 USC 8903 note.

(a) IN GENERAL.—The Thomas Paine Memorial Association may establish a commemorative work on Federal land in the District of Columbia and its environs to honor the United States patriot, Thomas Paine.

Thomas Paine Memorial Association.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(c) PROHIBITION ON THE USE OF FEDERAL FUNDS.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) IN GENERAL.—If, on payment of all expenses for the establishment of the commemorative work under this section (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Thomas Paine Memorial Association shall transmit the amount of the balance to the Secretary for deposit in the account provided for in section 8906(b)(3) of that title.

(2) ON EXPIRATION OF AUTHORITY.—If, on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Thomas Paine Memorial Association shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary or the Administrator of General Services, as appropriate, in accordance with the process provided in paragraph (4) of section 8906(b) of that title for accounts established under paragraphs (2) and (3) of that section.

SEC. 710. DESIGNATION OF UKRAINIAN INDEPENDENCE PARK.

(a) DESIGNATION.—

(1) IN GENERAL.—The area described in paragraph (2) shall be designated as "Ukrainian Independence Park".

(2) DESCRIPTION OF AREA.—The area designated under paragraph (1) is the approximately 0.35 acres generally depicted as "Ukrainian Independence Park" on the map entitled "Ukrainian Independence Park Proposed Boundary", numbered 802/180,561, and dated June 2022.

(b) REFERENCE.—Any reference in any law, regulation, document, record, map, paper, or other record of the United States to the area or properties described in subsection (a) is deemed to be a reference to "Ukrainian Independence Park".

(c) SIGNAGE.—The Secretary may post signs on or near Ukrainian Independence Park that include information on the importance of the independence, freedom, and sovereignty of Ukraine and the solidarity between the people of Ukraine and the United States.

TITLE VIII—MISCELLANEOUS

SEC. 801. LONG-TERM ABANDONED MINE LAND RECLAMATION.

Section 40701(c) of the Infrastructure Investment and Jobs Act (30 U.S.C. 1231a(c)) is amended—

(1) by striking "Grants under" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), grants under"; and

(2) by adding at the end the following:

"(2) LONG-TERM ABANDONED MINE LAND RECLAMATION.—

"(A) IN GENERAL.—Not more than 30 percent of the total amount of a grant made annually under subsection (b)(1) may be retained by the recipient of the grant if those amounts are deposited into a long-term abandoned mine land reclamation fund established under State law, from which amounts (together with all interest earned on the amounts) are expended by the State or Indian Tribe, as applicable, for—

"(i) the abatement of the causes and the treatment of the effects of acid mine drainage resulting from coal mining practices, including for the costs of building, operating, maintaining, and rehabilitating acid mine drainage treatment systems;

"(ii) the prevention, abatement, and control of subsidence; or

"(iii) the prevention, abatement, and control of coal mine fires.

"(B) REPORTING REQUIREMENTS.—Each recipient of a grant under subsection (b)(1) that deposits grant amounts into a long-term abandoned mine land reclamation fund under subparagraph (A) shall—

"(i) offer amendments to the inventory maintained under section 403(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(c)) to reflect the use of the amounts for—

"(I) acid mine drainage abatement and treatment;

"(II) subsidence prevention, abatement, and control; and

"(III) coal mine fire prevention, abatement, and control; and

"(ii) include in the annual grant report of the recipient information on the status and balance of amounts in the long-term abandoned mine land reclamation fund.

"(C) TERM.—Amounts retained under subparagraph (A) shall not be subject to—

"(i) subsection (d)(4)(B); or

"(ii) any other limitation on the length of the term of an annual grant under subsection (b)(1).".

SEC. 802. CONSENT OF CONGRESS TO AMENDMENT TO THE CONSTITUTION OF THE STATE OF NEW MEXICO.

Congress consents to the amendment to the Constitution of the State of New Mexico proposed by House Joint Resolution 1 of the 55th Legislature of the State of New Mexico, First Session,

2021, entitled "A Joint Resolution Proposing an Amendment to Article 12, Section 7 of the Constitution of New Mexico to Provide for Additional Annual Distributions of the Permanent School Fund for Enhanced Instruction for Students at Risk of Failure, Extending the School Year, Teacher Compensation and Early Childhood Education; Requiring Congressional Approval for Distributions for Early Childhood Education".

DIVISION EE—POST OFFICE DESIGNATIONS

SEC. 101. COYA KNUTSON POST OFFICE. Minnesota.

(a) DESIGNATION.—The facility of the United States Postal Service located at 202 2nd Avenue in Oklee, Minnesota, shall be known and designated as the "Coya Knutson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Coya Knutson Post Office".

SEC. 102. ROBERT SMALLS POST OFFICE. South Carolina.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11 Robert Smalls Parkway Suite C in Beaufort, South Carolina, shall be known and designated as the "Robert Smalls Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Robert Smalls Post Office".

SEC. 103. ROBERT J. DOLE MEMORIAL POST OFFICE BUILDING. Kansas.

(a) DESIGNATION.—The facility of the United States Postal Service located at 135 West Wisconsin Street in Russell, Kansas, shall be known and designated as the "Robert J. Dole Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Robert J. Dole Memorial Post Office Building".

SEC. 104. CHARLES E. FRASER POST OFFICE BUILDING. South Carolina.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10 Bow Circle in Hilton Head Island, South Carolina, shall be known and designated as the "Charles E. Fraser Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Charles E. Fraser Post Office Building".

SEC. 105. HARRIET TUBMAN POST OFFICE BUILDING. South Carolina.

(a) DESIGNATION.—The facility of the United States Postal Service located at 501 Charles Street in Beaufort, South Carolina, shall be known and designated as the "Harriet Tubman Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility

referred to in subsection (a) shall be deemed to be a reference to the "Harriet Tubman Post Office Building".

Illinois.

SEC. 106. CORPORAL BENJAMIN DESILETS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 114 North Magnolia Street in Elmwood, Illinois, shall be known and designated as the "Corporal Benjamin Desilets Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal Benjamin Desilets Post Office".

Illinois.

SEC. 107. SGT. JEREMY C. SHERMAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 101 West Walnut Street in Watseka, Illinois, shall be known and designated as the "Sgt. Jeremy C. Sherman Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sgt. Jeremy C. Sherman Post Office Building".

Oklahoma.

SEC. 108. SERGEANT BRET D. ISENHOWER MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 East Oak Avenue in Seminole, Oklahoma, shall be known and designated as the "Sergeant Bret D. Isenhower Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Bret D. Isenhower Memorial Post Office Building".

California.

SEC. 109. COTTLE CENTANNI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4770 Eureka Avenue in Yorba Linda, California, shall be known and designated as the "Cottle Centanni Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Cottle Centanni Post Office Building".

Wisconsin.

SEC. 110. CAPTAIN ROBERT C. HARMON AND PRIVATE JOHN R. PEIRSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 430 South Knowles Avenue in New Richmond, Wisconsin, shall be known and designated as the "Captain Robert C. Harmon and Private John R. Peirson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Robert C. Harmon and Private John R. Peirson Post Office Building".

Wisconsin.

SEC. 111. CORPORAL MITCHELL RED CLOUD, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 619 Hewett Street in Neillsville, Wisconsin, shall

be known and designated as the "Corporal Mitchell Red Cloud, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal Mitchell Red Cloud, Jr. Post Office".

SEC. 112. CORPORAL JOSEPH RODNEY CHAPMAN POST OFFICE. Pennsylvania.

(a) DESIGNATION.—The facility of the United States Postal Service located at 415 High Street in Freeport, Pennsylvania, shall be known and designated as the "Corporal Joseph Rodney Chapman Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal Joseph Rodney Chapman Post Office".

SEC. 113. HAROLD BILLOW POST OFFICE BUILDING. Pennsylvania.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1 East Main Street in Mount Joy, Pennsylvania, shall be known and designated as the "Harold Billow Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Harold Billow Post Office Building".

SEC. 114. ROMUALD "BUD" BRZEZINSKI POST OFFICE. Wisconsin.

(a) DESIGNATION.—The facility of the United States Postal Service located at N4805 State Highway 32 in Krakow, Wisconsin, shall be known and designated as the "Romuald 'Bud' Brzezinski Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Romuald 'Bud' Brzezinski Post Office".

SEC. 115. MITCHELL F. LUNDGAARD POST OFFICE BUILDING. Wisconsin.

(a) DESIGNATION.—The facility of the United States Postal Service located at 410 Franklin Street in Appleton, Wisconsin, shall be known and designated as the "Mitchell F. Lundgaard Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mitchell F. Lundgaard Post Office Building".

SEC. 116. JUDGE JAMES PEREZ POST OFFICE. California.

(a) DESIGNATION.—The facility of the United States Postal Service located at 615 North Bush Street in Santa Ana, California, shall be known and designated as the "Judge James Perez Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Judge James Perez Post Office".

SEC. 117. CHANGE OF ADDRESS FOR MARILYN MONROE POST OFFICE. California.

Section 1 of Public Law 116–80 is amended to read as follows: 133 Stat. 1178.

"SEC. 1. MARILYN MONROE POST OFFICE BUILDING.

"(a) DESIGNATION.—The facility of the United States Postal Service located at 15701 Sherman Way in Van Nuys, California, shall be known and designated as the 'Marilyn Monroe Post Office Building'.

"(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the 'Marilyn Monroe Post Office Building'.".

Virginia.

SEC. 118. JESUS ANTONIO COLLAZOS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2200 North George Mason Drive in Arlington, Virginia, shall be known and designated as the "Jesus Antonio Collazos Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Jesus Antonio Collazos Post Office Building".

California.

SEC. 119. ESTEBAN E. TORRES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 396 South California Avenue in West Covina, California, shall be known and designated as the "Esteban E. Torres Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Esteban E. Torres Post Office Building".

SEC. 120. DISTRICT OF COLUMBIA SERVICEMEMBERS AND VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 400 Southern Avenue Southeast in Washington, District of Columbia, shall be known and designated as the "District of Columbia Servicemembers and Veterans Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "District of Columbia Servicemembers and Veterans Post Office".

Illinois.

SEC. 121. ARMY SPECIALIST JOSEPH "JOEY" W. DIMOCK II POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 75 Commerce Drive in Grayslake, Illinois, shall be known and designated as the "Army Specialist Joseph 'Joey' W. Dimock II Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Army Specialist Joseph 'Joey' W. Dimock II Post Office Building".

California.

SEC. 122. CORPORAL HUNTER LOPEZ MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 79125 Corporate Centre Drive in La Quinta,

California, shall be known and designated as the "Corporal Hunter Lopez Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal Hunter Lopez Memorial Post Office Building".

SEC. 123. CHIEF RUDY BANUELOS POST OFFICE.

California.

(a) DESIGNATION.—The facility of the United States Postal Service located at 123 South 3rd Street in King City, California, shall be known and designated as the "Chief Rudy Banuelos Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Chief Rudy Banuelos Post Office".

SEC. 124. CHAIRMAN RICHARD MILANOVICH POST OFFICE.

California.

(a) DESIGNATION.—The facility of the United States Postal Service located at 333 North Sunrise Way in Palm Springs, California, shall be known and designated as the "Chairman Richard Milanovich Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Chairman Richard Milanovich Post Office".

SEC. 125. U.S. SENATOR DENNIS CHÁVEZ POST OFFICE.

New Mexico.

(a) DESIGNATION.—The facility of the United States Postal Service located at 400 North Main Street in Belen, New Mexico, shall be known and designated as the "U.S. Senator Dennis Chávez Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "U.S. Senator Dennis Chávez Post Office".

DIVISION FF—HEALTH AND HUMAN SERVICES

Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022.
42 USC 201 note.

SEC. 1. SHORT TITLE.

This division may be cited as the "Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this division is as follows:

DIVISION FF—HEALTH AND HUMAN SERVICES

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—RESTORING HOPE FOR MENTAL HEALTH AND WELL-BEING

Sec. 1001. Short title.

Subtitle A—Mental Health and Crisis Care Needs

CHAPTER 1—CRISIS CARE SERVICES AND 9–8–8 IMPLEMENTATION

Sec. 1101. Behavioral Health Crisis Coordinating Office.

Sec. 1102. Crisis response continuum of care.
Sec. 1103. Suicide Prevention Lifeline Improvement.

CHAPTER 2—INTO THE LIGHT FOR MATERNAL MENTAL HEALTH AND SUBSTANCE USE DISORDERS

Sec. 1111. Screening and treatment for maternal mental health and substance use disorders.
Sec. 1112. Maternal mental health hotline.
Sec. 1113. Task force on maternal mental health.
Sec. 1114. Residential treatment program for pregnant and postpartum women pilot program reauthorization.

CHAPTER 3—REACHING IMPROVED MENTAL HEALTH OUTCOMES FOR PATIENTS

Sec. 1121. Innovation for mental health.
Sec. 1122. Crisis care coordination.
Sec. 1123. Treatment of serious mental illness.
Sec. 1124. Study on the costs of serious mental illness.

CHAPTER 4—ANNA WESTIN LEGACY

Sec. 1131. Maintaining education and training on eating disorders.

CHAPTER 5—COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT REAUTHORIZATION

Sec. 1141. Reauthorization of block grants for community mental health services.

CHAPTER 6—PEER-SUPPORTED MENTAL HEALTH SERVICES

Sec. 1151. Peer-supported mental health services.

Subtitle B—Substance Use Disorder Prevention, Treatment, and Recovery Services

CHAPTER 1—NATIVE BEHAVIORAL HEALTH RESOURCES

Sec. 1201. Behavioral health and substance use disorder resources for Native Americans.

CHAPTER 2—SUMMER BARROW PREVENTION, TREATMENT, AND RECOVERY

Sec. 1211. Grants for the benefit of homeless individuals.
Sec. 1212. Priority substance use disorder treatment needs of regional and national significance.
Sec. 1213. Evidence-based prescription opioid and heroin treatment and interventions demonstration.
Sec. 1214. Priority substance use disorder prevention needs of regional and national significance.
Sec. 1215. Sober Truth on Preventing (STOP) Underage Drinking Reauthorization.
Sec. 1216. Grants for jail diversion programs.
Sec. 1217. Formula grants to States.
Sec. 1218. Projects for Assistance in Transition From Homelessness.
Sec. 1219. Grants for reducing overdose deaths.
Sec. 1220. Opioid overdose reversal medication access and education grant programs.
Sec. 1221. Emergency department alternatives to opioids.

CHAPTER 3—EXCELLENCE IN RECOVERY HOUSING

Sec. 1231. Clarifying the role of SAMHSA in promoting the availability of high-quality recovery housing.
Sec. 1232. Developing guidelines for States to promote the availability of high-quality recovery housing.
Sec. 1233. Coordination of Federal activities to promote the availability of recovery housing.
Sec. 1234. National Academies of Sciences, Engineering, and Medicine study and report.
Sec. 1235. Grants for States to promote the availability of recovery housing and services.
Sec. 1236. Funding.
Sec. 1237. Technical correction.

CHAPTER 4—SUBSTANCE USE PREVENTION, TREATMENT, AND RECOVERY SERVICES BLOCK GRANT

Sec. 1241. Eliminating stigmatizing language relating to substance use.
Sec. 1242. Authorized activities.

Sec. 1243. State plan requirements.
Sec. 1244. Updating certain language relating to Tribes.
Sec. 1245. Block grants for substance use prevention, treatment, and recovery services.
Sec. 1246. Requirement of reports and audits by States.
Sec. 1247. Study on assessment for use of State resources.

CHAPTER 5—TIMELY TREATMENT FOR OPIOID USE DISORDER

Sec. 1251. Study on exemptions for treatment of opioid use disorder through opioid treatment programs during the COVID–19 public health emergency.
Sec. 1252. Changes to Federal opioid treatment standards.

CHAPTER 6—ADDITIONAL PROVISIONS RELATING TO ADDICTION TREATMENT

Sec. 1261. Prohibition.
Sec. 1262. Eliminating additional requirements for dispensing narcotic drugs in schedule III, IV, and V for maintenance or detoxification treatment.
Sec. 1263. Requiring prescribers of controlled substances to complete training.
Sec. 1264. Increase in number of days before which certain controlled substances must be administered.

CHAPTER 7—OPIOID CRISIS RESPONSE

Sec. 1271. Opioid prescription verification.
Sec. 1272. Synthetic opioid and emerging drug misuse danger awareness.
Sec. 1273. Grant program for State and Tribal response to opioid use disorders.

Subtitle C—Access to Mental Health Care and Coverage

CHAPTER 1—IMPROVING UPTAKE AND PATIENT ACCESS TO INTEGRATED CARE SERVICES

Sec. 1301. Improving uptake and patient access to integrated care services.

CHAPTER 2—HELPING ENABLE ACCESS TO LIFESAVING SERVICES

Sec. 1311. Reauthorization and provision of certain programs to strengthen the health care workforce.
Sec. 1312. Reauthorization of minority fellowship program.

CHAPTER 3—ELIMINATING THE OPT-OUT FOR NONFEDERAL GOVERNMENTAL HEALTH PLANS

Sec. 1321. Eliminating the opt-out for nonfederal governmental health plans.

CHAPTER 4—MENTAL HEALTH AND SUBSTANCE USE DISORDER PARITY IMPLEMENTATION

Sec. 1331. Grants to support mental health and substance use disorder parity implementation.

Subtitle D—Children and Youth

CHAPTER 1—SUPPORTING CHILDREN'S MENTAL HEALTH CARE ACCESS

Sec. 1401. Technical assistance for school-based health centers.
Sec. 1402. Infant and early childhood mental health promotion, intervention, and treatment.
Sec. 1403. Co-occurring chronic conditions and mental health in youth study.
Sec. 1404. Best practices for behavioral and mental health intervention teams.

CHAPTER 2—CONTINUING SYSTEMS OF CARE FOR CHILDREN

Sec. 1411. Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbances.
Sec. 1412. Substance Use Disorder Treatment and Early Intervention Services for Children and Adolescents.

CHAPTER 3—GARRETT LEE SMITH MEMORIAL REAUTHORIZATION

Sec. 1421. Suicide prevention technical assistance center.
Sec. 1422. Youth suicide early intervention and prevention strategies.
Sec. 1423. Mental health and substance use disorder services for students in higher education.
Sec. 1424. Mental and behavioral health outreach and education at institutions of higher education.

CHAPTER 4—MEDIA AND MENTAL HEALTH

Sec. 1431. Study on the effects of smartphone and social media use on adolescents.

Sec. 1432. Research on the health and development effects of media and related technology on infants, children, and adolescents.

Subtitle E—Miscellaneous Provisions

Sec. 1501. Limitations on authority.

TITLE II—PREPARING FOR AND RESPONDING TO EXISTING VIRUSES, EMERGING NEW THREATS, AND PANDEMICS

Sec. 2001. Short title.

Subtitle A—Strengthening Federal and State Preparedness

CHAPTER 1—FEDERAL LEADERSHIP AND ACCOUNTABILITY

Sec. 2101. Appointment and authority of the Director of the Centers for Disease Control and Prevention.
Sec. 2102. Advisory committee to the director of the centers for disease control and prevention.
Sec. 2103. Public health and medical preparedness and response coordination.
Sec. 2104. Office of Pandemic Preparedness and Response Policy.

CHAPTER 2—STATE AND LOCAL READINESS

Sec. 2111. Improving State and local public health security.
Sec. 2112. Supporting access to mental health and substance use disorder services during public health emergencies.
Sec. 2113. Trauma care reauthorization.
Sec. 2114. Assessment of containment and mitigation of infectious diseases.
Sec. 2115. Consideration of unique challenges in noncontiguous States and territories.

Subtitle B—Improving Public Health Preparedness and Response Capacity

CHAPTER 1—IMPROVING PUBLIC HEALTH EMERGENCY RESPONSES

Sec. 2201. Addressing factors related to improving health outcomes.

CHAPTER 2—IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC HEALTH DATA

Sec. 2211. Modernizing State, local, and Tribal biosurveillance capabilities and infectious disease data.
Sec. 2212. Genomic sequencing, analytics, and public health surveillance of pathogens.
Sec. 2213. Supporting State, local, and Tribal public health data.
Sec. 2214. Epidemic forecasting and outbreak analytics.
Sec. 2215. Public health data transparency.
Sec. 2216. GAO report on public health preparedness, response, and recovery data capabilities.

CHAPTER 3—REVITALIZING THE PUBLIC HEALTH WORKFORCE

Sec. 2221. Improving recruitment and retention of the frontline public health workforce.
Sec. 2222. Awards to support community health workers and community health.
Sec. 2223. Improving public health emergency response capacity.
Sec. 2224. Increasing educational opportunities for allied health professions.
Sec. 2225. Public Health Service Corps annual and sick leave.
Sec. 2226. Leadership exchange pilot for public health and medical preparedness and response positions at the Department of Health and Human Services.
Sec. 2227. Continuing educational support for health professionals serving in rural and underserved communities.

CHAPTER 4—ENHANCING PUBLIC HEALTH PREPAREDNESS AND RESPONSE

Sec. 2231. Centers for public health preparedness and response.
Sec. 2232. Vaccine distribution plans.
Sec. 2233. Coordination and collaboration regarding blood supply.
Sec. 2234. Supporting laboratory capacity and international collaboration to address antimicrobial resistance.
Sec. 2235. One Health framework.
Sec. 2236. Supporting children during public health emergencies.

Subtitle C—Accelerating Research and Countermeasure Discovery

CHAPTER 1—FOSTERING RESEARCH AND DEVELOPMENT AND IMPROVING COORDINATION

Sec. 2301. Research centers for pathogens of pandemic concern.

Sec. 2302. Improving medical countermeasure research coordination.
Sec. 2303. Accessing specimen samples and diagnostic tests.
Sec. 2304. National Academies of Sciences, Engineering, and Medicine study on natural immunity in relation to the COVID–19 pandemic.

CHAPTER 2—IMPROVING BIOSAFETY AND BIOSECURITY

Sec. 2311. Improving control and oversight of select biological agents and toxins.
Sec. 2312. Strategy for Federal high-containment laboratories.
Sec. 2313. National Science Advisory Board for Biosecurity.
Sec. 2314. Research to improve biosafety.
Sec. 2315. Federally-funded research with enhanced pathogens of pandemic potential.

CHAPTER 3—PREVENTING UNDUE FOREIGN INFLUENCE IN BIOMEDICAL RESEARCH

Sec. 2321. Foreign talent recruitment programs.
Sec. 2322. Securing identifiable, sensitive information and addressing other national security risks related to research.
Sec. 2323. Duties of the Director.
Sec. 2324. Protecting America's biomedical research enterprise.
Sec. 2325. GAO Study.
Sec. 2326. Report on progress to address undue foreign influence.

CHAPTER 4—ADVANCED RESEARCH PROJECTS AGENCY–HEALTH

Sec. 2331. Advanced Research Projects Agency–Health.

Subtitle D—Modernizing and Strengthening the Supply Chain for Vital Medical Products

Sec. 2401. Warm base manufacturing capacity for medical countermeasures.
Sec. 2402. Supply chain considerations for the Strategic National Stockpile.
Sec. 2403. Strategic National Stockpile equipment maintenance.
Sec. 2404. Improving transparency and predictability of processes of the Strategic National Stockpile.
Sec. 2405. Improving supply chain flexibility for the Strategic National Stockpile.
Sec. 2406. Reimbursement for certain supplies.
Sec. 2407. Action reporting on stockpile depletion.
Sec. 2408. Provision of medical countermeasures to Indian programs and facilities.
Sec. 2409. Grants for State strategic stockpiles.
Sec. 2410. Study on incentives for domestic production of generic medicines.
Sec. 2411. Increased manufacturing capacity for certain critical antibiotic drugs.

Subtitle E—Enhancing Development and Combating Shortages of Medical Products

CHAPTER 1—DEVELOPMENT AND REVIEW

Sec. 2501. Accelerating countermeasure development and review.
Sec. 2502. Third party test evaluation during emergencies.
Sec. 2503. Platform technologies.
Sec. 2504. Increasing EUA decision transparency.
Sec. 2505. Improving FDA guidance and communication.

CHAPTER 2—MITIGATING SHORTAGES

Sec. 2511. Ensuring registration of foreign drug and device manufacturers.
Sec. 2512. Extending expiration dates for certain drugs.
Sec. 2513. Combating counterfeit devices.
Sec. 2514. Preventing medical device shortages.
Sec. 2515. Technical corrections.

TITLE III—FOOD AND DRUG ADMINISTRATION

Sec. 3001. Short title.
Sec. 3002. Definition.

Subtitle A—Reauthorizations

Sec. 3101. Reauthorization of the critical path public-private partnership.
Sec. 3102. Reauthorization of the best pharmaceuticals for children program.
Sec. 3103. Reauthorization of the humanitarian device exemption incentive.
Sec. 3104. Reauthorization of the pediatric device consortia program.
Sec. 3105. Reauthorization of provision pertaining to drugs containing single enantiomers.
Sec. 3106. Reauthorization of certain device inspections.
Sec. 3107. Reauthorization of orphan drug grants.
Sec. 3108. Reauthorization of reporting requirements related to pending generic drug applications and priority review applications.

Sec. 3109. Reauthorization of third-party review program.

Subtitle B—Drugs and Biologics

CHAPTER 1—RESEARCH, DEVELOPMENT, AND COMPETITION IMPROVEMENTS

Sec. 3201. Prompt reports of marketing status by holders of approved applications for biological products.
Sec. 3202. Improving the treatment of rare diseases and conditions.
Sec. 3203. Emerging technology program.
Sec. 3204. National Centers of Excellence in Advanced and Continuous Pharmaceutical Manufacturing.
Sec. 3205. Public workshop on cell therapies.
Sec. 3206. Clarifications to exclusivity provisions for first interchangeable biosimilar biological products.
Sec. 3207. GAO report on nonprofit pharmaceutical organizations.
Sec. 3208. Rare disease endpoint advancement pilot program.
Sec. 3209. Animal testing alternatives.
Sec. 3210. Modernizing accelerated approval.
Sec. 3211. Antifungal research and development.
Sec. 3212. Advancing qualified infectious disease product innovation.
Sec. 3213. Advanced manufacturing technologies designation program.

CHAPTER 2—TRANSPARENCY, PROGRAM INTEGRITY, AND REGULATORY IMPROVEMENTS

Sec. 3221. Safer disposal of opioids.
Sec. 3222. Therapeutic equivalence evaluations.
Sec. 3223. Public docket on proposed changes to third-party vendors.
Sec. 3224. Enhancing access to affordable medicines.

Subtitle C—Medical Devices

Sec. 3301. Dual submission for certain devices.
Sec. 3302. Medical Devices Advisory Committee meetings.
Sec. 3303. GAO report on third-party review.
Sec. 3304. Certificates to foreign governments.
Sec. 3305. Ensuring cybersecurity of medical devices.
Sec. 3306. Bans of devices for one or more intended uses.
Sec. 3307. Third party data transparency.
Sec. 3308. Predetermined change control plans for devices.
Sec. 3309. Small business fee waiver.

Subtitle D—Infant Formula

Sec. 3401. Protecting infants and improving formula supply.

Subtitle E—Cosmetics

Sec. 3501. Short title.
Sec. 3502. Amendments to cosmetic requirements.
Sec. 3503. Enforcement and conforming amendments.
Sec. 3504. Records inspection.
Sec. 3505. Talc-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

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.
Sec. 4127. Consideration of safe harbor under the anti-kickback statute for certain contingency management interventions.
Sec. 4128. Provider outreach and reporting on certain behavioral health integration services.
Sec. 4129. Outreach and reporting on opioid use disorder treatment services furnished by opioid treatment programs.
Sec. 4130. GAO study and report comparing coverage of mental health and substance use disorder benefits and non-mental health and substance use disorder benefits.

Subtitle D—Other Medicare Provisions

Sec. 4131. Temporary inclusion of authorized oral antiviral drugs as covered part D drug.
Sec. 4132. Restoration of CBO access to certain part D payment data.
Sec. 4133. Medicare coverage of certain lymphedema compression treatment items.
Sec. 4134. Permanent in-home benefit for IVIG services.
Sec. 4135. Access to non-opioid treatments for pain relief.
Sec. 4136. Technical amendments to Medicare separate payment for disposable negative pressure wound therapy devices.
Sec. 4137. Extension of certain home health rural add-on payments.
Sec. 4138. Remedying election revocations relating to administration of COVID–19 vaccines.
Sec. 4139. Payment rates for durable medical equipment under the Medicare Program.
Sec. 4140. Extending Acute Hospital Care at Home waivers and flexibilities.

Sec. 4141. Extension of pass-through status under the Medicare program for certain devices impacted by COVID–19.
Sec. 4142. Increasing transparency for home health payments under the Medicare program.
Sec. 4143. Waiver of cap on annual payments for nursing and allied health education payments.

Subtitle E—Health Care Tax Provisions

Sec. 4151. Extension of safe harbor for absence of deductible for telehealth.

Subtitle F—Offsets

Sec. 4161. Reduction of Medicare Improvement Fund.
Sec. 4162. Extension of adjustment to calculation of hospice cap amount under Medicare.
Sec. 4163. Medicare direct spending reductions.

TITLE V—MEDICAID AND CHIP PROVISIONS

Subtitle A—Territories

Sec. 5101. Medicaid adjustments for the territories.

Subtitle B—Medicaid and CHIP Coverage

Sec. 5111. Funding extension of the Children's Health Insurance Program and related provisions.
Sec. 5112. Continuous eligibility for children under Medicaid and CHIP.
Sec. 5113. Modifications to postpartum coverage under Medicaid and CHIP.
Sec. 5114. Extension of Money Follows the Person Rebalancing demonstration.
Sec. 5115. Extension of Medicaid protections against spousal impoverishment for recipients of home and community-based services.

Subtitle C—Medicaid and CHIP Mental Health

Sec. 5121. Medicaid and CHIP requirements for health screenings, referrals, and case management services for eligible juveniles in public institutions.
Sec. 5122. Removal of limitations on Federal financial participation for inmates who are eligible juveniles pending disposition of charges.
Sec. 5123. Requiring accurate, updated, and searchable provider directories.
Sec. 5124. Supporting access to a continuum of crisis response services under Medicaid and CHIP.

Subtitle D—Transitioning From Medicaid FMAP Increase Requirements

Sec. 5131. Transitioning from Medicaid FMAP increase requirements.

Subtitle E—Medicaid Improvement Fund

Sec. 5141. Medicaid improvement fund.

TITLE VI—HUMAN SERVICES

Sec. 6101. Jackie Walorski Maternal and Child Home Visiting Reauthorization Act of 2022.
Sec. 6102. Extension of Temporary Assistance for Needy Families Program.
Sec. 6103. 1-year extension of child and family services programs.

TITLE I—RESTORING HOPE FOR MENTAL HEALTH AND WELL-BEING

Restoring Hope for Mental Health and Well-Being Act of 2022.
42 USC 201 note.

SEC. 1001. SHORT TITLE.

This title may be cited as the "Restoring Hope for Mental Health and Well-Being Act of 2022".

Subtitle A—Mental Health and Crisis Care Needs

CHAPTER 1—CRISIS CARE SERVICES AND 9–8–8 IMPLEMENTATION

SEC. 1101. BEHAVIORAL HEALTH CRISIS COORDINATING OFFICE.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 501A (42 U.S.C. 290aa–0) the following:

"SEC. 501B. BEHAVIORAL HEALTH CRISIS COORDINATING OFFICE.

42 USC 290aa–0a. Establishment.

"(a) IN GENERAL.—The Secretary shall establish, within the Substance Abuse and Mental Health Services Administration, an office to coordinate work relating to behavioral health crisis care across the operating divisions and agencies of the Department of Health and Human Services, including the Substance Abuse and Mental Health Services Administration, the Centers for Medicare & Medicaid Services, and the Health Resources and Services Administration, and external stakeholders.

"(b) DUTY.—The office established under subsection (a) shall—

"(1) convene Federal, State, Tribal, local, and private partners;

"(2) launch and manage Federal workgroups charged with making recommendations regarding issues related to mental health and substance use disorder crises, including with respect to health care best practices, workforce development, health disparities, data collection, technology, program oversight, public awareness, and engagement; and

"(3) support technical assistance, data analysis, and evaluation functions in order to assist States, localities, Territories, Indian Tribes, and Tribal organizations in developing crisis care systems and identifying best practices with the objective of expanding the capacity of, and access to, local crisis call centers, mobile crisis care, crisis stabilization, psychiatric emergency services, and rapid post-crisis follow-up care provided by—

"(A) the National Suicide Prevention and Mental Health Crisis Hotline and Response System;

"(B) the Veterans Crisis Line;

"(C) community mental health centers (as defined in section 1861(ff)(3)(B) of the Social Security Act);

"(D) certified community behavioral health clinics, as described in section 223 of the Protecting Access to Medicare Act of 2014; and

"(E) other community mental health and substance use disorder providers.

Time period.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2023 through 2027.".

SEC. 1102. CRISIS RESPONSE CONTINUUM OF CARE.

42 USC 290aa–0a note.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Mental Health and Substance Use, shall facilitate the identification and publication of best practices for a crisis response continuum of care related to mental health and substance

use disorders for use by health care providers, crisis services administrators, and crisis services providers in responding to individuals (including children and adolescents) experiencing mental health crises, substance-related crises, and crises arising from co-occurring disorders.

(b) BEST PRACTICES.—

(1) IN GENERAL.—The best practices published under subsection (a) shall, as appropriate, address best practices related to crisis response services for the range of entities that furnish such services, taking into consideration such services that—

(A) do not require prior authorization from an insurance provider or group health plan nor a referral from a health care provider prior to the delivery of services;

(B) provide for serving all individuals regardless of age or ability to pay;

(C) provide for operating 24 hours a day, 7 days a week;

(D) provide for care and support through resources described in paragraph (2)(A) until the individual has been stabilized or transferred to the next level of crisis care; and

(E) address psychiatric stabilization, including for—

(i) individuals screened over the phone, text, and chat; and

(ii) individuals stabilized on the scene by mobile teams.

(2) IDENTIFICATION OF FUNCTIONS.—The best practices published under subsection (a) shall consider the functions of the range of services in the crisis response continuum, including the following:

(A) Identification of resources for referral and enrollment in continuing mental health, substance use, or other human services relevant for the individual in crisis where necessary.

(B) A description of access and entry points to services within the crisis response continuum.

(C) Identification, as appropriate and consistent with State laws, of any protocols and agreements for the transfer and receipt of individuals to and from other segments of the crisis response continuum segments as needed, and from outside referrals, including health care providers, first responders (including law enforcement, paramedics, and firefighters), education institutions, and community-based organizations.

(D) Description of the qualifications of the range of crisis services staff, including roles for physicians, licensed clinicians, case managers, and peers (in accordance with State licensing requirements or requirements applicable to Tribal health professionals).

(E) The convening of collaborative meetings of relevant crisis response system partners, such as crisis response service providers, first responders (including law enforcement, paramedics, and firefighters), and community partners (including the National Suicide Prevention Lifeline or 9–8–8 call centers, 9–1–1 public service answering points, and local mental health and substance use disorder treatment providers), operating in a common region for

the discussion of case management, best practices, and general performance improvement.

(3) SERVICE CAPACITY AND QUALITY BEST PRACTICES.—The best practices under subsection (a) may include recommendations on—

(A) the volume of services to meet population need;

(B) appropriate timely response; and

(C) capacity to meet the needs of different patient populations that may experience a mental health or substance use crisis, including children, families, and all age groups, racial and ethnic minorities, veterans, individuals with co-occurring mental health and substance use disorders, individuals with disabilities, and individuals with chronic illness.

(4) IMPLEMENTATION TIMEFRAME.—The Secretary shall—

(A) not later than 1 year after the date of enactment of this section, publish and maintain the best practices required by subsection (a); and

Deadline. Publication.

(B) after 3 years, facilitate the identification of any updates to such best practices, as appropriate.

(5) EVALUATIONS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, an assessment of relevant programs related to mental health and substance use disorder crises authorized under title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) in order to assess the extent to which such programs meet objectives and performance metrics, as determined by the Secretary. Such evaluation may, as appropriate, include data on—

Deadline. Assessment. Determination.

Data.

(A) the type and variety of services provided when responding to mental health and substance use-related crises;

(B) the impact on emergency department facility use and length of stay, including for patients who require further psychiatric care;

(C) the impact on access to crisis care centers and crisis bed services;

(D) the impact on linkage to appropriate post-crisis care; and

(E) the use of best practices and recommendations identified under this section.

SEC. 1103. SUICIDE PREVENTION LIFELINE IMPROVEMENT.

(a) SUICIDE PREVENTION LIFELINE.—

(1) ACTIVITIES.—Section 520E–3(b) of the Public Health Service Act (42 U.S.C. 290bb–36c(b)) is amended—

(A) in paragraph (1)—

(i) by inserting "supporting and" before "coordinating"; and

(ii) by striking "crisis intervention services" and inserting "mental health crisis intervention services, including appropriate follow-up services,";

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(4) improving awareness of the program for suicide prevention and mental health crisis intervention services, including by conducting an awareness initiative and ongoing outreach to the public; and

"(5) improving the collection and analysis of demographic information, in a manner that protects personal privacy, consistent with applicable Federal and State privacy laws, in order to understand disparities in access to the program among individuals who are seeking help.".

(2) PLAN.—Section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) is further amended—

(A) by redesignating subsection (c) as subsection (f); and

(B) by inserting after subsection (b) the following:

"(c) PLAN.—

"(1) IN GENERAL.—For purposes of supporting the crisis centers under subsection (b)(1) and maintaining the suicide prevention hotline under subsection (b)(2), the Secretary shall develop and implement a plan to ensure the provision of high-quality services.

"(2) CONTENTS.—The plan required by paragraph (1) shall include the following:

Evaluation.

"(A) Program evaluation, including performance measures to assess progress toward the goals and objectives of the program and to improve the responsiveness and performance of the hotline, including at all backup call centers.

Requirements.

"(B) Requirements that crisis centers and backup centers must meet—

"(i) to participate in the network under subsection (b)(1); and

"(ii) to ensure that each telephone call and applicable other communication received by the hotline, including at backup call centers, is answered in a timely manner, consistent with evidence-based guidance or other guidance or best practices, as appropriate.

"(C) Specific recommendations and strategies for implementing evidence-based practices, including with respect to followup and communicating the availability of resources in the community for individuals in need.

"(D) Criteria for carrying out periodic testing of the hotline during each fiscal year, including at crisis centers and backup centers, to identify and address any problems in a timely manner.

"(3) CONSULTATION.—In developing requirements under paragraph (2)(B), the Secretary shall consult with State departments of health, local governments, Indian Tribes, and Tribal organizations.

Public information.

"(4) INITIAL PLAN; UPDATES.—The Secretary shall—

"(A) not later than 1 year after the date of enactment of the Restoring Hope for Mental Health and Well-Being Act of 2022, complete development of the initial plan under paragraph (1) and make such plan publicly available; and

"(B) periodically thereafter, update such plan and make the updated plan publicly available.".

(3) TRANSMISSION OF DATA TO CDC AND TO ASSIST STATE AND LOCAL AGENCIES.—Section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) is amended by inserting after subsection (c), as added by paragraph (2), the following:

"(d) IMPROVING EPIDEMIOLOGICAL DATA.—The Secretary shall, as appropriate, formalize and strengthen agreements between the Suicide Prevention Lifeline program and the Centers for Disease Control and Prevention with respect to the secure sharing of de-identified epidemiological data. Such agreements shall include appropriate privacy and security protections that meet the requirements of applicable Federal law, at a minimum.

Contracts.

Privacy.

"(e) DATA TO ASSIST STATE AND LOCAL SUICIDE PREVENTION ACTIVITIES.—The Secretary shall ensure that the aggregated information collected and any applicable analyses conducted under subsection (b)(5), including from local call centers, as applicable, are made available in a usable format to State and local agencies in order to inform suicide prevention activities.".

(4) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c), as redesignated by paragraph (2), is amended to read as follows:

"(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $101,621,000 for each of fiscal years 2023 through 2027.".

Time period.

(b) PILOT PROGRAM ON INNOVATIVE TECHNOLOGIES.—

42 USC 290bb–36c note.

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, shall, as appropriate, carry out a pilot program to research, analyze, and employ various technologies and platforms of communication (including social media platforms, texting platforms, and email platforms) for suicide prevention in addition to the telephone and online chat service provided by the Suicide Prevention Lifeline.

(2) REPORT.—Not later than 24 months after the date on which the pilot program under paragraph (1) commences, the Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, shall submit to the Congress a report on the pilot program. With respect to each platform of communication employed pursuant to the pilot program, the report shall include—

(A) a full description of the program;

(B) the number of individuals served by the program;

(C) the average wait time for each individual to receive a response;

(D) the cost of the program, including the cost per individual served; and

Costs.

(E) any other information the Secretary determines appropriate.

(c) HHS STUDY AND REPORT.—Not later than 2 years after the Secretary of Health and Human Services completes development of the plan under section 520E–3(c) of the Public Health Service Act, as added by subsection (a)(2)(B), the Secretary shall—

(1) complete a study on—

(A) the implementation of such plan, including the progress towards meeting the goals and objectives identified pursuant to paragraph (2)(A) of such section 520E–3(c); and

(B) in consultation with the Director of the Centers for Disease Control and Prevention, options to improve data regarding usage of the Suicide Prevention Lifeline, such as repeat calls, consistent with applicable Federal and State privacy laws; and

Recommendations.

(2) submit a report to Congress on the progress made on meeting the goals and objectives identified pursuant to paragraph (2)(A) of such section 520E–3(c) and recommendations on improving the program, including improvements to enhance data collection and usage.

(d) GAO STUDY AND REPORT.—

(1) IN GENERAL.—Not later than 2 years after the Secretary of Health and Human Services begins implementation of the plan required by section 520E–3(c) of the Public Health Service Act, as added by subsection (a)(2)(B), the Comptroller General of the United States shall—

(A) complete a study on the Suicide Prevention Lifeline; and

(B) submit a report to the Congress on the results of such study.

(2) CONTENT.—The study required by paragraph (1) shall include what is known about—

(A) the feasibility of routing calls to the Suicide Prevention Lifeline to the nearest crisis center based on the physical location of the contact;

(B) capacity of the Suicide Prevention Lifeline;

(C) State and regional variation with respect to access to crisis centers described in section 520E–3(b)(1) of the Public Health Service Act (42 U.S.C. 290bb–36c(b)(1)), including wait times, answer times, hours of operation, and funding sources;

(D) the implementation of the plan under section 520E–3(c) of the Public Health Service Act, as added by subsection (a)(2)(B), including the progress toward meeting the goals and objectives in such plan; and

(E) the capacity of the Suicide Prevention Lifeline to handle calls from individuals with limited English proficiency.

(3) RECOMMENDATIONS.—The report required by paragraph (1) shall include recommendations for improving the Suicide Prevention Lifeline, including recommendations for administrative actions.

42 USC 290bb–36c note.

(e) DEFINITION.—In this section, the term "Suicide Prevention Lifeline" means the suicide prevention hotline maintained pursuant to section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c).

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.

(a) IN GENERAL.—Section 317L–1 of the Public Health Service Act (42 U.S.C. 247b–13a) is amended—

(1) in the section heading, by striking "**MATERNAL DEPRESSION**" and inserting "**MATERNAL MENTAL HEALTH AND SUBSTANCE USE DISORDERS**"; and

(2) in subsection (a)—

(A) by inserting ", Indian Tribes and Tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act)" after "States"; and

(B) by striking "for women who are pregnant, or who have given birth within the preceding 12 months, for maternal depression" and inserting "for women who are postpartum, pregnant, or have given birth within the preceding 12 months, for maternal mental health and substance use disorders".

Time period.

(b) APPLICATION.—Subsection (b) of section 317L–1 of the Public Health Service Act (42 U.S.C. 247b–13a) is amended—

(1) by striking "a State shall submit" and inserting "an entity listed in subsection (a) shall submit"; and

(2) in paragraphs (1) and (2), by striking "maternal depression" each place it appears and inserting "maternal mental health and substance use disorders".

(c) PRIORITY.—Subsection (c) of section 317L–1 of the Public Health Service Act (42 U.S.C. 247b–13a) is amended—

(1) by striking "may give priority to States proposing to improve or enhance access to screening" and inserting the following: "shall, as appropriate, give priority to entities listed in subsection (a) that—

"(1) are proposing to create, improve, or enhance screening, prevention, and treatment";

(2) by striking "maternal depression" and inserting "maternal mental health and substance use disorders";

(3) by striking the period at the end of paragraph (1), as so designated, and inserting a semicolon; and

(4) by inserting after such paragraph (1) the following:

"(2) are currently partnered with, or will partner with, one or more community-based organizations to address maternal mental health and substance use disorders;

"(3) are located in, or provide services under this section in, an area with disproportionately high rates of maternal mental health or substance use disorders or other related disparities; and

"(4) operate in a health professional shortage area designated under section 332, including maternity care health professional target areas.".

(d) USE OF FUNDS.—Subsection (d) of section 317L–1 of the Public Health Service Act (42 U.S.C. 247b–13a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "to health care providers; and" and inserting "on maternal mental health and substance use disorder screening, brief intervention, treatment (as applicable for health care providers), and referrals for treatment to health care providers in the primary care setting and, as applicable, relevant health paraprofessionals;";

(B) in subparagraph (B), by striking "to health care providers, including information on maternal depression screening, treatment, and followup support services, and linkages to community-based resources; and" and inserting "on maternal mental health and substance use disorder screening, brief intervention, treatment (as applicable for

health care providers) and referrals for treatment, follow-up support services, and linkages to community-based resources to health care providers in the primary care setting and, as applicable, relevant health paraprofessionals; and"; and

(C) by adding at the end the following:

"(C) to the extent practicable and appropriate, enabling health care providers (such as obstetrician-gynecologists, nurse practitioners, nurse midwives, pediatricians, psychiatrists, mental and other behavioral health care providers, and adult primary care clinicians) to provide or receive real-time psychiatric consultation (in-person or remotely), including through the use of technology-enabled collaborative learning and capacity building models (as defined in section 330N), to aid in the treatment of pregnant and postpartum women; and"; and

(2) in paragraph (2)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(C) in subparagraph (A), as so redesignated, by striking "and" at the end;

(D) in subparagraph (B), as so redesignated—

(i) by inserting ", including" before "for rural areas"; and

(ii) by striking the period at the end and inserting a semicolon; and

(E) by inserting after subparagraph (B), as so redesignated, the following:

"(C) providing assistance to pregnant and postpartum women to receive maternal mental health and substance use disorder treatment, including patient consultation, care coordination, and navigation for such treatment;

"(D) coordinating, as appropriate, with maternal and child health programs of State, local, and Tribal governments, including child psychiatric access programs;

"(E) conducting public outreach and awareness regarding grants under subsection (a);

"(F) creating multistate consortia to carry out the activities required or authorized under this subsection; and

"(G) training health care providers in the primary care setting and relevant health paraprofessionals on trauma-informed care, culturally and linguistically appropriate services, and best practices related to training to improve the provision of maternal mental health and substance use disorder care for racial and ethnic minority populations and reduce related disparities in the delivery of such care.".

(e) ADDITIONAL PROVISIONS.—Section 317L–1 of the Public Health Service Act (42 U.S.C. 247b–13a) is amended—

(1) by redesignating subsection (e) as subsection (h); and

(2) by inserting after subsection (d) the following:

"(e) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to grantees and entities listed in subsection (a) for carrying out activities pursuant to this section.

Time period.

"(f) DISSEMINATION OF BEST PRACTICES.—The Secretary, based on evaluation of the activities funded pursuant to this section, shall identify and disseminate evidence-based or evidence-informed

practices for screening, assessment, treatment, and referral to treatment services for maternal mental health and substance use disorders, including culturally and linguistically appropriate services, for women during pregnancy and 12 months following pregnancy.

"(g) MATCHING REQUIREMENT.—The Federal share of the cost of the activities for which a grant is made to an entity under subsection (a) shall not exceed 90 percent of the total cost of such activities.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of section 317L–1 (42 U.S.C. 247b–13a) of the Public Health Service Act, as redesignated by subsection (e), is amended—

(1) by striking "$5,000,000" and inserting "$24,000,000"; and

(2) by striking "2018 through 2022" and inserting "2023 through 2027".

SEC. 1112. MATERNAL MENTAL HEALTH HOTLINE.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399V–7. MATERNAL MENTAL HEALTH HOTLINE.

42 USC 280g–18. Grants. Contracts.

"(a) IN GENERAL.—The Secretary shall maintain, by grant or contract, a national maternal mental health hotline to provide emotional support, information, brief intervention, and mental health and substance use disorder resources to pregnant and postpartum women at risk of, or affected by, maternal mental health and substance use disorders, and to their families or household members.

"(b) REQUIREMENTS FOR HOTLINE.—The hotline under subsection (a) shall—

"(1) be a 24/7 real-time hotline;

"(2) provide voice and text support;

"(3) be staffed by certified peer specialists, licensed health care professionals, or licensed mental health professionals who are trained on—

"(A) maternal mental health and substance use disorder prevention, identification, and intervention; and

"(B) providing culturally and linguistically appropriate support; and

"(4) provide maternal mental health and substance use disorder assistance and referral services to meet the needs of underserved populations, individuals with disabilities, and family and household members of pregnant or postpartum women at risk of experiencing maternal mental health and substance use disorders.

Consultations.

"(c) ADDITIONAL REQUIREMENTS.—In maintaining the hotline under subsection (a), the Secretary shall—

"(1) consult with the Domestic Violence Hotline, National Suicide Prevention Lifeline, and Veterans Crisis Line to ensure that pregnant and postpartum women are connected in real-time to the appropriate specialized hotline service, when applicable;

"(2) conduct a public awareness campaign for the hotline;

"(3) consult with Federal departments and agencies, including the Substance Abuse and Mental Health Services Administration and the Department of Veterans Affairs, to increase awareness regarding the hotline; and

"(4) consult with appropriate State, local, and Tribal public health officials, including officials who administer programs that serve low-income pregnant and postpartum individuals.

"(d) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress on the hotline under subsection (a) and implementation of this section, including—

Evaluation.

"(1) an evaluation of the effectiveness of activities conducted or supported under subsection (a);

"(2) a directory of entities or organizations to which staff maintaining the hotline funded under this section may make referrals; and

"(3) such additional information as the Secretary determines appropriate.

Time period.

"(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $10,000,000 for each of fiscal years 2023 through 2027.".

42 USC 290bb–31 note. Deadline.

SEC. 1113. TASK FORCE ON MATERNAL MENTAL HEALTH.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, for purposes of identifying, evaluating, and making recommendations to coordinate and improve Federal activities related to addressing maternal mental health conditions, shall—

(1) establish a task force to be known as the Task Force on Maternal Mental Health (in this section referred to as the "Task Force"); or

(2) incorporate the duties, public meetings, and reports specified in subsections (c) through (f) into existing relevant Federal committees or working groups, such as the Maternal Health Interagency Policy Committee and the Maternal Health Working Group, as appropriate.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of—

(A) the Federal members under paragraph (2); and

(B) the non-Federal members under paragraph (3).

(2) FEDERAL MEMBERS.—The Federal members of the Task Force shall consist of the following heads of Federal departments and agencies (or their designees):

(A) The Assistant Secretary for Health of the Department of Health and Human Services and the Assistant Secretary for Mental Health and Substance Use, who shall serve as co-chairs.

(B) The Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services.

(C) The Assistant Secretary of the Administration for Children and Families.

(D) The Director of the Centers for Disease Control and Prevention.

(E) The Administrator of the Centers for Medicare & Medicaid Services.

(F) The Administrator of the Health Resources and Services Administration.

(G) The Director of the Indian Health Service.

(H) Such other Federal departments and agencies as the Secretary determines appropriate that serve individuals with maternal mental health conditions.

(3) NON-FEDERAL MEMBERS.—The non-Federal members of the Task Force shall—

(A) compose not more than one-half, and not less than one-third, of the total membership of the Task Force;

(B) be appointed by the Secretary; and

(C) include—

(i) representatives of professional medical societies, professional nursing societies, and relevant health paraprofessional societies with expertise in maternal or mental health;

(ii) representatives of nonprofit organizations with expertise in maternal or mental health;

(iii) relevant industry representatives; and

(iv) other representatives, as appropriate.

(4) DEADLINE FOR DESIGNATING DESIGNEES.—If the Assistant Secretary for Health, the Assistant Secretary for Mental Health and Substance Use, or the head of a Federal department or agency serving as a member of the Task Force under paragraph (2), chooses to be represented on the Task Force by a designee, the Assistant Secretary for Health, the Assistant Secretary for Mental Health and Substance Use, or department or agency head shall designate such designee not later than 90 days after the date of the enactment of this section.

(c) DUTIES.—The Task Force shall—

(1) prepare and regularly update a report that analyzes and evaluates the state of maternal mental health programs at the Federal level, and identifies best practices with respect to maternal mental health (which may include co-occurring substance use disorders), including—

(A) a set of evidence-based, evidence-informed, and promising practices with respect to—

(i) prevention strategies for maternal mental health conditions, including strategies and recommendations to reduce racial, ethnic, geographic, and other health disparities;

(ii) the identification, screening, diagnosis, intervention, and treatment of maternal mental health conditions and affected families;

(iii) the timely referral to supports, and implementation of practices, that prevent and mitigate the effects of a maternal mental health condition, including strategies and recommendations to eliminate racial and ethnic disparities that exist in maternal mental health; and

(iv) community-based or multigenerational practices that provide support related to maternal mental health conditions, including support for affected families; and

(B) Federal and State programs and activities that support prevention, screening, diagnosis, intervention, and treatment of maternal mental health conditions;

(2) develop and regularly update a national strategy for maternal mental health, taking into consideration the findings of the report under paragraph (1), on how the Task Force and Federal departments and agencies represented on the Task Force may prioritize options for, and may improve coordination

with respect to, addressing maternal mental health conditions, including by—

(A) increasing prevention, screening, diagnosis, intervention, treatment, and access to maternal mental health care, including clinical and nonclinical care such as peer-support and community health workers, through the public and private sectors;

(B) providing support relating to the prevention, screening, diagnosis, intervention, and treatment of maternal mental health conditions, including families, as appropriate;

(C) reducing racial, ethnic, geographic, and other health disparities related to prevention, diagnosis, intervention, treatment, and access to maternal mental health care;

(D) identifying opportunities to modify, strengthen, and better coordinate existing Federal infant and maternal health programs in order to improve screening, diagnosis, research, prevention, identification, intervention, and treatment with respect to maternal mental health; and

(E) improving planning, coordination, and collaboration across Federal departments, agencies, offices, and programs;

(3) solicit public comments, as appropriate, from stakeholders for the report under paragraph (1) and the national strategy under paragraph (2) in order to inform the activities and reports of the Task Force; and

(4) consider the latest research related to maternal mental health in developing the strategy, including, as applicable and appropriate, data and information disaggregated by relevant factors, such as race, ethnicity, geographical location, age, socioeconomic level, and others, as appropriate.

(d) MEETINGS.—The Task Force shall—

(1) meet not less than two times each year; and

(2) convene public meetings, as appropriate, to fulfill its duties under this section.

(e) REPORTS TO PUBLIC AND FEDERAL LEADERS.—The Task Force shall make publicly available and submit to the heads of relevant Federal departments and agencies, the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and other relevant congressional committees, the following:

(1) Not later than 1 year after the first meeting of the Task Force, an initial report under subsection (c)(1).

(2) Not later than 2 years after the first meeting of the Task Force, an initial national strategy under subsection (c)(2).

(3) Each year thereafter—

(A) an updated report under subsection (c)(1);

(B) an updated national strategy under subsection (c)(2); or

(C) if no update is made under subsection (c)(1) or (c)(2), a report summarizing the activities of the Task Force.

(f) REPORTS TO GOVERNORS.—Upon finalizing the initial national strategy under subsection (c)(2), and upon making relevant updates to such strategy, the Task Force shall submit a report to the Governors of all States describing any opportunities for local- and State-level partnerships identified under subsection (c)(2).

(g) SUNSET.—The Task Force shall terminate on September 30, 2027.

(h) NONDUPLICATION OF FEDERAL EFFORTS.—The Secretary may relieve the Task Force, in carrying out subsections (c) through (f), from responsibility for carrying out such activities as may be specified by the Secretary as duplicative of other activities carried out by the Department of Health and Human Services.

SEC. 1114. RESIDENTIAL TREATMENT PROGRAM FOR PREGNANT AND POSTPARTUM WOMEN PILOT PROGRAM REAUTHORIZATION.

Section 508(r) of the Public Health Service Act (42 U.S.C. 290bb–1(r)) is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(3) in paragraph (4)(B), as so redesignated—

(A) in the matter preceding clause (i), by striking "The Director" and inserting "Not later than September 30, 2026, the Director"; and

(B) by striking "the relevant committees of jurisdiction of the House of Representatives and the Senate" and inserting "the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives".

CHAPTER 3—REACHING IMPROVED MENTAL HEALTH OUTCOMES FOR PATIENTS

SEC. 1121. INNOVATION FOR MENTAL HEALTH.

(a) NATIONAL MENTAL HEALTH AND SUBSTANCE USE POLICY LABORATORY.—Section 501A of the Public Health Service Act (42 U.S.C. 290aa–0) is amended—

(1) in subsection (e)(1), by striking "Indian tribes or tribal organizations" and inserting "Indian Tribes or Tribal organizations";

(2) by striking subsection (e)(3); and

(3) by adding at the end the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $10,000,000 for each of fiscal years 2023 through 2027.". Time period.

(b) GAO STUDY.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare a report on the work of the National Mental Health and Substance Use Policy Laboratory established under section 501A of the Public Health Service Act (42 U.S.C. 290aa–0), including— Reports.

(1) the extent to which such Laboratory is meeting its responsibilities as set forth in such section 501A; and

(2) any recommendations for improvement, including methods to expand the use of evidence-based practices across programs, recommendations to improve program evaluations for effectiveness, and dissemination of resources to stakeholders and the public. Recommendations.

(c) INTERDEPARTMENTAL SERIOUS MENTAL ILLNESS COORDINATING COMMITTEE.—

(1) IN GENERAL.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 1101, is further amended by inserting after section 501B, as added by such section 1101, the following:

42 USC 290aa–0b.

"SEC. 501C. INTERDEPARTMENTAL SERIOUS MENTAL ILLNESS COORDINATING COMMITTEE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, or the designee of the Secretary, shall establish a committee to be known as the Interdepartmental Serious Mental Illness Coordinating Committee (in this section referred to as the 'Committee').

Applicability.

"(2) FEDERAL ADVISORY COMMITTEE ACT.—Except as provided in this section, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

"(b) MEETINGS.—The Committee shall meet not fewer than 2 times each year.

Reports.

"(c) RESPONSIBILITIES.—Not later than each of 1 year and 5 years after the date of enactment of this section, the Committee shall submit to Congress and any other relevant Federal department or agency a report including—

Summary.

"(1) a summary of advances in serious mental illness and serious emotional disturbance research related to the prevention of, diagnosis of, intervention in, and treatment and recovery of serious mental illnesses, serious emotional disturbances, and advances in access to services and support for adults with a serious mental illness or children with a serious emotional disturbance;

Evaluation.

"(2) an evaluation of the effect Federal programs related to serious mental illness have on public health, including outcomes such as—

"(A) rates of suicide, suicide attempts, incidence and prevalence of serious mental illnesses, serious emotional disturbances, and substance use disorders, overdose, overdose deaths, emergency hospitalizations, emergency department boarding, preventable emergency department visits, interaction with the criminal justice system, homelessness, and unemployment;

"(B) increased rates of employment and enrollment in educational and vocational programs;

"(C) quality of mental and substance use disorders treatment services; or

"(D) any other criteria as may be determined by the Secretary; and

Recommendations.

"(3) specific recommendations for actions that agencies can take to better coordinate the administration of mental health services for adults with a serious mental illness or children with a serious emotional disturbance.

"(d) MEMBERSHIP.—

"(1) FEDERAL MEMBERS.—The Committee shall be composed of the following Federal representatives, or the designees of such representatives—

"(A) the Secretary of Health and Human Services, who shall serve as the Chair of the Committee;

"(B) the Assistant Secretary for Mental Health and Substance Use;

"(C) the Attorney General;

"(D) the Secretary of Veterans Affairs;

"(E) the Secretary of Defense;

"(F) the Secretary of Housing and Urban Development;

"(G) the Secretary of Education;

"(H) the Secretary of Labor;

"(I) the Administrator of the Centers for Medicare & Medicaid Services;

"(J) the Administrator of the Administration for Community Living; and

"(K) the Commissioner of Social Security.

"(2) NON-FEDERAL MEMBERS.—The Committee shall also include not less than 14 non-Federal public members appointed by the Secretary of Health and Human Services, of which—

"(A) at least 2 members shall be an individual who has received treatment for a diagnosis of a serious mental illness;

"(B) at least 1 member shall be a parent or legal guardian of an adult with a history of a serious mental illness or a child with a history of a serious emotional disturbance;

"(C) at least 1 member shall be a representative of a leading research, advocacy, or service organization for adults with a serious mental illness;

"(D) at least 2 members shall be—

"(i) a licensed psychiatrist with experience in treating serious mental illnesses;

"(ii) a licensed psychologist with experience in treating serious mental illnesses or serious emotional disturbances;

"(iii) a licensed clinical social worker with experience treating serious mental illnesses or serious emotional disturbances; or

"(iv) a licensed psychiatric nurse, nurse practitioner, or physician assistant with experience in treating serious mental illnesses or serious emotional disturbances;

"(E) at least 1 member shall be a licensed mental health professional with a specialty in treating children and adolescents with a serious emotional disturbance;

"(F) at least 1 member shall be a mental health professional who has research or clinical mental health experience in working with minorities;

"(G) at least 1 member shall be a mental health professional who has research or clinical mental health experience in working with medically underserved populations;

"(H) at least 1 member shall be a State certified mental health peer support specialist;

"(I) at least 1 member shall be a judge with experience in adjudicating cases related to criminal justice or serious mental illness;

"(J) at least 1 member shall be a law enforcement officer or corrections officer with extensive experience in interfacing with adults with a serious mental illness, children with a serious emotional disturbance, or individuals in a mental health crisis; and

"(K) at least 1 member shall have experience providing services for homeless individuals and working with adults

with a serious mental illness, children with a serious emotional disturbance, or individuals in a mental health crisis.

"(3) TERMS.—A member of the Committee appointed under paragraph (2) shall serve for a term of 3 years, and may be reappointed for 1 or more additional 3-year terms. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has been appointed.

"(e) WORKING GROUPS.—In carrying out its functions, the Committee may establish working groups. Such working groups shall be composed of Committee members, or their designees, and may hold such meetings as are necessary.

"(f) SUNSET.—The Committee shall terminate on September 30, 2027.".

(2) CONFORMING AMENDMENTS.—

(A) Section 501(l)(2) of the Public Health Service Act (42 U.S.C. 290aa(l)(2)) is amended by striking "section 6031 of such Act" and inserting "section 501C".

(B) The Helping Families in Mental Health Crisis Reform Act of 2016 (Division B of Public Law 114–255) is amended—

(i) by repealing section 6031; and

(ii) by conforming the item relating to such section in the table of contents in section 1(b) of Public Law 114–255.

(d) PRIORITY MENTAL HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.—Section 520A of the Public Health Service Act (42 U.S.C. 290bb–32) is amended—

(1) in subsection (a), by striking "Indian tribes or tribal organizations" and inserting "Indian Tribes or Tribal organizations"; and

(2) in subsection (f), by striking "$394,550,000 for each of fiscal years 2018 through 2022" and inserting "$599,036,000 for each of fiscal years 2023 through 2027".

SEC. 1122. CRISIS CARE COORDINATION.

(a) STRENGTHENING COMMUNITY CRISIS RESPONSE SYSTEMS.—Section 520F of the Public Health Service Act (42 U.S.C. 290bb–37) is amended to read as follows:

"SEC. 520F. MENTAL HEALTH CRISIS RESPONSE PARTNERSHIP PILOT PROGRAM.

Grants.
State and local governments.
Territories.
Native Americans.

"(a) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary will award competitive grants to States, localities, territories, Indian Tribes, and Tribal organizations to establish new, or enhance existing, mobile crisis response teams that divert the response for mental health and substance use disorder crises from law enforcement to mobile crisis teams, as described in subsection (b).

"(b) MOBILE CRISIS TEAMS DESCRIBED.—A mobile crisis team, for purposes of this section, is a team of individuals—

"(1) that is available to respond to individuals in mental health and substance use disorder crises and provide immediate stabilization, referrals to community-based mental health and substance use disorder services and supports, and triage to a higher level of care if medically necessary;

"(2) which may include licensed counselors, clinical social workers, physicians, paramedics, crisis workers, peer support specialists, or other qualified individuals; and

"(3) which may provide support to divert mental health and substance use disorder crisis calls from the 9–1–1 system to the 9–8–8 system.

"(c) PRIORITY.—In awarding grants under this section, the Secretary shall prioritize applications which account for the specific needs of the communities to be served, including children and families, veterans, rural and underserved populations, and other groups at increased risk of death from suicide or overdose.

"(d) REPORT.—

"(1) INITIAL REPORT.—Not later than September 30, 2024, the Secretary shall submit to Congress a report on steps taken by States, localities, territories, Indian Tribes, and Tribal organizations prior to the date of enactment of this section to strengthen the partnerships among mental health providers, substance use disorder treatment providers, primary care physicians, mental health and substance use disorder crisis teams, paramedics, law enforcement officers, and other first responders.

"(2) PROGRESS REPORTS.—Not later than one year after the date on which the first grant is awarded to carry out this section, and for each year thereafter, the Secretary shall submit to Congress a report on the grants made during the year covered by the report, which shall include—

"(A) impact data on the teams and people served by such programs, including demographic information of individuals served, volume, and types of service utilization; Data.

"(B) outcomes of the number of linkages made to community-based resources or short-term crisis receiving and stabilization facilities, as applicable, and diversion from law enforcement or hospital emergency department settings;

"(C) data consistent with the State block grant requirements for continuous evaluation and quality improvement, and other relevant data as determined by the Secretary; Data.

"(D) identification and, where appropriate, recommendations of best practices from States and localities providing mobile crisis response and stabilization services for youth and adults; and

"(E) identification of any opportunities for improvements to the program established under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2023 through 2027.". Time period.

(b) MENTAL HEALTH AWARENESS TRAINING GRANTS.—

(1) IN GENERAL.—Section 520J(b) of the Public Health Service Act (42 U.S.C. 290bb–41(b)) is amended—

(A) in paragraph (1), by striking "Indian tribes, tribal organizations" and inserting "Indian Tribes, Tribal organizations";

(B) in paragraph (4), by striking "Indian tribe, tribal organization" and inserting "Indian Tribe, Tribal organization";

(C) in paragraph (5)—

(i) by striking "Indian tribe, tribal organization" and inserting "Indian Tribe, Tribal organization";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B)(ii), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) suicide intervention and prevention.";

(D) in paragraph (6), by striking "Indian tribe, tribal organization" and inserting "Indian Tribe, Tribal organization";

(E) by redesignating paragraph (7) as paragraph (8);

(F) by inserting after paragraph (6) the following:

"(7) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to grantees in carrying out this section, which may include assistance with—

"(A) program evaluation and related activities, including related data collection and reporting;

"(B) implementing and disseminating evidence-based practices and programs; and

"(C) facilitating collaboration among grantees."; and

(G) in paragraph (8), as so redesignated, by striking "$14,693,000 for each of fiscal years 2018 through 2022" and inserting "$24,963,000 for each of fiscal years 2023 through 2027".

(2) TECHNICAL CORRECTIONS.—Section 520J(b) of the Public Health Service Act (42 U.S.C. 290bb–41(b)) is amended—

(A) in the heading of paragraph (2), by striking "EMERGENCY SERVICES PERSONNEL" and inserting "EMERGENCY SERVICES PERSONNEL"; and

(B) in the heading of paragraph (3), by striking "DISTRIBUTION OF AWARDS" and inserting "DISTRIBUTION OF AWARDS".

(c) ADULT SUICIDE PREVENTION.—Section 520L of the Public Health Service Act (42 U.S.C. 290bb–43) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "individuals who are 25 years of age or older" and inserting "adult individuals"; and

(ii) by inserting "prevention" after "raise awareness of suicide"; and

(B) in paragraph (2)—

(i) by striking "Indian tribe" each place it appears and inserting "Indian Tribe"; and

(ii) by striking "tribal organization" each place it appears and inserting "Tribal organization"; and

(C) by amending paragraph (3)(C) to read as follows:

"(C) Raising awareness of suicide prevention resources and promoting help seeking among those at risk for suicide.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "; and" and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) identify best practices, as applicable, to improve the identification, assessment, treatment, and timely transition, as appropriate, to additional or follow-up care for individuals in emergency departments who are at risk for suicide and enhance the coordination of care for such individuals during and after discharge, in support of activities under subsection (a)."; and

(3) in subsection (d), by striking "$30,000,000 for the period of fiscal years 2018 through 2022" and inserting "$30,000,000 for each of fiscal years 2023 through 2027".

SEC. 1123. TREATMENT OF SERIOUS MENTAL ILLNESS.

(a) ASSERTIVE COMMUNITY TREATMENT GRANT PROGRAM.—

(1) TECHNICAL AMENDMENT.—Section 520M(b) of the Public Health Service Act (42 U.S.C. 290bb–44(b)) is amended by striking "Indian tribe or tribal organization" and inserting "Indian Tribe or Tribal organization".

(2) REPORT TO CONGRESS.—Section 520M(d)(1) of the Public Health Service Act (42 U.S.C. 290bb–44(d)(1)) is amended—

(A) by striking "not later than the end of fiscal year 2021" and inserting "not later than the end of fiscal year 2026"; and

(B) by striking "appropriate congressional committees" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives".

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 520M(e)(1) of the Public Health Service Act (42 U.S.C. 290bb–44(d)(1)) is amended by striking "$5,000,000 for the period of fiscal years 2018 through 2022" and inserting "$9,000,000 for each of fiscal years 2023 through 2027".

(b) ASSISTED OUTPATIENT TREATMENT.—

(1) IN GENERAL.—Section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa note) is amended— 42 USC 290aa–17.

(A) in subsection (a), by striking "4-year pilot";

(B) in subsection (e), in the matter preceding paragraph (1)—

(i) by striking "each of fiscal years 2016, 2017, 2018, 2019, 2020, 2021, and 2022" and inserting "fiscal year 2023, and biennially thereafter"; and

(ii) by striking "appropriate congressional committees" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives";

(C) in subsection (e), by inserting after paragraph (4) the following:

"(5) Demographic information regarding participation of those served by the grant compared to demographic information in the population of the grant recipient."; and

(D) in subsection (g)—

(i) in paragraph (1), by striking "2015 through 2022" and inserting "2023 through 2027"; and

(ii) by amending paragraph (2) to read as follows:

Time period.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $22,000,000 for each of fiscal years 2023 through 2027.".

(2) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report examining the efficacy of assisted outpatient treatment programs that received funding under section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113– 93; 42 U.S.C. 290aa note) in improving health outcomes and treatment adherence, reducing rates of incarceration, and reducing rates of homelessness. Such report shall include—

(A) a comparison of health outcomes, treatment compliance, program participant feedback, reduced rates of incarceration, and reduced rates of homelessness as compared to other evidence- and community-based outpatient treatment programs and services, including information on geographic differences in program efficacy, as applicable; and

(B) identification of best practices used, as applicable, in the implementation of assisted outpatient treatment programs to ensure program participants are receiving treatment in the least restrictive environment that is clinically appropriate consistent with Federal and State law, as applicable.

SEC. 1124. STUDY ON THE COSTS OF SERIOUS MENTAL ILLNESS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Assistant Secretary for Mental Health and Substance Use, the Assistant Secretary for Planning and Evaluation, the Attorney General of the United States, the Secretary of Labor, and the Secretary of Housing and Urban Development, shall conduct a study on the direct and indirect costs of serious mental illness with respect to—

(1) nongovernmental entities; and

(2) the Federal Government and State, local, and Tribal governments.

(b) CONTENT.—The study under subsection (a) shall consider each of the following:

(1) The costs to the health care system for health services, including with respect to—

(A) office-based physician visits;

(B) residential and inpatient treatment programs;

(C) outpatient treatment programs;

(D) emergency department visits;

(E) crisis stabilization programs;

(F) home health care;

(G) skilled nursing and long-term care facilities;

(H) prescription drugs and digital therapeutics; and

(I) any other relevant health services.

(2) The costs of homelessness, including with respect to—

(A) homeless shelters;

(B) street outreach activities;

(C) crisis response center visits; and

(D) other supportive services.

(3) The costs of structured residential facilities and other supportive housing for residential and custodial care services.

(4) The costs of law enforcement encounters and encounters with the criminal justice system, including with respect to—

(A) encounters that do and do not result in an arrest;

(B) criminal and judicial proceedings;

(C) services provided by law enforcement and judicial staff (including public defenders, prosecutors, and private attorneys); and

(D) incarceration.

(5) The costs of serious mental illness on employment.

(6) With respect to family members and caregivers, the costs of caring for an individual with a serious mental illness.

(7) Any other relevant costs for programs and services administered by the Federal Government or State, Tribal, or local governments.

(c) DATA DISAGGREGATION.—In conducting the study under subsection (a), the Secretary of Health and Human Services shall (to the extent feasible)—

(1) disaggregate data by—

(A) costs to nongovernmental entities, the Federal Government, and State, local, and Tribal governments;

(B) types of serious mental illnesses and medical chronic diseases common in patients with a serious mental illness; and

(C) demographic characteristics, including race, ethnicity, sex, age (including pediatric subgroups), and other characteristics determined by the Secretary; and

(2) include an estimate of— Estimate.

(A) the total number of individuals with a serious mental illness in the United States, including in traditional and nontraditional housing; and

(B) the percentage of such individuals in—

(i) homeless shelters;

(ii) penal facilities, including Federal prisons, State prisons, and county and municipal jails; and

(iii) nursing facilities.

(d) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall—

(1) submit to the Congress a report containing the results of the study conducted under this section; and

(2) make such report publicly available. Public information.

CHAPTER 4—ANNA WESTIN LEGACY

SEC. 1131. MAINTAINING EDUCATION AND TRAINING ON EATING DISORDERS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding at the end the following:

"SEC. 520N. CENTER OF EXCELLENCE FOR EATING DISORDERS FOR EDUCATION AND TRAINING ON EATING DISORDERS. 42 USC 290bb–45.

"(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall maintain, by competitive grant or contract, a Center of Excellence for Eating Disorders (referred to in this section as Grants. Contracts.

the 'Center') to improve the identification of, interventions for, and treatment of eating disorders in a manner that is developmentally, culturally, and linguistically appropriate.

"(b) SUBGRANTS AND SUBCONTRACTS.—The Center shall coordinate and implement the activities under subsection (c), in whole or in part, which may include by awarding competitive subgrants or subcontracts—

"(1) across geographical regions; and

"(2) in a manner that is not duplicative.

"(c) ACTIVITIES.—The Center—

"(1) shall—

"(A) provide training and technical assistance, including for—

"(i) primary care and mental health providers to carry out screening, brief intervention, and referral to treatment for individuals experiencing, or at risk for, eating disorders; and

"(ii) other paraprofessionals and relevant individuals providing nonclinical community services to identify and support individuals with, or at disproportionate risk for, eating disorders;

"(B) facilitate the development of, and provide training materials to, health care providers (including primary care and mental health professionals) regarding the effective treatment and ongoing support of individuals with eating disorders, including children and marginalized populations at disproportionate risk for eating disorders;

Coordination.

"(C) collaborate and coordinate, as appropriate, with other centers of excellence, technical assistance centers, and psychiatric consultation lines of the Substance Abuse and Mental Health Services Administration and the Health Resources and Services Administration regarding eating disorders;

Coordination.

"(D) coordinate with the Director of the Centers for Disease Control and Prevention and the Administrator of the Health Resources and Services Administration, and other Federal agencies, as appropriate, to disseminate training to primary care and mental health care providers; and

"(E) support other activities, as determined appropriate by the Secretary; and

"(2) may—

"(A) support the integration of protocols pertaining to screening, brief intervention, and referral to treatment for individuals experiencing, or at risk for, eating disorders, with health information technology systems;

"(B) develop and provide training materials to health care providers, including primary care and mental health providers, to provide screening, brief intervention, and referral to treatment for members of the military and veterans experiencing, or at risk for, eating disorders; and

Consultation.

"(C) consult, as appropriate, with the Secretary of Defense and the Secretary of Veterans Affairs on prevention, identification, intervention for, and treatment of eating disorders.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $1,000,000 for each of fiscal years 2023 through 2027.". Time period.

CHAPTER 5—COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT REAUTHORIZATION

SEC. 1141. REAUTHORIZATION OF BLOCK GRANTS FOR COMMUNITY MENTAL HEALTH SERVICES.

(a) FUNDING.—Section 1920(a) of the Public Health Service Act (42 U.S.C. 300x–9(a)) is amended by striking "$532,571,000 for each of fiscal years 2018 through 2022" and inserting "$857,571,000 for each of fiscal years 2023 through 2027".

(b) SET-ASIDE FOR EVIDENCE-BASED CRISIS CARE SERVICES.—Section 1920 of the Public Health Service Act (42 U.S.C. 300x–9) is amended by adding at the end the following:

"(d) CRISIS CARE.—

"(1) IN GENERAL.—Except as provided in paragraph (3), a State shall expend at least 5 percent of the amount the State receives pursuant to section 1911 for each fiscal year to support evidenced-based programs that address the crisis care needs of individuals with serious mental illnesses and children with serious emotional disturbances, which may include individuals (including children and adolescents) experiencing mental health crises demonstrating serious mental illness or serious emotional disturbance, as applicable.

"(2) CORE ELEMENTS.—At the discretion of the single State agency responsible for the administration of the program of the State under a grant under section 1911, funds expended pursuant to paragraph (1) may be used to fund some or all of the core crisis care service components, as applicable and appropriate, including the following:

"(A) Crisis call centers.

"(B) 24/7 mobile crisis services.

"(C) Crisis stabilization programs offering acute care or subacute care in a hospital or appropriately licensed facility, as determined by such State, with referrals to inpatient or outpatient care. Determination.

"(3) STATE FLEXIBILITY.—In lieu of expending 5 percent of the amount the State receives pursuant to section 1911 for a fiscal year to support evidence-based programs as required by paragraph (1), a State may elect to expend not less than 10 percent of such amount to support such programs by the end of two consecutive fiscal years. Time period.

"(4) RULE OF CONSTRUCTION.—Section 1912(b)(1)(A)(vi) shall not be construed as limiting the provision of crisis care services pursuant to paragraph (1).".

(c) REPORT TO CONGRESS.—Not later than September 30, 2025, and biennially thereafter, the Secretary shall provide a report to the Congress on the crisis care strategies and programs pursued by States pursuant to subsection (d) of section 1920 of the Public Health Service Act (42 U.S.C. 300x–9), as added by subsection (b). Such report shall include— 42 USC 300x–9 note.

(1) a description of each State's crisis care activities;

(2) the population served, including information on demographics, including age;

(3) the outcomes of such activities, including—

(A) how such activities reduced hospitalizations and hospital stays;

(B) how such activities reduced incidents of suicidal ideation and behaviors; and

(C) how such activities reduced the severity of onset of serious mental illness and serious emotional disturbance, as applicable; and

(4) any other relevant information the Secretary determines is necessary.

CHAPTER 6—PEER-SUPPORTED MENTAL HEALTH SERVICES

SEC. 1151. PEER-SUPPORTED MENTAL HEALTH SERVICES.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb—31 et seq.) is amended by inserting after section 520G (42 U.S.C. 290bb—38) the following:

42 USC 290bb–39.

"SEC. 520H. PEER-SUPPORTED MENTAL HEALTH SERVICES.

"(a) GRANTS AUTHORIZED.—The Secretary, acting through the Assistant Secretary for Mental Health and Substance Use, shall award grants to eligible entities to enable such entities to develop, expand, and enhance access to mental health peer-delivered services.

"(b) USE OF FUNDS.—Grants awarded under subsection (a) shall be used to develop, expand, and enhance national, statewide, or community-focused programs, including virtual peer-support services and technology-related capabilities, including by—

"(1) carrying out workforce development, recruitment, and retention activities, to train, recruit, and retain peer-support providers;

"(2) building connections between mental health treatment programs, including between community organizations and peer-support networks, including virtual peer-support networks, and with other mental health support services;

"(3) reducing stigma associated with mental health disorders;

"(4) expanding and improving virtual peer mental health support services, including through the adoption of technologies and capabilities to expand access to virtual peer mental health support services, such as by acquiring equipment and software necessary to efficiently run virtual peer-support services; and

"(5) conducting research on issues relating to mental illness and the impact peer-support has on resiliency, including identifying—

"(A) the signs of mental illness;

"(B) the resources available to individuals with mental illness and to their families; and

"(C) the resources available to help support individuals living with mental illness.

"(c) SPECIAL CONSIDERATION.—In carrying out this section, the Secretary shall give special consideration to the unique needs of rural areas.

"(d) DEFINITION.—In this section, the term 'eligible entity' means—

"(1) a consumer-run nonprofit organization that—

"(A) is principally governed by people living with a mental health condition; and

"(B) mobilizes resources within and outside of the mental health community, which may include through peer-support networks, to increase the prevalence and quality of long-term wellness of individuals living with a mental health condition, including those with a co-occurring substance use disorder; or

"(2) an Indian Tribe, Tribal organization, Urban Indian organization, or consortium of Tribes or Tribal organizations.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $13,000,000 for each of fiscal years 2023 through 2027.". Time periods.

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.

Section 506A of the Public Health Service Act (42 U.S.C. 290aa–5a) is amended to read as follows:

"SEC. 506A. BEHAVIORAL HEALTH AND SUBSTANCE USE DISORDER RESOURCES FOR NATIVE AMERICANS.

"(a) DEFINITIONS.—In this section:

"(1) The term 'eligible entity' means any health program administered directly by the Indian Health Service, a Tribal health program, an Indian Tribe, a Tribal organization, an Urban Indian organization, and a Native Hawaiian health organization.

"(2) The terms 'Indian Tribe', 'Tribal health program', 'Tribal organization', and 'Urban Indian organization' have the meanings given to the terms 'Indian tribe', 'Tribal health program', 'tribal organization', and 'Urban Indian organization' in section 4 of the Indian Health Care Improvement Act.

"(3) The term 'health program administered directly by the Indian Health Service' means a 'health program administered by the Service' as such term is used in section 4(12)(A) of the Indian Health Care Improvement Act.

"(4) The term 'Native Hawaiian health organization' means 'Papa Ola Lokahi' as defined in section 12 of the Native Hawaiian Health Care Improvement Act.

"(b) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Mental Health and Substance Use, and in consultation with the Director of the Indian Health Service, as appropriate, shall award funds to eligible entities, in amounts developed in accordance with paragraph (2), to be used by the eligible entity to provide services for the prevention of, treatment of, and recovery from mental health and substance use disorders among American Indians, Alaska Natives, and Native Hawaiians.

Determination.

"(2) FORMULA.—The Secretary, in consultation with the Director of the Indian Health Service, using the process described in subsection (d), shall develop a formula to determine the amount of an award under paragraph (1).

Contracts.

"(3) DELIVERY OF FUNDS.—On request from an Indian Tribe or Tribal organization, the Secretary, acting through the Assistant Secretary for Mental Health and Substance Use and in coordination with the Director of the Indian Health Service, may award funds under this section through a contract or compact under, as applicable, title I or V of the Indian Self-Determination and Education Assistance Act.

"(c) TECHNICAL ASSISTANCE AND PROGRAM EVALUATION.—

"(1) IN GENERAL.—The Secretary shall—

"(A) provide technical assistance to applicants and awardees under this section; and

"(B) in consultation with Indian Tribes and Tribal organizations, conference with Urban Indian organizations, and engagement with a Native Hawaiian health organization, identify and establish appropriate mechanisms for Indian Tribes and Tribal organizations, Urban Indian organizations, and a Native Hawaiian health organization to demonstrate outcomes and report data as required for participation in the program under this section.

"(2) DATA SUBMISSION AND REPORTING.—As a condition of receipt of funds under this section, an applicant shall agree to submit program evaluation data and reports consistent with the data submission and reporting requirements developed under this subsection.

"(d) CONSULTATION.—The Secretary shall, using an accountable process, consult with Indian Tribes and Tribal organizations, confer with Urban Indian organizations, and engage with a Native Hawaiian health organization regarding the development of funding allocations pursuant to subsection (b)(2) and program evaluation and reporting requirements pursuant to subsection (c). In establishing such requirements, the Secretary shall seek to minimize administrative burden for eligible entities, as practicable.

"(e) APPLICATION.—An entity desiring an award under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(f) REPORT.—Not later than 3 years after the date of the enactment of the Restoring Hope for Mental Health and Well-Being Act of 2022, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report describing the services provided pursuant to this section.

Time periods.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $80,000,000 for each of fiscal years 2023 through 2027.".

CHAPTER 2—SUMMER BARROW PREVENTION, TREATMENT, AND RECOVERY

SEC. 1211. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

Section 506(e) of the Public Health Service Act (42 U.S.C. 290aa–5(e)) is amended by striking "2018 through 2022" and inserting "2023 through 2027".

SEC. 1212. PRIORITY SUBSTANCE USE DISORDER TREATMENT NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

Section 509 of the Public Health Service Act (42 U.S.C. 290bb–2) is amended—

(1) in the section heading, by striking "**ABUSE**" and inserting "**USE DISORDER**";

(2) in subsection (a)—

(A) by striking "tribes and tribal organizations (as the terms 'Indian tribes' and 'tribal organizations' are defined" and inserting "Tribes and Tribal organizations (as such terms are defined"; and

(B) in paragraph (3), by striking "in substance abuse" and inserting "in substance use disorders";

(3) in subsection (b), in the subsection heading, by striking "ABUSE" and inserting "USE DISORDER"; and

(4) in subsection (f), by striking "$333,806,000 for each of fiscal years 2018 through 2022" and inserting "$521,517,000 for each of fiscal years 2023 through 2027".

SEC. 1213. EVIDENCE-BASED PRESCRIPTION OPIOID AND HEROIN TREATMENT AND INTERVENTIONS DEMONSTRATION.

Section 514B of the Public Health Service Act (42 U.S.C. 290bb–10) is amended—

(1) in subsection (a)(1)—

(A) by striking "substance abuse" and inserting "substance use disorder";

(B) by striking "tribes and tribal organizations" and inserting "Tribes and Tribal organizations"; and

(C) by striking "addiction" and inserting "substance use disorders";

(2) in subsection (e)(3), by striking "tribes and tribal organizations" and inserting "Tribes and Tribal organizations"; and

(3) in subsection (f), by striking "2017 through 2021" and inserting "2023 through 2027".

SEC. 1214. PRIORITY SUBSTANCE USE DISORDER PREVENTION NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

Section 516 of the Public Health Service Act (42 U.S.C. 290bb–22) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "abuse" and inserting "use"; and

(B) in the matter following paragraph (3), by striking "tribes or tribal organizations" and inserting "Tribes or Tribal organizations";

(2) in subsection (b), in the subsection heading, by striking "ABUSE" and inserting "USE DISORDER"; and

(3) in subsection (f), by striking "$211,148,000 for each of fiscal years 2018 through 2022" and inserting "$218,219,000 for each of fiscal years 2023 through 2027".

SEC. 1215. SOBER TRUTH ON PREVENTING (STOP) UNDERAGE DRINKING REAUTHORIZATION.

Section 519B of the Public Health Service Act (42 U.S.C. 290bb–25b) is amended—

(1) by amending subsection (a) to read as follows:

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'alcohol beverage industry' means the brewers, vintners, distillers, importers, distributors, and retail or online outlets that sell or serve beer, wine, and distilled spirits.

"(2) The term 'school-based prevention' means programs, which are institutionalized, and run by staff members or school-designated persons or organizations in any grade of school, kindergarten through 12th grade.

"(3) The term 'youth' means persons under the age of 21."; and

(2) by striking subsections (c) through (g) and inserting the following:

"(c) INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES.—

"(1) INTERAGENCY COORDINATING COMMITTEE ON THE PREVENTION OF UNDERAGE DRINKING.—

"(A) IN GENERAL.—The Secretary, in collaboration with the Federal officials specified in subparagraph (B), shall continue to support and enhance the efforts of the interagency coordinating committee, that began operating in 2004, focusing on underage drinking (referred to in this subsection as the 'Committee').

"(B) OTHER AGENCIES.—The officials referred to in subparagraph (A) are the Secretary of Education, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Defense, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Director of the National Institute on Alcohol Abuse and Alcoholism, the Assistant Secretary for Mental Health and Substance Use, the Director of the National Institute on Drug Abuse, the Assistant Secretary for Children and Families, the Director of the Office of National Drug Control Policy, the Administrator of the National Highway Traffic Safety Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Chairman of the Federal Trade Commission, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

"(C) CHAIR.—The Secretary of Health and Human Services shall serve as the chair of the Committee.

"(D) DUTIES.—The Committee shall guide policy and program development across the Federal Government with respect to underage drinking, provided, however, that nothing in this section shall be construed as transferring

regulatory or program authority from an agency to the Committee.

"(E) CONSULTATIONS.—The Committee shall actively seek the input of and shall consult with all appropriate and interested parties, including States, public health research and interest groups, foundations, and alcohol beverage industry trade associations and companies.

"(F) ANNUAL REPORT.—

"(i) IN GENERAL.—The Secretary, on behalf of the Committee, shall annually submit to the Congress a report that summarizes— Summaries.

"(I) all programs and policies of Federal agencies designed to prevent and reduce underage drinking, including such programs and policies that support State efforts to prevent or reduce underage drinking;

"(II) the extent of progress in preventing and reducing underage drinking at State and national levels;

"(III) data that the Secretary shall collect with respect to the information specified in clause (ii); and Data.

"(IV) such other information regarding underage drinking as the Secretary determines to be appropriate.

"(ii) CERTAIN INFORMATION.—The report under clause (i) shall include information on the following:

"(I) Patterns and consequences of underage drinking as reported in research and surveys such as, but not limited to, Monitoring the Future, Youth Risk Behavior Surveillance System, the National Survey on Drug Use and Health, and the Fatality Analysis Reporting System.

"(II) Measures of the availability of alcohol from commercial and non-commercial sources to underage populations.

"(III) Measures of the exposure of underage populations to messages regarding alcohol in advertising, social media, and the entertainment media.

"(IV) Surveillance data, including, to the extent such information is available, information on the onset and prevalence of underage drinking, consumption patterns and beverage preferences, trends related to drinking among different age groups, including between youth and adults, the means of underage access, including trends over time, for these surveillance data, and other data, as appropriate. The Secretary shall develop a plan to improve the collection, measurement, and consistency of reporting Federal underage alcohol data. Data. Plan.

"(V) Any additional findings resulting from research conducted or supported under subsection (g).

"(VI) Evidence-based best practices to prevent and reduce underage drinking and provide treatment services to those youth who need such services.

"(2) ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall, with input and collaboration from other appropriate Federal agencies, States, Indian Tribes, territories, and public health, consumer, and alcohol beverage industry groups, annually issue a report on each State's performance in enacting, enforcing, and creating laws, regulations, programs, and other actions to prevent or reduce underage drinking based on the best practices identified pursuant to paragraph (1)(F)(ii)(VI). For purposes of this paragraph, each such report, with respect to a year, shall be referred to as the 'State Report'. Each State Report may be used as a resource to inform the identification and implementation of activities to prevent underage drinking, as determined to be appropriate by such State or other applicable entity.

"(B) CONTENTS.—

"(i) PERFORMANCE MEASURES.—The Secretary shall develop, in consultation with the Committee, a set of measures to be used in preparing the State Report on best practices, including as they relate to State laws, regulations, other actions, and enforcement practices.

Updates.

"(ii) STATE REPORT CONTENT.—The State Report shall include updates on State laws, regulations, and other actions, including those described in previous reports to Congress, including with respect to the following:

"(I) Whether or not the State has comprehensive anti-underage drinking laws such as for the illegal sale, purchase, attempt to purchase, consumption, or possession of alcohol; illegal use of fraudulent ID; illegal furnishing or obtaining of alcohol for an individual under 21 years; the degree of strictness of the penalties for such offenses; and the prevalence of the enforcement of each of these infractions.

"(II) Whether or not the State has comprehensive liability statutes pertaining to underage access to alcohol such as dram shop, social host, and house party laws, and the prevalence of enforcement of each of these laws.

"(III) Whether or not the State encourages and conducts comprehensive enforcement efforts to prevent underage access to alcohol at retail outlets, such as random compliance checks and shoulder tap programs, and the number of compliance checks within alcohol retail outlets measured against the number of total alcohol retail outlets in each State, and the result of such checks.

"(IV) Whether or not the State encourages training on the proper selling and serving of

alcohol for all sellers and servers of alcohol as a condition of employment.

"(V) Whether or not the State has policies and regulations with regard to direct sales to consumers and home delivery of alcoholic beverages.

"(VI) Whether or not the State has programs or laws to deter adults from purchasing alcohol for minors; and the number of adults targeted by these programs.

"(VII) Whether or not the State has enacted graduated drivers licenses and the extent of those provisions.

"(VIII) Whether or not the State has adopted any other policies consistent with evidence-based practices related to the prevention of underage alcohol use, which may include any such practices described in relevant reports issued by the Surgeon General and practices related to youth exposure to alcohol-related products and information.

"(IX) A description of the degree to which the practices of local jurisdictions within the State vary from one another.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2023 through 2027. Time periods.

"(d) NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.—

"(1) IN GENERAL.—The Secretary, in consultation with the National Highway Traffic Safety Administration, shall develop or continue an intensive, multifaceted national media campaign aimed at adults to reduce underage drinking.

"(2) PURPOSE.—The purpose of the national media campaign described in this section shall be to achieve the following objectives:

"(A) Promote community awareness of, and a commitment to, reducing underage drinking.

"(B) Encourage activities, including activities carried out by adults, that inhibit the illegal use of alcohol by youth.

"(C) Discourage activities, including activities carried out by adults, that promote the illegal use of alcohol by youth.

"(3) COMPONENTS.—When implementing the national media campaign described in this section, the Secretary shall—

"(A) educate the public about the public health and safety benefits of evidence-based strategies to reduce underage drinking, including existing laws related to the minimum legal drinking age, and engage the public and parents in the implementation of such strategies;

"(B) educate the public about the negative consequences of underage drinking;

"(C) identify specific actions by adults to discourage or inhibit underage drinking;

"(D) discourage adult conduct that tends to facilitate underage drinking;

"(E) establish collaborative relationships with local and national organizations and institutions to further the goals

of the campaign and assure that the messages of the campaign are disseminated from a variety of sources;

"(F) conduct the campaign through multi-media sources; and

"(G) take into consideration demographics and other relevant factors to most effectively reach target audiences.

Review.

"(4) CONSULTATION REQUIREMENT.—In developing and implementing the national media campaign described in this section, the Secretary shall review recommendations for reducing underage drinking, including those published by the National Academies of Sciences, Engineering, and Medicine and the Surgeon General. The Secretary shall also consult with interested parties including the alcohol beverage industry, medical, public health, and consumer and parent groups, law enforcement, institutions of higher education, community-based organizations and coalitions, and other relevant stakeholders.

Cost projections.

"(5) ANNUAL REPORT.—The Secretary shall produce an annual report on the progress of the development or implementation of the media campaign described in this subsection, including expenses and projected costs, and, as such information is available, report on the effectiveness of such campaign in affecting adult attitudes toward underage drinking and adult willingness to take actions to decrease underage drinking.

Reports. Recommendations.

"(6) RESEARCH ON YOUTH-ORIENTED CAMPAIGN.—The Secretary may, based on the availability of funds, conduct or support research on the potential success of a youth-oriented national media campaign to reduce underage drinking. The Secretary shall report to Congress any such results and any related recommendations.

Contracts.

"(7) ADMINISTRATION.—The Secretary may enter into an agreement with another Federal agency to delegate the authority for execution and administration of the adult-oriented national media campaign.

Time periods.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2023 through 2027.

"(e) COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO PREVENT UNDERAGE DRINKING.—

Evaluation. Strategies.

"(1) AUTHORIZATION OF PROGRAM.—The Assistant Secretary for Mental Health and Substance Use, in consultation with the Director of the Office of National Drug Control Policy, shall award enhancement grants to eligible entities to design, implement, evaluate, and disseminate comprehensive strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage drinking. This subsection is subject to the availability of appropriations.

"(2) PURPOSES.—The purposes of this subsection are to—

"(A) prevent and reduce alcohol use among youth in communities throughout the United States;

"(B) strengthen collaboration among communities, the Federal Government, Tribal Governments, and State and local governments;

"(C) enhance intergovernmental cooperation and coordination on the issue of alcohol use among youth;

"(D) serve as a catalyst for increased citizen participation and greater collaboration among all sectors and

organizations of a community that first demonstrates a long-term commitment to reducing alcohol use among youth;

"(E) implement evidence-based strategies to prevent and reduce underage drinking in communities; and

"(F) enhance, not supplant, effective local community initiatives for preventing and reducing alcohol use among youth.

"(3) APPLICATION.—An eligible entity desiring an enhancement grant under this subsection shall submit an application to the Assistant Secretary at such time, and in such manner, and accompanied by such information and assurances, as the Assistant Secretary may require. Each application shall include—

"(A) a complete description of the entity's current underage alcohol use prevention initiatives and how the grant will appropriately enhance the focus on underage drinking issues; or

"(B) a complete description of the entity's current initiatives, and how it will use the grant to enhance those initiatives by adding a focus on underage drinking prevention.

"(4) USES OF FUNDS.—Each eligible entity that receives a grant under this subsection shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to paragraph (3) and obtain specialized training and technical assistance by the entity funded under section 4 of Public Law 107–82, as amended (21 U.S.C. 1521 note). Grants under this subsection shall not exceed $60,000 per year and may not exceed four years.

Time period.

"(5) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

"(6) EVALUATION.—Grants under this subsection shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on recipients of drug-free community grants.

"(7) DEFINITIONS.—For purposes of this subsection, the term 'eligible entity' means an organization that is currently receiving or has received grant funds under the Drug-Free Communities Act of 1997.

"(8) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this subsection may be expended for administrative expenses.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $11,500,000 for each of fiscal years 2023 through 2027.

Time periods.

"(f) GRANTS TO ORGANIZATIONS REPRESENTING PEDIATRIC PROVIDERS AND OTHER RELATED HEALTH PROFESSIONALS TO REDUCE UNDERAGE DRINKING THROUGH SCREENING AND BRIEF INTERVENTIONS.—

"(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Mental Health and Substance Use, shall make awards to one or more entities representing pediatric

providers and other related health professionals with demonstrated ability to increase among the members of such entities effective practices to reduce the prevalence of alcohol use among individuals under the age of 21, including college students.

"(2) PURPOSES.—Grants under this subsection shall be made to improve—

"(A) screening adolescents for alcohol use;

"(B) offering brief interventions to adolescents to discourage such use;

"(C) educating parents about the dangers of and methods of discouraging such use;

"(D) diagnosing and treating alcohol use disorders; and

"(E) referring patients, when necessary, to other appropriate care.

"(3) USE OF FUNDS.—An entity receiving a grant under this section may use the grant funding to promote the practices specified in paragraph (2) among its members by—

"(A) providing training to health care providers;

"(B) disseminating best practices, including culturally and linguistically appropriate best practices, and developing and distributing materials; and

"(C) supporting other activities as determined appropriate by the Assistant Secretary.

"(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Assistant Secretary at such time, and in such manner, and accompanied by such information and assurances as the Secretary may require. Each application shall include—

"(A) a description of the entity;

"(B) a description of the activities to be completed that will promote the practices specified in paragraph (2);

"(C) a description of the entity's qualifications for performing such activities; and

Timeline.

"(D) a timeline for the completion of such activities.

"(5) DEFINITIONS.—For the purpose of this subsection:

"(A) BRIEF INTERVENTION.—The term 'brief intervention' means, after screening a patient, providing the patient with brief advice and other brief motivational enhancement techniques designed to increase the insight of the patient regarding the patient's alcohol use, and any realized or potential consequences of such use to effect the desired related behavioral change.

"(B) SCREENING.—The term 'screening' means using validated patient interview techniques to identify and assess the existence and extent of alcohol use in a patient.

Time periods.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for each of fiscal years 2023 through 2027.

"(g) DATA COLLECTION AND RESEARCH.—

"(1) ADDITIONAL RESEARCH ON UNDERAGE DRINKING.—

"(A) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, support the collection of data, and conduct or support research that is not duplicative of research currently being conducted or supported by the Department of Health and Human Services, on underage drinking, with respect to the following:

"(i) The evaluation, which may include through the development of relevant capabilities of expertise within a State, of the effectiveness of comprehensive community-based programs or strategies and statewide systems to prevent and reduce underage drinking, across the underage years from early childhood to age 21, such as programs funded and implemented by governmental entities, public health interest groups and foundations, and alcohol beverage companies and trade associations. Evaluation.

"(ii) Obtaining and reporting more precise information than is currently collected on the scope of the underage drinking problem and patterns of underage alcohol consumption, including improved knowledge about the problem and progress in preventing, reducing, and treating underage drinking, as well as information on the rate of exposure of youth to advertising and other media messages encouraging and discouraging alcohol consumption.

"(iii) The development and identification of evidence-based or evidence-informed strategies to reduce underage drinking, which may include through translational research.

"(iv) Improving and conducting public health data collection on alcohol use and alcohol-related conditions in States, which may include by increasing the use of surveys, such as the Behavioral Risk Factor Surveillance System, to monitor binge and excessive drinking and related harms among individuals who are at least 18 years of age, but not more than 20 years of age, including harm caused to self or others as a result of alcohol use that is not duplicative of research currently being conducted or supported by the Department of Health and Human Services.

"(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2023 through 2027. Time periods.

"(2) NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE STUDY.—

"(A) IN GENERAL.—Not later than 12 months after the date of enactment of the Restoring Hope for Mental Health and Well-Being Act of 2022, the Secretary shall—

"(i) contract with the National Academies of Sciences, Engineering, and Medicine to study developments in research on underage drinking and the implications of these developments; and Contracts.

"(ii) report to the Congress on the results of such review. Reports.

"(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $500,000 for fiscal year 2023.". Time period.

SEC. 1216. GRANTS FOR JAIL DIVERSION PROGRAMS.

Section 520G of the Public Health Service Act (42 U.S.C. 290bb–38) is amended—

(1) in subsection (a)—

(A) by striking "up to 125"; and

(B) by striking "tribes and tribal organizations" and inserting "Tribes and Tribal organizations";

(2) in subsection (b)(2), by striking "tribes, and tribal organizations" and inserting "Tribes, and Tribal organizations";

(3) in subsection (c)—

(A) in paragraph (1), by striking "Indian tribe or tribal organization" and inserting "an Indian Tribe or Tribal organization, a health facility or program described in subsection (a), or a public or nonprofit entity referred to in subsection (a)"; and

(B) in paragraph (2)(A)—

(i) in clause (i), by inserting "peer recovery support services," after "disorder treatment,"; and

(ii) in clause (iii), by striking "tribe, or tribal organization" and inserting "Tribe, or Tribal organization";

(4) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking "tribe, or tribal organization" and inserting "Tribe, or Tribal organization";

(B) in paragraph (3), by inserting "and paraprofessionals" after "professionals"; and

(C) in paragraph (5), by striking "or arrest" and inserting ", arrest, or release";

(5) in subsection (f), by striking "tribe, or tribal organization" each place it appears and inserting "Tribe, or Tribal organization";

(6) in subsection (h), by striking "tribe, or tribal organization" and inserting "Tribe, or Tribal organization"; and

(7) in subsection (j), by striking "$4,269,000 for each of fiscal years 2018 through 2022" and inserting "$14,000,000 for each of fiscal years 2023 through 2027".

SEC. 1217. FORMULA GRANTS TO STATES.

Section 521 of the Public Health Service Act (42 U.S.C. 290cc–21) is amended by striking "2018 through 2022" and inserting "2023 through 2027".

SEC. 1218. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

Section 535(a) of the Public Health Service Act (42 U.S.C. 290cc–35(a)) is amended by striking "2018 through 2022" and inserting "2023 through 2027".

SEC. 1219. GRANTS FOR REDUCING OVERDOSE DEATHS.

(a) GRANTS.—

(1) REPEAL OF MAXIMUM GRANT AMOUNT.—Paragraph (2) of section 544(a) of the Public Health Service Act (42 U.S.C. 290dd–3(a)) is hereby repealed.

(2) ELIGIBLE ENTITY; SUBGRANTS.—Section 544(a) of the Public Health Service Act (42 U.S.C. 290dd–3(a)) is amended by striking paragraph (3) and inserting the following:

Definition.

"(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means a State, Territory, locality, or Indian Tribe or Tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act).

"(3) SUBGRANTS.—For the purposes for which a grant is awarded under this section, the eligible entity receiving the grant may award subgrants to a Federally qualified health center (as defined in section 1861(aa) of the Social Security Act), an opioid treatment program (as defined in section 8.2 of title 42, Code of Federal Regulations (or any successor regulations)), any practitioner dispensing narcotic drugs pursuant to section 303(g) of the Controlled Substances Act, or any nonprofit organization that the Secretary deems appropriate, which may include Urban Indian organizations (as defined in section 4 of the Indian Health Care Improvement Act).".

(3) PRESCRIBING.—Section 544(a)(4) of the Public Health Service Act (42 U.S.C. 290dd–3(a)(4)) is amended—

(A) in subparagraph (A), by inserting ", including patients prescribed both an opioid and a benzodiazepine" before the semicolon at the end; and

(B) in subparagraph (D), by striking "drug overdose" and inserting "overdose".

(4) USE OF FUNDS.—Paragraph (5) of section 544(c) of the Public Health Service Act (42 U.S.C. 290dd–3(c)) is amended to read as follows:

"(5) To establish protocols to connect patients who have experienced an overdose with appropriate treatment, including overdose reversal medications, medication assisted treatment, and appropriate counseling and behavioral therapies.". Protocols.

(5) IMPROVING ACCESS TO OVERDOSE TREATMENT.—Section 544 of the Public Health Service Act (42 U.S.C. 290dd–3) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(B) in subsection (f), as so redesignated, by striking "subsection (d)" and inserting "subsection (e)"; and

(C) by inserting after subsection (c) the following:

"(d) IMPROVING ACCESS TO OVERDOSE TREATMENT.—

"(1) INFORMATION ON BEST PRACTICES.—

"(A) HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services may provide information to States, localities, Indian Tribes, Tribal organizations, and Urban Indian organizations on best practices for prescribing or co-prescribing a drug or device approved, cleared, or otherwise legally marketed under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose, including for patients receiving chronic opioid therapy and patients being treated for opioid use disorders.

"(B) DEFENSE.—The Secretary of Health and Human Services may, as appropriate, consult with the Secretary of Defense regarding the provision of information to prescribers within Department of Defense medical facilities on best practices for prescribing or co-prescribing a drug or device approved, cleared, or otherwise legally marketed under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose, including for patients receiving chronic opioid therapy and patients being treated for opioid use disorders.

"(C) VETERANS AFFAIRS.—The Secretary of Health and Human Services may, as appropriate, consult with the

Secretary of Veterans Affairs regarding the provision of information to prescribers within Department of Veterans Affairs medical facilities on best practices for prescribing or co-prescribing a drug or device approved, cleared, or otherwise legally marketed under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose, including for patients receiving chronic opioid therapy and patients being treated for opioid use disorders.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as establishing or contributing to a medical standard of care.".

Time periods.

(6) AUTHORIZATION OF APPROPRIATIONS.—Section 544(g) of the Public Health Service Act (42 U.S.C. 290dd–3(g)), as redesignated, is amended by striking "fiscal years 2017 through 2021" and inserting "fiscal years 2023 through 2027".

(7) TECHNICAL AMENDMENTS.—

(A) Section 544 of the Public Health Service Act (42 U.S.C. 290dd–3), as amended, is further amended by striking "approved or cleared" each place it appears and inserting "approved, cleared, or otherwise legally marketed".

42 USC 290dd–3 note.

(B) Section 107 of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) is amended by striking subsection (b).

SEC. 1220. OPIOID OVERDOSE REVERSAL MEDICATION ACCESS AND EDUCATION GRANT PROGRAMS.

(a) GRANTS.—Section 545 of the Public Health Service Act (42 U.S.C. 290ee) is amended—

(1) in the section heading, by striking "**ACCESS AND EDUCATION GRANT PROGRAMS**" and inserting "**ACCESS, EDUCATION, AND CO-PRESCRIBING GRANT PROGRAMS**";

(2) in the heading of subsection (a), by striking "GRANTS TO STATES" and inserting "GRANTS";

(3) in subsection (a), by striking "shall make grants to States" and inserting "shall make grants to States, localities, Indian Tribes, and Tribal organizations (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act)";

(4) in subsection (a)(1), by striking "implement strategies for pharmacists to dispense a drug or device" and inserting "implement strategies that increase access to drugs or devices";

(5) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(6) by inserting after paragraph (2) the following:

"(3) encourage health care providers to co-prescribe, as appropriate, drugs or devices approved, cleared, or otherwise legally marketed under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose;".

(b) GRANT PERIOD.—Section 545(d)(2) of the Public Health Service Act (42 U.S.C. 290ee(d)(2)) is amended by striking "3 years" and inserting "5 years".

(c) LIMITATION.—Paragraph (3) of section 545(d) of the Public Health Service Act (42 U.S.C. 290ee(d)) is amended to read as follows:

"(3) LIMITATIONS.—A State may—

"(A) use not more than 10 percent of a grant under this section for educating the public pursuant to subsection (a)(5); and

"(B) use not less than 20 percent of a grant under this section to offset cost-sharing for distribution and dispensing of drugs or devices approved, cleared, or otherwise legally marketed under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 545(h)(1) of the Public Health Service Act, is amended by striking "fiscal years 2017 through 2019" and inserting "fiscal years 2023 through 2027". Time periods.

(e) TECHNICAL AMENDMENT.—Section 545 of the Public Health Service Act (42 U.S.C. 290ee), as amended, is further amended by striking "approved or cleared" each place it appears and inserting "approved, cleared, or otherwise legally marketed".

SEC. 1221. EMERGENCY DEPARTMENT ALTERNATIVES TO OPIOIDS. 42 USC 294i–1.

Section 7091 of the SUPPORT for Patients and Communities Act (Public Law 115–271) is amended— 42 USC 294i–1.

(1) in the section heading, by striking "**DEMONSTRATION**" (and by conforming the item relating to such section in the table of contents in section 1(b));

(2) in subsection (a)—

(A) by amending the subsection heading to read as follows: "GRANT PROGRAM"; and

(B) in paragraph (1), by striking "demonstration";

(3) in subsection (b), in the subsection heading, by striking "DEMONSTRATION";

(4) in subsection (d)(4), by striking "tribal" and inserting "Tribal";

(5) in subsection (f)—

(A) in the heading, by striking "REPORT" and inserting "REPORTS"; and

(B) in the matter preceding paragraph (1), by striking "Not later than 1 year after completion of the demonstration program under this section, the Secretary shall submit a report to the Congress on the results of the demonstration program" and inserting "Not later than the end of each of fiscal years 2024 and 2027, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the program"; and

(6) in subsection (g), by striking "2019 through 2021" and inserting "2023 through 2027".

CHAPTER 3—EXCELLENCE IN RECOVERY HOUSING

SEC. 1231. CLARIFYING THE ROLE OF SAMHSA IN PROMOTING THE AVAILABILITY OF HIGH-QUALITY RECOVERY HOUSING.

Section 501(d) of the Public Health Service Act (42 U.S.C. 290aa) is amended—

(1) in paragraph (24)(E), by striking "and" at the end;

(2) in paragraph (25), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(26) collaborate with national accrediting entities, recovery housing providers, organizations or individuals with established expertise in delivery of recovery housing services, States, Federal agencies (including the Department of Health and Human Services, the Department of Housing and Urban Development, and the agencies listed in section 550(e)(2)(B)), and other relevant stakeholders, to promote the availability of high-quality recovery housing and services for individuals with a substance use disorder.".

SEC. 1232. DEVELOPING GUIDELINES FOR STATES TO PROMOTE THE AVAILABILITY OF HIGH-QUALITY RECOVERY HOUSING.

Section 550(a) of the Public Health Service Act (42 U.S.C. 290ee–5(a)) (relating to national recovery housing best practices) is amended—

(1) by amending paragraph (1) to read as follows:

Update.

"(1) IN GENERAL.—The Secretary, in consultation with the individuals and entities specified in paragraph (2), shall continue activities to identify, facilitate the development of, and periodically update consensus-based best practices, which may include model laws for implementing suggested minimum standards for operating, and promoting the availability of, high-quality recovery housing.";

(2) in paragraph (2)—

(A) by striking subparagraphs (A) and (B) and inserting the following:

"(A) officials representing the agencies described in subsection (e)(2);";

(B) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively;

(C) in subparagraph (B), as so redesignated, by striking "tribal" and inserting "Tribal"; and

(D) in subparagraph (D), as so redesignated, by striking "tribes, tribal organizations, and tribally" and inserting "Tribes, Tribal organizations, and Tribally"; and

(3) by adding at the end the following:

"(3) AVAILABILITY.—The best practices referred to in paragraph (1) shall be—

Public information. Web posting.

"(A) made publicly available; and

"(B) published on the public website of the Substance Abuse and Mental Health Services Administration.

"(4) EXCLUSION OF GUIDELINE ON TREATMENT SERVICES.—In facilitating the development of best practices under paragraph (1), the Secretary may not include any best practices with respect to substance use disorder treatment services.".

SEC. 1233. COORDINATION OF FEDERAL ACTIVITIES TO PROMOTE THE AVAILABILITY OF RECOVERY HOUSING.

Section 550 of the Public Health Service Act (42 U.S.C. 290ee–5) (relating to national recovery housing best practices), as amended by section 1232, is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (g), (h), and (i), respectively;

(2) in subsection (c)(2), by striking "Indian tribes, tribal" and inserting "Indian Tribes, Tribal";

(3) in subsection (h)(2), as so redesignated—

(A) by striking "Indian tribe" and inserting "Indian Tribe"; and

(B) by striking "tribal organization" and inserting "Tribal organization"; and

(4) by inserting after subsection (d) the following:

"(e) COORDINATION OF FEDERAL ACTIVITIES TO PROMOTE THE AVAILABILITY OF HOUSING FOR INDIVIDUALS EXPERIENCING HOMELESSNESS, INDIVIDUALS WITH A MENTAL ILLNESS, AND INDIVIDUALS WITH A SUBSTANCE USE DISORDER.—

"(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary, and the Secretary of Housing and Urban Development shall convene an interagency working group for the following purposes: Establishment.

"(A) To increase collaboration, cooperation, and consultation among the Department of Health and Human Services, the Department of Housing and Urban Development, and the Federal agencies listed in paragraph (2)(B), with respect to promoting the availability of housing, including high-quality recovery housing, for individuals experiencing homelessness, individuals with mental illnesses, and individuals with substance use disorder.

"(B) To align the efforts of such agencies and avoid duplication of such efforts by such agencies.

"(C) To develop objectives, priorities, and a long-term plan for supporting State, Tribal, and local efforts with respect to the operation of high-quality recovery housing that is consistent with the best practices developed under this section. Plan.

"(D) To improve information on the quality of recovery housing.

"(2) COMPOSITION.—The interagency working group under paragraph (1) shall be composed of—

"(A) the Secretary, acting through the Assistant Secretary, and the Secretary of Housing and Urban Development, who shall serve as the co-chairs; and

"(B) representatives of each of the following Federal agencies:

"(i) The Centers for Medicare & Medicaid Services.

"(ii) The Substance Abuse and Mental Health Services Administration.

"(iii) The Health Resources and Services Administration.

"(iv) The Office of the Inspector General of the Department of Health and Human Services.

"(v) The Indian Health Service.

"(vi) The Department of Agriculture.

"(vii) The Department of Justice.

"(viii) The Office of National Drug Control Policy.

"(ix) The Bureau of Indian Affairs.

"(x) The Department of Labor.

"(xi) The Department of Veterans Affairs.

"(xii) Any other Federal agency as the co-chairs determine appropriate.

"(3) MEETINGS.—The working group shall meet on a quarterly basis. Time period.

"(4) REPORTS TO CONGRESS.—Not later than 4 years after the date of the enactment of this section, the working group Recommendations.

shall submit to the Committee on Health, Education, Labor, and Pensions, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Finance of the Senate and the Committee on Energy and Commerce, the Committee on Ways and Means, the Committee on Agriculture, and the Committee on Financial Services of the House of Representatives a report describing the work of the working group and any recommendations of the working group to improve Federal, State, and local coordination with respect to recovery housing and other housing resources and operations for individuals experiencing homelessness, individuals with a mental illness, and individuals with a substance use disorder.".

SEC. 1234. NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE STUDY AND REPORT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, shall—

Contracts.

(1) contract with the National Academies of Sciences, Engineering, and Medicine—

(A) to study the quality and effectiveness of recovery housing in the United States and whether the availability of such housing meets demand; and

Recommendations.

(B) to identify recommendations to promote the availability of high-quality recovery housing; and

(2) report to the Congress on the results of such review.

Time period.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $1,500,000 for fiscal year 2023.

SEC. 1235. GRANTS FOR STATES TO PROMOTE THE AVAILABILITY OF RECOVERY HOUSING AND SERVICES.

Section 550 of the Public Health Service Act (42 U.S.C. 290ee–5) (relating to national recovery housing best practices), as amended by sections 1232 and 1233, is further amended by inserting after subsection (e) (as inserted by section 1233) the following:

"(f) GRANTS FOR IMPLEMENTING NATIONAL RECOVERY HOUSING BEST PRACTICES.—

"(1) IN GENERAL.—The Secretary shall award grants to States (and political subdivisions thereof), Indian Tribes, and territories—

"(A) for the provision of technical assistance to implement the guidelines and recommendations developed under subsection (a); and

"(B) to promote—

"(i) the availability of recovery housing for individuals with a substance use disorder; and

"(ii) the maintenance of recovery housing in accordance with best practices developed under this section.

Deadlines.
Web posting.

"(2) STATE PROMOTION PLANS.—Not later than 90 days after receipt of a grant under paragraph (1), and every 2 years thereafter, each State (or political subdivisions thereof,) Indian Tribe, or territory receiving a grant under paragraph (1) shall submit to the Secretary, and publish on a publicly accessible internet website of the State (or political subdivisions thereof), Indian Tribe, or territory—

"(A) the plan of the State (or political subdivisions thereof), Indian Tribe, or territory, with respect to the promotion of recovery housing for individuals with a substance use disorder located within the jurisdiction of such State (or political subdivisions thereof), Indian Tribe, or territory; and

"(B) a description of how such plan is consistent with the best practices developed under this section.".

SEC. 1236. FUNDING.

Subsection (i) of section 550 of the Public Health Service Act (42 U.S.C. 290ee–5) (relating to national recovery housing best practices), as redesignated by section 1233, is amended by striking "$3,000,000 for the period of fiscal years 2019 through 2021" and inserting "$5,000,000 for the period of fiscal years 2023 through 2027".

SEC. 1237. TECHNICAL CORRECTION.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) by redesignating section 550 (relating to Sobriety Treatment and Recovery Teams) (42 U.S.C. 290ee–10), as added by section 8214 of Public Law 115–271, as section 550A; and

42 USC 290ee–5a.

(2) by moving such section so it appears after section 550 (relating to national recovery housing best practices).

CHAPTER 4—SUBSTANCE USE PREVENTION, TREATMENT, AND RECOVERY SERVICES BLOCK GRANT

SEC. 1241. ELIMINATING STIGMATIZING LANGUAGE RELATING TO SUBSTANCE USE.

(a) BLOCK GRANTS FOR PREVENTION AND TREATMENT OF SUBSTANCE USE.—Part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) is amended—

(1) in the part heading, by striking "**SUBSTANCE ABUSE**" and inserting "**SUBSTANCE USE**";

(2) in subpart II, by amending the subpart heading to read as follows: "**Block Grants for Substance Use Prevention, Treatment, and Recovery Services**";

(3) in section 1922(a) (42 U.S.C. 300x–22(a))—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "substance abuse" and inserting "substance use disorders"; and

(B) by striking "such abuse" each place it appears in paragraphs (1) and (2) and inserting "such disorders";

(4) in section 1923 (42 U.S.C. 300x–23)—

(A) in the section heading, by striking "**SUBSTANCE ABUSE**" and inserting "**SUBSTANCE USE**"; and

(B) in subsection (a), by striking "drug abuse" and inserting "substance use disorders";

(5) in section 1925(a)(1) (42 U.S.C. 300x–25(a)(1)), by striking "alcohol or drug abuse" and inserting "alcohol or other substance use disorders";

(6) in section 1926(b)(2)(B) (42 U.S.C. 300x–26(b)(2)(B)), by striking "substance abuse";

(7) in section 1931(b)(2) (42 U.S.C. 300x–31(b)(2)), by striking "substance abuse" and inserting "substance use disorders";

(8) in section 1933(d)(1) (42 U.S.C. 300x–33(d)), in the matter following subparagraph (B), by striking "abuse of alcohol and other drugs" and inserting "use of substances";

(9) by amending paragraph (4) of section 1934 (42 U.S.C. 300x–34) to read as follows:

Definition.

"(4) The term 'substance use disorder' means the recurrent use of alcohol or other drugs that causes clinically significant impairment.";

(10) in section 1935 (42 U.S.C. 300x–35)—

(A) in subsection (a), by striking "substance abuse" and inserting "substance use disorders"; and

(B) in subsection (b)(1), by striking "substance abuse" each place it appears and inserting "substance use disorders";

(11) in section 1949 (42 U.S.C. 300x–59), by striking "substance abuse" each place it appears in subsections (a) and (d) and inserting "substance use disorders";

(12) in section 1954(b)(4) (42 U.S.C. 300x–64(b)(4))—

(A) by striking "substance abuse" and inserting "substance use disorders"; and

(B) by striking "such abuse" and inserting "such disorders"; and

(13) in section 1956 (42 U.S.C. 300x–66), by striking "substance abuse" and inserting "substance use disorders".

(b) CERTAIN PROGRAMS REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE.—Part C of title XIX of the Public Health Service Act (42 U.S.C. 300y et seq.) is amended—

(1) in the part heading, by striking "**SUBSTANCE ABUSE**" and inserting "**SUBSTANCE USE**";

(2) in section 1971 (42 U.S.C. 300y), by striking "substance abuse" each place it appears in subsections (a), (b), and (f) and inserting "substance use"; and

(3) in section 1976 (42 U.S.C. 300y–11), by striking "intravenous abuse" each place it appears and inserting "intravenous use".

SEC. 1242. AUTHORIZED ACTIVITIES.

Section 1921(b) of the Public Health Service Act (42 U.S.C. 300x–21(b)) is amended by striking "activities to prevent and treat substance use disorders" and inserting "activities to prevent, treat, and provide recovery support services for substance use disorders".

SEC. 1243. STATE PLAN REQUIREMENTS.

Section 1932(b)(1)(A) of the Public Health Service Act (42 U.S.C. 300x–32(b)(1)(A)) is amended—

(1) by redesignating clauses (vi) through (ix) as clauses (vii) through (x), respectively;

(2) by inserting after clause (v) the following:

"(vi) provides a description of—

"(I) the State's comprehensive statewide recovery support services activities, including the number of individuals being served, target populations, workforce capacity (consistent with clause (viii)), and priority needs; and

"(II) the amount of funds received under this subpart expended on recovery support services, disaggregated by the amount expended for type of service activity;"; and

(3) in clause (viii), as so redesignated, by striking "disorders workforce" and inserting "disorders workforce, including with respect to prevention, treatment, and recovery,".

SEC. 1244. UPDATING CERTAIN LANGUAGE RELATING TO TRIBES.

Section 1933(d) of the Public Health Service Act (42 U.S.C. 300x–33(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "of an Indian tribe or tribal organization" and inserting "of an Indian Tribe or Tribal organization"; and

(ii) by striking "such tribe" and inserting "such Tribe";

(B) in subparagraph (B)—

(i) by striking "tribe or tribal organization" and inserting "Tribe or Tribal organization"; and

(ii) by striking "Secretary under this" and inserting "Secretary under this subpart"; and

(C) in the matter following subparagraph (B), by striking "tribe or tribal organization" and inserting "Tribe or Tribal organization";

(2) by amending paragraph (2) to read as follows:

"(2) INDIAN TRIBE OR TRIBAL ORGANIZATION AS GRANTEE.—The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian Tribe or Tribal organization serving the individuals for whom such a determination has been made.";

(3) in paragraph (3), by striking "tribe or tribal organization" and inserting "Tribe or Tribal organization"; and

(4) in paragraph (4)—

(A) in the paragraph heading, by striking "DEFINITION" and inserting "DEFINITIONS"; and

(B) by striking "The terms" and all that follows through "given such terms" and inserting the following: "The terms 'Indian Tribe' and 'Tribal organization' have the meanings given the terms 'Indian tribe' and 'tribal organization'".

SEC. 1245. BLOCK GRANTS FOR SUBSTANCE USE PREVENTION, TREATMENT, AND RECOVERY SERVICES.

(a) IN GENERAL.—Section 1935(a) of the Public Health Service Act (42 U.S.C. 300x–35(a)), as amended by section 1241, is further amended by striking "appropriated" and all that follows through "2022.." and inserting the following: "appropriated $1,908,079,000 for each of fiscal years 2023 through 2027.".

(b) TECHNICAL CORRECTIONS.—Section 1935(b)(1)(B) of the Public Health Service Act (42 U.S.C. 300x–35(b)(1)(B)) is amended by striking "the collection of data in this paragraph is".

SEC. 1246. REQUIREMENT OF REPORTS AND AUDITS BY STATES.

Section 1942(a) of the Public Health Service Act (42 U.S.C. 300x–52(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the amount provided to each recipient in the previous fiscal year.".

SEC. 1247. STUDY ON ASSESSMENT FOR USE OF STATE RESOURCES.

Strategies.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use (in this section referred to as the "Secretary"), shall, in consultation with States and other local entities providing prevention, treatment, or recovery support services related to substance use, conduct a study on strategies to assess community needs with respect to such services in order to facilitate State use of block grant funding received under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) to provide services to substance use disorder prevention, treatment, and recovery support. The study shall, where feasible and appropriate, include estimates of resources for community needs strategies respective to prevention, treatment, or recovery support services.

Estimates.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study conducted under subsection (a).

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.

(a) STUDY.—The Assistant Secretary for Mental Health and Substance Use shall conduct a study, in consultation with patients and other stakeholders, on activities carried out pursuant to exemptions granted—

District of Columbia. Territories.

(1) to a State (including the District of Columbia or any territory of the United States) or an opioid treatment program;

(2) pursuant to section 8.11(h) of title 42, Code of Federal Regulations; and

Time period.

(3) during the period—

(A) beginning on the declaration of the public health emergency for the COVID–19 pandemic under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

(B) ending on the earlier of—

(i) the termination of such public health emergency, including extensions thereof pursuant to such section 319; and

(ii) the end of calendar year 2022.

(b) PRIVACY.—The section does not authorize the disclosure by the Department of Health and Human Services of individually identifiable information about patients.

(c) FEEDBACK.—In conducting the study under subsection (a), the Assistant Secretary for Mental Health and Substance Use shall gather feedback from the States and opioid treatment programs on their experiences in implementing exemptions described in subsection (a).

Publication.

(d) REPORT.—Not later than 180 days after the end of the period described in subsection (a)(3)(B), and subject to subsection (c), the Assistant Secretary for Mental Health and Substance Use shall publish a report on the results of the study under this section.

SEC. 1252. CHANGES TO FEDERAL OPIOID TREATMENT STANDARDS.

(a) MOBILE MEDICATION UNITS.—Section 302(e) of the Controlled Substances Act (21 U.S.C. 822(e)) is amended by adding at the end the following:

"(3) Notwithstanding paragraph (1), a registrant that is dispensing pursuant to section 303(g) narcotic drugs to individuals for maintenance treatment or detoxification treatment shall not be required to have a separate registration to incorporate one or more mobile medication units into the registrant's practice to dispense such narcotics at locations other than the registrant's principal place of business or professional practice described in paragraph (1), so long as the registrant meets such standards for operation of a mobile medication unit as the Attorney General may establish.".

(b) REVISE OPIOID TREATMENT PROGRAM ADMISSION CRITERIA TO ELIMINATE REQUIREMENT THAT PATIENTS HAVE AN OPIOID USE DISORDER FOR AT LEAST 1 YEAR.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall revise section 8.12(e)(1) of title 42, Code of Federal Regulations (or successor regulations), to eliminate the requirement that an opioid treatment program only admit an individual for treatment under the program if the individual has been addicted to opioids for at least 1 year before being so admitted for treatment.

Deadline.
21 USC 823 note.

CHAPTER 6—ADDITIONAL PROVISIONS RELATING TO ADDICTION TREATMENT

SEC. 1261. PROHIBITION.

42 USC 238f note.

Notwithstanding any provision of this title and the amendments made by this title, no funds made available to carry out this title or any amendment made by this title shall be used to purchase, procure, or distribute pipes or cylindrical objects intended to be used to smoke or inhale illegal scheduled substances.

SEC. 1262. ELIMINATING ADDITIONAL REQUIREMENTS FOR DISPENSING NARCOTIC DRUGS IN SCHEDULE III, IV, AND V FOR MAINTENANCE OR DETOXIFICATION TREATMENT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) by striking paragraph (2);

(2) by striking "(g)(1) Except as provided in paragraph (2), practitioners who dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment" and inserting "(g) Practitioners who dispense narcotic drugs (other than narcotic drugs in schedule III, IV, or V) to individuals for maintenance treatment or detoxification treatment";

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(4) in paragraph (2), as so redesignated—

(A) by striking "(i) security of stocks" and inserting "(A) security of stocks"; and

(B) by striking "(ii) the maintenance of records" and inserting "(B) the maintenance of records".

(b) CONFORMING CHANGES.—

(1) Subsections (a) and (d)(1) of section 304 of the Controlled Substances Act (21 U.S.C. 824) are each amended by striking "303(g)(1)" each place it appears and inserting "303(g)".

(2) Section 309A(a)(2) of the Controlled Substances Act (21 U.S.C. 829a) is amended—

(A) in the matter preceding subparagraph (A), by striking "the controlled substance is to be administered for the purpose of maintenance or detoxification treatment under section 303(g)(2)" and inserting "the controlled substance is a narcotic drug in schedule III, IV, or V to be administered for the purpose of maintenance or detoxification treatment"; and

(B) by striking "and—" and all that follows through "is to be administered by injection or implantation;" and inserting "and is to be administered by injection or implantation;".

(3) Section 520E–4(c) of the Public Health Service Act (42 U.S.C. 290bb–36d(c)) is amended by striking "information on any qualified practitioner that is certified to prescribe medication for opioid dependency under section 303(g)(2)(B) of the Controlled Substances Act" and inserting "information on any practitioner who prescribes narcotic drugs in schedule III, IV, or V of section 202 of the Controlled Substances Act for the purpose of maintenance or detoxification treatment".

(4) Section 544(a)(3) of the Public Health Service Act (42 U.S.C. 290dd–3), as added by section 1219(a)(2), is amended by striking "any practitioner dispensing narcotic drugs pursuant to section 303(g) of the Controlled Substances Act" and inserting "any practitioner dispensing narcotic drugs for the purpose of maintenance or detoxification treatment".

Effective date.

(5) Section 1833(bb)(3)(B) of the Social Security Act (42 U.S.C. 1395l(bb)(3)(B)) is amended by striking "first receives a waiver under section 303(g) of the Controlled Substances Act on or after January 1, 2019" and inserting "first begins prescribing narcotic drugs in schedule III, IV, or V of section 202 of the Controlled Substances Act for the purpose of maintenance or detoxification treatment on or after January 1, 2021".

(6) Section 1834(o)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395m(o)(3)(C)(ii)) is amended by striking "first receives a waiver under section 303(g) of the Controlled Substances Act on or after January 1, 2019" and inserting "first begins prescribing narcotic drugs in schedule III, IV, or V of section 202 of the Controlled Substances Act for the purpose of maintenance or detoxification treatment on or after January 1, 2021".

(7) Section 1866F(c)(3) of the Social Security Act (42 U.S.C. 1395cc–6(c)(3)) is amended—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C).

(8) Section 1903(aa)(2)(C) of the Social Security Act (42 U.S.C. 1396b(aa)(2)(C)) is amended—

(A) in clause (i), by adding "and" at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

SEC. 1263. REQUIRING PRESCRIBERS OF CONTROLLED SUBSTANCES TO COMPLETE TRAINING.

(a) IN GENERAL.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

"(l) REQUIRED TRAINING FOR PRESCRIBERS.—

"(1) TRAINING REQUIRED.—As a condition on registration under this section to dispense controlled substances in schedule II, III, IV, or V, the Attorney General shall require any qualified practitioner, beginning with the first applicable registration for the practitioner, to meet the following:

"(A) If the practitioner is a physician (as defined under section 1861(r) of the Social Security Act) and the practitioner meets one or more of the following conditions:

"(i) The physician holds a board certification in addiction psychiatry or addiction medicine from the American Board of Medical Specialties.

"(ii) The physician holds a board certification from the American Board of Addiction Medicine.

"(iii) The physician holds a board certification in addiction medicine from the American Osteopathic Association.

"(iv) The physician has, with respect to the treatment and management of patients with opioid or other substance use disorders, or the safe pharmacological management of dental pain and screening, brief intervention, and referral for appropriate treatment of patients with or at risk of developing opioid or other substance use disorders, completed not less than 8 hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by—

"(I) the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Dental Association, the American Association of Oral and Maxillofacial Surgeons, the American Psychiatric Association, or any other organization accredited by the Accreditation Council for Continuing Medical Education (ACCME) or the Commission for Continuing Education Provider Recognition (CCEPR);

"(II) any organization accredited by a State medical society accreditor that is recognized by the ACCME or the CCEPR;

"(III) any organization accredited by the American Osteopathic Association to provide continuing medical education; or

"(IV) any organization approved by the Assistant Secretary for Mental Health and Substance Use, the ACCME, or the CCEPR.

"(v) The physician graduated in good standing from an accredited school of allopathic medicine, osteopathic medicine, dental surgery, or dental medicine in the United States during the 5-year period immediately preceding the date on which the physician first registers or renews under this section and has successfully

Time periods.

completed a comprehensive allopathic or osteopathic medicine curriculum or accredited medical residency or dental surgery or dental medicine curriculum that included not less than 8 hours of training on—

"(I) treating and managing patients with opioid or other substance use disorders, including the appropriate clinical use of all drugs approved by the Food and Drug Administration for the treatment of a substance use disorder; or

"(II) the safe pharmacological management of dental pain and screening, brief intervention, and referral for appropriate treatment of patients with or at risk of developing opioid and other substance use disorders.

"(B) If the practitioner is not a physician (as defined under section 1861(r) of the Social Security Act), the practitioner is legally authorized by the State to dispense controlled substances under schedule II, III, IV, or V and is dispensing such substances within such State in accordance with all applicable State laws, and the practitioner meets one or more of the following conditions:

"(i) The practitioner has completed not fewer than 8 hours of training with respect to the treatment and management of patients with opioid or other substance use disorders (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Nurses Credentialing Center, the American Psychiatric Association, the American Association of Nurse Practitioners, the American Academy of Physician Associates, or any other organization approved or accredited by the Assistant Secretary for Mental Health and Substance Use or the Accreditation Council for Continuing Medical Education.

Time periods.

"(ii) The practitioner has graduated in good standing from an accredited physician assistant school or accredited school of advanced practice nursing in the United States during the 5-year period immediately preceding the date on which the practitioner first registers or renews under this section and has successfully completed a comprehensive physician assistant or advanced practice nursing curriculum that included not fewer than 8 hours of training on treating and managing patients with opioid and other substance use disorders, including the appropriate clinical use of all drugs approved by the Food and Drug Administration for the treatment of a substance use disorder.

"(2) ONE-TIME TRAINING.—

"(A) IN GENERAL.—The Attorney General shall not require any qualified practitioner to complete the training described in clause (iv) or (v) of paragraph (1)(A) or clause (i) or (ii) of paragraph (1)(B) more than once.

Deadline.

"(B) NOTIFICATION.—Not later than 90 days after the date of the enactment of the Restoring Hope for Mental

Health and Well-Being Act of 2022, the Attorney General shall provide to qualified practitioners a single written, electronic notification of the training described in clauses (iv) and (v) of paragraph (1)(A) or clauses (i) and (ii) of paragraph (1)(B).

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

"(A) to preclude the use, by a qualified practitioner, of training received pursuant to this subsection to satisfy registration requirements of a State or for some other lawful purpose; or

"(B) to preempt any additional requirements by a State related to the dispensing of controlled substances under schedule II, III, IV, or V.

"(4) DEFINITIONS.—In this section:

"(A) FIRST APPLICABLE REGISTRATION.—The term 'first applicable registration' means the first registration or renewal of registration by a qualified practitioner under this section that occurs on or after the date that is 180 days after the date of enactment of the Restoring Hope for Mental Health and Well-Being Act of 2022.

"(B) QUALIFIED PRACTITIONER.—In this subsection, the term 'qualified practitioner' means a practitioner who—

"(i) is licensed under State law to prescribe controlled substances; and

"(ii) is not solely a veterinarian.".

(b) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report assessing the impact of the elimination of the waiver program established under section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)), as amended by the Drug Addiction Treatment Act of 2000. Assessment.

SEC. 1264. INCREASE IN NUMBER OF DAYS BEFORE WHICH CERTAIN CONTROLLED SUBSTANCES MUST BE ADMINISTERED.

Section 309A(a)(5) of the Controlled Substances Act (21 U.S.C. 829a(a)(5)) is amended by striking "14 days" and inserting "45 days".

CHAPTER 7—OPIOID CRISIS RESPONSE

SEC. 1271. OPIOID PRESCRIPTION VERIFICATION.

(a) MATERIALS FOR TRAINING PHARMACISTS ON CERTAIN CIRCUMSTANCES UNDER WHICH A PHARMACIST MAY DECLINE TO FILL A PRESCRIPTION.—

(1) UPDATES TO MATERIALS.—Section 3212(a) of the SUPPORT for Patients and Communities Act (21 U.S.C. 829 note) is amended by striking "Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Administrator of the Drug Enforcement Administration, Commissioner of Food and Drugs, Director of the Centers for Disease Control and Prevention, and Assistant Secretary for Mental Health and Substance Use, shall develop and disseminate" and inserting "The Secretary of Health and Human Services, in consultation with the Deadline.

Administrator of the Drug Enforcement Administration, Commissioner of Food and Drugs, Director of the Centers for Disease Control and Prevention, and Assistant Secretary for Mental Health and Substance Use, shall develop and disseminate not later than 1 year after the date of enactment of the Restoring Hope for Mental Health and Well-Being Act of 2022, and update periodically thereafter".

(2) MATERIALS INCLUDED.—Section 3212(b) of the SUPPORT for Patients and Communities Act (21 U.S.C. 829 note) is amended—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) pharmacists on how to verify the identity of the patient;".

(3) MATERIALS FOR TRAINING ON PATIENT VERIFICATION .—Section 3212 of the SUPPORT for Patients and Communities Act (21 U.S.C. 829 note) is amended by adding at the end the following new subsection:

"(d) MATERIALS FOR TRAINING ON VERIFICATION OF IDENTITY.—Not later than 1 year after the date of enactment of this subsection, the Secretary of Health and Human Services, after seeking stakeholder input in accordance with subsection (c), shall—

Deadline.

Update.

"(1) update the materials developed under subsection (a) to include information for pharmacists on how to verify the identity of the patient; and

"(2) disseminate, as appropriate, the updated materials.".

(b) INCENTIVIZING STATES TO BUILD OR MAINTAIN PRESCRIPTION DRUG MONITORING PROGRAMS.—

(1) IN GENERAL.—Section 392A of the Public Health Service Act (42 U.S.C. 280b–1) is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b) the following new subsection:

"(c) PRIORITY.—In awarding grants to States under subsections (a) and (b), the Director of the Centers for Disease Control and Prevention may give priority to jurisdictions with a disproportionately high rate of drug overdoses or drug overdose deaths, as applicable.".

(2) CONFORMING CHANGE.—Section 392A of the Public Health Service Act (42 U.S.C. 280b–1) is amended by striking "Indian tribes" each place it appears and inserting "Indian Tribes".

42 USC 290bb–25g note.

SEC. 1272. SYNTHETIC OPIOID AND EMERGING DRUG MISUSE DANGER AWARENESS.

Deadline.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall provide for the planning and implementation of a public education campaign to raise public awareness of synthetic opioids (including fentanyl and its analogues) and emerging drug use and misuse issues, as appropriate. Such campaign related to synthetic opioids shall include the dissemination of information that—

(1) promotes awareness about the potency and dangers of fentanyl and its analogues and other synthetic opioids;

(2) explains services provided by the Substance Abuse and Mental Health Services Administration and the Centers for Disease Control and Prevention (and any entity providing such services under a contract entered into with such agencies) with respect to the use and misuse of opioids (including synthetic opioids) and other emerging drug threats, such as stimulants, as appropriate; and

(3) relates generally to opioid use and pain management, including information on alternative, nonopioid pain management treatments.

The Secretary shall update such campaign to address emerging drug misuse issues, as appropriate. Update.

(b) USE OF MEDIA.—The campaign under subsection (a) may be implemented through the use of television, radio, internet, in-person public communications, and other commercial marketing venues and may be targeted to specific demographic groups.

(c) CONSIDERATION OF REPORT FINDINGS.—In planning and implementing the public education campaign under subsection (a) related to synthetic opioids, the Secretary shall take into consideration the findings of the report required under section 7001 of the SUPPORT for Patients and Communities Act (Public Law 115–271).

(d) CONSULTATION.—In coordinating the campaign under subsection (a), the Secretary shall consult with the Assistant Secretary for Mental Health and Substance Use to provide ongoing advice on the effectiveness of information disseminated through the campaign.

(e) REQUIREMENT OF CAMPAIGN.—The campaign implemented under subsection (a) shall not be duplicative of any other Federal efforts relating to eliminating substance use and misuse.

(f) EVALUATION.—

(1) IN GENERAL.—The Secretary shall ensure that the campaign implemented under subsection (a) is subject to an independent evaluation, beginning 2 years after the date of enactment of this Act, and 2 years thereafter. Effective date. Time period.

(2) MEASURES AND BENCHMARKS.—For purposes of an evaluation conducted pursuant to paragraph (1), the Secretary shall—

(A) establish baseline measures and benchmarks to quantitatively evaluate the impact of the campaign under this section; and

(B) conduct qualitative assessments regarding the effectiveness of strategies employed under this section. Assessments.

(g) REPORT.—The Secretary shall, beginning 2 years after the date of enactment of this Act, and 2 years thereafter, submit to Congress a report on the effectiveness of the campaign implemented under subsection (a) towards meeting the measures and benchmarks established under subsection (f)(2). Effective date.

(h) DISSEMINATION OF INFORMATION THROUGH PROVIDERS.—The Secretary shall develop and implement a plan for the dissemination of information related to synthetic opioids, to health care providers who participate in Federal programs, including programs administered by the Department of Health and Human Services, the Indian Health Service, the Department of Veterans Affairs, the Department of Defense, and the Health Resources and Services Administration, the Medicare program under title XVIII of the Plan.

Social Security Act (42 U.S.C. 1395 et seq.), and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

Deadlines.

(i) TRAINING GUIDE AND OUTREACH ON SYNTHETIC OPIOID EXPOSURE PREVENTION.—

Publication. Public information. Web posting.

(1) TRAINING GUIDE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall design, publish, and make publicly available on the internet website of the Department of Health and Human Services, a training guide and webinar for first responders and other individuals who also may be at high risk of exposure to synthetic opioids that details measures to prevent that exposure.

(2) OUTREACH.—Not later than 18 months after the date of enactment of this Act, the Secretary shall also conduct outreach about the availability of the training guide and webinar published under paragraph (1) to—

(A) fire department staff;

(B) law enforcement officers;

(C) ambulance transport and other first responders;

(D) hospital emergency department personnel; and

(E) other high-risk occupations, as identified by the Secretary.

SEC. 1273. GRANT PROGRAM FOR STATE AND TRIBAL RESPONSE TO OPIOID USE DISORDERS.

Section 1003 of the 21st Century Cures Act (42 U.S.C. 290ee–3 note) is amended to read as follows:

42 USC 290ee–3a.

"SEC. 1003. GRANT PROGRAM FOR STATE AND TRIBAL RESPONSE TO OPIOID USE DISORDERS.

"(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the 'Secretary') shall carry out the grant program described in subsection (b) for purposes of addressing opioid misuse and use disorders and, as applicable and appropriate, stimulant misuse and use disorders, within States, Indian Tribes, and populations served by Tribal organizations and Urban Indian organizations.

"(b) GRANTS PROGRAM.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall award grants to the single State agency responsible for administering the substance use prevention, treatment, and recovery services block grant under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.), Indian Tribes, and Tribal organizations for the purpose of addressing opioid misuse and use disorders, and as applicable and appropriate, stimulant misuse and use disorders, within such States, such Indian Tribes, and populations served by such Tribal organizations, in accordance with paragraph (2). Indian Tribes or Tribal organizations may also apply for an award as part of a consortia or may include in an application a partnership with an Urban Indian organization.

"(2) MINIMUM ALLOCATIONS.—Notwithstanding subsection (i)(3), in determining grant amounts for each recipient of a grant under paragraph (1), the Secretary shall ensure that each State and the District of Columbia receive not less than $4,000,000 and ensure that each Territory receives not less than $250,000.

"(3) FORMULA METHODOLOGY.—

"(A) IN GENERAL.—At least 30 days before publishing a funding opportunity announcement with respect to grants under this section, the Secretary shall— Time period.

"(i) develop a formula methodology to be followed in allocating grant funds awarded under this section among grantees, which, where applicable and appropriate based on populations being served by the relevant entity—

"(I) with respect to allocations for States, gives preference to States whose populations have a prevalence of opioid misuse and use disorders or drug overdose deaths that is substantially higher relative to the populations of other States;

"(II) with respect to allocations for Tribes and Tribal organizations, gives preferences to Tribes and Tribal organizations (including those applying in partnership with an Urban Indian organization) serving populations with demonstrated need with respect to opioid misuse and use disorders or drug overdose deaths;

"(III) includes performance assessments for continuation awards; and Assessments.

"(IV) ensures that the formula avoids a funding cliff between States with similar overdose mortality rates to prevent funding reductions when compared to prior year allocations, as determined by the Secretary; and

"(ii) not later than 30 days after developing the formula methodology under clause (i), submit the formula methodology to— Deadline.

"(I) the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate; and

"(II) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives.

"(B) REPORT.—Not later than two years after the date of the enactment of the Restoring Hope for Mental Health and Well-Being Act of 2022, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that— Assessments.

"(i) assesses how grant funding is allocated to States under this section and how such allocations have changed over time;

"(ii) assesses how any changes in funding under this section have affected the efforts of States to address opioid misuse and use disorders and, as applicable and appropriate, stimulant misuse and use disorders; and

"(iii) assesses the use of funding provided through the grant program under this section and other similar grant programs administered by the Substance Abuse and Mental Health Services Administration.

"(4) USE OF FUNDS.—Grants awarded under this subsection shall be used for carrying out activities that supplement activities pertaining to opioid misuse and use disorders and, as applicable and appropriate, stimulant misuse and use disorders (including co-occurring substance misuse and use disorders), undertaken by the entities described in paragraph (1), which may include public health-related activities such as the following:

"(A) Implementing substance use disorder and overdose prevention activities, including primary prevention activities, and evaluating such activities to identify effective strategies to prevent substance use disorders and overdoses, which may include drugs or devices approved, cleared, or otherwise legally marketed under the Federal Food, Drug, and Cosmetic Act.

"(B) Establishing or improving prescription drug monitoring programs.

"(C) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance use disorders, referral of patients to treatment programs, preventing diversion of controlled substances, and overdose prevention.

"(D) Supporting access to and the provision of substance use disorder-related health care services, including—

"(i) services provided by federally certified opioid treatment programs;

"(ii) services provided in outpatient and residential substance use disorder treatment programs or facilities, including those that utilize medication-assisted treatment, as appropriate; or

"(iii) services provided by other appropriate health care providers to treat substance use disorders, including crisis services and services provided in integrated health care settings by appropriate health care providers that treat substance use disorders.

"(E) Recovery support services, including—

"(i) community-based services that include education, outreach, and peer supports such as peer support specialists and recovery coaches to help support recovery;

"(ii) mutual aid recovery programs that support medication-assisted treatment;

"(iii) services to address housing needs; or

"(iv) services related to supporting families that include an individual with a substance use disorder.

"(F) Other public health-related activities, as such entity determines appropriate, related to addressing opioid misuse and use disorders and, as applicable and appropriate, stimulant misuse and use disorders, within such entity, including directing resources in accordance with local needs related to substance use disorders.

"(c) ACCOUNTABILITY AND OVERSIGHT.—A State receiving a grant under subsection (b) shall submit to the Secretary a description of—

"(1) the purposes for which the grant funds received by the State under such subsection for the preceding fiscal year

were expended and a description of the activities of the State under the grant;

"(2) the ultimate recipients of amounts provided to the State;

"(3) the number of individuals served through the grant; and

"(4) such other information as determined appropriate by the Secretary.

"(d) LIMITATIONS.—Any funds made available pursuant to subsection (i) shall not be used for any purpose other than the grant program under subsection (b).

"(e) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary, in consultation with Indian Tribes and Tribal organizations, shall identify and establish appropriate mechanisms for Indian Tribes and Tribal organizations to demonstrate or report the information as required under subsections (b), (c), and (d).

"(f) REPORT TO CONGRESS.—Not later than September 30, 2024, and biennially thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and the Committees on Appropriations of the House of Representatives and the Senate, a report that includes a summary of the information provided to the Secretary in reports made pursuant to subsections (c) and (d), including— Summary.

"(1) the purposes for which grant funds are awarded under this section;

"(2) the activities of the grant recipients; and

"(3) each entity that receives a grant under this section, including the funding level provided to such recipient.

"(g) TECHNICAL ASSISTANCE.—The Secretary, including through the Tribal Training and Technical Assistance Center of the Substance Abuse and Mental Health Services Administration, as applicable, shall provide entities described in subsection (b)(1) with technical assistance concerning grant application and submission procedures under this section, award management activities, and enhancing outreach and direct support to rural and underserved communities and providers in addressing substance use disorders.

"(h) DEFINITIONS.—In this section:

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

"(2) TRIBAL ORGANIZATION.—The term 'Tribal organization' has the meaning given the term 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(3) STATE.—The term 'State' has the meaning given such term in section 1954(b) of the Public Health Service Act (42 U.S.C. 300x–64(b)).

"(4) URBAN INDIAN ORGANIZATION.—The term 'Urban Indian organization' has the meaning given such term in section 4 of the Indian Health Care Improvement Act.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For purposes of carrying out the grant program under subsection (b), there is authorized to be appropriated $1,750,000,000 for each of fiscal years 2023 through 2027. Time period.

"(2) FEDERAL ADMINISTRATIVE EXPENSES.—Of the amounts made available for each fiscal year to award grants under subsection (b), the Secretary shall not use more than 2 percent for Federal administrative expenses, training, technical assistance, and evaluation.

"(3) SET ASIDE.—Of the amounts made available for each fiscal year to award grants under subsection (b) for a fiscal year, the Secretary shall—

"(A) award not more than 5 percent to Indian Tribes and Tribal organizations; and

"(B) of the amount remaining after application of subparagraph (A), set aside up to 15 percent for awards to States with the highest age-adjusted rate of drug overdose death based on the ordinal ranking of States according to the Director of the Centers for Disease Control and Prevention.".

Subtitle C—Access to Mental Health Care and Coverage

CHAPTER 1—IMPROVING UPTAKE AND PATIENT ACCESS TO INTEGRATED CARE SERVICES

SEC. 1301. IMPROVING UPTAKE AND PATIENT ACCESS TO INTEGRATED CARE SERVICES.

Section 520K of the Public Health Service Act (42 U.S.C. 290bb–42) is amended to read as follows:

"SEC. 520K. IMPROVING UPTAKE AND PATIENT ACCESS TO INTEGRATED CARE SERVICES.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, or an appropriate State agency, in collaboration with—

"(A) 1 or more qualified community programs as described in section 1913(b)(1); or

"(B) 1 or more health centers (as defined in section 330(a)), rural health clinics (as defined in section 1861(aa) of the Social Security Act), or Federally qualified health centers (as defined in such section), or primary care practices serving adult or pediatric patients or both.

"(2) INTEGRATED CARE; BIDIRECTIONAL INTEGRATED CARE.—

"(A) The term 'integrated care' means collaborative models, including the psychiatric collaborative care model and other evidence-based or evidence-informed models, or practices for coordinating and jointly delivering behavioral and physical health services, which may include practices that share the same space in the same facility.

"(B) The term 'bidirectional integrated care' means the integration of behavioral health care and specialty physical health care, and the integration of primary and physical health care within specialty behavioral health settings, including within primary health care settings.

"(3) PSYCHIATRIC COLLABORATIVE CARE MODEL.—The term 'psychiatric collaborative care model' means the evidence-based, integrated behavioral health service delivery method that includes—

"(A) care directed by the primary care team;

"(B) structured care management;

"(C) regular assessments of clinical status using developmentally appropriate, validated tools; and

"(D) modification of treatment as appropriate.

"(4) SPECIAL POPULATION.—The term 'special population' means—

"(A) adults with a serious mental illness or adults who have co-occurring mental illness and physical health conditions or chronic disease;

"(B) children and adolescents with a serious emotional disturbance who have a co-occurring physical health condition or chronic disease;

"(C) individuals with a substance use disorder; or

"(D) individuals with a mental illness who have a co-occurring substance use disorder.

"(b) GRANTS AND COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may award grants and cooperative agreements to eligible entities to support the improvement of integrated care for physical and behavioral health care in accordance with paragraph (2).

"(2) USE OF FUNDS.—A grant or cooperative agreement awarded under this section shall be used—

"(A) to promote full integration and collaboration in clinical practices between physical and behavioral health care, including for special populations;

"(B) to support the improvement of integrated care models for physical and behavioral health care to improve overall wellness and physical health status, including for special populations;

"(C) to promote the implementation and improvement of bidirectional integrated care services provided at entities described in subsection (a)(1), including evidence-based or evidence-informed screening, assessment, diagnosis, prevention, treatment, and recovery services for mental and substance use disorders, and co-occurring physical health conditions and chronic diseases; and

"(D) in the case of an eligible entity that is collaborating with a primary care practice, to support the implementation of evidence-based or evidence-informed integrated care models, including the psychiatric collaborative care model, including—

"(i) by hiring staff;

"(ii) by identifying and formalizing contractual relationships with other health care providers or other relevant entities offering care management and behavioral health consultation to facilitate the adoption of integrated care, including, as applicable, providers who will function as psychiatric consultants and behavioral health care managers in providing behavioral health integration services through the collaborative care model;

"(iii) by purchasing or upgrading software and other resources, as applicable, needed to appropriately provide behavioral health integration, including resources needed to establish a patient registry and implement measurement-based care; and

"(iv) for such other purposes as the Secretary determines to be applicable and appropriate.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—An eligible entity that is seeking a grant or cooperative agreement under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the contents described in paragraph (2).

"(2) CONTENTS FOR AWARDS.—Any such application of an eligible entity seeking a grant or cooperative agreement under this section shall include, as applicable—

"(A) a description of a plan to achieve fully collaborative agreements to provide bidirectional integrated care to special populations;

Summary.

"(B) a summary of the policies, if any, that are barriers to the provision of integrated care, and the specific steps, if applicable, that will be taken to address such barriers;

"(C) a description of partnerships or other arrangements with local health care providers to provide services to special populations and, as applicable, in areas with demonstrated need, such as Tribal, rural, or other medically underserved communities, such as those with a workforce shortage of mental health and substance use disorder, pediatric mental health, or other related professionals;

Contracts.
Plan.

"(D) an agreement and plan to report to the Secretary performance measures necessary to evaluate patient outcomes and facilitate evaluations across participating projects; and

"(E) a description of the plan or progress in implementing the psychiatric collaborative care model, as applicable and appropriate;

"(F) a description of the plan or progress of evidence-based or evidence-informed integrated care models other than the psychiatric collaborative care model implemented by primary care practices, as applicable and appropriate; and

Plan.

"(G) a plan for sustainability beyond the grant or cooperative agreement period under subsection (e).

"(d) GRANT AND COOPERATIVE AGREEMENT AMOUNTS.—

"(1) TARGET AMOUNT.—The target amount that an eligible entity may receive for a year through a grant or cooperative agreement under this section shall be no more than $2,000,000.

"(2) ADJUSTMENT PERMITTED.—The Secretary, taking into consideration the quality of an eligible entity's application and the number of eligible entities that received grants under this section prior to the date of enactment of the Restoring Hope for Mental Health and Well-Being Act of 2022, may adjust the target amount that an eligible entity may receive for a year through a grant or cooperative agreement under this section.

Allocations.

"(3) LIMITATION.—An eligible entity that is receiving funding under subsection (b)—

"(A) may not allocate more than 10 percent of the funds awarded to such eligible entity under this section to administrative functions; and

"(B) shall allocate the remainder of such funding to health facilities that provide integrated care.

"(e) DURATION.—A grant or cooperative agreement under this section shall be for a period not to exceed 5 years.

"(f) REPORT ON PROGRAM OUTCOMES.—An eligible entity receiving a grant or cooperative agreement under this section shall submit an annual report to the Secretary. Such annual report shall include—

"(1) the progress made to reduce barriers to integrated care as described in the entity's application under subsection (c);

"(2) a description of outcomes with respect to each special population listed in subsection (a)(4), including outcomes related to education, employment, and housing, or, as applicable and appropriate, outcomes for such populations receiving behavioral health care through the psychiatric collaborative care model in primary care practices; and

"(3) progress in meeting performance metrics and other relevant benchmarks; and

"(4) such other information that the Secretary may require.

"(g) TECHNICAL ASSISTANCE FOR PRIMARY-BEHAVIORAL HEALTH CARE INTEGRATION.—

"(1) CERTAIN RECIPIENTS.—The Secretary may provide appropriate information, training, and technical assistance to eligible entities that receive a grant or cooperative agreement under subsection (b)(2), in order to help such entities meet the requirements of this section, including assistance with—

"(A) development and selection of integrated care models;

"(B) dissemination of evidence-based interventions in integrated care;

"(C) establishment of organizational practices to support operational and administrative success; and

"(D) as appropriate, appropriate information, training, and technical assistance in implementing the psychiatric collaborative care model when an eligible entity is collaborating with 1 or more primary care practices for the purposes of implementing the psychiatric collaborative care model.

"(2) ADDITIONAL DISSEMINATION OF TECHNICAL INFORMATION.—In addition to providing the assistance described in paragraph (1) to recipients of a grant or cooperative agreement under this section, the Secretary may also provide such assistance to other States and political subdivisions of States, Indian Tribes and Tribal organizations, as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act, outpatient mental health and addiction treatment centers, community mental health centers that meet the criteria under section 1913(c), certified community behavioral health clinics described in section 223 of the Protecting Access to Medicare Act of 2014, primary care organizations such as Federally qualified health centers or rural health clinics as defined in section 1861(aa) of the Social Security Act, primary health care practices, the community-based organizations, and other entities engaging in integrated care activities, as the Secretary determines appropriate.

"(h) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of the Restoring Hope for Mental Health and Well-Being Act of 2022, and annually thereafter, the Secretary

Summary.

shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives summarizing the information submitted in reports to the Secretary under subsection (f), including progress made in meeting performance metrics and the uptake of integrated care models, any adjustments made to target amounts pursuant to subsection (d)(2), and any other relevant information.

"(i) FUNDING.—

Time periods.

"(1) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $60,000,000 for each of fiscal years 2023 through 2027.

"(2) INCREASING UPTAKE OF THE PSYCHIATRIC COLLABORATIVE CARE MODEL BY PRIMARY CARE PRACTICES.—Not less than 10 percent of funds appropriated to carry out this section shall be for the purposes of implementing the psychiatric collaborative care model implemented by primary care practices under subsection (b).

"(3) FUNDING CONTINGENCY.—Paragraph (2) shall not apply to a fiscal year unless the amount made available to carry out this section for such fiscal year exceeds the amount appropriated to carry out this section (as in effect before the date of enactment of the Restoring Hope for Mental Health and Well-Being Act of 2022) for fiscal year 2022.".

CHAPTER 2—HELPING ENABLE ACCESS TO LIFESAVING SERVICES

SEC. 1311. REAUTHORIZATION AND PROVISION OF CERTAIN PROGRAMS TO STRENGTHEN THE HEALTH CARE WORKFORCE.

(a) MENTAL AND BEHAVIORAL HEALTH EDUCATION AND TRAINING GRANTS.—Section 756 of the Public Health Service Act (42 U.S.C. 294e–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "(which may include master's and doctoral level programs)" after "occupational therapy"; and

(B) in paragraph (4), by inserting before the period the following: ", including training to increase skills and capacity to meet the needs of children and adolescents who have experienced trauma"; and

(2) in subsection (f), by striking "For each of fiscal years 2019 through 2023" and inserting "For each of fiscal years 2023 through 2027".

(b) TRAINING DEMONSTRATION PROGRAM.—Section 760 of the Public Health Service Act (42 U.S.C. 294k) is amended—

(1) by striking "mental and substance use disorders" each place it appears and inserting "mental health and substance use disorder";

(2) in subsection (a)(2)—

(A) by inserting "(including for individuals completing clinical training requirements for licensure)" after "training";

(B) by inserting "counselors, nurses," after "psychologists,"; and

(C) by striking the semicolon and inserting ", including such settings that serve pediatric populations;";

(3) in subsection (a)(3)(A)—

(A) by striking "disorder" (as inserted by paragraph (1)) and inserting "disorders"; and

(B) by inserting "or pediatric populations" after "addiction";

(4) in subsection (b)(2)(A), by inserting "(including such settings that serve pediatric populations)" after "settings";

(5) in subsection (c)(2)(F)—

(A) by inserting "counselors, nurses," after "psychologists"; and

(B) by striking the period and inserting ", including such entities that serve pediatric populations.";

(6) in subsection (d)(1)(A)—

(A) by inserting "health service psychologists, nurses" after "fellows,"; and

(B) by inserting "counselors," after "physician assistants";

(7) in subsection (d)(1)(B)—

(A) by inserting ", which may include such settings that serve pediatric populations" after "settings";

(B) by inserting "health" after "mental";

(8) in subsection (d)(2)(C), inserting "(which may include trauma-informed care, as appropriate)" after "care";

(9) in subsection (g), by striking "$10,000,000 for each of fiscal years 2018 through 2022" and inserting ", and $31,700,000 for each of fiscal years 2023 through 2027"; and

(10) in subsection (f)(2)(B), by striking "disorder" (as inserted by paragraph (1)) and inserting "disorders".

SEC. 1312. REAUTHORIZATION OF MINORITY FELLOWSHIP PROGRAM.

Section 597(c) of the Public Health Service Act (42 U.S.C. 290ll(c)) is amended by striking "$12,669,000 for each of fiscal years 2018 through 2022" and inserting "$25,000,000 for each of fiscal years 2023 through 2027".

CHAPTER 3—ELIMINATING THE OPT-OUT FOR NONFEDERAL GOVERNMENTAL HEALTH PLANS

SEC. 1321. ELIMINATING THE OPT-OUT FOR NONFEDERAL GOVERNMENTAL HEALTH PLANS.

Section 2722(a)(2) of the Public Health Service Act (42 U.S.C. 300gg–21(a)(2)) is amended by adding at the end the following new subparagraph:

"(F) SUNSET OF ELECTION OPTION.—

"(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph—

"(I) no election described in subparagraph (A) with respect to section 2726 may be made on or after the date of the enactment of this subparagraph; and

"(II) except as provided in clause (ii), no such election with respect to section 2726 expiring on or after the date that is 180 days after the date of such enactment may be renewed.

"(ii) EXCEPTION FOR CERTAIN COLLECTIVELY BARGAINED PLANS.—Notwithstanding clause (i)(II), a plan described in subparagraph (B)(ii) that is subject to multiple agreements described in such subparagraph of varying lengths and that has an election described in subparagraph (A) with respect to section 2726 in effect as of the date of the enactment of this subparagraph that expires on or after the date that is 180 days after the date of such enactment may extend such election until the date on which the term of the last such agreement expires.".

CHAPTER 4—MENTAL HEALTH AND SUBSTANCE USE DISORDER PARITY IMPLEMENTATION

SEC. 1331. GRANTS TO SUPPORT MENTAL HEALTH AND SUBSTANCE USE DISORDER PARITY IMPLEMENTATION.

(a) IN GENERAL.—Section 2794(c) of the Public Health Service Act (42 U.S.C. 300gg–94(c)) (as added by section 1003 of the Patient Protection and Affordable Care Act (Public Law 111–148)) is amended by adding at the end the following:

"(3) PARITY IMPLEMENTATION.—

Effective date.
Compliance.

"(A) IN GENERAL.—Beginning during the first fiscal year that begins after the date of enactment of this paragraph, the Secretary shall, out of funds made available pursuant to subparagraph (C), award grants to eligible States to enforce and ensure compliance with the mental health and substance use disorder parity provisions of section 2726.

"(B) ELIGIBLE STATE.—A State shall be eligible for a grant awarded under this paragraph only if such State—

"(i) submits to the Secretary an application for such grant at such time, in such manner, and containing such information as specified by the Secretary; and

"(ii) agrees to request and review from health insurance issuers offering group or individual health insurance coverage the comparative analyses and other information required of such health insurance issuers under subsection (a)(8)(A) of section 2726 relating to the design and application of nonquantitative treatment limitations imposed on mental health or substance use disorder benefits.

Time periods.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the first five fiscal years beginning after the date of the enactment of this paragraph, to remain available until expended, for purposes of awarding grants under subparagraph (A).".

(b) TECHNICAL AMENDMENT.—Section 2794 of the Public Health Service Act (42 U.S.C. 300gg–95), as added by section 6603 of the Patient Protection and Affordable Care Act (Public Law 111–148) is redesignated as section 2795.

Subtitle D—Children and Youth

CHAPTER 1—SUPPORTING CHILDREN'S MENTAL HEALTH CARE ACCESS

SEC. 1401. TECHNICAL ASSISTANCE FOR SCHOOL-BASED HEALTH CENTERS.

Section 399Z–1 of the Public Health Service Act (42 U.S.C. 280h–5) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

"(l) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance by grants or contracts awarded to private, nonprofit entities with demonstrated expertise related to school-based health centers. Such technical assistance, taking into account local and regional differences among school based health centers, shall support such entities in providing services described in subsection (a)(1) pursuant to this section, including mental health and substance use disorder services, and may include technical assistance relating to program operations and support for the implementation of evidence-based or evidence-informed best practices related to the provision of high quality health care services to children and adolescents.". Grants. Contracts.

SEC. 1402. INFANT AND EARLY CHILDHOOD MENTAL HEALTH PROMOTION, INTERVENTION, AND TREATMENT.

Section 399Z–2 of the Public Health Service Act (42 U.S.C. 280h–6) is amended—

(1) by redesignating subsection (f) as subsection (g);

(2) by inserting after subsection (e) the following:

"(f) TECHNICAL ASSISTANCE.—The Secretary may, directly or by awarding grants or contracts to public and private nonprofit entities, provide training and technical assistance to eligible entities to carry out activities described in subsection (d)."; and Grants. Contracts.

(3) in subsection (g) (as redesignated by paragraph (1)), by striking "$20,000,000 for the period of fiscal years 2018 through 2022" and inserting "$50,000,000 for the period of fiscal years 2023 through 2027".

SEC. 1403. CO-OCCURRING CHRONIC CONDITIONS AND MENTAL HEALTH IN YOUTH STUDY.

Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(1) complete a study on the rates of suicidal behaviors among children and adolescents with chronic illnesses, including substance use disorders, autoimmune disorders, and heritable blood disorders; and

(2) submit a report to the Congress on the results of such study, including recommendations for early intervention services for such children and adolescents at risk of suicide, the dissemination of best practices to support the emotional and mental health needs of youth, and strategies to lower the rates of suicidal behaviors in children and adolescents described in paragraph (1) to reduce any demographic disparities in such rates. Reports. Recommendations. Strategies.

SEC. 1404. BEST PRACTICES FOR BEHAVIORAL AND MENTAL HEALTH INTERVENTION TEAMS.

The Public Health Service Act is amended by inserting after section 520H of such Act, as added by section 1151 of this Act, the following new section:

42 USC 290bb–39a.

"SEC. 520H–1. BEST PRACTICES FOR BEHAVIORAL AND MENTAL HEALTH INTERVENTION TEAMS.

Reports.

"(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Mental Health and Substance Use, and in consultation with the Secretary of Education, shall submit to the Health Education, Labor, and Pensions Committee of the Senate and the Energy and Commerce Committee of the House of Representatives a report that identifies best practices related to using behavioral and mental health intervention teams, which may be used to assist elementary schools, secondary schools, and institutions of higher education interested in voluntarily establishing and using such teams to support students exhibiting behaviors interfering with learning at school or who are at risk of harm to self or others.

Assessment.

"(b) ELEMENTS.—The report under subsection (a) shall assess evidence supporting such best practices and, as appropriate, include consideration of the following:

"(1) How behavioral and mental health intervention teams might operate effectively from an evidence-based, objective perspective while protecting the constitutional and civil rights and privacy of individuals.

"(2) The use of behavioral and mental health intervention teams—

"(A) to identify and support students exhibiting behaviors interfering with learning or posing a risk of harm to self or others; and

"(B) to implement evidence-based interventions to meet the behavioral and mental health needs of such students.

"(3) How behavioral and mental health intervention teams can—

"(A) access evidence-based professional development to support students described in paragraph (2)(A); and

"(B) ensure that such teams—

"(i) are composed of trained, diverse stakeholders with expertise in child and youth development, behavioral and mental health, and disability; and

"(ii) use cross validation by a wide-range of individual perspectives on the team.

"(4) How behavioral and mental health intervention teams can help mitigate inappropriate referral to mental health services or law enforcement by implementing evidence-based interventions that meet student needs.

"(c) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with—

"(1) the Secretary of Education;

"(2) the Director of the National Threat Assessment Center of the United States Secret Service;

"(3) the Attorney General;

"(4) teachers (which shall include special education teachers), principals and other school leaders, school board members, behavioral and mental health professionals (including

school-based mental health professionals), and parents of students;

"(5) local law enforcement agencies and campus law enforcement administrators;

"(6) privacy, disability, and civil rights experts; and

"(7) other education and mental health professionals as the Secretary deems appropriate.

"(d) PUBLICATION.—The Secretary shall publish the report under subsection (a) in an accessible format on the internet website of the Department of Health and Human Services. Web posting.

"(e) DEFINITIONS.—In this section:

"(1) The term 'behavioral and mental health intervention team' means a multidisciplinary team of trained individuals who—

"(A) are trained to identify and assess the behavioral health needs of children and youth and who are responsible for identifying, supporting, and connecting students exhibiting behaviors interfering with learning at school, or who are at risk of harm to self or others, with appropriate behavioral health services; and

"(B) develop and facilitate implementation of evidence-based interventions to—

"(i) mitigate the threat of harm to self or others posed by a student described in subparagraph (A);

"(ii) meet the mental and behavioral health needs of such students; and

"(iii) support positive, safe, and supportive learning environments.

"(2) The terms 'elementary school', 'parent', and 'secondary school' have the meanings given to such terms in section 8101 of the Elementary and Secondary Education Act of 1965.

"(3) The term 'institution of higher education' has the meaning given to such term in section 102 of the Higher Education Act of 1965.".

CHAPTER 2—CONTINUING SYSTEMS OF CARE FOR CHILDREN

SEC. 1411. COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES.

(a) DEFINITION.—Section 565(d)(2)(B) of the Public Health Service Act (42 U.S.C. 290ff–4(d)(2)(B)) is amended by striking "may be)" and inserting "may be), kinship caregivers of the child,".

(b) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (1) of section 565(f) of the Public Health Service Act (42 U.S.C. 290ff–4(f)) is amended—

(1) by moving the margin of such paragraph 2 ems to the right; and

(2) by striking "$119,026,000 for each of fiscal years 2018 through 2022" and inserting "$125,000,000 for each of fiscal years 2023 through 2027".

SEC. 1412. SUBSTANCE USE DISORDER TREATMENT AND EARLY INTERVENTION SERVICES FOR CHILDREN AND ADOLESCENTS.

Section 514 of the Public Health Service Act (42 U.S.C. 290bb–7) is amended—

(1) in subsection (a), by striking "Indian tribes or tribal organizations" and inserting "Indian Tribes or Tribal organizations"; and

(2) in subsection (f), by striking "2018 through 2022" and inserting "2023 through 2027".

CHAPTER 3—GARRETT LEE SMITH MEMORIAL REAUTHORIZATION

SEC. 1421. SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.

(a) TECHNICAL AMENDMENT.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb–34) is amended—

(1) by striking "tribes" and inserting "Tribes"; and

(2) by striking "tribal" each place it appears and inserting "Tribal".

(b) COLLABORATION.—Section 520C(a) of the Public Health Service Act (42 U.S.C. 290bb–34(a)) is amended—

(1) by striking "The Secretary" and inserting the following: "(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) COLLABORATION.—In carrying out this subsection, as applicable with respect to assistance to entities serving members of the Armed Forces and veterans, the Secretary shall, as appropriate, collaborate with the Secretary of Defense and the Secretary of Veterans Affairs.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 520C(c) of the Public Health Service Act (42 U.S.C. 290bb–34(c)) is amended by striking "$5,988,000 for each of fiscal years 2018 through 2022" and inserting "$9,000,000 for each of fiscal years 2023 through 2027".

(d) ANNUAL REPORT.—Section 520C(d) of the Public Health Service Act (42 U.S.C. 290bb–34(d)) is amended by striking "Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to Congress" and inserting "Not later than 2 years after the date of the enactment of the Restoring Hope for Mental Health and Well-Being Act of 2022, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives".

SEC. 1422. YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

Section 520E of the Public Health Service Act (42 U.S.C. 290bb–36) is amended—

(1) by striking "tribe" and inserting "Tribe";

(2) by striking "tribal" each place it appears and inserting "Tribal";

(3) in subsection (a)(1), by inserting "pediatric health programs," after "foster care systems,";

(4) by amending subsection (b)(1)(B) to read as follows:

"(B) a public organization or private nonprofit organization designated by a State or Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) to develop or direct the State-sponsored statewide or Tribal youth suicide early intervention and prevention strategy; or";

(5) in subsection (c)—

(A) in paragraph (1), by inserting "pediatric health programs," after "foster care systems,";

(B) in paragraph (7), by inserting "pediatric health programs," after "foster care systems,";

(C) in paragraph (9), by inserting "pediatric health programs," after "educational institutions,";

(D) in paragraph (13), by striking "and" at the end;

(E) in paragraph (14), by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(15) provide to parents, legal guardians, and family members of youth, supplies to securely store means commonly used in suicide, if applicable, within the household.";

(6) in subsection (d)—

(A) in the heading, by striking "DIRECT SERVICES" and inserting "SUICIDE PREVENTION ACTIVITIES"; and

(B) by striking "direct services, of which not less than 5 percent shall be used for activities authorized under subsection (a)(3)" and inserting "suicide prevention activities";

(7) in subsection (e)(3)(A), by inserting "and the Department of Education, as appropriate" after "agencies and suicide working groups";

(8) in subsection (g)—

(A) in paragraph (1), by striking "18" and inserting "24"; and

(B) in paragraph (2), by striking "2 years after the date of enactment of Helping Families in Mental Health Crisis Reform Act of 2016" and inserting "December 31, 2025";

(9) in subsection (l)(4), by striking "between 10 and 24 years of age" and inserting "up to 24 years of age"; and

(10) in subsection (m), by striking "$30,000,000 for each of fiscal years 2018 through 2022" and inserting "$40,000,000 for each of fiscal years 2023 through 2027".

SEC. 1423. MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES FOR STUDENTS IN HIGHER EDUCATION.

Section 520E–2 of the Public Health Service Act (42 U.S.C. 290bb–36b) is amended—

(1) in the heading, by striking "**ON CAMPUS**" and inserting "**FOR STUDENTS IN HIGHER EDUCATION**";

(2) in subsection (b)—

(A) in paragraph (1), by striking "mental and substance use disorders" and inserting "mental health and substance use disorders and promote resiliency";

(B) in paragraph (4), by striking "mental and substance use disorder services." and inserting "mental health and substance use disorder resources and services.";

(C) in paragraph (5), by striking "mental and substance use" and inserting "mental health and substance use";

(D) in paragraph (6), by striking "staff to respond effectively to students with mental and substance use disorders." and inserting "staff to recognize and respond effectively and appropriately to students experiencing mental health and substance use disorders.";

(E) in paragraph (7), by striking "mental and substance use" and inserting "mental health and substance use";

(F) in paragraph (8), by striking "mental and substance use" and inserting "mental health and substance use.";

(G) in paragraph (9), by striking "regarding improving the behavioral health of students through clinical services, outreach, prevention, or" and inserting "to improve the behavioral health of students through clinical services, outreach, prevention, promotion of mental health, or";

(H) in paragraph (10), by striking "mental and behavioral disorders," and inserting "mental and behavioral health disorders,"; and

(I) in paragraph (12), by striking "best practices." and inserting "best practices, and trauma-informed practices.";

(3) in subsection (d)—

(A) in paragraph (1), by striking "mental and substance use" and inserting "mental health and substance use"; and

(B) in paragraph (3), by striking "promoting access to services," and inserting "promoting mental health and access to services,"

(4) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking "the Congress" and inserting "the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate";

(B) in paragraph (2), by striking "including efforts" and inserting "including through prevention, early detection, early intervention, and efforts"; and

(C) by adding at the end the following:

Assessment.

"(3) An assessment of the mental health and substance use disorder needs of the populations served by recipients of grants under this section."; and

(5) in subsection (i), by striking "2018 through 2022" and inserting "2023 through 2027";

SEC. 1424. MENTAL AND BEHAVIORAL HEALTH OUTREACH AND EDUCATION AT INSTITUTIONS OF HIGHER EDUCATION.

Section 549 of the Public Health Service Act (42 U.S.C. 290ee–4) is amended—

(1) in the heading, by striking "**ON COLLEGE CAMPUSES**" and inserting "**AT INSTITUTIONS OF HIGHER EDUCATION**";

(2) in subsection (c)(2), by inserting ", including minority-serving institutions as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q) and community colleges" after "higher education"; and

(3) in subsection (f), by striking "2018 through 2022" and inserting "2023 through 2027".

CHAPTER 4—MEDIA AND MENTAL HEALTH

SEC. 1431. STUDY ON THE EFFECTS OF SMARTPHONE AND SOCIAL MEDIA USE ON ADOLESCENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services may conduct or support research on—

(1) smartphone and social media use by adolescents; and

(2) the effects of such use on—

(A) emotional, behavioral, and physical health and development; and

(B) any disparities in the mental health outcomes of rural, minority, and other underserved populations.

(b) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress, and make publicly available, a report on the findings of research under this section.

Public information.

SEC. 1432. RESEARCH ON THE HEALTH AND DEVELOPMENT EFFECTS OF MEDIA AND RELATED TECHNOLOGY ON INFANTS, CHILDREN, AND ADOLESCENTS.

42 USC 285g–11.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall, as appropriate, conduct or support research related to the health and developmental effects, including long-term effects, of media and related technology use on infants, children, and adolescents, which may include the effects of exposure to, and use of, media and related technology, such as social media, applications, websites, television, motion pictures, artificial intelligence, mobile devices, computers, video games, virtual and augmented reality, and other content, networks, or platforms disseminated through the internet, broadcasted, or other media technologies, as applicable.

(b) ACTIVITIES.—In carrying out subsection (a), the Secretary, acting through the Director of the National Institutes of Health, shall, as appropriate, develop a research agenda to assess the effects of media and related technologies on infants, children, and adolescents, which may include consideration of the following, as appropriate:

Assessment.

(1) The cognitive development of infants, children, and adolescents, which may include effects related to language development, learning abilities, and other areas of cognitive development.

(2) The physical health of infants, children, and adolescents, which may include effects related to diet, exercise, sleeping and eating routines, and other areas of physical development.

(3) The mental health of infants, children, and adolescents, which may include effects related to self-awareness, social awareness, relationship skills, decision-making, violence, bullying, privacy, mental disorders, and other areas related to mental health.

(c) CONSULTATION.—In developing the research agenda under subsection (b), the Secretary may consult with appropriate national research institutes, academies, and centers, relevant consortia, and non-Federal experts, as appropriate. The Secretary may utilize scientific workshops, symposia, and other activities to assess current knowledge and identify relevant research opportunities and gaps in this area.

Assessment.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Director of the National Institutes of Health shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

(1) on the progress made in improving data and expanding research on the health and developmental effects of media

and related technology on infants, children, and adolescents in accordance with this section; and

Summary.

(2) that summarizes the grants and research funded under this section for each of the years covered by the report.

Subtitle E—Miscellaneous Provisions

42 USC 290aa–18.

SEC. 1501. LIMITATIONS ON AUTHORITY.

In carrying out any program of the Substance Abuse and Mental Health Services Administration whose statutory authorization is enacted or amended by this title, the Secretary of Health and Human Services shall not allocate funding, or require award recipients to prioritize, dedicate, or allocate funding, without consideration of the incidence, prevalence, or determinants of mental health or substance use issues, unless such allocation or requirement is consistent with statute, regulation, or other Federal law.

Prepare for and Respond to Existing Viruses, Emerging New Threats, and Pandemics Act.

TITLE II—PREPARING FOR AND RESPONDING TO EXISTING VIRUSES, EMERGING NEW THREATS, AND PANDEMICS

42 USC 201 note.

SEC. 2001. SHORT TITLE.

This title may be cited as the "Prepare for and Respond to Existing Viruses, Emerging New Threats, and Pandemics Act" or the "PREVENT Pandemics Act".

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.

(a) IN GENERAL.—Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 304 the following:

42 USC 242c.

"SEC. 305. APPOINTMENT AND AUTHORITY OF THE DIRECTOR OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

President.

"(a) IN GENERAL.—The Centers for Disease Control and Prevention (referred to in this section as the 'CDC') shall be headed by the Director of the Centers for Disease Control and Prevention (referred to in this section as the 'Director'), who shall be appointed by the President, by and with the advice and consent of the Senate. Such individual shall also serve as the Administrator of the Agency for Toxic Substances and Disease Registry consistent with section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act. The Director shall perform functions provided for in subsection (b) and such other functions as the Secretary may prescribe.

"(b) FUNCTIONS.—The Secretary, acting through the Director, shall—

"(1) implement and exercise applicable authorities and responsibilities provided for in this Act or other applicable law related to the investigation, detection, identification, prevention, or control of diseases or conditions to preserve and improve public health domestically and globally and address injuries and occupational and environmental hazards, as appropriate;

"(2) be responsible for the overall direction of the CDC and for the establishment and implementation of policies related to the management and operation of programs and activities within the CDC;

"(3) coordinate and oversee the operation of centers, institutes, and offices within the CDC;

"(4) support, in consultation with the heads of such centers, institutes, and offices, program coordination across such centers, institutes, and offices, including through priority setting reviews and the development of strategic plans, to reduce unnecessary duplication and encourage collaboration between programs;

"(5) oversee the development, implementation, and updating of the strategic plan established pursuant to subsection (c);

"(6) ensure that appropriate strategic planning, including the use of performance metrics, is conducted by such centers, institutes, and offices to facilitate and improve CDC programs and activities;

"(7) communicate, including through convening annual meetings, with public and private entities regarding relevant public health programs and activities, and, as applicable, the strategic plan established pursuant to subsection (c).

"(c) STRATEGIC PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the PREVENT Pandemics Act, and at least every 4 years thereafter, the Director shall develop and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and post on the website of the CDC, a coordinated strategy to provide strategic direction and facilitate collaboration across the centers, institutes, and offices within the CDC. Such strategy shall be known as the 'CDC Strategic Plan'.

Deadline.
Web posting.

"(2) REQUIREMENTS.—The CDC Strategic Plan shall—

"(A) identify strategic priorities and objectives related to—

"(i) preventing, reducing, and eliminating the spread of communicable and noncommunicable diseases or conditions, and addressing injuries, and occupational and environmental hazards;

"(ii) supporting the efforts of State, local, and Tribal health departments to prevent and reduce the prevalence of the diseases or conditions under clause (i);

"(iii) containing, mitigating, and ending disease outbreaks;

"(iv) enhancing global and domestic public health capacity, capabilities, and preparedness, including public health data, surveillance, workforce, and laboratory capacity and safety; and

"(v) other priorities, as established by the Director;

"(B) describe the capacity and capabilities necessary to achieve the priorities and objectives under subparagraph (A), and progress towards achieving such capacity and capabilities, as appropriate; and

"(C) include a description of how the CDC Strategic Plan incorporates—

"(i) strategic communications;

"(ii) partnerships with private sector entities, and State, local, and Tribal health departments, and other public sector entities, as appropriate; and

"(iii) coordination with other agencies and offices of the Department of Health and Human Services and other Federal departments and agencies, as appropriate.

"(3) USE OF PLANS.—Strategic plans developed and updated by the centers, institutes, and offices of the CDC shall be prepared regularly and in such a manner that such plans will be informed by the CDC Strategic Plan developed and updated under this subsection.

"(d) APPEARANCES BEFORE CONGRESS.—

Time period.

"(1) IN GENERAL.—Each fiscal year, the Director shall appear before the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives at hearings on topics such as—

"(A) support for State, local, and Tribal public health preparedness and responses to any recent or ongoing public health emergency, including—

"(i) any objectives, activities, or initiatives that have been carried out, or are planned, by the Director to prepare for, or respond to, the public health emergency, including relevant strategic communications or partnerships and any gaps or challenges identified in such objectives, activities, or initiatives;

"(ii) any objectives and planned activities for the upcoming fiscal year to address gaps in, or otherwise improve, State, local, and Tribal public health preparedness; and

"(iii) other potential all-hazard threats that the Director is preparing to address;

"(B) activities related to public health and functions of the Director described in subsection (b); and

Updates.

"(C) updates on other relevant activities supported or conducted by the CDC, or in collaboration or coordination with the heads of other Federal departments, agencies, or stakeholders, as appropriate.

"(2) CLARIFICATIONS.—

"(A) WAIVER AUTHORITY.—The Chair of the Committee on Health, Education, Labor, and Pensions of the Senate or the Chair of the Committee on Energy and Commerce

of the House of Representatives may waive the requirements of paragraph (1) for the applicable fiscal year with respect to the applicable Committee.

"(B) SCOPE OF REQUIREMENTS.—The requirements of this subsection shall not be construed to impact the appearance of other Federal officials or the Director at hearings of either Committee described in paragraph (1) at other times and for purposes other than the times and purposes described in paragraph (1).

"(3) CLOSED HEARINGS.—Information that is not appropriate for disclosure during an open hearing under paragraph (1) in order to protect national security may instead be discussed in a closed hearing that immediately follows the open hearing.

"(e) OTHER TRANSACTIONS.—

"(1) IN GENERAL.—In carrying out activities of the Centers for Disease Control and Prevention, the Director may enter into transactions other than a contract, grant, or cooperative agreement for purposes of infectious disease research, biosurveillance, infectious disease modeling, and public health preparedness and response.

"(2) WRITTEN DETERMINATION.—With respect to a project that is expected to cost the Centers for Disease Control and Prevention more than $40,000,000, the Director may exercise the authority under paragraph (1) only upon a written determination by the Assistant Secretary for Financial Resources of the Department of Health and Human Services, that the use of such authority is essential to promoting the success of the project. The authority of the Assistant Secretary for Financial Resources under this paragraph may not be delegated.

"(3) GUIDELINES.—The Director, in consultation with the Secretary, shall establish guidelines regarding the use of the authority under paragraph (1). Such guidelines shall include auditing requirements.". Audit requirements.

(b) EFFECTIVE DATE.—The first sentence of section 305(a) of the Public Health Service Act, as added by subsection (a), shall take effect on January 20, 2025. 42 USC 242c note.

SEC. 2102. ADVISORY COMMITTEE TO THE DIRECTOR OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 305, as added by section 2101, the following:

"SEC. 305A. ADVISORY COMMITTEE TO THE DIRECTOR. 42 USC 242c–1. Deadline. Establishment.

"(a) IN GENERAL.—Not later than 60 days after the date of the enactment of the PREVENT Pandemics Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention (referred to in this section as the 'Director'), shall maintain or establish an advisory committee within the Centers for Disease Control and Prevention to advise the Director on policy and strategies that enable the agency to fulfill its mission.

"(b) FUNCTIONS AND ACTIVITIES.—The Advisory Committee may—

"(1) make recommendations to the Director regarding ways to prioritize the activities of the agency in alignment with the CDC Strategic Plan required under section 305(c);

"(2) advise on ways to achieve or improve performance metrics in relation to the CDC Strategic Plan, and other relevant metrics, as appropriate;

"(3) provide advice and recommendations on the development of the CDC Strategic Plan, and any subsequent updates, as appropriate;

"(4) advise on grants, cooperative agreements, contracts, or other transactions, as applicable;

"(5) provide other advice to the Director, as requested, to fulfill duties under sections 301 and 311; and

"(6) appoint subcommittees.

"(c) MEMBERSHIP.—

Appointments.

"(1) IN GENERAL.—The Advisory Committee shall consist of not more than 15 non-Federal members, including the Chair, to be appointed by the Secretary under paragraph (3).

"(2) EX OFFICIO MEMBERS.—Any ex officio members of the Advisory Council may consist of—

"(A) the Secretary;

"(B) the Assistant Secretary for Health;

"(C) the Director; and

"(D) such additional officers or employees of the United States as the Secretary determines necessary for the advisory committee to effectively carry out its functions.

"(3) APPOINTED MEMBERS.—Individuals shall be appointed to the Advisory Committee under paragraph (1) as follows:

"(A) Twelve of the members shall be appointed by the Director from among the leading representatives of the health disciplines (including public health, global health, health disparities, biomedical research, public health preparedness, and other fields, as applicable) relevant to the activities of the agency or center, as applicable.

"(B) Three of the members may be appointed by the Secretary from the general public and may include leaders in fields of innovation, public policy, public relations, law, economics, or management.

"(4) COMPENSATION.—Ex officio members of the Advisory Council who are officers or employees of the United States shall not receive any compensation for service on the advisory committee. The remaining members of the advisory committee may receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory committee, compensation at rates not to exceed the daily equivalent to the annual rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(5) TERMS OF OFFICE.—

Appointments.

"(A) IN GENERAL.—The term of office of a member of the advisory committee appointed under paragraph (3) shall be 4 years, except that any member appointed to fill a vacancy for an unexpired term shall serve for the remainder of such term. The Secretary shall make appointments to the advisory committee in such a manner as to ensure that the terms of the members not all expire in the same year. A member of the advisory committee may serve after the expiration of such member's term until a successor has been appointed and taken office.

"(B) REAPPOINTMENTS.—A member who has been appointed to the advisory committee for a term of 4 years may not be reappointed to the advisory committee during the 2-year period beginning on the date on which such 4-year term expired.

"(C) TIME FOR APPOINTMENT.—If a vacancy occurs in the advisory committee among the members appointed under paragraph (3), the Secretary shall make an appointment to fill such vacancy within 90 days from the date the vacancy occurs. Deadline.

"(d) CHAIR.—The Secretary shall select a member of the advisory committee to serve as the Chair of the committee. The Secretary may so select an individual from among the appointed members. The term of office of the chair shall be 2 years.

"(e) MEETINGS.—The advisory committee shall meet at the call of the Chair or upon request of the Director, but in no event less than 2 times during each fiscal year.

"(f) EXECUTIVE SECRETARY AND STAFF.—The Director shall designate a member of the staff of the agency to serve as the executive secretary of the advisory committee. The Director shall make available to the advisory committee such staff, information, and other assistance as it may require to carry out its functions. The Director shall provide orientation and training for new members of the advisory committee to provide for their effective participation in the functions of the advisory committee.". Designation.

SEC. 2103. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE COORDINATION.

(a) PUBLIC HEALTH EMERGENCY FUND.—Section 319(b) of the Public Health Service Act (42 U.S.C. 247d(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (E), by striking "and" at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E), the following:

"(F) support the initial deployment and distribution of contents of the Strategic National Stockpile, as appropriate; and"; and

(2) by amending paragraph (3)(A) to read as follows:

"(A) the expenditures made from the Public Health Emergency Fund in such fiscal year, including—

"(i) the amount obligated;

"(ii) the recipient or recipients of such obligated funds;

"(iii) the specific response activities such obligated funds will support; and

"(iv) the declared or potential public health emergency for which such funds were obligated; and".

(b) IMPROVING PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE COORDINATION.—

(1) COORDINATION WITH FEDERAL AGENCIES.—Section 2801 of the Public Health Service Act (42 U.S.C. 300hh) is amended by adding at the end the following:

"(c) COORDINATION WITH FEDERAL AGENCIES.—In leading the Federal public health and medical response to a declared or potential public health emergency, consistent with this section, the Secretary shall coordinate with, and may request support from, other

Federal departments and agencies, as appropriate in order to carry out necessary activities and leverage the expertise of such departments and agencies, which may include the provision of assistance at the direction of the Secretary related to supporting the public health and medical response for States, localities, and Tribes.".

(2) ASPR DUTIES.—Section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–10(b)) is amended—

(A) in paragraph (1), by inserting "and, consistent with the National Response Framework and other applicable provisions of law, assist the Secretary in carrying out the functions under section 2801" before the period; and

(B) in paragraph (4)—

(i) in subparagraph (E) by striking "the actions necessary to overcome these obstacles." and inserting "recommend actions necessary to overcome these obstacles, such as—

"(i) improving coordination with relevant Federal officials;

"(ii) partnering with other public or private entities to leverage capabilities maintained by such entities, as appropriate and consistent with this subsection; and

"(iii) coordinating efforts to support or establish new capabilities, as appropriate.";

(ii) in subparagraph (G)—

(I) by redesignating clauses (i) and (ii) as subclauses (I) and (II) and adjusting the margins accordingly;

(II) in the matter preceding subclause (I), as so redesignated—

(aa) by inserting "each year, including national-level and State-level full-scale exercises not less than once every 4 years" after "operational exercises"; and

(bb) by striking "exercises based on—" and inserting "exercises—

"(i) based on";

(III) by striking the period and inserting a semicolon; and

(IV) by adding at the end the following:

"(ii) that assess the ability of the Strategic National Stockpile, as appropriate, to provide medical countermeasures, medical products, and other supplies, including ancillary medical supplies, to support the response to a public health emergency or potential public health emergency, including a threat that requires the large-scale and simultaneous deployment of stockpiles and a long-term public health and medical response; and

"(iii) conducted in coordination with State and local health officials."; and

(iii) by adding at the end the following:

"(J) MEDICAL PRODUCT AND SUPPLY CAPACITY PLANNING.—Coordinate efforts within the Department of Health and Human Services to support—

"(i) preparedness for medical product and medical supply needs directly related to responding to chemical,

biological, radiological, or nuclear threats, including emerging infectious diseases, and incidents covered by the National Response Framework, including—

"(I) sharing information, including with appropriate stakeholders, related to the anticipated need for, and availability of, such products and supplies during such responses;

"(II) supporting activities, which may include public-private partnerships, to maintain capacity of medical products and medical supplies, as applicable and appropriate; and

"(III) planning for potential surges in medical supply needs for purposes of a response to such a threat; and

"(ii) situational awareness with respect to anticipated need for, and availability of, such medical products and medical supplies within the United States during a response to such a threat.".

(c) APPEARANCES BEFORE AND REPORTS TO CONGRESS.—Section 2811 of the Public Health Service Act (42 U.S.C. 300hh–10) is amended by adding at the end the following:

"(g) APPEARANCES BEFORE CONGRESS.—

"(1) IN GENERAL.—Each fiscal year, the Assistant Secretary for Preparedness and Response shall appear before the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives at hearings, on topics such as— Time period.

"(A) coordination of Federal activities to prepare for, and respond to, public health emergencies;

"(B) activities and capabilities of the Strategic National Stockpile, including whether, and the degree to which, recommendations made pursuant to section 2811–1(c)(1)(A) have been met;

"(C) support for State, local, and Tribal public health and medical preparedness;

"(D) activities implementing the countermeasures budget plan described under subsection (b)(7), including—

"(i) any challenges in meeting the full range of identified medical countermeasure needs; and

"(ii) progress in supporting advanced research, development, and procurement of medical countermeasures, pursuant to subsection (b)(3);

"(E) the strategic direction of, and activities related to, the sustainment of manufacturing surge capacity and capabilities for medical countermeasures pursuant to section 319L and the distribution and deployment of such countermeasures;

"(F) any additional objectives, activities, or initiatives that have been carried out or are planned by the Assistant Secretary for Preparedness and Response and associated challenges, as appropriate;

"(G) the specific all-hazards threats that the Assistant Secretary for Preparedness and Response is preparing to address, or that are being addressed, through the activities described in subparagraphs (A) through (F); and

"(H) objectives, activities, or initiatives related to the coordination and consultation required under subsections

(b)(4)(H) and (b)(4)(I), in a manner consistent with paragraph (3), as appropriate.

"(2) CLARIFICATIONS.—

"(A) WAIVER AUTHORITY.—The Chair of the Committee on Health, Education, Labor, and Pensions of the Senate or the Chair of the Committee on Energy and Commerce of the House of Representatives may waive the requirements of paragraph (1) for the applicable fiscal year with respect to the applicable Committee.

"(B) SCOPE OF REQUIREMENTS.—The requirements of this subsection shall not be construed to impact the appearance of other Federal officials or the Assistant Secretary at hearings of either Committee described in paragraph (1) at other times and for purposes other than the times and purposes described in paragraph (1)

"(3) CLOSED HEARINGS.—Information that is not appropriate for disclosure during an open hearing under paragraph (1) in order to protect national security may instead be discussed in a closed hearing that immediately follows such open hearing.".

(d) ANNUAL REPORT ON EMERGENCY RESPONSE AND PREPAREDNESS.—Section 2801 of the Public Health Service Act (42 U.S.C. 300hh), as amended by subsection (b), is further amended by adding at the end the following:

"(d) ANNUAL REPORT ON EMERGENCY RESPONSE AND PREPAREDNESS.—The Secretary shall submit a written report each fiscal year to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, containing—

Updates. Assessment.

"(1) updated information related to an assessment of the response to any public health emergency declared, or otherwise in effect, during the previous fiscal year;

"(2) findings related to drills and operational exercises completed in the previous fiscal year pursuant to section 2811(b)(4)(G);

"(3) the state of public health preparedness and response capabilities for chemical, biological, radiological, and nuclear threats, including emerging infectious diseases; and

"(4) any challenges in preparing for or responding to such threats, as appropriate.".

Reviews. Recommendations.

(e) GAO REPORT ON INTERAGENCY AGREEMENTS AND COORDINATION.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of previous and current interagency agreements established between the Secretary of Health and Human Services and the heads of other relevant Federal departments or agencies pursuant to section 2801(b) of the Public Health Service Act (42 U.S.C. 300hh(b)), including—

(A) the specific roles and responsibilities of each Federal department or agency that is a party to any such interagency agreement;

(B) the manner in which specific capabilities of each such Federal department or agency may be utilized under such interagency agreements;

(C) the frequency with which such interagency agreements have been utilized;

(D) gaps, if any, in interagency agreements that prevent the Secretary from carrying out the goals under section 2802 of the Public Health Service Act (42 U.S.C. 300hh–1);

(E) barriers, if any, to establishing or utilizing such interagency agreements; and

(F) recommendations, if any, on the ways in which such interagency agreements can be improved to address the gaps and barriers identified under subparagraphs (D) and (E);

(2) conduct a review of the implementation and utilization of the authorities described under section 2801(c) of the Public Health Service Act (42 U.S.C. 300hh(c)); and

(3) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the reviews under paragraphs (1) and (2), including related recommendations, as applicable.

SEC. 2104. OFFICE OF PANDEMIC PREPAREDNESS AND RESPONSE POLICY.

42 USC 300hh–3.

Establishment. Appointments. President.

(a) IN GENERAL.—There is established in the Executive Office of the President an Office of Pandemic Preparedness and Response Policy (referred to in this section as the "Office"), which shall be headed by a Director (referred to in this section as the "Director") appointed by the President and who shall be compensated at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The President is authorized to appoint not more than 2 Associate Directors, who shall be compensated at a rate not to exceed that provided for level III of the Executive Schedule in section 5314 of such title. Associate Directors shall perform such functions as the Director may prescribe.

(b) FUNCTIONS OF THE DIRECTOR.—The primary function of the Director is to provide advice, within the Executive Office of the President, on policy related to preparedness for, and response to, pandemic and other biological threats that may impact national security, and support strategic coordination and communication with respect to relevant activities across the Federal Government. In addition to such other functions and activities as the President may assign, the Director, consistent with applicable laws and the National Response Framework, shall—

(1) serve as the principal advisor to the President on all matters related to pandemic preparedness and response policy and make recommendations to the President regarding pandemic and other biological threats that may impact national security;

(2) coordinate Federal activities to prepare for, and respond to, pandemic and other biological threats, by—

(A) providing strategic direction to the heads of applicable Federal departments, agencies, and offices, including—

(i) the establishment, implementation, prioritization, and assessment of policy goals and objectives across the Executive Office of the President and such departments, agencies, and offices;

(ii) supporting the assessment and clarification of roles and responsibilities related to such Federal activities; and

(iii) supporting the development and implementation of metrics and performance measures to evaluate the extent to which applicable activities meet such goals and objectives;

(B) providing, in consultation with the Secretary of Health and Human Services and the heads of other relevant Federal departments, agencies, and offices, leadership with respect to the National Biodefense Strategy and related activities pursuant to section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104) and section 363 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 105);

(C) facilitating coordination and communication between such Federal departments, agencies, and offices to improve preparedness for, and response to, such threats;

(D) ensuring that the authorities, capabilities, and expertise of each such department, agency, and office are appropriately leveraged to facilitate the whole-of-Government response to such threats;

(E) overseeing coordination of Federal efforts to prepare for and support the production, supply, and distribution of relevant medical products and supplies during a response to a pandemic or other biological threat, as applicable and appropriate, including supporting Federal efforts to assess any relevant vulnerabilities in the supply chain of such products and supplies, and identify opportunities for private entities to engage with the Federal Government to address medical product and medical supply needs during such a response;

(F) overseeing coordination of Federal efforts for the basic and advanced research, development, manufacture, and procurement of medical countermeasures for such threats, including by—

(i) serving, with the Secretary of Health and Human Services, as co-Chair of the Public Health Emergency Medical Countermeasures Enterprise established pursuant to section 2811–1 of the Public Health Service Act (42 U.S.C. 300hh–10a);

(ii) promoting coordination between the medical countermeasure research, development, and procurement activities of respective Federal departments and agencies, including to advance the discovery and development of new medical products and technologies;

(G) convening heads of Federal departments and agencies, as appropriate, on topics related to capabilities to prepare for, and respond to, such threats;

(H) assessing and advising on international cooperation in preparing for, and responding to, such threats to advance the national security objectives of the United States; and

(I) overseeing other Federal activities to assess preparedness for, and responses to, such threats, including—

(i) drills and operational exercises conducted pursuant to applicable provisions of law; and

(ii) Federal after-action reports developed following such drills and exercises or a response to a pandemic or other biological threat;

(3) promote and support the development of relevant expertise and capabilities within the Federal Government to ensure that the United States can quickly detect, identify, and respond to such threats, and provide recommendations, as appropriate, to the President;

(4) consult with the Director of the Office of Management and Budget and other relevant officials within the Executive Office of the President, including the Assistant to the President for National Security Affairs and the Director of the Office of Science and Technology Policy, regarding activities related to preparing for, and responding to, such threats and relevant research and emerging technologies that may advance the biosecurity and preparedness and response goals of the Federal Government;

(5) identify opportunities to leverage current and emerging technologies, including through public-private partnerships, as appropriate, to address such threats and advance the preparedness and response goals of the Federal Government; and

(6) ensure that findings of Federal after-action reports conducted pursuant to paragraph (2)(I)(ii) are implemented to the maximum extent feasible within the Federal Government.

(c) SUPPORT FROM OTHER AGENCIES.—Each department, agency, and instrumentality of the executive branch of the Federal Government, including any independent agency, is authorized to support the Director by providing the Director such information as the Director determines necessary to carry out the functions of the Director under this section.

(d) PREPAREDNESS OUTLOOK REPORT.—

Time periods.
Public information.

(1) IN GENERAL.—Within its first year of operation, the Director, in consultation with the heads of relevant Federal departments and agencies and other officials within the Executive Office of the President, shall through a report submitted to the President and made available to the public, to the extent practicable, identify and describe situations and conditions which warrant special attention within the next 5 years, involving current and emerging problems of national significance related to pandemic or other biological threats, and opportunities for, and the barriers to, the research, development, and procurement of medical countermeasures to adequately respond to such threats.

(2) REVISIONS.—The Office shall revise the report under paragraph (1) not less than once every 5 years and work with relevant Federal officials to address the problems, barriers, opportunities, and actions identified under this report through the development of the President's Budgets and programs.

(e) INTERDEPARTMENTAL WORKING GROUP.—The Director shall lead an interdepartmental working group that will meet on a regular basis to evaluate national biosecurity and pandemic preparedness issues and make recommendations to the heads of applicable Federal departments, agencies and offices. The working group shall consist of representatives from—

Establishment.
Evaluation.
Recommendations.

(1) the Office of Pandemic Preparedness and Response Policy, to serve as the chair;

(2) the Department of Health and Human Services;

(3) the Department of Homeland Security;

(4) the Department of Defense;

(5) the Office of Management and Budget; and

(6) other Federal Departments and agencies.

Deadlines.
Appointment.

(f) INDUSTRY LIAISON.—

(1) IN GENERAL.—Not later than 10 days after the initiation of a Federal response to a pandemic or other biological threat that may pose a risk to national security, the Director shall appoint an Industry Liaison within the Office of Pandemic Preparedness and Response Policy to serve until the termination of such response.

(2) ACTIVITIES.—The Industry Liaison shall—

Plan.

(A) not later than 20 days after the initiation of such response, identify affected industries and develop a plan to regularly communicate with, and receive input from, affected industries;

(B) work with relevant Federal departments and agencies to support information sharing and coordination with industry stakeholders; and

(C) communicate, and support the provision of technical assistance, as applicable, with private entities interested in supporting such response, which may include entities not historically involved in the public health or medical sectors, as applicable and appropriate.

(g) ADDITIONAL FUNCTIONS OF THE DIRECTOR.—The Director, in addition to the other duties and functions set forth in this section—

(1) shall—

(A) serve as a member of the Domestic Policy Council and the National Security Council;

(B) serve as a member of the Intergovernmental Science, Engineering, and Technology Advisory Panel under section 205(b) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6614(b)) and the Federal Coordinating Council for Science, Engineering and Technology under section 401 of such Act (42 U.S.C. 6651);

(C) consult with State, Tribal, local, and territorial governments, industry, academia, professional societies, and other stakeholders, as appropriate;

(D) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies; and

(E) at the President's request, perform such other duties and functions and enter into contracts and other arrangements for studies, analyses, and related services with public or private entities, as applicable and appropriate; and

(2) may hold such hearings in various parts of the United States as necessary to determine the views of the entities and individuals referred to in paragraph (1) and of the general public, concerning national needs and trends in pandemic preparedness and response.

(h) STAFFING AND DETAILEES.—In carrying out functions under this section, the Director may—

(1) appoint not more than 25 individuals to serve as employees of the Office as necessary to carry out this section; Appointments.

(2) fix the compensation of such personnel at a rate to be determined by the Director, up to the amount of annual compensation (excluding expenses) specified in section 102 of title 3, United States Code; Determination.

(3) utilize the services of consultants, which may include by obtaining services described under section 3109(b) of title 5, United States Code, at rates not to exceed the rate of basic pay for level IV of the Executive Schedule; and

(4) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency, in order to carry out the functions of the Office.

(i) PREPAREDNESS REVIEW AND REPORT.—The Director, in consultation with the heads of applicable Federal departments, agencies, and offices, shall—

(1) not later than 1 year after the date of enactment of this Act, conduct a review of applicable Federal strategies, policies, procedures, and after-action reports to identify gaps and inefficiencies related to pandemic preparedness and response;

(2) not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, submit to the President and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing— Time period.

(A) current and emerging pandemic and other biological threats that pose a significant level of risk to national security;

(B) the roles and responsibilities of the Federal Government in preparing for, and responding to, such threats;

(C) the findings of the review conducted under paragraph (1);

(D) any barriers or limitations related to addressing such findings;

(E) current and planned activities to update Federal strategies, policies, and procedures to address such findings, consistent with applicable laws and the National Response Framework;

(F) current and planned activities to support the development of expertise within the Federal Government pursuant to subsection (b)(3); and

(G) opportunities to improve Federal preparedness and response capacities and capabilities through the use of current and emerging technologies.

(j) NONDUPLICATION OF EFFORT.—The Director shall ensure that activities carried out under this section do not unnecessarily duplicate the efforts of other Federal departments, agencies, and offices.

(k) CONFORMING AMENDMENTS.—

(1) Section 2811–1 of the Public Health Service Act (42 U.S.C. 300hh–10a) is amended—

(A) in the second sentence of subsection (a), by striking "shall serve as chair" and inserting "and the Director of the Office of Pandemic Preparedness and Response Policy shall serve as co-chairs"; and

(B) in subsection (b)—

(i) by redesignating paragraph (10) as paragraph (11); and

(ii) by inserting after paragraph (9) the following: "(10) The Director of the Office of Pandemic Preparedness and Response Policy.".

(2) Section 101(c)(1) of the National Security Act of 1947 (50 U.S.C. 3021(c)(1)) is amended by inserting "the Director of the Office of Pandemic Preparedness and Response Policy" after "Treasury,".

(3) The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended—

(A) in section 205(b)(2) (42 U.S.C. 6614(b)(2))—

(i) by striking "and (C)" and inserting "(C)"; and

(ii) by striking the period at the end and inserting "; and (D) the Director of the Office of Pandemic Preparedness and Response Policy."; and

(B) in section 401(b) (42 U.S.C. 6651(b)), by inserting ", the Director of the Office of Pandemic Preparedness and Response Policy," after "Technology Policy".

CHAPTER 2—STATE AND LOCAL READINESS

SEC. 2111. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

(a) IN GENERAL.—Section 319C–1(b)(2) of the Public Health Service Act (42 U.S.C. 247d–3a(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (vii), by inserting "during and" before "following a public health emergency";

(B) by amending clause (viii) to read as follows:

"(viii) a description of how the entity, as applicable and appropriate, will coordinate with State emergency preparedness and response plans in public health emergency preparedness, including State education agencies (as defined in section 8101 of the Elementary and Secondary Education Act of 1965), State child care lead agencies (designated under section 658D of the Child Care and Development Block Grant Act of 1990), and other relevant State agencies";

(C) in clause (xi), by striking "; and" and inserting a semicolon;

(D) by redesignating clause (xii) as clause (xiii); and

(E) by inserting after clause (xi) the following:

"(xii) a description of how the entity will provide technical assistance to improve public health preparedness and response, as appropriate, to agencies or other entities that operate facilities within the entity's jurisdiction in which there is an increased risk of infectious disease outbreaks in the event of a public health emergency declared under section 319, such as residential care facilities, group homes, and other similar settings; and";

(2) by redesignating subparagraphs (D) through (H) as subparagraphs (E) through (I), respectively; and

(3) by inserting after subparagraph (C) the following:

"(D) an assurance that the entity will require relevant staff to complete relevant preparedness and response trainings, including trainings related to efficient and effective operation during an incident or event within an Incident Command System;".

(b) APPLICABILITY.—The amendments made by subsection (a) shall not apply with respect to any cooperative agreement entered into prior to the date of enactment of this Act.

42 USC 247d–3a note.

SEC. 2112. SUPPORTING ACCESS TO MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES DURING PUBLIC HEALTH EMERGENCIES.

(a) AUTHORITIES.—Section 501(d) of the Public Health Service Act (42 U.S.C. 290aa(d)) is amended—

(1) by redesignating paragraphs (24) and (25) as paragraphs (25) and (26), respectively; and

(2) by inserting after paragraph (23) the following:

"(24) support the continued access to, or availability of, mental health and substance use disorder services during, or in response to, a public health emergency declared under section 319, including in consultation with, as appropriate, the Assistant Secretary for Preparedness and Response, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant agencies, in preparing for, and responding to, a public health emergency;".

(b) STRATEGIC PLAN.—Section 501(l)(4) of the Public Health Service Act (42 U.S.C. 290aa(l)(4)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(G) specify a strategy to support the continued access to, or availability of, mental health and substance use disorder services, including to at-risk individuals (as defined in section 2802(b)(4)), during, or in response to, public health emergencies declared pursuant to section 319.".

(c) BIENNIAL REPORT CONCERNING ACTIVITIES AND PROGRESS.—Section 501(m) of the Public Health Service Act (42 U.S.C. 290aa(m)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following:

"(4) a description of the Administration's activities to support the continued provision of mental health and substance use disorder services, as applicable, in response to public health emergencies declared pursuant to section 319;"; and

(3) in paragraph (5), as so redesignated—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

"(D) relevant preparedness and response activities;".

(d) ADVISORY COUNCILS.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary for Mental Health

Reports. Recommendations.

and Substance Use shall issue a report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, reflecting the feedback of the advisory councils for the Center for Substance Abuse Treatment, the Center for Substance Abuse Prevention, and the Center for Mental Health Services, pursuant to section 502 of the Public Health Service Act (42 U.S.C. 290aa–1), with recommendations to improve the continued provision of mental health and substance use disorder services during a public health emergency declared under section 319 of such Act (42 U.S.C. 247d), and the provision of such services as part of the public health and medical response to such an emergency, consistent with title XXVIII of such Act (42 U.S.C. 300hh et seq.), including related to the capacity of the mental health and substance use disorder workforce and flexibilities provided to awardees of mental health and substance use disorder programs.

(e) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on programs and activities of the Substance Abuse and Mental Health Services Administration to support the provision of mental health and substance use disorder services and related activities during the COVID–19 pandemic, including the provision of such services as part of the medical and public health response to such pandemic. Such report shall—

Examination.

(1) examine the role played by the advisory councils described in section 502 of the Public Health Service Act (42 U.S.C. 290aa–1) and the National Mental Health and Substance Use Policy Laboratory established under section 501A of such Act (42 U.S.C. 290aa–0) in providing technical assistance and recommendations to the Substance Abuse and Mental Health Services Administration to support the response of such agency to the public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19;

(2) describe the manner in which existing awardees of mental health and substance use disorder programs provided and altered delivery of services during such public health emergency, including information on the populations served by such awardees and any barriers faced in delivering services; and

(3) describe activities of the Substance Abuse and Mental Health Services Administration to support the response to such public health emergency, including through technical assistance, provision of services, and any flexibilities provided to such existing awardees, and any barriers faced in implementing such activities.

SEC. 2113. TRAUMA CARE REAUTHORIZATION.

(a) IN GENERAL.—Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) by inserting "analyze," after "compile,"; and

(ii) by inserting "and medically underserved areas" before the semicolon;

(B) in paragraph (4), by adding "and" after the semicolon;

(C) by striking paragraph (5); and

(D) by redesignating paragraph (6) as paragraph (5);

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) TRAUMA CARE READINESS AND COORDINATION.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall support the efforts of States and consortia of States to coordinate and improve emergency medical services and trauma care during a public health emergency declared by the Secretary pursuant to section 319 or a major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Such support may include—

"(1) developing, issuing, and updating guidance, as appropriate, to support the coordinated medical triage and evacuation to appropriate medical institutions based on patient medical need, taking into account regionalized systems of care; Updates. Guidance.

"(2) disseminating, as appropriate, information on evidence-based or evidence-informed trauma care practices, taking into consideration emergency medical services and trauma care systems, including such practices identified through activities conducted under subsection (a) and which may include the identification and dissemination of performance metrics, as applicable and appropriate; and

"(3) other activities, as appropriate, to optimize a coordinated and flexible approach to the emergency response and medical surge capacity of hospitals, other health care facilities, critical care, and emergency medical systems.".

(b) GRANTS TO IMPROVE TRAUMA CARE IN RURAL AREAS.—Section 1202 of the Public Health Service Act (42 U.S.C. 300d–3) is amended—

(1) by amending the section heading to read as follows: "**GRANTS TO IMPROVE TRAUMA CARE IN RURAL AREAS**";

(2) by amending subsections (a) and (b) to read as follows:

"(a) IN GENERAL.—The Secretary shall award grants to eligible entities for the purpose of carrying out research and demonstration projects to support the improvement of emergency medical services and trauma care in rural areas through the development of innovative uses of technology, training and education, transportation of seriously injured patients for the purposes of receiving such emergency medical services, access to prehospital care, evaluation of protocols for the purposes of improvement of outcomes and dissemination of any related best practices, activities to facilitate clinical research, as applicable and appropriate, and increasing communication and coordination with applicable State or Tribal trauma systems.

"(b) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall be a public or private entity that provides trauma care in a rural area.

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that will provide

services under the grant in any rural area identified by a State under section 1214(d)(1).”; and

(3) by adding at the end the following:

“(d) REPORTS.—An entity that receives a grant under this section shall submit to the Secretary such reports as the Secretary may require to inform administration of the program under this section.”.

(c) COMPETITIVE GRANTS FOR TRAUMA CENTERS.—Section 1204 of the Public Health Service Act (42 U.S.C. 300d–6) is amended—

(1) by amending the section heading to read as follows: “**COMPETITIVE GRANTS FOR TRAUMA CENTERS**”;

(2) in subsection (a)—

(A) by striking “that design, implement, and evaluate” and inserting “to design, implement, and evaluate new or existing”;

(B) by striking “emergency care” and inserting “emergency medical”; and

(C) by inserting “, and improve access to trauma care within such systems” before the period;

(3) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) a State or consortia of States;

“(B) an Indian Tribe or Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act);

“(C) a consortium of level I, II, or III trauma centers designated by applicable State or local agencies within an applicable State or region, and, as applicable, other emergency services providers; or

“(D) a consortium or partnership of nonprofit Indian Health Service, Indian Tribal, and urban Indian trauma centers.”;

(4) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “that proposes a pilot project”;

(ii) by striking “an emergency medical and trauma system that—” and inserting “a new or existing emergency medical and trauma system. Such eligible entity shall use amounts awarded under this subsection to carry out 2 or more of the following activities:”;

(B) in paragraph (1) —

(i) by striking “coordinates” and inserting “Strengthening coordination and communication”; and

(ii) by striking “an approach to emergency medical and trauma system access throughout the region, including 9–1–1 Public Safety Answering Points and emergency medical dispatch;” and inserting “approaches to improve situational awareness and emergency medical and trauma system access.”;

(C) in paragraph (2)—

(i) by striking “includes” and inserting “Providing”;

(ii) by inserting “support patient movement to” after “region to”; and

(iii) by striking the semicolon and inserting a period;

(D) in paragraph (3)—

(i) by striking "allows for" and inserting "Improving"; and

(ii) by striking "; and" and inserting a period;

(E) in paragraph (4), by striking "includes a consistent" and inserting "Supporting a consistent"; and

(F) by adding at the end the following:

"(5) Establishing, implementing, and disseminating, or utilizing existing, as applicable, evidence-based or evidence-informed practices across facilities within such emergency medical and trauma system to improve health outcomes, including such practices related to management of injuries, and the ability of such facilities to surge.

"(6) Conducting activities to facilitate clinical research, as applicable and appropriate.";

(5) in subsection (d)(2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "the proposed" and inserting "the applicable emergency medical and trauma system";

(ii) in clause (i), by inserting "or Tribal entity" after "equivalent State office"; and

(iii) in clause (vi), by striking "; and" and inserting a semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) for eligible entities described in subparagraph (C) or (D) of subsection (b)(1), a description of, and evidence of, coordination with the applicable State Office of Emergency Medical Services (or equivalent State Office) or applicable such office for a Tribe or Tribal organization; and";

(6) in subsection (e), by adding at the end the following:

"(3) EFFECTIVE DATE.—The matching requirement described in paragraph (1) shall take effect on October 1, 2025.";

(7) in subsection (f), by striking "population in a medically underserved area" and inserting "medically underserved population";

(8) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "described in";

(B) in paragraph (2), by striking "the system characteristics that contribute to" and inserting "opportunities for improvement, including recommendations for how to improve";

(C) by striking paragraph (4);

(D) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(E) in paragraph (4), as so redesignated, by striking "; and" and inserting a semicolon;

(F) in paragraph (5), as so redesignated, by striking the period and inserting "; and"; and

(G) by adding at the end the following:

"(6) any evidence-based or evidence-informed strategies developed or utilized pursuant to subsection (c)(5).'; and

(9) by amending subsection (h) to read as follows:

Reports.

"(h) DISSEMINATION OF FINDINGS.—Not later than 1 year after the completion of the final project under subsection (a), the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the information contained in each report submitted pursuant to subsection (g) and any additional actions planned by the Secretary related to regionalized emergency care and trauma systems.".

(d) PROGRAM FUNDING.—Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32(a)) is amended by striking "2010 through 2014" and inserting "2023 through 2027".

SEC. 2114. ASSESSMENT OF CONTAINMENT AND MITIGATION OF INFECTIOUS DISEASES.

Reviews.

(a) GAO STUDY.—The Comptroller General of the United States shall conduct a study that reviews a geographically diverse sample of States and territories that, in response to the COVID–19 pandemic, implemented preparedness and response plans that included isolation and quarantine recommendations or requirements. Such study shall include—

(1) a review of such State and territorial preparedness and response plans in place during the COVID–19 pandemic, an assessment of the extent to which such plans facilitated or presented challenges to State and territorial responses to such public health emergency, including response activities relating to isolation and quarantine to prevent the spread of COVID–19; and

(2) a description of the technical assistance provided by the Federal Government to help States and territories facilitate such response activities during responses to relevant public health emergencies declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act, including the public health emergency with respect to COVID–19, and a review of the degree to which such State and territorial plans were implemented and subsequently revised in response to the COVID–19 pandemic to address any challenges.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report on the study under subsection (a) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

42 USC 247d note.

SEC. 2115. CONSIDERATION OF UNIQUE CHALLENGES IN NONCONTIGUOUS STATES AND TERRITORIES.

Consultations.

During any public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Secretary of Health and Human Services shall conduct quarterly meetings or consultations, as applicable or appropriate, with noncontiguous States and territories with regard to addressing unique public health challenges in such States and territories associated with such public health emergency.

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.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended—

(1) by inserting after section 317U the following:

"SEC. 317V. ADDRESSING FACTORS RELATED TO IMPROVING HEALTH OUTCOMES.

42 USC 247b–24.

"(a) IN GENERAL.—The Secretary may, as appropriate, award grants, contracts, or cooperative agreements to eligible entities for the conduct of evidence-based or evidence-informed projects, which may include the development of networks to improve health outcomes by improving the capacity of such entities to address factors that contribute to negative health outcomes in communities.

Grants. Contracts.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive an award under this section, an entity shall—

"(1)(A) be a State, local, or Tribal health department, community-based organization, Indian Tribe or Tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act), urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act), or other public or private entity, as the Secretary determines appropriate; or

"(B) be a consortia of entities described in subparagraph (A) or a public-private partnership, including a community partnership;

"(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require;

"(3) in the case of an entity other than a community-based organization, demonstrate a history of successfully working with an established community-based organization to address health outcomes; and

"(4) submit a plan to conduct activities described in subsection (a) based on a community needs assessment that takes into account community input.

Plan.

"(c) USE OF FUNDS.—An entity described in subsection (b) shall use funds received under subsection (a), in consultation with State, local, and Tribal health departments, community-based organizations, entities serving medically underserved communities, and other entities, as applicable, for one or more of the following purposes:

"(1) Supporting the implementation, evaluation, and dissemination of strategies, through evidence-informed or evidence-based programs and through the support and use of public health and health care professionals to address factors related to health outcomes.

"(2) Establishing, maintaining, or improving, in consultation with State, local, or Tribal health departments, technology

platforms or networks to support, in a manner that is consistent with applicable Federal and State privacy law—

"(A) coordination among appropriate entities, and, as applicable and appropriate, activities to improve such coordination;

"(B) information sharing on health and related social services; and

"(C) technical assistance and related support for entities participating in the platforms or networks.

"(3) Implementing best practices for improving health outcomes and reducing disease among underserved populations.

"(4) Supporting consideration of factors related to health outcomes in preparing for, and responding to, public health emergencies, through outreach, education, research, and other relevant activities.

Grants.
Contracts.

"(d) BEST PRACTICES AND TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Director of the Office of Minority Health, the National Coordinator for Health Information Technology, and the Administrator of the Administration for Community Living, may award grants, contracts, and cooperative agreements to public or nonprofit private entities, including minority serving institutions (defined, for purposes of this subsection, as institutions and programs described in section 326(e)(1) of the Higher Education Act of 1965 and institutions described in section 371(a) of such Act of 1965), to—

"(1) identify or facilitate the development of best practices to support improved health outcomes for underserved populations;

"(2) provide technical assistance, training, and evaluation assistance to award recipients under subsection (a);

"(3) disseminate best practices, including to award recipients under subsection (a); and

"(4) leverage, establish, or operate regional centers to develop, evaluate, and disseminate effective strategies on factors related to health outcomes, including supporting research and training related to such strategies.

Extensions.

"(e) AWARD PERIODS.—The Secretary shall issue awards under this section for periods of not more than 5 years and may issue extensions of such award periods for an additional period of up to 3 years.

"(f) REPORT.—Not later than September 30, 2026, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes information on activities funded under this section. Such report shall include a description of—

"(1) changes in the capacity of public health entities to address factors related to health outcomes in communities, including any applicable platforms or networks developed or utilized to coordinate health and related social services and any changes in workforce capacity or capabilities;

"(2) improvements in health outcomes and in reducing health disparities in medically underserved communities;

"(3) activities conducted to support consideration of factors related to health outcomes in preparing for, and responding to, public health emergencies, through outreach, education, and other relevant activities;

"(4) communities and populations served by recipients of awards under subsection (a);

"(5) activities supported under subsection (e); and

"(6) other relevant activities and outcomes, as determined by the Secretary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $35,000,000 for each of fiscal years 2023 through 2027. Of the amounts appropriated under this subsection for a fiscal year, 5 percent shall be reserved for awards under subsection (a) to Indian Tribes and Tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act), urban Indian organizations (as defined in section 4 of the Indian Health Care Improvement Act), and Tribal health departments."; and Time periods.

(2) by striking section 330D (42 U.S.C. 254c–4).

(b) GAO STUDY AND REPORT.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Energy and Committee on Energy and Commerce of the House of Representatives a report on the program authorized under section 317V of the Public Health Service Act, as added by subsection (a), including a review of the outcomes and effectiveness of the program and coordination with other programs in the Department of Health and Human Services with similar goals to ensure that there was no unnecessary duplication of efforts. Review.

CHAPTER 2—IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC HEALTH DATA

SEC. 2211. MODERNIZING STATE, LOCAL, AND TRIBAL BIOSURVEILLANCE CAPABILITIES AND INFECTIOUS DISEASE DATA.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (a)(3)—

(A) in the matter that precedes subparagraph (A), by striking ". Activities" and all that follows through "include" and inserting ", by"; and

(B) in subparagraph (D), by inserting ", infectious disease outbreaks," after "bioterrorism";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ", and local" and inserting ", local, and Tribal"; and

(II) by adding "and" after the semicolon;

(ii) in subparagraph (B), by striking "; and" and inserting ";"; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2)—

(i) by inserting ", deidentified" before "information"; and

(ii) by adding at the end the following: "The Secretary shall ensure that the activities carried out pursuant to the previous sentence are conducted in a manner that protects personal privacy, to the extent

required by applicable Federal and State information privacy or security law, at a minimum.";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting "modernize," after "establish,";

(ii) by inserting "that is deidentified, as applicable," after "share data and information";

(iii) by inserting ", to the extent practicable" before the period of the second sentence; and

(iv) by adding at the end the following: "The Secretary shall ensure that the activities carried out pursuant to this paragraph are conducted in a manner that protects personal privacy, to the extent required by applicable Federal and State information privacy or security law, at a minimum.";

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iii), by adding "and" after the semicolon;

(II) in clause (iv), by striking "; and" and inserting a period; and

(III) by striking clause (v); and

(ii) in subparagraph (B), by inserting ", and make recommendations to improve the quality of data collected pursuant to subparagraph (A) to ensure complete, accurate, and timely sharing of such data, as appropriate, across such elements as described in subparagraph (A)" after "under subparagraph (A)";

(C) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "and operating" and inserting ", operating, and updating, as appropriate,";

(II) in clause (iii)—

(aa) by inserting "that is deidentified, as applicable," after "analyses"; and

(bb) by inserting "in accordance with applicable Federal and State privacy and security law" before the semicolon at the end;

(III) in clause (iv), by striking "and" at the end;

(IV) in clause (v), by striking the period and inserting "; and"; and

(V) by adding at the end the following:

"(vi) in collaboration with State, local, and Tribal public health officials, integrate and update applicable existing public health data systems and networks of the Department of Health and Human Services to reflect technological advancements, consistent with section 2823, as applicable."; and

(ii) in subparagraph (B)—

(I) in clause (i), by inserting "and 180 days after the date of enactment of the PREVENT Pandemics Act," after "Innovation Act of 2019,";

(II) in clause (ii), by striking "and other representatives as the Secretary determines appropriate" and inserting "experts in State-based public

health data systems; experts in standards and implementation specifications, including transaction standards; and experts in privacy and data security"; and

(III) in clause (iii)—

(aa) in subclause (IV), by inserting ", including existing public health data systems" before the semicolon;

(bb) in subclause (V), by striking "and" at the end;

(cc) in subclause (VI), by striking the period and inserting a semicolon; and

(dd) by adding at the end the following:

"(VII) strategies to integrate laboratory and public health data systems and capabilities to support rapid and accurate reporting of laboratory test results and associated relevant data;

"(VIII) strategies to improve the collection, reporting, and dissemination of relevant, aggregated, deidentified demographic data to inform responses to public health emergencies, including identification of at-risk populations and to address potential health disparities; and

"(IX) strategies to improve the electronic exchange of health information, as appropriate, between State and local health departments and health care providers and facilities to improve the detection of, and responses to, potentially catastrophic infectious disease outbreaks.";

(D) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by inserting "and every 5 years thereafter," after "Innovation Act of 2019,"

(ii) in clause (iii)—

(I) in subclause (III), by striking "and" at the end; and

(II) by adding at the end the following:

"(V) improve coordination and collaboration, as appropriate, with other Federal departments to improve the capabilities of the network and reduce administrative burden on State, local, and Tribal entities; and

"(VI) implement applicable lessons learned from recent public health emergencies to address gaps in situational awareness and biosurveillance capabilities;";

(iii) in clause (iv), by striking "and" at the end;

(iv) in clause (v), by striking the period and inserting ", including a description of how such steps will further the goals of the network, consistent with paragraph (1); and"; and

(v) by adding at the end the following:

"(vi) identifies and demonstrates measurable steps the Secretary will take to further develop and integrate infectious disease detection, support rapid, accurate, and secure sharing of laboratory test results, deidentified as appropriate, during a public health

emergency, and improve coordination and collaboration with State, local, and Tribal public health officials, clinical laboratories, and other entities with expertise in public health surveillance."; and

(E) by adding at the end the following:

"(9) RULES OF CONSTRUCTION.—

"(A) Nothing in this subsection shall be construed to supplant, in whole or in part, State, local, or Tribal activities or responsibilities related to public health surveillance.

"(B) Nothing in this subsection shall be construed to alter the authority of the Secretary with respect to the types of data the Secretary may receive through systems supported or established under this section.";

(4) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting "deidentified" before "data, information"; and

(II) by inserting ", in consultation with such State or consortium of States" before the semicolon;

(ii) in subparagraph (C), by inserting ", including any public-private partnerships or other partnerships entered into to improve such capacity" before the semicolon; and

(B) by adding at the end the following:

"(6) NON-DUPLICATION OF EFFORT.—The Secretary shall ensure that activities carried out under an award under this subsection do not unnecessarily duplicate efforts of other agencies and offices within the Department of Health and Human Services.";

(5) by striking subsection (e);

(6) by redesignating subsections (f), (g), (h), (i), and (j), as subsections (e), (f), (g), (h), and (i), respectively;

(7) by striking subsection (h), as redesignated by paragraph (6), and inserting the following:

Time periods.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to carry out subsection (a), $25,000,000 for each of fiscal years 2022 and 2023; and

"(2) to carry out subsections (b), (c), and (d), $136,800,000 for each of fiscal years 2022 and 2023."; and

(8) by striking "tribal" each place it appears and inserting "Tribal".

SEC. 2212. GENOMIC SEQUENCING, ANALYTICS, AND PUBLIC HEALTH SURVEILLANCE OF PATHOGENS.

42 USC 300hh–34 note.

(a) GUIDANCE SUPPORTING GENOMIC SEQUENCING OF PATHOGENS COLLABORATION.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), in consultation with the heads of other Federal departments or agencies, as appropriate, shall issue guidance to support collaboration relating to genomic sequencing of pathogens, including the use of new and innovative approaches and technology for the detection, characterization, and sequencing of pathogens, to improve public health surveillance and preparedness and response activities, consistent with section 2824 of the Public Health Service Act, as added by

subsection (b). Such guidance shall address the secure sharing, for public health surveillance purposes, of specimens of such pathogens, between appropriate entities and public health authorities, consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), as applicable, and in a manner that protects personal privacy to the extent required by applicable privacy law, at a minimum, and the appropriate use of sequence data derived from such specimens.

(b) GENOMIC SEQUENCING PROGRAM.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by adding at the end the following:

"SEC. 2824. GENOMIC SEQUENCING, ANALYTICS, AND PUBLIC HEALTH SURVEILLANCE OF PATHOGENS PROGRAM.

Grants. Contracts. 42 USC 300hh–34.

"(a) GENOMIC SEQUENCING, ANALYTICS, AND PUBLIC HEALTH SURVEILLANCE OF PATHOGENS PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Director of the National Institutes of Health and heads of other departments and agencies, as appropriate, shall strengthen and expand activities related to genomic sequencing of pathogens, including through new and innovative approaches and technology for the detection, characterization, and sequencing of pathogens, analytics, and public health surveillance, including—

"(1) continuing and expanding activities, which may include existing genomic sequencing activities related to advanced molecular detection, to—

"(A) identify and respond to emerging infectious disease threats; and

"(B) identify the potential use of genomic sequencing technologies, advanced computing, and other advanced technology to inform surveillance activities and incorporate the use of such technologies, as appropriate, into related activities;

"(2) providing technical assistance and guidance to State, Tribal, local, and territorial public health departments to increase the capacity of such departments to perform genomic sequencing of pathogens, including recipients of funding under section 2821;

"(3) carrying out activities to enhance the capabilities of the public health workforce with respect to pathogen genomics, epidemiology, and bioinformatics, including through training; and

"(4) continuing and expanding activities, as applicable, with public and private entities, including relevant departments and agencies, laboratories, academic institutions, and industry.

"(b) PARTNERSHIPS.—For the purposes of carrying out the activities described in subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants, contracts, or cooperative agreements to entities, including academic and other laboratories, with expertise in genomic sequencing for public health purposes, including new and innovative approaches to, and related technology for, the detection, characterization, and sequencing of pathogens.

"(c) CENTERS OF EXCELLENCE.—

"(1) IN GENERAL.—The Secretary shall, as appropriate, award grants, contracts, or cooperative agreements to public health agencies for the establishment or operation of centers of excellence to promote innovation in pathogen genomics and molecular epidemiology to improve the control of and response to pathogens that may cause a public health emergency. Such centers shall, as appropriate—

"(A) identify and evaluate the use of genomics, or other related technologies that may advance public health preparedness and response;

"(B) improve the identification, development, and use of tools for integrating and analyzing genomic and epidemiologic data;

"(C) assist with genomic surveillance of, and response to, infectious diseases, including analysis of pathogen genomic data;

"(D) conduct applied research to improve public health surveillance of, and response to, infectious diseases through innovation in pathogen genomics and molecular epidemiology; and

"(E) develop and provide training materials for experts in the fields of genomics, microbiology, bioinformatics, epidemiology, and other fields, as appropriate.

"(2) REQUIREMENTS.—To be eligible for an award under paragraph (1), an entity shall submit to the Secretary an application containing such information as the Secretary may require, including a description of how the entity will partner, as applicable, with academic institutions or a consortium of academic partners that have relevant expertise, such as microbial genomics, molecular epidemiology, or the application of bioinformatics or statistics.".

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of the PREVENT Pandemics Act, and 90 days following expenditure of all funds under section 2402 of the American Rescue Plan Act of 2021 (Public Law 117–2), the Director of the Centers for Disease Control and Prevention shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives outlining how funds awarded under such section 2402 were expended as of the date of such report.

SEC. 2213. SUPPORTING STATE, LOCAL, AND TRIBAL PUBLIC HEALTH DATA.

(a) DESIGNATION OF PUBLIC HEALTH DATA STANDARDS.—Section 2823(a)(2) of the Public Health Service Act (42 U.S.C. 300hh–33(a)(2)) is amended—

(1) by striking "In carrying out" and inserting the following:

"(A) IN GENERAL.—In carrying out"; and

(2) by striking "shall, as appropriate and" and inserting "shall, not later than 2 years after the date of enactment of the PREVENT Pandemics Act,"; and

(3) by adding at the end the following:

"(B) NO DUPLICATIVE EFFORTS.—

"(i) IN GENERAL.—In carrying out the requirements of this paragraph, the Secretary, in consultation with the Office of the National Coordinator for Health Information Technology, may use input gathered

(including input and recommendations gathered from the Health Information Technology Advisory Committee), and materials developed, prior to the date of enactment of the PREVENT Pandemics Act.

"(ii) DESIGNATION OF STANDARDS.—Consistent with sections 13111 and 13112 of the HITECH Act, the data and technology standards designated pursuant to this paragraph shall align with the standards and implementation specifications previously adopted by the Secretary pursuant to section 3004, as applicable.

"(C) PRIVACY AND SECURITY.—Nothing in this paragraph shall be construed as modifying applicable Federal or State information privacy or security law.".

(b) STUDY ON LABORATORY INFORMATION STANDARDS.— Reviews.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Office of the National Coordinator for Health Information Technology shall conduct a study to review the use of standards for electronic ordering and reporting of laboratory test results. Deadline.

(2) AREAS OF CONCENTRATION.—In conducting the study under paragraph (1), the Office of the National Coordinator for Health Information Technology shall—

(A) determine the extent to which clinical laboratories are using standards for electronic ordering and reporting of laboratory test results; Determination.

(B) assess trends in laboratory compliance with standards for ordering and reporting laboratory test results and the effect of such trends on the interoperability of laboratory data with public health data systems; Assessment.

(C) identify challenges related to collection and reporting of demographic and other data elements with respect to laboratory test results;

(D) identify any challenges associated with using or complying with standards and reporting laboratory test results with data elements identified in standards for electronic ordering and reporting of such results; and

(E) review other relevant areas determined appropriate by the Office of the National Coordinator for Health Information Technology.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Office of the National Coordinator for Health Information Technology shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning the findings of the study conducted under paragraph (1).

(c) DATA USE AGREEMENTS.— Updates. Memorandums. 42 USC 300hh note.

(1) INTERAGENCY DATA USE AGREEMENTS WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PUBLIC HEALTH EMERGENCIES.—

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall, as appropriate, facilitate the development of, or updates to, memoranda of understanding, data use agreements, or other applicable interagency agreements regarding appropriate access, exchange, and use of public health data between the Centers for Disease Control and

Prevention, the Office of the Assistant Secretary for Preparedness and Response, other relevant agencies or offices within the Department of Health and Human Services, and other relevant Federal agencies, in order to prepare for, identify, monitor, and respond to declared or potential public health emergencies.

(B) REQUIREMENTS.—In carrying out activities pursuant to subparagraph (A), the Secretary shall—

(i) ensure that the agreements and memoranda of understanding described in such subparagraph—

(I) address the methods of granting access to data held by one agency or office with another to support the respective missions of such agencies or offices;

(II) consider minimum necessary principles of data sharing for appropriate use;

(III) include appropriate privacy and cybersecurity protections; and

(IV) are subject to regular updates, as appropriate;

(ii) collaborate with the Centers for Disease Control and Prevention, the Office of the Assistant Secretary for Preparedness and Response, the Office of the Chief Information Officer, and, as appropriate, the Office of the National Coordinator for Health Information Technology, and other entities within the Department of Health and Human Services; and

(iii) consider the terms and conditions of any existing data use agreements with other public or private entities and any need for updates to such existing agreements, consistent with paragraph (2).

(2) DATA USE AGREEMENTS WITH EXTERNAL ENTITIES.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Assistant Secretary for Preparedness and Response, may update memoranda of understanding, data use agreements, or other applicable agreements and contracts to improve appropriate access, exchange, and use of public health data between the Centers for Disease Control and Prevention and the Office of the Assistant Secretary for Preparedness and Response and external entities, including State, Tribal, and territorial health departments, laboratories, hospitals and other health care providers, electronic health records vendors, and other entities, as applicable and appropriate, in order to prepare for, identify, monitor, and respond to declared or potential public health emergencies.

(3) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of the agreements under this subsection.

(d) IMPROVING INFORMATION SHARING AND AVAILABILITY OF PUBLIC HEALTH DATA.—Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"SEC. 310B. IMPROVING STATE, LOCAL, AND TRIBAL INFORMATION SHARING. 42 USC 242u.

"(a) IN GENERAL.—The Secretary may, in consultation with State, local, and Tribal public health officials, carry out activities to improve the availability of appropriate and applicable public health data related to communicable diseases, and information sharing between, the Director of the Centers for Disease Control and Prevention, the Assistant Secretary for Preparedness and Response, and such State, local, and Tribal public health officials, which may include such data from—

"(1) health care providers and facilities;

"(2) public health and clinical laboratories;

"(3) health information exchanges and health information networks; and

"(4) State, local, and Tribal health departments.

"(b) CONTENT, FORM, AND MANNER.—The Secretary shall, consistent with the requirements of this section, work with such officials and relevant stakeholders to provide information on the content, form, and manner in which such data, deidentified as applicable, may most effectively support the ability of State, local, and Tribal health departments to respond to such communicable diseases, including related to the collection and reporting of demographic and other relevant data elements. Such form and manner requirements shall align with the standards and implementation specifications adopted by the Secretary under section 3004, as applicable.

"(c) DECREASED BURDEN.—In facilitating the coordination of efforts under subsection (a), the Secretary shall make reasonable efforts to limit reported public health data to the minimum necessary information needed to accomplish the intended public health purpose.

"(d) EXEMPTION OF CERTAIN PUBLIC HEALTH DATA FROM DISCLOSURE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may exempt from disclosure under section 552(b)(3) of title 5, United States Code, public health data that are gathered under this section if—

"(1) an individual is identified through such data; or

"(2) there is at least a very small risk, as determined by current scientific practices or statistical methods, that some combination of the information, the request, and other available data sources or the application of technology could be used to deduce the identity of an individual.".

(e) IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC HEALTH DATA.— 42 USC 300hh–33 note.

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall award grants, contracts, or cooperative agreements to eligible entities for purposes of identifying, developing, or disseminating best practices in electronic health information and the use of designated data standards and implementation specifications, including privacy standards, to improve the quality and completeness of data, including demographic data used for public health purposes. Grants. Contracts.

(2) ELIGIBLE ENTITIES.—To be eligible to receive an award under this subsection an entity shall—

(A) be a health care provider, academic medical center, community-based organization, State, local governmental

entity, Indian Tribe or Tribal organization (as such terms are defined in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 5304)), urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)), or other appropriate public or private nonprofit entity, or a consortia of any such entities; and

(B) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) ACTIVITIES.—Entities receiving awards under this subsection shall use such award to develop and test best practices for training health care providers to use standards and implementation specifications that assist in the capture, access, exchange, and use of electronic health information, deidentified as applicable, such as demographic information, disability status, veteran status, and functional status. Such activities shall include, at a minimum—

(A) improving, understanding, and using data standards and implementation specifications;

(B) developing or identifying methods to improve communication with patients in a culturally- and linguistically-appropriate manner, including to better capture information related to demographics of such individuals;

(C) developing methods for accurately categorizing and recording patient responses using available data standards;

(D) educating providers regarding the utility of such information for public health purposes and the importance of accurate collection and recording of such data; and

(E) providing information regarding how data will be deidentified if used for such public health purposes, as applicable and appropriate.

(4) REPORTING.—

(A) REPORTING BY AWARD RECIPIENTS.—Each recipient of an award under this subsection shall submit to the Secretary a report on the results of best practices identified, developed, or disseminated through such award.

Recommendations.

(B) REPORT TO CONGRESS.—Not later than 1 year after the completion of the program under this subsection, the Secretary shall submit a report to Congress on the success of best practices developed under such program, opportunities for further dissemination of such best practices, and recommendations for improving the capture, access, exchange, and use of information to improve public health and reduce health disparities.

(5) NON-DUPLICATION OF EFFORTS.—The Secretary shall ensure that the activities and programs carried out under this subsection are free of unnecessary duplication of effort.

42 USC 242u note.

(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) supplant, in whole or in part, State, local, or Tribal activities or responsibilities related to public health surveillance, as applicable;

(2) alter the authority of the Secretary with respect to the types of data the Secretary may receive through systems supported or established in this section or other laws; or

(3) modify applicable Federal or State information privacy or security law.

SEC. 2214. EPIDEMIC FORECASTING AND OUTBREAK ANALYTICS.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.), as amended by section 2212, is further amended by adding at the end the following:

"SEC. 2825. EPIDEMIC FORECASTING AND OUTBREAK ANALYTICS.

42 USC 300hh–35.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall continue activities related to the development of infectious disease outbreak analysis capabilities to enhance the prediction, modeling, and forecasting of potential public health emergencies and other infectious disease outbreaks, which may include activities to support preparedness for, and response to, such emergencies and outbreaks. In carrying out this subsection, the Secretary shall identify strategies to include and leverage, as appropriate, the capabilities to public and private entities, which may include conducting such activities through collaborative partnerships with public and private entities, including academic institutions, and other Federal agencies, consistent with section 319D, as applicable.

"(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may consider public health data and, as appropriate, other data sources related to preparedness for, or response to, public health emergencies and infectious disease outbreaks.

Time period.

"(c) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter for each of the subsequent 4 years, the Secretary shall prepare and submit a report, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, regarding an update on progress on activities conducted under this section to develop infectious disease outbreak analysis capabilities and any additional information relevant to such efforts.".

SEC. 2215. PUBLIC HEALTH DATA TRANSPARENCY.

Assessment.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a report assessing practices, objectives, and associated progress and challenges in achieving such objectives, of the Centers of Disease Control and Prevention with respect to the collection and dissemination of public health data related to a public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d) or a potential public health emergency.

Deadline.

(b) PLAN.—Not later than 180 days following the issuance of the report pursuant to paragraph (1), the Director of the Centers for Disease Control and Prevention shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan that shall include—

(1) steps to improve the timely reporting and dissemination of deidentified public health data related to a public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d) or a potential public health emergency that is collected by the Centers for Disease Control and Prevention, including any associated barriers;

Recommendations.

(2) recommendations to Congress regarding gaps in such practices and objectives described in subsection (a); and

(3) considerations regarding the requirements and limitations of data use agreements for such purposes, as applicable, and any efforts undertaken to address those requirements and limitations.

SEC. 2216. GAO REPORT ON PUBLIC HEALTH PREPAREDNESS, RESPONSE, AND RECOVERY DATA CAPABILITIES.

(a) STUDY.—The Comptroller General of the United States (referred to in this section as the "Comptroller General") shall conduct a study on the efforts of the Department of Health and Human Services to ensure that public health preparedness, response, and recovery data capabilities related to pandemic and other biological threats are not unnecessarily duplicative, overlapping, or fragmented. Such study shall include—

List.

(1) a comprehensive list of all public health preparedness, response, and recovery data collection, such as incidence and prevalence of disease tracking, hospitalizations, critical care capacity, and testing programs, at the Department of Health and Human Services, as identified by the department and its component agencies;

Analysis.

(2) an analysis of any duplication, overlap, or fragmentation of the programs identified in paragraph (1);

(3) identification of any efforts of the Department of Health and Human Services to reduce unnecessary duplication and improve coordination, efficiency, and effectiveness of such programs and any associated challenges;

Recommendations.

(4) any practices that threaten individual privacy and recommendations to improve the protection of individual, identifiable data; and

(5) a description of the funding and other resources dedicated to the operation of each such program identified in paragraph (1).

(b) REPORTING.—

(1) IN GENERAL.—Based on the study conducted under subsection (a), the Comptroller General shall—

Briefing.

(A) not later than 6 months after the date of enactment of this Act, provide a briefing to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(B) not later than 18 months after the date of enactment of this Act, submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a complete report on such study.

(2) RECOMMENDATIONS.—The report under paragraph (1)(B) shall include recommendations, as appropriate, with respect to public health preparedness, response, and recovery data programs at the Department of Health and Human Services, to—

(A) streamline data collection and reduce fragmentation and address any associated challenges;

(B) reduce duplication in such programs; and

(C) improve information-sharing across programs.

CHAPTER 3—REVITALIZING THE PUBLIC HEALTH WORKFORCE

SEC. 2221. IMPROVING RECRUITMENT AND RETENTION OF THE FRONT-LINE PUBLIC HEALTH WORKFORCE.

(a) IN GENERAL.—Section 776 of the Public Health Service Act (42 U.S.C. 295f–1) is amended—

(1) in subsection (a)—

(A) by striking "supply of" and inserting "supply of, and encourage recruitment and retention of,"; and

(B) by striking "Federal,";

(2) in subsection (b)—

(A) by amending paragraph (1)(A) to read as follows:

"(1)(A)(i) be accepted for enrollment, or be enrolled, as a student in an accredited institution of higher education or school of public health in the final semester (or equivalent) of a program leading to a certificate or degree, including a master's or doctoral degree, in public health, epidemiology, laboratory sciences, data systems, data science, data analytics, informatics, statistics, or another subject matter related to public health; and

"(ii) be employed by, or have accepted employment with, a State, local, or Tribal public health agency, or a related training fellowship at such State, local, or Tribal public health agency, as recognized by the Secretary, to commence upon graduation; or"; and

(B) in paragraph (1)(B)—

(i) in clause (i)—

(I) by striking "accredited educational institution in a State or territory" and inserting "accredited institution of higher education or school of public health"; and

(II) by striking "a public health or health professions degree or certificate" and inserting "a certificate or degree, including a master's or doctoral degree, in public health, epidemiology, laboratory sciences, data systems, data science, data analytics, informatics, statistics, or another subject matter related to public health"; and

(ii) in clause (ii)—

(I) by striking "Federal,"; and

(II) by striking "fellowship," and inserting "fellowship at such State, local, or Tribal public health agency,";

(3) in subsection (c)(2)—

(A) by striking "Federal,"; and

(B) by striking "equal to the greater of—" and all that follows through the end of subparagraph (B) and inserting "of at least 3 consecutive years;";

(4) in subsection (d)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Program shall consist of payment, in accordance with paragraph (2), for the individual toward the outstanding principal and interest on education loans incurred by the individual in the pursuit of the relevant

Loans.

degree or certificate described in subsection (b)(1) in accordance with the terms of the contract."; and

(B) in paragraph (2)—

(i) by striking "For each year" and inserting the following:

"(A) IN GENERAL.—For each year";

(ii) by striking "$35,000" and inserting "$50,000";

(iii) by striking "$105,000" and inserting "$150,000"; and

(iv) by adding at the end the following:

"(B) CONSIDERATIONS.—The Secretary may take action in making awards under this section to ensure that—

"(i) an appropriate proportion of contracts are awarded to individuals who are eligible to participate in the program pursuant to subsection (b)(1)(A); and

"(ii) contracts awarded under this section are equitably distributed among—

"(I) the geographical regions of the United States;

"(II) local, State, and Tribal public health departments; and

"(III) such public health departments under subclause (II) serving rural and urban areas.";

(5) in subsection (e), by striking "receiving a degree or certificate from a health professions or other related school" and inserting "with a contract to serve under subsection (c)";

Loans.
Waiver authority.

(6) in subsection (f), by adding at the end the following: "In the event that a participant fails to either begin or complete the obligated service requirement of the loan repayment contract under this section, the Secretary may waive or suspend either the unfulfilled service or the assessed damages as provided for under section 338E(d), as appropriate.";

(7) by redesignating subsection (g) as subsection (i);

(8) by inserting after subsection (f) the following:

"(g) ELIGIBLE LOANS.—The loans eligible for repayment under this section are each of the following:

"(1) Any loan for education or training for employment by a health department.

"(2) Any loan under part E of title VIII (relating to nursing student loans).

"(3) Any Federal Direct Stafford Loan, Federal Direct PLUS Loan, Federal Direct Unsubsidized Stafford Loan, or Federal Direct Consolidation Loan (as such terms are used in section 455 of the Higher Education Act of 1965).

"(4) Any Federal Perkins Loan under part E of title I of the Higher Education Act of 1965.

"(5) Any other Federal loan, as the Secretary determines appropriate.

Loans.

"(h) PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall, as appropriate, establish a pilot program, to be known as the Bio-Preparedness Workforce Pilot Program, to provide for loan repayment for health professionals with expertise in infectious diseases and emergency preparedness and response activities to ensure an adequate supply of such professionals. Such program shall be administered consistent with the requirements of this section,

except that, to be eligible to participate in the pilot program, an individual shall—

"(A)(i) be accepted for enrollment, or be enrolled, as a student in an accredited institution of higher education in the final semester (or equivalent) of a program leading to a health professions degree or certificate program relevant to such program; or

"(ii) have graduated, during the preceding 10-year period, from an accredited institution of higher education with a health professions degree or certificate program relevant to such program; and

Time period.

"(B) be employed by, or have accepted employment with—

"(i) a Federal health care facility;

"(ii) a nonprofit health care facility that is located in a health professional shortage area (as defined in section 332), a frontier health professional shortage area (as defined in section 799B), or a medically underserved community (as defined in section 799B);

"(iii) an entity receiving assistance under title XXVI for the provision of clinical services;

"(iv) a health program, or a facility, operated by an Indian Tribe or Tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act) or by an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act); or

"(v) another relevant entity determined appropriate by the Secretary, as a health professional with expertise in infectious diseases or emergency preparedness and response.

Determination.

"(2) NON-DUPLICATION OF EFFORT.—The Secretary shall ensure that the pilot program established under paragraph (1) does not unnecessarily duplicate the National Health Service Corps Loan Repayment Program, or any other loan repayment program operated by the Department of Health and Human Services.

"(3) EVALUATION AND REPORT TO CONGRESS.—

"(A) IN GENERAL.—The Secretary shall evaluate the pilot program at the conclusion of the first cycle of recipients funded by the pilot program.

"(B) REPORT.—

"(i) IN GENERAL.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the evaluation under subparagraph (A). The report shall include, at a minimum, outcomes information from the pilot program, including any impact on recruitment and retention of health professionals with expertise in infectious diseases and emergency preparedness and response activities.

"(ii) RECOMMENDATION.—The report under this subparagraph shall include a recommendation by the Secretary as to whether the pilot program under this subsection should be extended.";

(9) in subsection (i), as so redesignated, by striking "$195,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2015" and inserting "$100,000,000 for each of fiscal years 2023 through 2025"; and

(10) by striking "tribal" each place such term appears and inserting "Tribal".

(b) GAO STUDY ON PUBLIC HEALTH WORKFORCE.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

Evaluation.

(1) conduct an evaluation of what is known about the public health workforce in the United States, which shall address—

(A) existing gaps in the Federal, State, local, Tribal, and territorial public health workforce, including positions that may be required to prepare for, and respond to, a public health emergency such as COVID–19;

(B) challenges associated with the hiring, recruitment, and retention of the Federal, State, local, Tribal, and territorial public health workforce; and

(C) Federal efforts to improve hiring, recruitment, and retention of the public health workforce; and

Reports.

(2) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on such review.

SEC. 2222. AWARDS TO SUPPORT COMMUNITY HEALTH WORKERS AND COMMUNITY HEALTH.

(a) IN GENERAL.—Section 399V of the Public Health Service Act (42 U.S.C. 280g–11) is amended—

(1) by amending the section heading to read as follows: "**AWARDS TO SUPPORT COMMUNITY HEALTH WORKERS AND COMMUNITY HEALTH**";

(2) by amending subsection (a) to read as follows:

Grants.
Contracts.

"(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to eligible entities to promote positive health behaviors and outcomes for populations in medically underserved communities by leveraging community health workers, including by addressing ongoing and longer-term community health needs, and by building the capacity of the community health worker workforce. Such grants, contracts, and cooperative agreements shall be awarded in alignment and coordination with existing funding arrangements supporting community health workers.";

(3) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Grants awarded" and inserting "Subject to any requirements for the scope of licensure, registration, or certification of a community health worker under applicable State law, grants, contracts, and cooperative agreements awarded"; and

(ii) by striking "support community health workers";

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(C) by striking paragraphs (1) and (2) and inserting the following:

"(1) recruit, hire, train, and retain community health workers that reflect the needs of the community;

"(2) support community health workers in providing education and outreach, in a community setting, regarding—

"(A) health conditions prevalent in—

"(i) medically underserved communities (as defined in section 799B), particularly racial and ethnic minority populations; and

"(ii) other such at-risk populations or geographic areas that may require additional support during public health emergencies, which may include counties identified by the Secretary using applicable measures developed by the Centers for Disease Control and Prevention or other Federal agencies; and

"(B) addressing health disparities, including by—

"(i) promoting awareness of services and resources to increase access to health care, mental health and substance use disorder services, child services, technology, housing services, educational services, nutrition services, employment services, and other services; and

"(ii) assisting in conducting individual and community needs assessments;

"(3) educate community members, including regarding effective strategies to promote healthy behaviors;";

(D) in paragraph (4), as so redesignated, by striking "to educate" and inserting "educate";

(E) in paragraph (5), as so redesignated—

(i) by striking "to identify" and inserting "identify";

(ii) by striking "healthcare agencies" and inserting "health care agencies"; and

(iii) by striking "healthcare services and to eliminate duplicative care; or" and inserting "health care services and to streamline care, including serving as a liaison between communities and health care agencies; and"; and

(F) in paragraph (6), as so redesignated—

(i) by striking "to educate, guide, and provide" and inserting "support community health workers in educating, guiding, or providing"; and

(ii) by striking "maternal health and prenatal care" and inserting "chronic diseases, maternal health, prenatal, and postpartum care in order to improve maternal and infant health outcomes";

(4) in subsection (c), by striking "Each eligible entity" and all that follows through "accompanied by" and inserting "To be eligible to receive an award under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing";

(5) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "awarding grants" and inserting "making awards";

(B) by amending paragraph (1) to read as follows: "(1) propose to serve—

"(A) areas with populations that have a high rate of chronic disease, infant mortality, or maternal morbidity and mortality;

"(B) low-income populations, including medically underserved populations (as defined in section 330(b)(3));

"(C) populations residing in health professional shortage areas (as defined in section 332(a));

"(D) populations residing in maternity care health professional target areas identified under section 332(k); or

"(E) rural or traditionally underserved populations, including racial and ethnic minority populations or low-income populations;";

(C) in paragraph (2), by striking "; and" and inserting ", including rural populations and racial and ethnic minority populations;";

(D) in paragraph (3), by striking "with community health workers." and inserting "and established relationships with community health workers in the communities expected to be served by the program;" and

(E) by adding at the end the following:

Plan.

"(4) develop a plan for providing services to the extent practicable, in the language and cultural context most appropriate to individuals expected to be served by the program; and

"(5) propose to use evidence-informed or evidence-based practices, as applicable and appropriate.";

(6) in subsection (e)—

(A) by striking "community health worker programs" and inserting "eligible entities"; and

(B) by striking "and one-stop delivery systems under section 121(e)" and inserting ", health professions schools, minority-serving institutions (defined, for purposes of this subsection, as institutions and programs described in section 326(e)(1) of the Higher Education Act of 1965 and institutions described in section 371(a) of such Act), area health education centers under section 751 of this Act, and one-stop delivery systems under section 121";

(7) by striking subsections (f), (g), (h), (i), and (j) and inserting the following:

"(f) TECHNICAL ASSISTANCE.—The Secretary may provide to eligible entities that receive awards under subsection (a) technical assistance with respect to planning, development, and operation of community health worker programs authorized or supported under this section.

Deadline.

"(g) DISSEMINATION OF BEST PRACTICES.—Not later than 4 years after the date of enactment of the PREVENT Pandemics Act, the Secretary shall, based on activities carried out under this section and in consultation with relevant stakeholders, identify and disseminate evidence-based or evidence-informed practices regarding recruitment and retention of community health workers and paraprofessionals to address ongoing public health and community health needs, and to prepare for, and respond to, future public health emergencies.

"(h) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the PREVENT Pandemics Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report concerning

the effectiveness of the program under this section in addressing ongoing public health and community health needs. Such report shall include recommendations regarding any improvements to such program, including recommendations for how to improve recruitment, training, and retention of the community health workforce.

Recommendations.

"(i) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated $50,000,000 for each of fiscal years 2023 through 2027.";

Time period.

(8) by redesignating subsection (k) as subsection (j); and

(9) in subsection (j), as so redesignated—

(A) by striking paragraphs (1), (2), and (4);

(B) by redesignating paragraph (3) as paragraph (1);

(C) in paragraph (1), as so redesignated—

(i) by striking "entity (including a State or public subdivision of a State" and inserting "entity, including a State or political subdivision of a State, an Indian Tribe or Tribal organization, an urban Indian organization, a community-based organization"; and

(ii) by striking "as defined in section 1861(aa) of the Social Security Act))" and inserting "(as defined in section 1861(aa)(4) of the Social Security Act)"; and

(D) by adding at the end the following:

Definitions.

"(2) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian Tribe' and 'Tribal organization' have the meanings given the terms 'Indian tribe' and 'tribal organization', respectively, in section 4 of the Indian Self-Determination and Education Assistance Act.

"(3) URBAN INDIAN ORGANIZATION.—The term 'urban Indian organization' has the meaning given such term in section 4 of the Indian Health Care Improvement Act.".

(b) GAO STUDY AND REPORT.—Not later than 1 year after the date of submission of the report under subsection (h) of section 399V of the Public Health Service Act (42 U.S.C. 280g–11), as amended by subsection (a), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the program authorized under such section 399V, including a review of the efforts of the Secretary of Health and Human Services to coordinate such program with applicable programs of the Health Resources and Services Administration to ensure there is no unnecessary duplication of efforts among such programs, and identification of any areas of duplication.

Review.

SEC. 2223. IMPROVING PUBLIC HEALTH EMERGENCY RESPONSE CAPACITY.

(a) CERTAIN APPOINTMENTS TO SUPPORT PUBLIC HEALTH EMERGENCY RESPONSES.—Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

"(g) CERTAIN APPOINTMENTS TO SUPPORT PUBLIC HEALTH EMERGENCY RESPONSES.—

"(1) IN GENERAL.—In order to support the initial response to a public health emergency declared by the Secretary under this section, the Secretary may, subject to paragraph (2) and without regard to sections 3309 through 3318 of title 5, United States Code, appoint individuals directly to positions in the

Public information.

Department of Health and Human Services for which the Secretary has provided public notice in order to—

"(A) address a critical hiring need directly related to responding to a public health emergency declared by the Secretary under this section; or

"(B) address a severe shortage of candidates that impacts the operational capacity of the Department of Health and Human Services to respond in the event of a public health emergency declared by the Secretary under this section.

Determination.

"(2) NUMBER OF APPOINTMENTS.—Each fiscal year in which the Secretary makes a determination of a public health emergency under subsection (a) (not including a renewal), the Secretary may directly appoint not more than—

"(A) 400 individuals under paragraph (1)(A); and

"(B) 100 individuals under paragraph (1)(B).

"(3) COMPENSATION.—The annual rate of basic pay of an individual appointed under this subsection shall be determined in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

Records.

"(4) REPORTING.—The Secretary shall establish and maintain records regarding the use of the authority under this subsection, including—

"(A) the number of positions filled through such authority;

"(B) the types of appointments of such positions;

"(C) the titles, occupational series, and grades of such positions;

"(D) the number of positions publicly noticed to be filled under such authority;

"(E) the number of qualified applicants who apply for such positions;

"(F) the qualification criteria for such positions; and

"(G) the demographic information of individuals appointed to such positions.

Time period.
Deadline.

"(5) NOTIFICATION TO CONGRESS.—In the event the Secretary, within a single fiscal year, directly appoints more than 50 percent of the individuals allowable under either subparagraph (A) or (B) of paragraph (2), the Secretary shall, not later than 15 days after the date of such action, notify the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives. Such notification shall, in a manner that protects personal privacy, to the extent required by applicable Federal and State privacy law, at a minimum, include—

"(A) information on each such appointment within such fiscal year;

"(B) a description of how each such position relates to the requirements of subparagraph (A) or (B) of paragraph (1); and

"(C) the additional number of personnel, if any, the Secretary anticipates to be necessary to adequately support a response to a public health emergency declared under this section using the authorities described in paragraph (1) within such fiscal year.

"(6) REPORTS TO CONGRESS.—Not later than September 30, 2023, and annually thereafter for each fiscal year in which the authority under this subsection is used, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the total number of appointments filled under this subsection within the fiscal year and a description of how the positions relate to the requirements of subparagraph (A) or (B) of paragraph (1).

"(7) SUNSET.—The authority under this subsection shall expire on September 30, 2028.".

(b) GAO REPORT.—Not later than 1 year after the issuance of the initial report under subsection (g)(6) of section 319 of the Public Health Service Act (42 U.S.C. 247d), as added by subsection (a), and again 180 days after the date on which the authority provided under section 319(g) of such Act expires pursuant to paragraph (7) of such section, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of the authority provided under such section. Such report shall, in a manner that protects personal privacy, at a minimum, include information on—

(1) the number of positions publicly noticed and filled under the authority of each of subparagraphs (A) and (B) of such section 319(g)(1);

(2) the occupational series, grades, and types of appointments of such positions;

(3) how such positions related to addressing a need or shortage described in subparagraph (A) or (B) of such section;

(4) how the Secretary of Health and Human Services made appointment decisions under each of subparagraphs (A) and (B) of such section;

(5) sources used to identify candidates for filling such positions;

(6) the number of individuals appointed under each such subparagraph;

(7) aggregated demographic information related to individuals appointed under each such subparagraph; and

(8) any challenges, limitations, or gaps related to the use of the authority under each such subparagraph and any related recommendations to address such challenges, limitations, or gaps.

Recommendations.

SEC. 2224. INCREASING EDUCATIONAL OPPORTUNITIES FOR ALLIED HEALTH PROFESSIONS.

Section 755(b) of the Public Health Service Act (42 U.S.C. 294e(b)) is amended by adding at the end the following:

"(4) Increasing educational opportunities in physical therapy, occupational therapy, respiratory therapy, audiology, and speech-language pathology professions, which may include offering scholarships or stipends and carrying out other activities to improve retention, for individuals from disadvantaged backgrounds or individuals who are underrepresented in such professions.".

SEC. 2225. PUBLIC HEALTH SERVICE CORPS ANNUAL AND SICK LEAVE.

(a) IN GENERAL.—Section 219 of the Public Health Service Act (42 U.S.C. 210–1) is amended—

(1) in subsection (a)—

(A) by striking "Reserve Corps" and inserting "Ready Reserve Corps"; and

(B) by striking ": *Provided*, That such regulations shall not authorize annual leave to be accumulated in excess of sixty days";

(2) by inserting after subsection (a) the following:

Time period.

"(b) The regulations described in subsection (a) may authorize accumulated annual leave of not more than 120 days for any commissioned officer of the Regular Corps or officer of the Ready Reserve Corps on active duty."; and

(3) by redesignating subsection (d) as subsection (c).

42 USC 210–1 note.

(b) APPLICATION.—The amendments made by subsection (a) shall apply with respect to accumulated annual leave (as defined in section 219 of the Public Health Service Act (42 U.S.C. 210–1)) that a commissioned officer of the Regular Corps or officer of the Ready Reserve Corps on active duty would, but for the regulations described in such section, lose at the end of fiscal year 2022 or a subsequent fiscal year.

SEC. 2226. LEADERSHIP EXCHANGE PILOT FOR PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE POSITIONS AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.), as amended by section 2214, is further amended by adding at the end the following:

42 USC 300hh–36.

"SEC. 2826. LEADERSHIP EXCHANGE PILOT FOR PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE POSITIONS AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Deadline.

"(a) IN GENERAL.—The Secretary may, not later than 1 year after the date of enactment of the PREVENT Pandemics Act, establish a voluntary program to provide additional training to individuals in eligible positions, as described in subsection (c), to support the continuous professional development of such individuals.

"(b) CRITERIA.—

"(1) DURATION.—The program under subsection (a) shall provide for fellowships, details, or other relevant placements with Federal agencies or departments, or State or local health departments, pursuant to the guidance issued under paragraph (2), for a maximum period of 2 years.

"(2) GUIDANCE.—The Secretary shall issue guidance establishing criteria for identifying placements that demonstrate ongoing sufficient mastery of knowledge, skills, and abilities to satisfy the field experience criteria under the program established under subsection (a), including assignments and experiences that develop public health and medical preparedness and response expertise.

Definition.

"(c) ELIGIBLE POSITION.—For purposes of subsection (a), the term 'eligible position' means any position at the Department of Health and Human Services at or above grade GS–13 of the General Schedule, or the equivalent, for which not less than 50 percent of the time of such position is spent on activities related to public health preparedness or response.

"(d) PILOT PERIOD AND FINAL REPORT.—The pilot program authorized under this section shall not exceed 5 years. Not later than 90 days after the end of the program, the Secretary shall issue a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives that includes—

"(1) the number of individuals who participated in such pilot, as applicable;

"(2) a description of the professional growth experience in which individuals participated; and

"(3) an assessment of the outcomes of such program, including a recommendation on whether such program should be continued.". Assessment. Recommendations.

SEC. 2227. CONTINUING EDUCATIONAL SUPPORT FOR HEALTH PROFESSIONALS SERVING IN RURAL AND UNDERSERVED COMMUNITIES. Grants. Contracts.

Section 752 of the Public Health Service Act (42 U.S.C. 294b) is amended—

(1) in the section heading, by inserting "**RURAL AND**" after "**SERVING IN**";

(2) in subsection (a)—

(A) by striking "shall make grants to, and enter into contracts with, eligible entities" and inserting ", as appropriate, shall make grants to, and enter into contracts with, eligible entities to support access to accredited continuing medical education for primary care physicians and health care providers at community health centers or rural health clinics to improve and increase access to care for patients in rural and medically underserved areas. Such grants or contracts may be used";

(B) by striking "faculty members" and inserting "health care providers"; and

(C) by inserting "increase primary care physician and health care provider knowledge," after "practice environment,";

(3) in subsection (b), by inserting ", such as a community health center or rural health clinic" before the period;

(4) in subsection (c), by striking "by require." and inserting the following: "may require, including—

"(1) a description of how participation in activities funded under this section will help improve access to, and quality of, health care services and training needs of primary care physicians and health care providers; and

"(2) a plan for providing peer-to-peer training, as appropriate."; Plan.

(5) by amending subsection (d) to read as follows:

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—An eligible entity shall use amounts awarded under a grant or contract under this section to provide innovative supportive activities to enhance education for primary care physicians and health care providers described in subsection (a) through distance learning, continuing educational activities, collaborative conferences, and electronic and telelearning activities, with priority for primary care providers who are seeking additional education in specialty fields such as infectious disease, endocrinology, pediatrics, mental health

and substance use disorders, pain management, geriatrics, and other areas, as appropriate, in order to—

"(A) improve retention of primary care physicians and health care providers and increase access to specialty health care services for patients; and

"(B) support access to the integration of specialty care through existing service delivery locations and care across settings.

"(2) CLARIFICATION.—Entities may use amounts awarded under a grant or contract under this section for continuing educational activities that include a clinical training component, including in-person patient care, in the respective community health center or rural health clinic, with the primary care physician or health care provider at such site and the clinical specialist from whom such additional training is being provided.";

(6) by redesignating subsection (e) as subsection (g);

(7) by inserting after subsection (d) the following:

"(e) ADMINISTRATIVE EXPENSES.—An entity that revives a grant or contract under this section shall use not more than 5 percent of the amounts received under the grant or contract under this section for administrative expenses.

"(f) NON-DUPLICATION OF EFFORT.—The Secretary shall ensure that activities under this section do not unnecessarily duplicate efforts of other programs overseen by the Health Resources and Services Administration, including activities described in section 330N."; and

(8) in subsection (g), as so redesignated, by striking "the fiscal years 2010 through 2014, and such sums as may be necessary for each subsequent fiscal year" and inserting "fiscal years 2023 through 2025".

CHAPTER 4—ENHANCING PUBLIC HEALTH PREPAREDNESS AND RESPONSE

SEC. 2231. CENTERS FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE.

(a) IN GENERAL.—Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by striking subsection (d) and inserting the following:

"(d) CENTERS FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE.—

Grants.
Contracts.

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants, contracts, or cooperative agreements to institutions of higher education, including accredited schools of public health, or other nonprofit private entities to establish or maintain a network of Centers for Public Health Preparedness and Response (referred to in this subsection as 'Centers').

"(2) ELIGIBILITY.—To be eligible to receive an award under this subsection, an entity shall submit to the Secretary an application containing such information as the Secretary may require, including a description of how the entity will—

"(A) coordinate relevant activities with applicable State, local, and Tribal health departments and officials, health care facilities, and health care coalitions to improve public health preparedness and response, as informed by

the public health preparedness and response needs of the community, or communities, involved;

"(B) prioritize efforts to implement evidence-informed or evidence-based practices to improve public health preparedness and response, including by helping to reduce the transmission of emerging infectious diseases; and

"(C) use funds awarded under this subsection, including by carrying out any activities described in paragraph (3).

"(3) USE OF FUNDS.—The Centers established or maintained under this subsection shall use funds awarded under this subsection to carry out activities to advance public health preparedness and response capabilities, which may include—

Strategies.

"(A) identifying, translating, and disseminating promising research findings or strategies into evidence-informed or evidence-based practices to inform preparedness for, and responses to, chemical, biological, radiological, or nuclear threats, including emerging infectious diseases, and other public health emergencies, which may include conducting research related to public health preparedness and response systems;

Evaluations.

"(B) improving awareness of such evidence-informed or evidence-based practices and other relevant scientific or public health information among health care professionals, public health professionals, other stakeholders, and the public, including through the development, evaluation, and dissemination of trainings and training materials, consistent with section 2802(b)(2), as applicable and appropriate, and with consideration given to existing training materials, to support preparedness for, and responses to, such threats;

"(C) utilizing and expanding relevant technological and analytical capabilities to inform public health and medical preparedness and response efforts;

"(D) expanding activities, including through public-private partnerships, related to public health preparedness and response, including participation in drills and exercises and training public health experts, as appropriate; and

"(E) providing technical assistance and expertise that relies on evidence-based practices, as applicable, related to responses to public health emergencies, as appropriate, to State, local, and Tribal health departments and other entities pursuant to paragraph (2)(A).

"(4) DISTRIBUTION OF AWARDS.—In awarding grants, contracts, or cooperative agreements under this subsection, the Secretary shall support not fewer than 10 Centers, subject to the availability of appropriations, and ensure that such awards are equitably distributed among the geographical regions of the United States."; and

(2) in subsection (f)(1)(C), by striking ", of which $5,000,000 shall be used to carry out paragraphs (3) through (5) of such subsection".

(b) REPEAL.—Section 319G of the Public Health Service Act (42 U.S.C. 247d–7) is repealed.

SEC. 2232. VACCINE DISTRIBUTION PLANS.

Section 319A of the Public Health Service Act (42 U.S.C. 247d–1) is amended—

(1) in subsection (a)—

(A) by inserting ", or other federally purchased vaccine to address another pandemic" before the period at the end of the first sentence; and

(B) by inserting "or other pandemic" before the period at the end of the second sentence; and

(2) in subsection (d), by inserting "or other pandemics" after "influenza pandemics".

42 USC 247d–12.

SEC. 2233. COORDINATION AND COLLABORATION REGARDING BLOOD SUPPLY.

The Secretary of Health and Human Services, or the Secretary's designee, shall—

(1) ensure coordination and collaboration between relevant Federal departments and agencies related to the safety and availability of the blood supply, including—

(A) the Department of Health and Human Services, including the Office of the Assistant Secretary for Health, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Office of the Assistant Secretary for Preparedness and Response, the National Institutes of Health, the Centers for Medicare & Medicaid Services, and the Health Resources and Services Administration;

(B) the Department of Defense; and

(C) the Department of Veterans Affairs; and

Consultation.

(2) consult and communicate with private stakeholders, including blood collection establishments, health care providers, accreditation organizations, researchers, and patients, regarding issues related to the safety and availability of the blood supply.

SEC. 2234. SUPPORTING LABORATORY CAPACITY AND INTERNATIONAL COLLABORATION TO ADDRESS ANTIMICROBIAL RESISTANCE.

Section 319E of the Public Health Service Act (42 U.S.C. 247d–5) is amended—

(1) by redesignating subsections (k), (l), and (m) as subsections (m), (n), and (o), respectively; and

(2) by inserting after subsection (j), the following:

"(k) NETWORK OF ANTIBIOTIC RESISTANCE REGIONAL LABORATORIES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, as appropriate, maintain a network of antibiotic resistance laboratory sites to ensure the maintenance of appropriate capabilities, within existing laboratory capacity maintained or supported by the Centers for Disease Control and Prevention, to—

"(A) identify and monitor the emergence and changes in the patterns of antimicrobial-resistant pathogens;

"(B) detect, identify, confirm, and isolate such resistant pathogens, including, as appropriate, performing such

activities upon the request of another laboratory and providing related technical assistance, and, as applicable, support efforts to respond to local or regional outbreaks of such resistant pathogens; and

"(C) perform activities to support the diagnosis of such resistant pathogens and determine the susceptibility of relevant pathogen samples to applicable treatments.

"(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that such capacity and capabilities are appropriately distributed among the geographical regions of the United States.

"(3) PARTNERSHIPS AND NONDUPLICATION OF CURRENT DOMESTIC CAPACITY.—Activities supported under this subsection may be based in an academic center, a State health department, or other facility operated by a public or private entity that carries out relevant laboratory or public health surveillance activities.

"(l) INTERNATIONAL COLLABORATION.—

"(1) IN GENERAL.—The Secretary, in coordination with heads of other relevant Federal departments and agencies, shall support activities related to addressing antimicrobial resistance internationally, including by—

"(A) supporting basic, translational, epidemiological, and clinical research related to antimicrobial-resistant pathogens, including such pathogens that have not yet been detected in the United States, and improving related public health surveillance systems, and laboratory and other response capacity; and

"(B) providing technical assistance related to antimicrobial resistant infection and control activities.

"(2) AWARDS.—In carrying out paragraph (1), the Secretary may award grants, contracts, or cooperative agreements to public and private entities, including nongovernmental organizations, with applicable expertise, for purposes of supporting new and innovative approaches to the prevention, detection, and mitigation of antimicrobial-resistant pathogens.". Grants. Contracts.

SEC. 2235. ONE HEALTH FRAMEWORK. Updates. 42 USC 300hh–37.

(a) ONE HEALTH FRAMEWORK.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention, shall develop, or update as appropriate, in coordination with other Federal departments and agencies, as appropriate, a One Health framework to address zoonotic diseases and advance public health preparedness.

(b) ONE HEALTH COORDINATION.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall coordinate with the Secretary of Agriculture and the Secretary of the Interior to develop a One Health coordination mechanism at the Federal level to strengthen One Health collaboration related to prevention, detection, control, and response for zoonotic diseases and related One Health work across the Federal Government.

(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the

Committee on Energy and Commerce of the House of Representatives a report providing an update on the activities under subsections (a) and (b).

SEC. 2236. SUPPORTING CHILDREN DURING PUBLIC HEALTH EMERGENCIES.

Section 2811A of the Public Health Service Act (42 U.S.C. 300hh–10b) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking "and behavioral" and inserting ", behavioral, developmental"; and

(ii) by striking "; and" and inserting a semicolon;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) provide advice and consultation with respect to continuity of care and education for all children and supporting parents and caregivers during all-hazards emergencies.";

(2) in subsection (d)(2)—

(A) in subparagraph (C), by striking "care; and" and inserting "care;";

(B) by redesignating subparagraph (D) as subparagraph (E);

(C) by inserting after subparagraph (C) the following:

"(D) at least 4 non-Federal members representing child care settings, State or local educational agencies, individuals with expertise in children with disabilities, and parents; and"; and

(D) in subparagraph (E), as so redesignated—

(i) by striking clause (ii); and

(ii) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

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.

Subpart 6 of part C of title IV of the Public Health Service Act is amended by inserting after section 447C (42 U.S.C. 285f–4) the following:

42 USC 285f–5.

"SEC. 447D. RESEARCH CENTERS FOR PATHOGENS OF PANDEMIC CONCERN.

"(a) IN GENERAL.—The Director of the Institute, in collaboration, as appropriate, with the directors of applicable institutes, centers, and divisions of the National Institutes of Health, the Assistant Secretary for Preparedness and Response, and the Director of the Biomedical Advanced Research and Development Authority, shall establish or continue a multidisciplinary research program to advance the discovery and preclinical development of

medical products for priority virus families and other viral pathogens with a significant potential to cause a pandemic, through support for research centers.

"(b) USES OF FUNDS.—The Director of the Institute shall award funding through grants, contracts, or cooperative agreements to public or private entities to provide support for research centers described in subsection (a) for the purpose of— Grants. Contracts.

"(1) conducting basic research through preclinical development of new medical products or technologies, including platform technologies, to address pathogens of pandemic concern;

"(2) identifying potential targets for therapeutic candidates, including antivirals, to treat such pathogens;

"(3) identifying existing medical products with the potential to address such pathogens, including candidates that could be used in outpatient settings; and

"(4) carrying out or supporting other research related to medical products to address such pathogens, as determined appropriate by the Director.

"(c) COORDINATION.—The Director of the Institute shall, as appropriate, provide for the coordination of activities among the centers described in subsection (a), including through—

"(1) facilitating the exchange of information and regular communication among the centers, as appropriate; and

"(2) requiring the periodic preparation and submission to the Director of reports on the activities of each center. Requirement. Reports.

"(d) PRIORITY.—In awarding funding through grants, contracts, or cooperative agreements under subsection (a), the Director of the Institute shall, as appropriate, give priority to applicants with existing frameworks and partnerships, as applicable, to support the advancement of such research.

"(e) COLLABORATION.—The Director of the Institute shall—

"(1) collaborate with the heads of other appropriate Federal departments, agencies, and offices with respect to the identification of additional priority virus families and other viral pathogens with a significant potential to cause a pandemic; and

"(2) collaborate with the Director of the Biomedical Advanced Research and Development Authority with respect to the research conducted by centers described in subsection (a), including, as appropriate, providing any updates on the research advancements made by such centers, identifying any advanced research and development needs for such countermeasures, consistent with section 319L(a)(6), and taking into consideration existing manufacturing capacity and future capacity needs for such medical products or technologies, including platform technologies, supported by the centers described in subsection (a). Updates.

"(f) SUPPLEMENT, NOT SUPPLANT.—Any support received by a center described in subsection (a) under this section shall be used to supplement, and not supplant, other public or private support for activities authorized to be supported.".

SEC. 2302. IMPROVING MEDICAL COUNTERMEASURE RESEARCH COORDINATION.

Section 402(b) in the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (24), by striking "and" at the end;

(2) in paragraph (25), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (25) the following:

Consultation.

"(26) shall consult with the Assistant Secretary for Preparedness and Response, the Director of the Biomedical Advanced Research and Development Authority, the Director of the Centers for Disease Control and Prevention, and the heads of other Federal agencies and offices, as appropriate, regarding research needs to advance medical countermeasures to diagnose, mitigate, prevent, or treat harm from any biological agent or toxin, including emerging infectious diseases, chemical, radiological, or nuclear agent that may cause a public health emergency or other research needs related to emerging public health threats;".

SEC. 2303. ACCESSING SPECIMEN SAMPLES AND DIAGNOSTIC TESTS.

42 USC 262a note.

(a) IMPROVING RESEARCH AND DEVELOPMENT OF MEDICAL COUNTERMEASURES FOR NOVEL PATHOGENS.—

Deadline. Public information. Procedures. Determination.

(1) SAMPLE ACCESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall make publicly available policies and procedures related to public and private entities accessing specimens of, or specimens containing, pathogens or suitable surrogates for, or alternatives to, such pathogens as the Secretary determines appropriate to support public health preparedness and response activities or biomedical research for purposes of the development and validation, as applicable, of medical products to address emerging infectious diseases and for use to otherwise respond to emerging infectious diseases. Such policies and procedures shall take into account, as appropriate, any applicable existing Federal resources.

(2) GUIDANCE.—The Secretary shall issue guidance regarding the procedures for carrying out paragraph (1), including—

(A) the method for requesting such samples;

(B) considerations for sample availability and use of suitable surrogates or alternatives to such pathogens, as appropriate, including applicable safeguard and security measures; and

(C) information required to be provided in order to receive such samples or suitable surrogates or alternatives.

(b) EARLIER DEVELOPMENT OF DIAGNOSTIC TESTS.—Title III of the Public Health Service Act is amended by inserting after section 319A (42 U.S.C. 247d–1) the following:

42 USC 247d–2. Contracts.

"SEC. 319B. EARLIER DEVELOPMENT OF DIAGNOSTIC TESTS.

"The Secretary may contract with public and private entities, as appropriate, to increase capacity in the rapid development, validation, manufacture, and dissemination of diagnostic tests, as appropriate, to State, local, and Tribal health departments and other appropriate entities for immediate public health response activities to address an emerging infectious disease with respect to which a public health emergency is declared under section 319, or that has significant potential to cause such a public health emergency.".

SEC. 2304. NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE STUDY ON NATURAL IMMUNITY IN RELATION TO THE COVID–19 PANDEMIC.

(a) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Secretary of Health and Human Services shall seek to enter into a contract with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the "National Academies") to conduct a study related to the current scientific evidence on the durability of immunity to COVID–19. Deadline. Contracts.

(b) INCLUSIONS.—The study pursuant to the contract under subsection (a) shall include— Assessments.

(1) an assessment of scientific evidence related to the durability of immunity resulting from SARS–CoV–2 infection, COVID–19 vaccination, or both, including any differences between population groups;

(2) an assessment of the extent to which the Federal Government makes publicly available the scientific evidence used by relevant Federal departments and agencies to inform public health recommendations related to immunity resulting from SARS–CoV–2 infection and COVID–19 vaccination; and

(3) a summary of scientific studies and evidence related to SARS–CoV–2 infection-acquired immunity from a sample of other countries or multilateral organizations. Summary.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academies shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study pursuant to subsection (a).

CHAPTER 2—IMPROVING BIOSAFETY AND BIOSECURITY

SEC. 2311. IMPROVING CONTROL AND OVERSIGHT OF SELECT BIOLOGICAL AGENTS AND TOXINS.

Section 351A of the Public Health Service Act (42 U.S.C. 262a) is amended—

(1) in subsection (b)(1), by amending subparagraph (A) to read as follows:

"(A) proper training, including with respect to notification requirements under this section, of—

"(i) individuals who are involved in the handling and use of such agents and toxins, including appropriate skills to handle such agents and toxins;

"(ii) individuals whose responsibilities routinely place them in close proximity to laboratory facilities in which such agents and toxins are being transferred, possessed, or used; and

"(iii) individuals who perform administrative or oversight functions of the facility related to the transfer, possession, or use of such agents and toxins on behalf of registered persons;";

(2) in subsection (e)(1), by striking "(including the risk of use in domestic or international terrorism)" and inserting "(including risks posed by the release, theft, or loss of such agent or toxin, or use in domestic or international terrorism)";

(3) in subsection (k)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

"(1) NOTIFICATION WITH RESPECT TO FEDERAL FACILITIES.—In the event of the release, loss, or theft of an agent or toxin listed by the Secretary pursuant to subsection (a)(1), or by the Secretary of Agriculture pursuant to section 212(a)(1) of the Agricultural Bioterrorism Protection Act of 2002, from or within a laboratory facility owned or operated by the Department of Health and Human Services, or other Federal laboratory facility subject to the requirements of this section, the Secretary, in a manner that does not compromise national security, shall—

Deadlines.

"(A) not later than 72 hours after such event is reported to the Secretary, notify the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives of such event, including—

"(i) the Federal laboratory facility in which such release, loss, or theft occurred; and

"(ii) the circumstances of such release, loss, or theft; and

Update.

"(B) not later than 14 days after such notification, update such Committees on—

"(i) any actions taken or planned by the Secretary to mitigate any potential threat such release, loss, or theft may pose to public health and safety; and

"(ii) any actions taken or planned by the Secretary to review the circumstances of such release, loss, or theft, and prevent similar events."; and

(C) by amending paragraph (2), as so redesignated, to read as follows:

"(2) ANNUAL REPORT.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on an annual basis a report—

Summaries.

"(A) summarizing the number and nature of notifications received under subsection (e)(8) (relating to theft or loss) and subsection (j) (relating to releases), during the preceding fiscal year;

Plans.
Compliance.

"(B) describing actions taken by the Secretary to address such incidents, such as any corrective action plans required and steps taken to promote adherence to, and compliance with, safety and security best practices, standards, and regulations; and

"(C) describing any gaps, challenges, or limitations with respect to ensuring that such safety and security practices are consistently applied and adhered to, and actions taken to address such gaps, challenges, or limitations."; and

(4) in subsection (m), by striking "fiscal years 2002 through 2007" and inserting "fiscal years 2023 through 2027".

SEC. 2312. STRATEGY FOR FEDERAL HIGH-CONTAINMENT LABORATORIES.

42 USC 262a note.

(a) STRATEGY FOR FEDERAL HIGH-CONTAINMENT LABORATORIES.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with relevant Federal departments and agencies, shall establish a strategy for the management, maintenance, and oversight of federally-owned laboratory facilities operating at Biosafety Level 3 or 4, including equivalent classification levels and facilities with Biosafety Level 4 capabilities. Such strategy shall include—

Deadline.

(1) a description of the roles and responsibilities of relevant Federal departments and agencies with respect to the management, maintenance, and oversight of Biosafety Level 3 or 4 laboratory facilities;

(2) an assessment of the needs of the Federal Government with respect to Biosafety Level 3 or 4 laboratory facilities;

Assessment.

(3) a summary of existing federally-owned Biosafety Level 3 or 4 laboratory facility capacity;

Summary.

(4) a summary of other Biosafety Level 3 or 4 laboratory facility capacity established through Federal funds;

Summary.

(5) a description of how the capacity described in paragraphs (3) and (4) addresses the needs of the Federal Government, including—

(A) how relevant Federal departments and agencies coordinate to provide access to appropriate laboratory facilities to reduce unnecessary duplication; and

(B) any gaps in such capacity related to such needs;

(6) a summary of plans that are in place for the maintenance of such capacity within each relevant Federal department or agency, as applicable and appropriate, including processes for determining whether to maintain or expand such capacity, and a description of how the Federal Government will address rapid changes in the need for such capacity within each relevant Federal department or agency during a public health emergency; and

Summary. Plans.

(7) a description of how the heads of relevant Federal departments and agencies will coordinate to ensure appropriate oversight of federally-owned laboratory facility capacity and leverage such capacity within each relevant Federal department, as appropriate, to fulfill the needs of each Federal department and agency in order to reduce unnecessary duplication and improve collaboration within the Federal Government.

(b) CLARIFICATION.—The strategy under subsection (a) shall not be construed to supersede the authorities of each relevant Federal department or agency with respect to the management, maintenance, and oversight of the Federally-owned laboratory facilities operated by any such Federal department or agency.

SEC. 2313. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"SEC. 404O. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

42 USC 283r.

"(a) ESTABLISHMENT.—The Secretary, acting through the Director of NIH, shall establish an advisory committee, to be known

as the 'National Science Advisory Board for Biosecurity' (referred to in this section as the 'Board').

"(b) DUTIES.—

"(1) IN GENERAL.—The National Science Advisory Board for Biosecurity referred to in section 205 of the Pandemic and All-Hazards Preparedness Act (Public Law 109–417) (referred to in this section as the 'Board') shall provide technical advice, guidance, or recommendations, to relevant Federal departments and agencies related to biosafety and biosecurity oversight of biomedical research, including—

"(A) oversight of federally-conducted or federally-supported dual use biomedical research, such as the review of policies or frameworks used to assess and appropriately manage safety and security risks associated with such research, taking into consideration national security concerns, the potential benefits of such research, considerations related to the research community, transparency, and public availability of information, and international research collaboration; and

"(B) continuing to carry out the activities required under section 205 of the Pandemic and All-Hazards Preparedness Act (Public Law 109–417).

"(c) CONSIDERATIONS.—In carrying out the duties under subsection (b), the Board may consider strategies to improve the safety and security of biomedical research, including through—

"(1) leveraging or using new technologies and scientific advancements to reduce safety and security risks associated with such research and improve containment of pathogens; and

"(2) outreach to, and education and training of, researchers, laboratory personnel, and other appropriate individuals with respect to safety and security risks associated with such research and mitigation of such risks.

"(d) MEMBERSHIP.—The Board shall be composed of the following:

"(1) Non-voting, ex officio members, including the following:

"(A) At least one representative of each of the following:

"(i) The Department of Health and Human Services.

"(ii) The Department of Defense.

"(iii) The Department of Agriculture.

"(iv) The Department of Homeland Security.

"(v) The Department of Energy.

"(vi) The Department of State.

"(vii) The Office of Science and Technology Policy.

"(viii) The Office of the Director of National Intelligence.

"(B) Representatives of such other Federal departments or agencies as the Secretary determines appropriate to carry out the requirements of this section.

Appointments.

"(2) Individuals, appointed by the Secretary, with expertise in biology, infectious diseases, public health, ethics, national security, and other fields, as the Secretary determines appropriate, who shall serve as voting members.".

42 USC 283r note.

(b) ORDERLY TRANSITION.—The Secretary of Health and Human Services shall take such steps as are necessary to provide for the orderly transition to the authority of the National Science

Advisory Board for Biosecurity established under section 404O of the Public Health Service Act, as added by subsection (a), from any authority of the Board described in section 205 of the Pandemic and All-Hazards Preparedness Act (Public Law 109–417), as in effect on the day before the date of enactment of this Act.

(c) APPLICATION.—The requirements under section 404O of the Public Health Service Act, as added by subsection (a), related to the mission, activities, or functions of the National Science Advisory Board for Biosecurity shall not apply until the completion of any work undertaken by such Board before the date of enactment of this Act. 42 USC 283r note.

SEC. 2314. RESEARCH TO IMPROVE BIOSAFETY. 42 USC 262a note.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall, as appropriate, conduct or support research to improve the safe conduct of biomedical research activities involving pathogens of pandemic potential or biological agents or toxins listed pursuant to section 351A(a)(1) of the Public Health Service Act (42 U.S.C. 262a(a)(1)).

(b) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding an overview of any research conducted or supported under this section, any relevant findings, and steps the Secretary is taking to disseminate any such findings to support the reduction of risks associated with biomedical research involving pathogens of pandemic potential or biological agents or toxins listed pursuant to section 351A(a)(1) of the Public Health Service Act (42 U.S.C. 262a(a)(1)).

SEC. 2315. FEDERALLY-FUNDED RESEARCH WITH ENHANCED PATHOGENS OF PANDEMIC POTENTIAL. 42 USC 6627.

(a) REVIEW AND OVERSIGHT OF ENHANCED PATHOGENS OF PANDEMIC POTENTIAL.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy (referred to in this section as the "Director"), in consultation with the heads of relevant Federal departments and agencies, shall— Deadlines. Updates.

(A) not later than 1 year after the date of enactment of this Act—

(i) continue or conduct a review of existing Federal policies related to research proposed for Federal funding that may be reasonably anticipated to involve the creation, transfer, or use of enhanced pathogens of pandemic potential; and

(ii) establish or update a Federal policy for the consistent review and oversight of such proposed research that appropriately considers the risks associated with, and potential benefits of, such research; and

(B) not less than every 4 years thereafter, review and update such policy, as necessary and appropriate, to ensure that such policy fully accounts for relevant research that may be reasonably anticipated to involve the creation, transfer, or use of enhanced pathogens of pandemic potential, takes into consideration the benefits of such research, and supports the mitigation of related risks.

(2) REQUIREMENTS.—The policy established pursuant to paragraph (1) shall include—

(A) a clear scope to support the consistent identification of research proposals subject to such policy by relevant Federal departments and agencies;

(B) a framework for such reviews that accounts for safety, security, and ethical considerations related to the creation, transfer, or use of enhanced pathogens of pandemic potential;

(C) measures to enhance the transparency and public availability of information related to such research activities in a manner that does not compromise national security, the safety and security of such research activities, or any identifiable, sensitive information of relevant individuals; and

Procedures.

(D) consistent procedures across relevant Federal department and agencies to ensure that—

(i) proposed research that has been determined to have scientific and technical merit and may be subject to such policy is identified and referred for review;

(ii) subjected research activities conducted under an award, including activities undertaken by any subrecipients of such award, are monitored regularly throughout the project period to ensure compliance with such policy and the terms and conditions of such award; and

(iii) in the event that federally-funded research activities not subject to such policy produce unanticipated results related to the creation, transfer, or use of enhanced pathogens of pandemic potential, such research activities are identified and appropriately reviewed under such policy.

(3) CLARIFICATION.—Reviews required pursuant to this section shall be in addition to any applicable requirements for research project applications required under the Public Health Service Act, including reviews required under section 492 of such Act (42 U.S.C. 289a), as applicable, or other applicable laws.

(b) IMPLEMENTATION.—

Updates.
Guidance.

(1) IN GENERAL.—The Director shall direct all heads of relevant Federal departments and agencies to update, modernize, or promulgate applicable implementing guidance to implement the requirements of this section.

(2) UPDATES.—Consistent with the requirements under subsection (a)(1)(B), the Director shall require all heads of relevant Federal departments and agencies to update such policies consistent with any changes to the policy established pursuant to subsection (a)(1).

Deadlines.

(c) LIMITATIONS ON COUNTRIES OF CONCERN CONDUCTING CERTAIN RESEARCH.—

(1) IN GENERAL.—Beginning not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall not fund research conducted by a foreign entity at a facility located in a country of concern, in the estimation of the Director of National Intelligence or the head of another relevant Federal department or agency, as appropriate, in consultation with the Secretary of Health

and Human Services, involving pathogens of pandemic potential or biological agents or toxins listed pursuant to section 351A(a)(1) of the Public Health Service Act (42 U.S.C. 262a(a)(1)).

(2) CONDITIONS FOR LIFTING OR SUSPENDING PROHIBITION.—The Secretary of Health and Human Services may lift or suspend the prohibition of funding under paragraph (1)—

(A) only after the review required under subsection (a)(1)(A)(i) is complete; and

(B) only if the Secretary notifies Congress not less than 15 days before such prohibition is lifted or suspended. Notification. Time period.

CHAPTER 3—PREVENTING UNDUE FOREIGN INFLUENCE IN BIOMEDICAL RESEARCH

SEC. 2321. FOREIGN TALENT RECRUITMENT PROGRAMS. 42 USC 242v.

(a) INTRAMURAL RESEARCH.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this chapter as the "Secretary") shall prohibit personnel of the National Institutes of Health engaged in intramural research from participation in foreign talent recruitment programs. Deadline.

(2) EXEMPTION.—Paragraph (1) shall not apply to participation in international conferences or other international exchanges, partnerships, or programs, for which such participation has been approved by the National Institutes of Health. In such circumstances, the National Institutes of Health shall ensure appropriate training is provided to the participant on how to respond to overtures from individuals associated with foreign talent recruitment programs.

(b) EXTRAMURAL RESEARCH.—The Secretary shall require disclosure of participation in foreign talent recruitment programs, including the provision of copies of all grants, contracts, or other agreements related to such programs, and other supporting documentation related to such programs, as a condition of receipt of Federal extramural biomedical research funding awarded through the Department of Health and Human Services. Requirement. Disclosure. Records.

(c) CONSISTENCY.—The Secretary shall ensure that the policies developed, updated, or issued pursuant to subsections (a) and (b) are, to the greatest extent practicable, consistent with the requirements of subtitle D of title VI of division B of Public Law 117–167 (42 U.S.C. 19231 et seq.) related to foreign talent recruitment programs.

SEC. 2322. SECURING IDENTIFIABLE, SENSITIVE INFORMATION AND ADDRESSING OTHER NATIONAL SECURITY RISKS RELATED TO RESEARCH. Deadlines. 42 USC 242v–1.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Director of National Intelligence, the Secretary of State, the Secretary of Defense, and other national security experts, as appropriate, shall ensure that biomedical research conducted or supported by the National Institutes of Health and other relevant agencies and offices within the Department of Health and Human Services is conducted or supported in a manner that appropriately considers national security risks, including national security implications related to research involving the sequencing Updates.

of human genomic information, and collection, analysis, or storage of identifiable, sensitive information, as defined in section 301(d)(4) of the Public Health Service Act (42 U.S.C. 241(d)(4)), and the potential misuse of such data. Not later than 2 years after the date of enactment of this Act, the Secretary shall ensure that the National Institutes of Health and other relevant agencies and offices within the Department of Health and Human Services, in consultation with the heads of agencies and national security experts, including the Office of the National Security within the Department of Health and Human Services—

Assessment. Reviews.

(1) develop a comprehensive framework and policies for assessing and managing such national security risks that includes, or review and update, as appropriate, the current (as of the date of review) such framework and policies to include—

Criteria.

(A) criteria for how and when to conduct risk assessments for projects that may have national security implications;

(B) security controls and training for researchers or entities, including peer reviewers, that manage or have access to such data that may present national security risks; and

(C) methods to incorporate risk mitigation in the process for funding such projects that may have national security implications and monitor associated research activities following issuance of an award, including changes in the terms and conditions related to the use of such funds, as appropriate;

(2) not later than 1 year after the framework and policies are developed or reviewed and updated, as applicable, under paragraph (1), develop and implement controls to ensure that—

Compliance.

(A) researchers or entities involved in projects reviewed under the framework and relevant policies, including such projects that manage or have access to sensitive, identifiable information, have complied with the requirements of paragraph (1) and ongoing requirements with such paragraph;

(B) consideration of funding for projects that may have national security implications takes into account the extent to which the country in which the proposed research will be conducted or supported poses a risk to the integrity of the United States biomedical research enterprise; and

(C) data access committees reviewing data access requests for projects that may have national security risks, as appropriate, include members with expertise in current and emerging national security threats, in order to make appropriate decisions, including related to access to such identifiable, sensitive information; and

(3) not later than 2 years after the framework and relevant policies are developed or reviewed and updated, as applicable, under paragraph (1), update data access and sharing policies related to human genomic data, as applicable, based on current and emerging national security threats.

(b) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall provide a briefing to the Committee on Health, Education, Labor, and Pensions and the Select Committee on Intelligence of the Senate

and the Committee on Energy and Commerce and the Permanent Select Committee on Intelligence of the House of Representatives on the activities required under subsection (a).

SEC. 2323. DUTIES OF THE DIRECTOR.

Section 402(b) in the Public Health Service Act (42 U.S.C. 282(b)), as amended by section 2302, is further amended by inserting after paragraph (26) (as added by section 2302) the following:

"(27) shall consult with the Director of the Office of National Security within the Department of Health and Human Services, the Assistant Secretary for Preparedness and Response, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the heads of other appropriate agencies on a regular basis, regarding biomedical research conducted or supported by the National Institutes of Health that may affect or be affected by matters of national security;

"(28) shall ensure that recipients of awards from the National Institutes of Health, and, as appropriate and practicable, entities collaborating with such recipients, have in place and are adhering to appropriate technology practices and policies for the security of identifiable, sensitive information, including information collected, stored, managed, or analyzed by domestic and non-domestic entities; and

"(29) shall ensure that recipients of awards from the National Institutes of Health are in compliance with the terms and conditions of such award, which may include activities to support awareness of, and compliance with, such terms and conditions by any subrecipients of the award.".

SEC. 2324. PROTECTING AMERICA'S BIOMEDICAL RESEARCH ENTERPRISE. 42 USC 242v–2.

(a) IN GENERAL.—The Secretary, in consultation with the Assistant to the President for National Security Affairs, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the heads of other relevant departments and agencies, and in consultation with research institutions and research advocacy organizations or other relevant experts, as appropriate, shall— Recommendations.

(1) identify ways to improve the protection of intellectual property and other proprietary information, as well as identifiable, sensitive information of participants in biomedical research and development, from national security risks and other applicable threats, including the identification of gaps in policies and procedures in such areas related to biomedical research and development supported by the Department of Health and Human Services, and make recommendations to institutions of higher education or other entities that have traditionally received Federal funding for biomedical research to protect such information;

(2) identify or develop strategies to prevent, mitigate, and address national security risks and threats in biomedical research and development supported by the Federal Government, including such threats associated with foreign talent programs, by countries seeking to exploit United States technology and other proprietary information as it relates to such Strategies.

biomedical research and development, and make recommendations for additional policies and procedures to protect such information;

(3) identify national security risks and potential misuse of proprietary information, and identifiable, sensitive information of biomedical research participants and other applicable risks, including with respect to peer review, and make recommendations for additional policies and procedures to protect such information;

(4) develop a framework to identify areas of biomedical research and development supported by the Federal Government that are emerging areas of interest for state actors and would compromise national security if they were to be subjected to undue foreign influence; and

Review.

(5) regularly review recommendations or policies developed under this section and make additional recommendations or updates, as appropriate.

(b) REPORT TO PRESIDENT AND TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and submit, in a manner that does not compromise national security, to the President and the Committee on Health, Education, Labor, and Pensions and the Select Committee on Intelligence of the Senate, the Committee on Energy and Commerce and the Permanent Select Committee on Intelligence of the House of Representatives, and other congressional committees as appropriate, a report on the findings and recommendations pursuant to subsection (a).

SEC. 2325. GAO STUDY.

Assessment.

(a) IN GENERAL.—The Comptroller General of the United States (referred to in this section as the "Comptroller General") shall conduct a study to assess the extent to which the Department of Health and Human Services (referred to in this section as the "Department") utilizes or provides funding to entities that utilize such funds for human genomic sequencing services or genetic services (as such term is defined in section 201(6) of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff(6))) provided by entities, or subsidiaries of such entities, organized under the laws of a country or countries of concern, in the estimation of the Director of National Intelligence or the head of another Federal department or agency, as appropriate.

(b) CONSIDERATIONS.—In carrying out the study under this section, the Comptroller General shall—

(1) consider—

(A) the extent to which the country or countries of concern could obtain human genomic information of citizens and residents of the United States from such entities that sequence, analyze, collect, or store human genomic information and which the Director of National Intelligence or the head of another Federal department or agency reasonably anticipates may use such information in a manner inconsistent with the national security interests of the United States;

(B) whether the Department or recipient of such funds from the Department sought to provide funding to, or to use, domestic entities with no such ties to the country

or countries of concern for such purposes and any barriers to the use of domestic entities; and

(C) whether data use agreements, data security measures, and other such measures taken by the Department or recipient of such funds from the Department are sufficient to protect the identifiable, sensitive information of the people of the United States and the national security interests of the United States; and

(2) make recommendations to address any vulnerabilities to the United States national security identified, as appropriate.

Recommendations.

(c) ESTIMATION.—In conducting the study under this section, the Comptroller General may, as appropriate and necessary to complete such study, investigate specific instances of such utilization of genetic sequencing services or genetic services, as described in subsection (a), to produce estimates of the potential prevalence of such utilization among entities in receipt of Departmental funds.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report on the study under this section, in a manner that does not compromise national security, to the Committee on Health, Education, Labor, and Pensions and the Select Committee on Intelligence of the Senate, and the Committee on Energy and Commerce and the Permanent Select Committee on Intelligence of the House of Representatives. The report shall be submitted in unclassified form, to the extent practicable, but may include a classified annex.

SEC. 2326. REPORT ON PROGRESS TO ADDRESS UNDUE FOREIGN INFLUENCE.

42 USC 242v–3.

Not later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce in the House of Representatives, in a manner that does not compromise national security, a report on actions taken by the Secretary—

(1) to address cases of noncompliance with disclosure requirements or research misconduct related to foreign influence, including—

(A) the number of potential noncompliance cases investigated by the National Institutes of Health or reported to the National Institutes of Health by a research institution, including relating to undisclosed research support, undisclosed conflicts of interest or other conflicts of commitment, and peer review violations;

(B) the number of cases referred to the Office of Inspector General of the Department of Health and Human Services, the Office of National Security of the Department of Health and Human Services, the Federal Bureau of Investigation, or other law enforcement agencies;

(C) a description of enforcement actions taken for noncompliance related to undue foreign influence; and

(D) any other relevant information; and

(2) to prevent, address, and mitigate instances of noncompliance with disclosure requirements or research misconduct related to foreign influence.

CHAPTER 4—ADVANCED RESEARCH PROJECTS AGENCY–HEALTH

SEC. 2331. ADVANCED RESEARCH PROJECTS AGENCY–HEALTH.

(a) IN GENERAL.—Title IV of the Public Health Service Act is amended by adding at the end the following:

"PART J—ADVANCED RESEARCH PROJECTS AGENCY–HEALTH.

42 USC 290c.

"SEC. 499A. ADVANCED RESEARCH PROJECTS AGENCY–HEALTH.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the National Institutes of Health the Advanced Research Projects Agency–Health (referred to in this section as 'ARPA–H'). Not later than 180 days after the date of enactment of this section, the Secretary shall transfer all functions, personnel, missions, activities, authorities, and funds of the Advanced Research Projects Agency for Health as in existence on the date of enactment of this section, to ARPA–H established by the preceding sentence.

Deadline.

"(2) ORGANIZATION.—

"(A) IN GENERAL.—There shall be within ARPA–H—

"(i) an Office of the Director;

"(ii) not more than 8 program offices; and

"(iii) such special project offices as the Director may establish.

"(B) REQUIREMENT.—Not fewer than two-thirds of the program offices of ARPA–H shall be exclusively dedicated to supporting research and development activities, consistent with the goals and functions described in subsection (b).

Determination.

"(C) NOTIFICATION.—The Director shall submit a notification to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives if the Director determines that additional program offices are required to carry out this section.

"(3) EXEMPTION FROM CERTAIN POLICIES OF NIH.—

"(A) IN GENERAL.—Except as otherwise provided for in this section, and subject to subparagraph (B), in establishing ARPA–H pursuant to paragraph (1), the Secretary may exempt ARPA–H from policies and requirements of the National Institutes of Health that are in effect on the day before the date of enactment of this section as necessary and appropriate to ensure ARPA–H can most effectively achieve the goals described in subsection (b)(1).

Deadline.
Federal Register, publication.

"(B) NOTICE.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish a notice in the Federal Register describing the specific policies and requirements of the National Institutes of Health from which the Secretary intends to exempt ARPA–H, including a rationale for such exemptions.

"(b) GOALS AND FUNCTIONS.—

"(1) GOALS.—The goals of ARPA–H shall be to—

"(A) foster the development of novel, breakthrough, and broadly applicable capabilities and technologies to accelerate transformative innovation in biomedical science and medicine in a manner that cannot be readily accomplished through traditional Federal biomedical research and development programs or commercial activity;

"(B) revolutionize the detection, diagnosis, mitigation, prevention, treatment, and cure of diseases and health conditions by overcoming long-term and significant technological and scientific barriers to developing transformative health technologies;

"(C) promote high-risk, high-reward innovation to enable the advancement of transformative health technologies; and

"(D) contribute to ensuring the United States—

"(i) pursues initiatives that aim to maintain global leadership in science and innovation; and

"(ii) improves the health and wellbeing of its citizens by supporting the advancement of biomedical science and innovation.

"(2) FUNCTIONS.—ARPA–H shall achieve the goals specified in paragraph (1) by addressing specific scientific or technical questions by involving high-impact transformative, translational, applied, and advanced research in relevant areas of science, by supporting—

"(A) discovery, identification, and promotion of revolutionary advancements in science;

"(B) translation of scientific discoveries into transformative health technologies with potential application for biomedical science and medicine;

"(C) creation of platform capabilities that draw on multiple disciplines;

"(D) delivery of proofs of concept that demonstrate meaningful advances with potential clinical application;

"(E) development of new capabilities and methods to identify potential targets and technological strategies for early disease detection and intervention, such as advanced computational tools and predictive models; and

"(F) acceleration of transformational health technological advances in areas with limited technical certainty.

"(c) DIRECTOR.—

"(1) IN GENERAL.—The President shall appoint a director of ARPA–H (in this section referred to as the 'Director').

President. Appointment.

"(2) QUALIFICATIONS.—The Director shall be an individual who, by reason of professional background and experience—

"(A) is especially qualified to advise the Secretary on, and manage—

"(i) research and development programs; and

"(ii) large-scale, high-risk initiatives with respect to health research and technology development across multiple sectors, including identifying and supporting potentially transformative health technologies; and

"(B) has a demonstrated ability to identify and develop partnerships to address strategic needs in meeting the goals described in subsection (b)(1).

"(3) REPORTING.—The Director shall report to the Secretary of Health and Human Services.

"(4) DUTIES.—The duties of the Director shall include the following:

"(A) Establish strategic goals, objectives, and priorities for ARPA–H to advance the goals described in subsection (b)(1).

"(B) Approve the projects and programs of ARPA–H and restructure, expand, or terminate any project or program within ARPA–H that is not achieving its goals.

"(C) Develop funding criteria and assess the success of programs through the establishment of technical milestones.

"(D) Request that applications for funding disclose current and previous research and development efforts related to such applications, as appropriate, and identify any challenges associated with such efforts, including any scientific or technical barriers encountered in the course of such efforts or challenges in securing sources of funding, as applicable.

"(E) Coordinate with the heads of relevant Federal departments and agencies to facilitate sharing of data and information, as applicable and appropriate, and ensure that research supported by ARPA–H is informed by and supplements, not supplants, the activities of such departments and agencies and is free of unnecessary duplication of effort.

"(F) Ensure ARPA–H does not provide funding for a project unless the program manager determines that the project aligns with the goals described in subsection (b)(1).

"(G) Prioritize investments based on considerations such as—

"(i) scientific opportunity and potential impact, especially in areas that fit within the strategies and operating practices of ARPA–H and require public-private partnerships to effectively advance research and development activities; and

"(ii) the potential applications that an innovation may have to address areas of currently unmet need in medicine and health, including health disparities and the potential to prevent progression to serious disease.

"(H) Encourage strategic collaboration and partnerships with a broad range of entities, which may include institutions of higher education, minority-serving institutions (defined, for the purposes of this section, as institutions and programs described in section 326(e)(1) of the Higher Education Act of 1965 and institutions described in section 371(a) of such Act), industry, nonprofit organizations, Federally funded research and development centers, or consortia of such entities.

"(5) TERM.—Notwithstanding section 405(a)(2), the Director—

"(A) shall be appointed for a 4-year term; and

"(B) may be reappointed for 1 consecutive 4-year term.

"(6) AUTONOMY OF AGENCY REGARDING RECOMMENDATIONS AND TESTIMONY.—No office or agency of the United States shall have authority to require the Director to submit legislative recommendations, or testimony or comments on legislation, to

any officer or agency of the United States for approval, comments, or review prior to the submission of such recommendations, testimony or comments to Congress, if such recommendations, testimony, or comments to Congress include a statement indicating that the views expressed therein are those of the Director and do not necessarily reflect the views of the President or another Federal department, agency, or office.

"(7) DEPUTY DIRECTOR.—The Director shall appoint a Deputy Director to serve as the principal assistant to the Director. Appointment.

"(8) NONAPPLICATION OF CERTAIN PROVISION.—The restrictions contained in section 202 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993 (Public Law 102–394; 42 U.S.C. 238f note) related to consultants and individual scientists appointed for limited periods of time shall not apply to the Director appointed under this subsection.

"(d) APPLICATION OF CERTAIN FLEXIBILITIES.—The flexibilities provided to the National Institutes of Health under section 301(g) shall apply to ARPA–H with respect to the functions described in subsection (b)(2).

"(e) PROTECTION OF INFORMATION.—

"(1) NO AUTHORIZATION FOR DISCLOSURE.—Nothing in this section shall be construed as authorizing the Director to disclose any information that is a trade secret or other privileged or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

"(2) REPORTING.—If there have been requests under section 522 of title 5, United States Code, or the Secretary has used such authority to withhold information within the preceding year, not later than 1 year after the date of enactment of this section, and annually thereafter, the Director shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on—

"(A) the number of instances in which the Secretary has used the authority under this subsection to withhold information from disclosure; and

"(B) the nature of any request under section 552 of title 5, United States Code, or section 1905 of title 18, United States Code, that was denied using such authority.

"(3) CLARIFICATION.—The protections for trade secrets or other privileged or confidential information described in paragraph (1) shall not be construed to limit the availability or disclosure of information necessary to inform and facilitate the evaluation required under subsection (k)(2). Any such information made available to members of the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the 'National Academies') for such evaluation shall be kept confidential by such members and shall not be used for any purposes other than informing and facilitating the evaluation required under subsection (k)(2).

"(f) COOPERATION WITH THE FOOD AND DRUG ADMINISTRATION.—

"(1) IN GENERAL.—In order to facilitate the enhanced collaboration and communication with respect to the most current priorities of ARPA–H, the Food and Drug Administration may meet with ARPA–H and any other Federal partners at appropriate intervals to discuss the development status, and actions that may be taken to facilitate the development, of medical products and projects that are the highest priorities to ARPA–H.

"(2) REIMBURSEMENT.—Utilizing interagency agreements or other appropriate resource allocation mechanisms available, the Director shall reimburse, using funds made available to ARPA–H, the Food and Drug Administration, as appropriate, for activities identified by the Commissioner of Food and Drugs and the Director as being conducted by the Food and Drug Administration under the authority of this subsection.

"(g) AWARDS.—

Contracts.

"(1) IN GENERAL.—In carrying out this section, the Director may—

Grants. Requirements. Public information.

"(A) award grants and cooperative agreements, which shall include requirements to publicly report indirect facilities and administrative costs, broken out by fixed capital costs, administrative overhead, and labor costs;

"(B) award contracts, which may include multi-year contracts subject to section 3903 of title 41, United States Code;

Cash prizes.

"(C) award cash prizes, utilizing the authorities and processes established under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980; and

"(D) enter into other transactions, as defined by section 319L(a)(3), subject to paragraph (2).

"(2) LIMITATIONS ON ENTERING INTO OTHER TRANSACTIONS.—

"(A) USE OF COMPETITIVE PROCEDURES.—To the maximum extent practicable, competitive procedures shall be used when entering into other transactions under this section.

"(B) WRITTEN DETERMINATION REQUIRED.—The authority of paragraph (1)(D) may be exercised for a project if the program manager—

"(i) submits a request to the Director for each individual use of such authority before conducting or supporting a program, including an explanation of why the use of such authority is essential to promoting the success of the project;

"(ii) receives approval for the use of such authority from the Director; and

"(iii) for each year in which the program manager has used such authority in accordance with this paragraph, submits a report to the Director on the activities of the program related to such project.

"(3) EXEMPTIONS FROM CERTAIN REQUIREMENTS.—Research funded by ARPA–H shall not be subject to the requirements of section 406(a)(3)(A)(ii) or section 492.

"(h) FACILITIES AUTHORITY.—

Contracts. Real property.

"(1) IN GENERAL.—The Director is authorized, for administrative purposes, to—

"(A) acquire (by purchase, lease, condemnation or otherwise), construct, improve, repair, operate, and maintain such real and personal property as are necessary to carry out this section; and

"(B) lease an interest in property for not more than 20 years, notwithstanding section 1341(a)(1) of title 31, United States Code. Time period.

"(2) LOCATIONS.—

"(A) IN GENERAL.—ARPA–H, including its headquarters, shall not be located on any part of the existing National Institutes of Health campuses.

"(B) NUMBER OF LOCATIONS.—ARPA–H shall have offices or facilities in not less than 3 geographic areas.

"(C) CONSIDERATIONS.—In determining the location of each office or facility, the Director shall make a fair and open consideration of—

"(i) the characteristics of the intended location; and

"(ii) the extent to which such location will facilitate advancement of the goals and functions specified in subsection (b).

"(i) PERSONNEL.—

"(1) IN GENERAL.—The Director may—

"(A) appoint and remove scientific, engineering, medical, and professional personnel, which may include temporary or term-limited appointments as determined by the Director to fulfill the mission of ARPA–H, without regard to any provision in title 5, United States Code, governing appointments and removals under the civil service laws; Appointments.

"(B) notwithstanding any other provision of law, including any requirement with respect to General Schedule pay rates under subchapter III of chapter 53 of title 5, United States Code, fix the base pay compensation of such personnel at a rate to be determined by the Director, up to the amount of annual compensation (excluding expenses) specified in section 102 of title 3, United States Code; and Determination.

"(C) contract with private recruiting firms for assistance in identifying highly qualified candidates for technical positions needed to carry out this section. Contracts.

"(2) SUPPORT STAFF.—The Director may use authorities in existence on the date of enactment of this section that are provided to the Secretary to hire administrative, financial, clerical, and other staff necessary to carry out functions that support the goals and functions described in subsection (b).

"(3) NUMBER OF PERSONNEL.—The Director may appoint not more than 210 personnel under this section. The Director shall submit a notification to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives if the Director determines that additional personnel are required to carry out this section. Appointments. Notification. Determination.

"(4) CLARIFICATION ON PREVIOUS POSITIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Director shall ensure that the personnel who are appointed to staff or support ARPA–H are individuals who, Time period.

Exemption.

at the time of appointment and for 3 years prior to such appointment, were not employed by the National Institutes of Health. The Director may grant an exemption only for individuals who are uniquely qualified, by way of professional background and expertise, to advance the goals and functions specified in subsection (b).

"(B) NONAPPLICATION OF PROVISION.—The restriction provided under subparagraph (A) shall not apply to any individuals who are employed by ARPA–H on the date of enactment of this section.

"(5) ADDITIONAL CONSIDERATIONS.—In appointing personnel under this subsection, the Director—

Contracts.

"(A) may contract with private entities for the purposes of recruitment services;

"(B) shall make efforts to recruit a diverse workforce, including individuals underrepresented in science, engineering, and medicine, including racial and ethnic minorities, provided such efforts do not conflict with applicable Federal civil rights law, and individuals with a variety of professional experiences or backgrounds; and

"(C) shall recruit program managers with demonstrated expertise in a wide range of scientific disciplines and management skills.

"(6) USE OF INTERGOVERNMENTAL PERSONNEL ACT.—To the extent needed to carry out the authorities under paragraph (1) and the goals and functions specified in subsection (b), the Director may utilize hiring authorities under sections 3371 through 3376 of title 5, United States Code.

Time period.

"(7) AUTHORITY TO ACCEPT FEDERAL DETAILEES.—The Director may accept officers or employees of the United States or members of the uniformed service on a detail from an element of the Federal Government, on a reimbursable or a nonreimbursable basis, as jointly agreed to by the heads of the receiving and detailing elements, for a period not to exceed 3 years.

"(j) PROGRAM MANAGERS.—

Appointments.
Time periods.

"(1) IN GENERAL.—The Director shall appoint program managers for 3-year terms (and may reappoint such program managers for 1 additional consecutive 3-year term) for the programs carried out by ARPA–H.

"(2) DUTIES.—A program manager shall—

"(A) establish, in consultation with the Director, research and development goals for programs, including timelines and milestones, and make such goals available to the public;

"(B) manage applications and proposals, through the appropriate officials, for making awards as described in subsection (g) for activities consistent with the goals and functions described in subsection (b);

"(C) issue funding opportunity announcements, using uniform administrative processes, as appropriate;

"(D) select, on the basis of merit, each of the projects to be supported under a program carried out by ARPA–H, and taking into consideration—

"(i) the scientific, technical merit, and novelty of the proposed project;

"(ii) the ability of the applicant to successfully carry out the proposed project;

"(iii) the potential future commercial applications of the project proposed by the applicant, including whether such applications may have the potential to address areas of currently unmet need within biomedicine and improve health outcomes;

"(iv) the degree to which the proposed project has the potential to transform biomedicine and addresses a scientific or technical question pursuant to subsection (b);

"(v) the potential for the project to take an interdisciplinary approach; and

"(vi) such other criteria as established by the Director;

"(E) provide project oversight and management of strategic initiatives to advance the program, including by conducting project reviews not later than 18 months after the date of funding awards to identify and monitor progress of milestones with respect to each project and prior to disbursement of additional funds;

"(F) provide recommendations to the Director with respect to advancing the goals and functions specified in subsection (b);

"(G) encourage research collaborations and cultivate opportunities for the application or utilization of successful projects, including through identifying and supporting applicable public-private partnerships or partnerships between or among award recipients;

"(H) provide recommendations to the Director to establish, expand, restructure, or terminate partnerships or projects; and

"(I) communicate and collaborate with leaders and experts within the health care and biomedical research and development fields, including from both the public and private sectors and, as necessary, through the convening of workshops and meetings, to identify research and development gaps and opportunities and solicit stakeholder input on programs and goals.

"(k) REPORTS AND EVALUATION.—

"(1) ANNUAL REPORT.—

"(A) IN GENERAL.—Beginning not later than 1 year after the date of enactment of this section, as part of the annual budget request submitted for each fiscal year, the Director shall submit a report on the actions undertaken, and the results generated, by ARPA–H, including—

"(i) a description of projects supported by ARPA–H in the previous fiscal year and whether such projects are meeting the goals developed by the Director pursuant to subsection (c)(4)(A); Time period.

"(ii) a description of projects terminated in the previous fiscal year, and the reason for such termination; Time period.

"(iii) a description of planned programs starting in the next fiscal year, pending the availability of funding; Time period.

"(iv) activities conducted in coordination with other Federal departments and agencies;

"(v) a description of any successes with, or barriers to, coordinating with other Federal departments and agencies to achieve the goals and functions under subsection (b);

"(vi) aggregated demographic information, if available, of direct recipients and performers in funded projects and of the ARPA–H workforce (consistent with the reporting requirements under paragraph (3)); and

Summary.

"(vii) a summary of award recipient compliance with section 2321 of the PREVENT Pandemics Act.

"(B) SUBMISSION TO CONGRESS.—The report under subparagraph (A) shall be submitted to—

"(i) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives; and

"(ii) the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

"(2) EVALUATION.—

Contracts.

"(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this section, the Director shall seek to enter into an agreement with the National Academies under which the National Academies conducts an evaluation of whether ARPA–H is meeting the goals and functions specified in subsection (b).

Requirements. Public information.

"(B) SUBMISSION OF RESULTS.—The agreement entered into under subparagraph (A) shall require the National Academies to submit the evaluation conducted under such agreement to the Director, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, and make the report publicly available.

"(3) REPORTING RELATED TO ARPA–H PERSONNEL.—

Records.

"(A) IN GENERAL.—The Director shall establish and maintain records regarding the use of the authority under subsection (i)(1)(A), including—

"(i) the number of positions filled through such authority;

"(ii) the types of appointments of such positions;

"(iii) the titles, occupational series, and grades of such positions;

"(iv) the number of positions publicly noticed to be filled under such authority;

"(v) the number of qualified applicants who apply for such positions;

"(vi) the qualification criteria for such positions; and

"(vii) the demographic information of individuals appointed to such positions.

"(B) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and annually thereafter for each fiscal year in which such authority is used, the Director shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House

of Representatives a report describing the total number of appointments filled under subsection (i) within the fiscal year and how the positions relate to the goals and functions of ARPA–H.

"(C) GAO REPORT.—Not later than 2 years after the date of enactment of this section, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of the authority provided under subsection (i)(1)(A). Such report shall, in a manner that protects personal privacy, to the extent required by applicable Federal and State privacy law, at a minimum, include information on—

"(i) the number of positions publicly noticed and filled under the authority under subsection (i);

"(ii) the occupational series, grades, and types of appointments of such positions;

"(iii) how such positions related to advancing the goals and functions of ARPA–H;

"(iv) how the Director made appointment decisions under subsection (i);

"(v) a summary of sources used to identify candidates for filling such positions, as applicable;

"(vi) the number of individuals appointed;

"(vii) aggregated demographic information related to individuals appointed; and

"(viii) any challenges, limitations, or gaps related to the use of the authority under subsection (i) and any related recommendations to address such challenges, limitations, or gaps. Recommendations.

"(l) STRATEGIC PLAN.—Not later than 1 year after the date of the enactment of this section, and every 3 years thereafter, the Director shall provide to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a strategic plan describing how ARPA–H will carry out investments each fiscal year in the following 3-year period. The requirements regarding individual institute and center strategic plans under section 402(m), including paragraph (3) of such subsection, shall not apply to ARPA–H. Deadline.

"(m) INDEPENDENT REVIEW.—Not later than 1 year after the date of the enactment of this section, and every 4 years thereafter, the Comptroller General of the United States shall conduct, and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, an independent review of the biomedical research and development portfolio of the Department of Health and Human Services, including ARPA–H, the National Institutes of Health, the Food and Drug Administration, and the Biomedical Advanced Research and Development Authority— Deadline.

"(1) to assess the degree of any potential duplication of existing Federal programs and projects; and Assessment.

"(2) to make any recommendations regarding any potential reorganization, consolidation, or termination of such programs and projects. Recommendations.

"(n) PRIORITIZATION.—

"(1) IN GENERAL.—The Director shall—

"(A) prioritize awarding grants, cooperative agreements, contracts, prizes, and other transaction awards to entities that will conduct funded work in the United States;

"(B) as appropriate and practicable, encourage non-domestic recipients of any grants, cooperative agreements, contracts, prizes, and other transactions under this section to collaborate with a domestic entity;

"(C) not make awards under this section to non-domestic entities organized under the laws of a covered foreign country (as defined in section 119C of the National Security Act of 1947 (50 U.S.C. 3059)); and

"(D) in accordance with the requirements of chapter 33 of title 41, United States Code, and the Federal Acquisition Regulation, not make awards under this section to entities that have more than 3 ongoing concurrent awards under this section.

Waiver authority.

"(2) CLARIFICATION.—In making an award under this section, the Director may waive the requirements of subparagraphs (A), (B), and (D) of paragraph (1) if such requirements cannot reasonably be met, and the proposed project has the potential to advance the goals described in subsection (b)(1). The Director shall provide notice to Congress not later than 30 days after waiving such requirements.

Notice.
Deadline.

"(o) ADDITIONAL CONSULTATION.—In carrying out this section, the Director may consult with—

"(1) the President's Council of Advisors on Science and Technology;

"(2) representatives of professional or scientific organizations, including academia and industry, with expertise in specific technologies under consideration or development by ARPA–H;

"(3) an existing advisory committee providing advice to the Secretary or the head of any operating or staff division of the Department;

"(4) the advisory committee established under subsection (p); and

"(5) any other entity the Director may deem appropriate.

"(p) ADVISORY COMMITTEE.—

Establishment.

"(1) IN GENERAL.—There is established an ARPA–H Interagency Advisory Committee (referred to in this subsection as the 'Advisory Committee') to coordinate efforts and provide advice and assistance on specific program or project tasks and the overall direction of ARPA–H.

"(2) MEMBERS.—The Advisory Committee established under paragraph (1) shall consist of the heads of the following agencies or their designees:

"(A) The National Institutes of Health.

"(B) The Centers for Disease Control and Prevention.

"(C) The Food and Drug Administration.

"(D) The Office of the Assistant Secretary for Preparedness and Response.

"(E) The Office of the Assistant Secretary of Health.

"(F) The Defense Advanced Research Projects Agency.

"(G) The Office of Science of the Department of Energy.

"(H) The National Science Foundation.

"(I) Any other agency or office with subject matter expertise that the Director of ARPA–H determines appropriate to advance programs or projects under this section.

"(3) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

"(4) ADVISORY NATURE.—The functions of the Advisory Committee shall be advisory in nature, and nothing in this subsection shall be construed as granting such Committee authority over the activities authorized under this section.

"(5) PERFORMANCE MEASURES FRAMEWORK.—

"(A) IN GENERAL.—The Director, in consultation with the Advisory Committee, shall develop a performance measures framework for programs or projects supported by ARPA–H in order to inform and facilitate the evaluation required under subsection (k)(2), including identification of any data needed to perform such evaluation,

"(B) AVAILABILITY OF PERFORMANCE MEASURES.—The Director shall provide to the National Academies such performance measures and data necessary to perform the evaluation required under subsection (k)(2). Data.

"(q) RULE OF CONSTRUCTION.—The authorities under this section, with respect to the Director, are additional authorities that do not supersede or modify any existing authorities.

"(r) TRANSFORMATIVE HEALTH TECHNOLOGY DEFINED.—In this section, the term 'transformative health technology' means a novel, broadly applicable capability or technology—

"(1) that has potential to revolutionize the detection, diagnosis, mitigation, prevention, cure, or treatment of a disease or health condition that can cause severe health outcomes and which is an area of currently unmet need; and

"(2) for which—

"(A) significant scientific or technical challenges exist; or

"(B) incentives in the commercial market are unlikely to result in the adequate or timely development of such capability or technology.

"(s) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $500,000,000 for each of the fiscal years 2024 through 2028, to remain available until expended. Time periods.

"(t) ADDITIONAL BUDGET CLARIFICATION.—Any budget request for ARPA–H shall propose a separate appropriation from the other accounts of the National Institutes of Health.". Proposal.

(b) GAO REPORT ON CERTAIN RESEARCH REQUIREMENTS.—The Comptroller General of the United States shall conduct a review to assess the extent to which relevant research conducted or supported by the National Institutes of Health meets Federal animal research requirements pursuant of the Public Health Service Policy on Humane Care and Use of Laboratory Animals. Such review shall also consider whether, for research conducted or supported by the National Institutes of Health that involves the use of animals, the processes of the National Institutes of Health for reviewing initial research proposals and monitoring funded research include a review of project protocols and methods to ensure that results generated by such project may be reasonably anticipated to be reproducible and replicable and achieve similar results, as Reviews. Assessment. Animals.

applicable, in clinical trials. Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report on the review required under this subsection to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

Subtitle D—Modernizing and Strengthening the Supply Chain for Vital Medical Products

SEC. 2401. WARM BASE MANUFACTURING CAPACITY FOR MEDICAL COUNTERMEASURES.

(a) IN GENERAL.—Section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) is amended—

(1) in subsection (a)(6)(B)—

(A) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively;

(B) by inserting after clause (iii), the following:

"(iv) activities to support, maintain, and improve domestic manufacturing surge capacity and capabilities, as appropriate, including through the utilization of advanced manufacturing and platform technologies, to increase the availability of products that are or may become qualified countermeasures or qualified pandemic or epidemic products;"; and

(C) in clause (vi) (as so redesignated), by inserting "manufacturing," after "improvement,";

(2) in subsection (b)—

(A) in the first sentence of paragraph (1), by inserting "support for domestic manufacturing surge capacity and capabilities," after "initiatives for innovation,"; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "and" at the end;

(ii) by redesignating subparagraph (C) as subparagraph (D); and

(iii) by inserting after subparagraph (B), the following:

"(C) activities to support, maintain, and improve domestic manufacturing surge capacity and capabilities, as appropriate, including through the utilization of advanced manufacturing and platform technologies, to increase the availability of products that are or may become qualified countermeasures or qualified pandemic or epidemic products; and";

(3) in subsection (c)—

(A) in paragraph (2)(B), by inserting before the semicolon ", including through the establishment and maintenance of domestic manufacturing surge capacity and capabilities, consistent with subsection (a)(6)(B)(iv)";

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) in subclause (I), by striking "and" at the end; and

(bb) by adding at the end the following:

"(III) facilitating such communication, as appropriate, regarding manufacturing surge capacity and capabilities with respect to qualified countermeasures and qualified pandemic or epidemic products to prepare for, or respond to, a public health emergency or potential public health emergency; and

"(IV) facilitating such communication, as appropriate and in a manner that does not compromise national security, with respect to potential eligibility for the material threat medical countermeasure priority review voucher program under section 565A of the Federal Food, Drug, and Cosmetic Act;";

(II) in clause (ii)(III), by striking "and" at the end;

(III) by redesignating clause (iii) as clause (iv); and

(IV) by inserting after clause (ii), the following:

"(iii) communicate regularly with entities in receipt of an award pursuant to subparagraph (B)(v), and facilitate communication between such entities and other entities in receipt of an award pursuant to subparagraph (B)(iv), as appropriate, for purposes of planning and response regarding the availability of countermeasures and the maintenance of domestic manufacturing surge capacity and capabilities, including any planned uses of such capacity and capabilities in the near- and mid-term, and identification of any significant challenges related to the long-term maintenance of such capacity and capabilities; and";

(ii) in subparagraph (B)—

(I) in clause (iii), by striking "and" at the end;

(II) in clause (iv), by striking the period and inserting "; and"; and

(III) by adding at the end the following:

Contracts.
Grants.

"(v) award contracts, grants, and cooperative agreements and enter into other transactions to support, maintain, and improve domestic manufacturing surge capacity and capabilities, including through supporting flexible or advanced manufacturing, to ensure that additional capacity is available to rapidly manufacture products that are or may become qualified countermeasures or qualified pandemic or epidemic products in the event of a public health emergency declaration or significant potential for a public health emergency.";

(iii) in subparagraph (C)—

(I) in clause (i), by striking "and" at the end;

(II) in clause (ii), by striking the period at the end and inserting "; and"; and

(III) by adding at the end the following:

Consultation.
Compliance.

"(iii) consult with the Commissioner of Food and Drugs, pursuant to section 565(b)(2) of the Federal Food, Drug, and Cosmetic Act, to ensure that facilities performing manufacturing, pursuant to an award under subparagraph (B)(v), are in compliance with applicable requirements under such Act and this Act, as appropriate, including current good manufacturing practice pursuant to section 501(a)(2)(B) of the Food, Drug, and Cosmetic Act; and";

(iv) in subparagraph (D)(i), by inserting ", including to improve manufacturing capacities and capabilities for medical countermeasures" before the semicolon;

(v) in subparagraph (E)(ix), by striking "2023" and inserting "2028"; and

(vi) by adding at the end the following:

"(G) ANNUAL REPORTS BY AWARD RECIPIENTS.—As a condition of receiving an award under subparagraph (B)(v), a recipient shall develop and submit to the Secretary annual reports related to the maintenance of such capacity and capabilities, including ensuring that such capacity and capabilities are able to support the rapid manufacture of countermeasures as required by the Secretary."; and

(C) in paragraph (5), by adding at the end the following:

Payments.

"(H) SUPPORTING WARM-BASE AND SURGE CAPACITY AND CAPABILITIES.—Pursuant to an award under subparagraph (B)(v), the Secretary may make payments for activities necessary to maintain domestic manufacturing surge capacity and capabilities supported under such award to ensure that such capacity and capabilities are able to support the rapid manufacture of countermeasures as required by the Secretary to prepare for, or respond to, an existing or potential public health emergency or otherwise address threats that pose a significant level of risk to national security. The Secretary may support the utilization of such capacity and capabilities under awards for countermeasure and product advanced research and development, as appropriate, to provide for the maintenance of such capacity and capabilities."; and

(4) in subsection (f)—

(A) in paragraph (1), by striking "Not later than 180 days after the date of enactment of this subsection" and inserting "Not later than 180 days after the date of enactment of the PREVENT Pandemics Act";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "this subsection" and inserting "the PREVENT Pandemics Act";

(ii) in subparagraph (B), by striking "and" at the end; and

(iii) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

Plans.
Assessments.
Recommendations.

"(D) plans for the near-, mid-, and long-term sustainment of manufacturing activities carried out under this section, including such activities pursuant to subsection (c)(5)(H), specific actions to regularly assess the

ability of recipients of an award under subsection (c)(4)(B)(v) to rapidly manufacture countermeasures as required by the Secretary, and recommendations to address challenges, if any, related to such activities.".

SEC. 2402. SUPPLY CHAIN CONSIDERATIONS FOR THE STRATEGIC NATIONAL STOCKPILE.

Subclause (II) of section 319F–2(a)(2)(B)(i) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(2)(B)(i)) is amended to read as follows:

"(II) planning considerations for appropriate manufacturing capacity and capability to meet the goals of such additions or modifications (without disclosing proprietary information), including—

"(aa) consideration of the effect such additions or modifications may have on the availability of such products and ancillary medical supplies on the health care system; and

"(bb) an assessment of the current supply chain for such products, including information on supply chain redundancies, any known domestic manufacturing capacity for such products, and any related vulnerabilities;". Assessment.

SEC. 2403. STRATEGIC NATIONAL STOCKPILE EQUIPMENT MAINTENANCE.

Section 319F–2(a)(3) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(3)) is amended—

(1) in subparagraph (B), by inserting ", regularly reviewed, and updated" after "followed"; and

(2) by amending subparagraph (D) to read as follows:

"(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that— Review. Revision.

"(i) emerging threats, advanced technologies, and new countermeasures are adequately considered;

"(ii) the potential depletion of countermeasures currently in the stockpile is identified and appropriately addressed, including through necessary replenishment; and

"(iii) such contents are in working condition or usable, as applicable, and are ready for deployment, which may include conducting maintenance services on such contents of the stockpile and disposing of such contents that are no longer in working condition, or usable, as applicable;".

SEC. 2404. IMPROVING TRANSPARENCY AND PREDICTABILITY OF PROCESSES OF THE STRATEGIC NATIONAL STOCKPILE.

(a) GUIDANCE.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall issue guidance describing the processes by which the Secretary deploys the contents of the Strategic National Stockpile under section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)), or otherwise distributes medical countermeasures, as applicable, to States, territories, Indian Tribes and Tribal organizations (as such terms are defined under section 4 of the Indian Self-Determination and Education Assistance Act), and other applicable entities. Such guidance Deadline. 42 USC 247d–6b note.

shall include information related to processes by which to request access to the contents of the Strategic National Stockpile, factors considered by the Secretary when making deployment or distribution decisions, and processes and points of contact through which entities may contact the Secretary to address any issues related to products requested or received by such entity from the stockpile, and on other relevant topics.

(b) ANNUAL MEETINGS.—Section 319F–2(a)(3) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(3)) is amended—

(1) in subparagraph (I), by striking "and" at the end;

(2) in subparagraph (J), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(K) convene meetings, not less than once per year, with representatives from State, local, and Tribal health departments or officials, relevant industries, other Federal agencies, and other appropriate stakeholders, in a manner that does not compromise national security, to coordinate and share information related to maintenance and use of the stockpile, including a description of future countermeasure needs and additions, modifications, and replenishments of the contents of the stockpile, and considerations related to the manufacturing and procurement of products consistent with the requirements of the with the requirements of chapter 83 of title 41, United States Code (commonly referred to as the 'Buy American Act'), as appropriate.".

SEC. 2405. IMPROVING SUPPLY CHAIN FLEXIBILITY FOR THE STRATEGIC NATIONAL STOCKPILE.

(a) IN GENERAL.—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(F), by striking "as required by the Secretary of Homeland Security" and inserting "at the discretion of the Secretary, in consultation with, or at the request of, the Secretary of Homeland Security,";

(B) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(C) by inserting after paragraph (4) the following:

"(5) VENDOR-MANAGED INVENTORY AND WARM-BASE SURGE CAPACITY.—

Contracts.

"(A) IN GENERAL.—For the purposes of maintaining the stockpile under paragraph (1) and carrying out procedures under paragraph (3), the Secretary may enter into contracts or cooperative agreements with vendors, which may include manufacturers or distributors of medical products, with respect to medical products intended to be delivered to the ownership of the Federal Government. Each such contract or cooperative agreement shall be subject to such terms and conditions as the Secretary may specify, including terms and conditions with respect to—

"(i) procurement, maintenance, storage, and delivery of products, in alignment with inventory management and other applicable best practices, under such contract or cooperative agreement, which may

consider, as appropriate, costs of transporting and handling such products; or

"(ii) maintenance of domestic manufacturing capacity and capabilities of such products to ensure additional reserved production capacity and capabilities are available, and that such capacity and capabilities are able to support the rapid manufacture, purchase, storage, and delivery of such products, as required by the Secretary to prepare for, or respond to, an existing or potential public health emergency.

"(B) REPORT.—Not later than 2 years after the date of enactment of the PREVENT Pandemics Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on any contracts or cooperative agreements entered into under subparagraph (A) for purposes of establishing and maintaining vendor-managed inventory or reserve manufacturing capacity and capabilities for products intended for the stockpile, including a description of—

"(i) the amount of each award;

"(ii) the recipient of each award;

"(iii) the product or products covered through each award; and

"(iv) how the Secretary works with each recipient to ensure situational awareness related to the manufacturing capacity for, or inventory of, such products and coordinates the distribution and deployment of such products, as appropriate and applicable."; and

(D) in subparagraph (A) of paragraph (6), as so redesignated—

(i) in clause (viii), by striking "; and" and inserting a semicolon;

(ii) in clause (ix), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(x) with respect to reports issued in 2027 or any subsequent year, an assessment of selected contracts or cooperative agreements entered into pursuant to paragraph (5)."; and

Assessment.

(2) in subsection (c)(2)(C), by striking "on an annual basis" and inserting "not later than March 15 of each year".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 319F–2(f)(1) of the Public Health Service Act (42 U.S.C. 247d–6b(f)(1)) is amended by striking "$610,000,000 for each of fiscal years 2019 through 2023" and inserting "$610,000,000 for each of fiscal years 2019 through 2021, and $750,000,000 for each of fiscal years 2022 and 2023".

SEC. 2406. REIMBURSEMENT FOR CERTAIN SUPPLIES.

Paragraph (7) of section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)), as so redesignated by section 405(a)(1)(B), is amended to read as follows:

"(7) REIMBURSEMENT FOR CERTAIN SUPPLIES.—

Determinations.

"(A) IN GENERAL.—The Secretary may, at appropriate intervals, make available for purchase excess contents procured for, and maintained within, the stockpile under paragraph (1) to any Federal agency or State, local, or Tribal government. The Secretary shall make such contents available for purchase only if—

"(i) such contents are in excess of what is required for appropriate maintenance of such stockpile;

"(ii) the Secretary determines that the costs for maintaining such excess contents are not appropriate to expend to meet the needs of the stockpile; and

"(iii) the Secretary determines that such action does not compromise national security and is in the national interest.

"(B) REIMBURSEMENT AND COLLECTION.—The Secretary may require reimbursement for contents that are made available under subparagraph (A), in an amount that reflects the cost of acquiring and maintaining such contents and the costs incurred to make available such contents in the time and manner specified by the Secretary. Amounts collected under this subsection shall be credited to the appropriations account or fund that incurred the costs to procure such contents, and shall remain available, without further appropriation, until expended, for the purposes of the appropriation account or fund so credited.

"(C) RULE OF CONSTRUCTION.—This paragraph shall not be construed to preclude transfers of contents in the stockpile under other authorities.

"(D) REPORT.—Not later than 2 years after the date of enactment of the PREVENT Pandemics Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the use of the authority provided under this paragraph, including details of each action taken pursuant to this paragraph, the account or fund to which any collected amounts have been credited, and how the Secretary has used such amounts.

"(E) SUNSET.—The authority under this paragraph shall terminate on September 30, 2028.".

SEC. 2407. ACTION REPORTING ON STOCKPILE DEPLETION.

Section 319 of the Public Health Service Act (42 U.S.C. 247d), as amended by section 2223, is further amended by adding at the end the following:

"(h) STOCKPILE DEPLETION REPORTING.—The Secretary shall, not later than 30 days after the deployment of contents of the Strategic National Stockpile under section 319F–2(a) to respond to a public health emergency declared by the Secretary under this section or an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and every 30 days thereafter until the expiration or termination of such public health emergency, emergency, or major disaster, submit a report to the Committee on Health,

Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives on—

"(1) the deployment of the contents of the stockpile in response to State, local, and Tribal requests;

"(2) the amount of such products that remain within the stockpile following such deployment; and

"(3) plans to replenish such products, as appropriate, including related timeframes and any barriers or limitations to replenishment.". Plans.

SEC. 2408. PROVISION OF MEDICAL COUNTERMEASURES TO INDIAN PROGRAMS AND FACILITIES.

(a) CLARIFICATION.—Section 319F–2(a)(3) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(3)) is amended—

(1) in subparagraph (C), by striking "and local" and inserting "local, and Tribal"; and

(2) in subparagraph (J), by striking "and local" and inserting "local, and Tribal".

(b) DISTRIBUTION OF MEDICAL COUNTERMEASURES TO INDIAN TRIBES.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319F–4 the following:

"SEC. 319F–5. PROVISION OF MEDICAL COUNTERMEASURES TO INDIAN PROGRAMS AND FACILITIES. 42 USC 247d–6f.

"In the event that the Secretary deploys the contents of the Strategic National Stockpile under section 319F–2(a), or otherwise distributes medical countermeasures to States to respond to a public health emergency declared by the Secretary under section 319, the Secretary shall, in consultation with the applicable States, make such contents or countermeasures directly available to Indian Tribes and Tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), which may include through health programs or facilities operated by the Indian Health Service, that are affected by such public health emergency.".

SEC. 2409. GRANTS FOR STATE STRATEGIC STOCKPILES.

(a) Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended by adding at the end the following:

"(i) PILOT PROGRAM TO SUPPORT STATE MEDICAL STOCKPILES.—

"(1) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary for Preparedness and Response and the Director of the Centers for Disease Control and Prevention, shall award grants or cooperative agreements to not fewer than 5 States, or consortia of States, with consideration given to distribution among the geographical regions of the United States, to establish, expand, or maintain a stockpile of appropriate drugs, vaccines and other biological products, medical devices, and other medical supplies determined by the State to be necessary to respond to a public health emergency declared by the Governor of a State or by the Secretary under section 319, or a major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, in order to support the preparedness goals described in paragraphs (2) through (6) and (8) of section 2802(b). A recipient Contracts. Determination.

of such an award may not use award funds to support the stockpiling of security countermeasures (as defined in subsection (c)(1), unless the eligible entity provides justification for maintaining such countermeasures and the Secretary determines such justification is appropriate and applicable.

"(2) REQUIREMENTS.—

"(A) APPLICATION.—To be eligible to receive an award under paragraph (1), an entity shall prepare, in consultation with appropriate health care entities and health officials within the jurisdiction of such State or States, and submit to the Secretary an application that contains such information as the Secretary may require, including—

Plan.

"(i) a plan for such stockpile, consistent with paragraph (4), including—

"(I) a description of the activities such entity will carry out under the agreement;

"(II) an assurance that such entity will use funds under such award in alignment with the requirements of chapter 83 of title 41, United States Code (commonly referred to as the 'Buy American Act'); and

Outline.

"(III) an outline of proposed expenses; and

"(ii) a description of how such entity will coordinate with relevant entities in receipt of an award under section 319C–1 or 319C–2 pursuant to paragraph (4), including through promoting alignment between the stockpile plan established pursuant to clause (i) and applicable plans that are established by such entity pursuant to section 319C–1 or 319C–2.

"(B) MATCHING FUNDS.—

"(i) Subject to clause (ii), the Secretary may not make an award under this subsection unless the applicant agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in this subsection, to make available non-Federal contributions toward such costs in an amount equal to—

"(I) for each of fiscal years 2023 and 2024, not less than $1 for each $20 of Federal funds provided in the award; and

"(II) for fiscal year 2025 and each fiscal year thereafter, not less than $1 for each $10 of Federal funds provided in the award.

Determination.

"(ii) WAIVER.—The Secretary may, upon the request of a State, waive the requirement under clause (i), in whole or in part, if the Secretary determines that extraordinary economic conditions in the State in the fiscal year involved or in the previous fiscal year justify the waiver. A waiver provided by the Secretary under this subparagraph shall apply only to the fiscal year involved.

Applicability.

"(C) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of amounts received by an entity pursuant to an award under this subsection may be used for administrative expenses.

"(3) LEAD ENTITY.—An entity in receipt of an award under paragraph (1) may designate a lead entity, which may be a

public or private entity, as appropriate, to manage the stockpile at the direction of the State or consortium of States.

"(4) USE OF FUNDS.—An entity in receipt of an award under paragraph (1) shall use such funds to—

"(A) purchase, store, and maintain a stockpile of appropriate drugs, vaccines and other biological products, medical devices, and other medical supplies to be used during a public health emergency, major disaster, or emergency described in paragraph (1), in such numbers, types, and amounts as the entity determines necessary, consistent with such entity's stockpile plan established pursuant to paragraph (2)(A)(i);

"(B) deploy the stockpile as required by the entity to respond to an actual or potential public health emergency, major disaster, or other emergency described in paragraph (1);

"(C) replenish and make necessary additions or modifications to the contents of such stockpile, including to address potential depletion;

"(D) in consultation with Federal, State, and local officials, take into consideration the availability, deployment, dispensing, and administration requirements of medical products within the stockpile;

"(E) ensure that procedures are followed for inventory management and accounting, and for the physical security of the stockpile, as appropriate;

"(F) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that, to the extent practicable, new technologies and medical products are considered; Review. Revision.

"(G) carry out exercises, drills, and other training for purposes of stockpile deployment, dispensing, and administration of medical products, and for purposes of assessing the capability of such stockpile to address the medical supply needs of public health emergencies, major disasters, or other emergencies described in paragraph (1) of varying types and scales, which may be conducted in accordance with requirements related to exercises, drills, and other training for recipients of awards under section 319C–1 or 319C–2, as applicable; and

"(H) carry out other activities related to the State strategic stockpile as the entity determines appropriate, to support State efforts to prepare for, and respond to, public health threats.

"(5) SUPPLEMENT NOT SUPPLANT.—Awards under paragraph (1) shall supplement, not supplant, the maintenance and use of the Strategic National Stockpile by the Secretary under subsection (a).

"(6) GUIDANCE FOR STATES.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with States, health officials, and other relevant stakeholders, as appropriate, shall issue guidance, and update such guidance as appropriate, for States related to maintaining and replenishing a stockpile of medical products, which may include strategies and best practices related to— Deadline. Update.

"(A) types of medical products and medical supplies that are critical to respond to public health emergencies,

and may be appropriate for inclusion in a stockpile by States, with consideration of threats that require the large-scale and simultaneous deployment of stockpiles, including the stockpile maintained by the Secretary pursuant to subsection (a), and long-term public health and medical response needs;

"(B) appropriate management of the contents of a stockpile, including management by vendors of reserve amounts of medical products and supplies intended to be delivered to the ownership of the State and appropriate disposition of excess products, as applicable; and

"(C) the procurement of medical products and medical supplies consistent with the requirements of chapter 83 of title 41, United States Code (commonly referred to as the 'Buy American Act').

"(7) TECHNICAL ASSISTANCE.—The Secretary shall provide assistance to States, including technical assistance, as appropriate, in establishing, maintaining, improving, and utilizing a medical stockpile, including appropriate inventory management and disposition of products.

"(8) REPORTING.—

Update.

"(A) STATE REPORTS.—Each entity receiving an award under paragraph (1) shall update, as appropriate, the plan established pursuant to paragraph (2)(A)(i) and submit to the Secretary an annual report on implementation of such plan, including any changes to the contents of the stockpile supported under such award. The Secretary shall use information obtained from such reports to inform the maintenance and management of the Strategic National Stockpile pursuant to subsection (a).

"(B) REPORTS TO CONGRESS.—Not later than 1 year after the initial issuance of awards pursuant to paragraph (1), and annually thereafter for the duration of the program established under this subsection, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on such program, including—

"(i) Federal and State expenditures to support stockpiles under such program;

"(ii) activities conducted pursuant to paragraph (4); and

"(iii) any additional information from the States that the Secretary determines relevant.

Time periods.

"(9) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated $3,500,000,000 for each of fiscal years 2023 and 2024, to remain available until expended.".

(b) GAO REPORT.—Not later than 3 years after the date on which awards are first issued pursuant to subsection (i)(1) of section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b), as added by subsection (a), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the State

stockpiles established or maintained pursuant to this section. Such report shall include an assessment of— Assessments.

(1) coordination and communication between the Secretary of Health and Human Services and entities in receipt of an award under this section, or a lead entity designated by such entity;

(2) technical assistance provided by the Secretary of Health and Human Services to such entities; and

(3) the impact of such stockpiles on the ability of the State to prepare for and respond to a public health emergency, major disaster, or other emergency described in subsection (i)(1) of section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b), as added by subsection (a), including the availability and distribution of items from such State stockpile to health care entities and other applicable entities.

SEC. 2410. STUDY ON INCENTIVES FOR DOMESTIC PRODUCTION OF GENERIC MEDICINES.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services shall—

(1) conduct a study on the feasibility, including related to sustainment, and potential effectiveness, and utility of providing incentives for increased domestic production and capacity of specified generic medicines and their active pharmaceutical ingredients, which may include through applicable nonprofit or for-profit private entities; and

(2) not later than 1 year after the date of enactment of this Act, submit a report on such study to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives. Reports.

(b) SPECIFIED GENERIC MEDICINE.—In this section, the term "specified generic medicine" means a generic drug approved under section 505(j) of the Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) that is — Definition.

(1) used to prevent, mitigate, or treat a serious or life-threatening disease or condition, or used in a common procedure that could be life-threatening without such medicine;

(2) an antibiotic or antifungal used to treat a serious or life threatening infectious disease;

(3) critical to the public health during a public health emergency; or

(4) life-supporting, life-sustaining, or intended for use in the prevention or treatment of a debilitating disease or condition.

SEC. 2411. INCREASED MANUFACTURING CAPACITY FOR CERTAIN CRITICAL ANTIBIOTIC DRUGS. 42 USC 247d–6b note.

(a) PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary for Preparedness and Response and Commissioner of Food and Drugs, may award contracts to increase the domestic manufacturing capacity of certain antibiotic drugs with identified supply chain vulnerabilities, or the active pharmaceutical ingredient or key starting material of such antibiotic drugs. Contracts.

(2) ELIGIBLE ENTITIES.—To be eligible to receive an award under this subsection, an entity shall—

Compliance.

(A) be a manufacturer that is in compliance with, or demonstrates capability to comply with, the relevant requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

(B) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including—

(i) a description of proposed activities to be supported by an award under this subsection to increase manufacturing capacity for such antibiotic drug or drugs;

(ii) the antibiotic drug or drugs, or related active pharmaceutical ingredients or key starting materials for such drug or drugs, that such entity intends to manufacture with any increased manufacturing capacity supported by an award under this subsection;

(iii) any additional products such increased manufacturing capacity could be used to manufacture;

(iv) a description of the current supply chain for such antibiotic drugs, including any existing and applicable manufacturing facilities, known vulnerabilities in the supply chain, known or potential supply limitations, such as foreign export restrictions, or subsidies from foreign governments, as applicable;

(v) a description of how such entity may use advanced or flexible manufacturing in carrying out the terms of an award under this subsection; and

Strategic plan.

(vi) a strategic plan regarding the maintenance, operation, and sustainment of such increased manufacturing capacity following the expiration of a contract under this subsection.

(3) USE OF FUNDS.—A recipient of an award under this subsection shall use such funds to build, expand, upgrade, modify, or recommission a facility located in the United States, which may include the purchase or upgrade of equipment, as applicable, to support increased manufacturing capacity of certain antibiotic drugs for which supply chain vulnerabilities exist, or the active pharmaceutical ingredient or key starting material of such antibiotic drugs.

(4) REPORTS.—An entity in receipt of an award under this subsection shall submit to the Secretary such reports as the Secretary may require related to increasing domestic manufacturing capacity of antibiotic drugs pursuant to a contract under this subsection, including actions taken to implement the strategic plan required under paragraph (2)(B)(vi).

Applicability.

(5) CONTRACT TERMS.—The following shall apply to a contract to support increased domestic manufacturing capacity under this subsection:

Determination.

(A) MILESTONE-BASED PAYMENTS.—The Secretary may provide payment, including advance payment or partial payment for significant milestones, if the Secretary makes a determination that such payment is necessary and appropriate.

(B) REPAYMENT.—The contract shall provide that such payment is required to be repaid if there is a failure to

perform by the manufacturer under the contract; if the specified milestones are reached, an advance or partial payment shall not be required to be repaid.

(C) CONTRACT DURATION.—

(i) IN GENERAL.—Each contract shall be for a period not to exceed 5 years.

(ii) NON-RENEWABILITY.—A contract shall not be renewable.

(iii) NOTIFICATIONS OF EXTENSIONS AND TERMINATIONS.—If the Secretary decides to terminate a contract prior to its expiration, the Secretary shall notify the manufacturer within 90 days of such determination.

Deadline.
Determination.

(D) ADDITIONAL TERMS.—The Secretary, in any contract under this subsection—

(i) may specify—

(I) the amount of funding that will be dedicated by the Secretary for supporting increased manufacturing capacity under such contract; and

(II) the amount of manufacturing capacity that such eligible entity must meet; and

(ii) shall provide a clear statement of defined Federal Government purpose limited to uses related to increasing domestic manufacturing capacity for antibiotic drugs to address identified supply chain vulnerabilities and challenges to establishing and maintaining domestic manufacturing capacity.

Statement.

(E) SUSTAINMENT.—Each contract shall provide for the eligible entity to update the strategic plan required under paragraph (2)(B)(vi) throughout the duration of such contract, as required by the Secretary.

Updates.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act and every year thereafter until the termination or expiration of all such contracts, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on any activities supported under subsection (a), including—

(1) the antibiotic drugs for which the Secretary prioritized awards under subsection (a), including a description of how the Secretary consulted with stakeholders to inform such prioritization;

(2) information regarding each contract awarded pursuant to subsection (a), including—

(A) the recipient of each such contract, including any recipients of a subaward;

(B) the milestone and performance requirements pursuant to each such contract;

(C) the duration of each such contract;

(D) the amount of funding provided by the Secretary pursuant to each such contract, including any advanced or partial payments;

(E) the antibiotic drugs supported through each such contract, including a description of the medical necessity of each such antibiotic drug and any supply chain vulnerabilities, limitations, and related characteristics

identified pursuant to subsection (a)(2)(B)(iv) for each such antibiotic drug; and

(F) the amount of increased manufacturing capacity for such antibiotic drug that each such contract supports; and

(3) a description of how such contracts address supply chain vulnerabilities, including increasing manufacturing capacity of antibiotic drugs in the United States; and

(4) a description of the strategic plan submitted pursuant to subsection (a)(2)(B)(vi) by each recipient of an award under subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to limit, directly or indirectly, or otherwise impact the private distribution, purchase, or sale of antibiotic drugs or active pharmaceutical ingredients or key starting materials; or

(2) to authorize the Secretary to disclose any information that is a trade secret, or other privileged or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

(d) DEFINITIONS.—For purposes of this section:

(1) ACTIVE PHARMACEUTICAL INGREDIENT.—The term "active pharmaceutical ingredient" has the meaning given such term in section 744A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–41).

(2) ANTIBIOTIC DRUG.—The term "antibiotic drug" means an antibacterial or antifungal drug approved by the Food and Drug Administration under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) that is of significant priority to providing health care and is medically necessary to have available at all times in an amount adequate to serve patient needs.

(3) KEY STARTING MATERIAL.—The term "key starting material" means any component of a drug that the Secretary determines to be necessary to the safety and effectiveness of the drug.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(e) SUNSET.—The authority to enter into new contracts under this section shall cease to be effective 3 years after the date of enactment of this Act, and, beginning on the date that is 8 years after the date of enactment of this Act, this section shall have no force or effect.

Subtitle E—Enhancing Development and Combating Shortages of Medical Products

CHAPTER 1—DEVELOPMENT AND REVIEW

SEC. 2501. ACCELERATING COUNTERMEASURE DEVELOPMENT AND REVIEW.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) is amended by adding at the end the following:

"(h) ACCELERATING COUNTERMEASURE DEVELOPMENT AND REVIEW DURING AN EMERGENCY.—

"(1) ACCELERATION OF COUNTERMEASURE DEVELOPMENT AND REVIEW.—The Secretary may, at the request of the sponsor of a countermeasure, during a domestic, military, or public health emergency or material threat described in section 564A(a)(1)(C), expedite the development and review of countermeasures that are intended to address such domestic, military, or public health emergency or material threat for approval, licensure, clearance, or authorization under this title or section 351 of the Public Health Service Act.

"(2) ACTIONS.—The actions to expedite the development and review of a countermeasure under paragraph (1) may include the following:

"(A) Expedited review of submissions made by sponsors of countermeasures to the Food and Drug Administration, including rolling submissions of countermeasure applications and other submissions.

"(B) Expedited and increased engagement with sponsors regarding countermeasure development and manufacturing, including—

"(i) holding meetings with the sponsor and the review team and providing timely advice to, and interactive communication with, the sponsor regarding the development of the countermeasure to ensure that the development program to gather the nonclinical and clinical data necessary for approval, licensure, clearance, or authorization is as efficient as practicable;

"(ii) involving senior managers and experienced review staff, as appropriate, in a collaborative, cross-disciplinary review;

"(iii) assigning a cross-disciplinary project lead for the review team to facilitate;

"(iv) taking steps to ensure that the design of the clinical trials is as efficient as practicable, when scientifically appropriate, such as by minimizing the number of patients exposed to a potentially less efficacious treatment; and

"(v) streamlining the review of approved, licensed, cleared, or authorized countermeasures to treat or prevent new or emerging threats, including the review of any changes to such countermeasures.

"(C) Expedited issuance of guidance documents and publication of other regulatory information regarding countermeasure development and manufacturing.

"(D) Other steps to expedite the development and review of a countermeasure application submitted for approval, licensure, clearance, or authorization, as the Secretary determines appropriate.

"(3) LIMITATION OF EFFECT.—Nothing in this subsection shall be construed to require the Secretary to grant, or take any other action related to, a request of a sponsor to expedite the development and review of a countermeasure for approval, licensure, clearance, or authorization under paragraph (1).".

SEC. 2502. THIRD PARTY TEST EVALUATION DURING EMERGENCIES.

(a) IN GENERAL.—Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 2501, is further amended by adding at the end the following:

"(i) THIRD PARTY EVALUATION OF TESTS USED DURING AN EMERGENCY.—

Contracts. Recommendations.

"(1) IN GENERAL.—For purposes of conducting evaluations regarding whether an in vitro diagnostic product (as defined in section 809.3 of title 21, Code of Federal Regulations (or any successor regulations)) for which a request for emergency use authorization is submitted under section 564 meets the criteria for issuance of such authorization, the Secretary may, as appropriate, consult with persons with appropriate expertise with respect to such evaluations or enter into cooperative agreements or contracts with such persons under which such persons conduct such evaluations and make such recommendations, including, as appropriate, evaluations and recommendations regarding the scope of authorization and conditions of authorization.

"(2) REQUIREMENTS REGARDING EVALUATIONS AND RECOMMENDATIONS.—

"(A) IN GENERAL.—In evaluating and making recommendations to the Secretary regarding the validity, accuracy, and reliability of in vitro diagnostic products, as described in paragraph (1), a person shall consider and document whether the relevant criteria under subsection (c)(2) of section 564 for issuance of authorization under such section are met with respect to the in vitro diagnostic product.

"(B) WRITTEN RECOMMENDATIONS.—Recommendations made by a person under this subsection shall be submitted to the Secretary in writing, and shall include the reasons for such recommendation and other information that may be requested by the Secretary.

"(3) RULE OF CONSTRUCTION.— Nothing in this subsection shall be construed to require the Secretary to consult with, or enter into cooperative agreements or contracts with, persons as described in paragraph (1) for purposes of authorizing an in vitro diagnostic product or otherwise affecting the emergency use authorization authorities under this section or section 564.".

Deadlines. 21 USC 360bbb–4 note.

(b) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall issue draft guidance on consultations with persons under subsection (i) of section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as added by subsection (a), including considerations concerning conflicts of interest, compensation arrangements, and information sharing. Not later than 1 year after the public comment period on such draft guidance ends, the Secretary shall issue a revised draft guidance or final guidance.

Revision.

Deadlines. Recommendations.

SEC. 2503. PLATFORM TECHNOLOGIES.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 506J of such Act (21 U.S.C. 356j) the following:

21 USC 356k.

"SEC. 506K. PLATFORM TECHNOLOGIES.

"(a) IN GENERAL.—The Secretary shall establish a program for the designation of platform technologies that meet the criteria described in subsection (b).

"(b) CRITERIA.—A platform technology incorporated within or utilized by a drug or biological product is eligible for designation as a designated platform technology under this section if—

"(1) the platform technology is incorporated in, or utilized by, a drug approved under section 505 of this Act or a biological product licensed under section 351 of the Public Health Service Act;

"(2) preliminary evidence submitted by the sponsor of the approved or licensed drug described in paragraph (1), or a sponsor that has been granted a right of reference to data submitted in the application for such drug, demonstrates that the platform technology has the potential to be incorporated in, or utilized by, more than one drug without an adverse effect on quality, manufacturing, or safety; and

"(3) data or information submitted by the applicable person under paragraph (2) indicates that incorporation or utilization of the platform technology has a reasonable likelihood to bring significant efficiencies to the drug development or manufacturing process and to the review process.

"(c) REQUEST FOR DESIGNATION.—A person may request the Secretary designate a platform technology as a designated platform technology concurrently with, or at any time after, submission under section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act for the investigation of a drug that incorporates or utilizes the platform technology that is the subject of the request.

"(d) DESIGNATION.—

Determination.

"(1) IN GENERAL.—Not later than 90 calendar days after the receipt of a request under subsection (c), the Secretary shall determine whether the platform technology that is the subject of the request meets the criteria described in subsection (b).

"(2) DESIGNATION.—If the Secretary determines that the platform technology meets the criteria described in subsection (b), the Secretary shall designate the platform technology as a designated platform technology and may expedite the development and review of any subsequent application submitted under section 505(b) of this Act or section 351(a) of the Public Health Service Act for a drug that uses or incorporates the platform technology pursuant to subsection (e), as appropriate.

"(3) DETERMINATION NOT TO DESIGNATE.—If the Secretary determines that the platform technology does not meet the criteria under subsection (b), the Secretary shall include with the determination not to designate the technology a written description of the rationale for such determination.

Determination.

"(4) REVOCATION OF DESIGNATION.—The Secretary may revoke a designation made under paragraph (2), if the Secretary determines that the designated platform technology no longer meets the criteria described in subsection (b). The Secretary shall communicate the determination to revoke a designation to the requesting sponsor in writing, including a description of the rationale for such determination.

"(5) APPLICABILITY.—Nothing in this section shall prevent a product that uses or incorporates a designated platform technology from being eligible for expedited approval pathways if it is otherwise eligible under this Act or the Public Health Service Act.

"(e) ACTIONS.—The Secretary may take actions to expedite the development and review of an application for a drug that incorporates or utilizes a designated platform technology, including—

"(1) engaging in early interactions with the sponsor to discuss the use of the designated platform technology and what is known about such technology, including data previously submitted that is relevant to establishing, as applicable, safety or efficacy under section 505(b) of this Act or safety, purity, or potency under section 351(a) of the Public Health Service Act;

"(2) providing timely advice to, and interactive communication with, the sponsor regarding the development of the drug that proposes to use the designated platform technology to ensure that the development program designed to gather data necessary for approval or licensure is as efficient as practicable, which may include holding meetings with the sponsor and the review team throughout the development of the drug; and

"(3) considering inspectional findings, including prior findings, related to the manufacture of a drug that incorporates or utilizes the designated platform technology.

"(f) LEVERAGING DATA FROM DESIGNATED PLATFORM TECHNOLOGIES.—The Secretary shall, consistent with applicable standards for approval, authorization, or licensure under this Act and section 351(a) of the Public Health Service Act, allow the sponsor of an application under section 505(b) of this Act or section 351(a) of the Public Health Service Act or a request for emergency use authorization under section 564, in order to support approval, licensure, or authorization, to reference or rely upon data and information within an application or request for a drug or biological product that incorporates or utilizes the same platform technology designated under subsection (d), provided that—

"(1) such data and information was submitted by the same sponsor, pursuant to the application for the drug with respect to which designation of the designated platform technology under subsection (d) was granted; or

"(2) the sponsor relying on such data and information received a right of reference to such data and information from the sponsor described in paragraph (1).

"(g) CHANGES TO A DESIGNATED PLATFORM TECHNOLOGY.—A sponsor of more than one application approved under section 505(b) of this Act or section 351(a) of the Public Health Service Act for drugs that incorporate or utilize a designated platform technology may submit a single supplemental application for proposed changes to the designated platform technology that may be applicable to more than one such drug that incorporates or utilizes the same designated platform technology. Such supplemental application may cross-reference data and information submitted in other applications and may include one or more comparability protocols regarding how such changes to the platform technology would be made for each applicable drug or biological product.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'platform technology' means a well-understood and reproducible technology, which may include a nucleic acid sequence, molecular structure, mechanism of action, delivery method, vector, or a combination of any such technologies that the Secretary determines to be appropriate, that the sponsor demonstrates—

"(A) is incorporated in or utilized by a drug or biological product and is essential to the structure or function of such drug or biological product;

"(B) can be adapted for, incorporated into, or utilized by, more than one drug or biological product sharing common structural elements; and

"(C) facilitates the manufacture or development of more than one drug or biological product through a standardized production or manufacturing process or processes.

"(2) The term 'designated platform technology' means a platform technology that is designated as a platform technology under subsection (d).

"(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

"(1) alter the authority of the Secretary to approve drugs pursuant to section 505 of this Act or license biological products pursuant to section 351 of the Public Health Service Act, including standards of evidence and applicable conditions for approval or licensure under the applicable Act; or

"(2) confer any new rights with respect to the permissibility of a sponsor of an application for a drug product or biological product referencing information contained in another application submitted by the holder of an approved application under section 505(c) of this Act or of a license under section 351(a) of the Public Health Service Act.".

Deadline. 21 USC 356k note.

Recommendations. Requirements.

(b) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall issue draft guidance on the implementation of this section. Such guidance shall include examples of drugs that can be manufactured using platform technologies, including drugs that contain or consist of vectors and nucleic acids, information about the Secretary's review of platform technologies, information regarding submitting for designation, considerations for persons submitting a request for designation who have been granted a right of reference, the implementation of the designated platform technology designation program, efficiencies that may be achieved in the development and review of products that incorporate or utilize designated platform technologies, and recommendations and requirements for making and reporting manufacturing changes to a designated platform technology in accordance with section 506K(g) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) and section 506A of such Act (21 U.S.C. 356a), as applicable.

(c) REPORT.—Not later than September 30, 2026, and annually thereafter until September 30, 2029, the Secretary shall issue a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives that shall include—

(1) the number of requests for designation under the program under section 506K of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a);

(2) the number of designations under such program issued, active, and revoked;

(3) the resources required to carry out such program (including the review time used for full-time equivalent employees);

(4) any efficiencies gained in the development, manufacturing, and review processes associated with such designations; and

Recommendations.

(5) recommendations, if any, to strengthen the program to better leverage platform technologies that can be used in more than one drug and meet patient needs in a manner as timely as possible, taking into consideration the resources available to the Secretary of Health and Human Services for carrying out such program.

SEC. 2504. INCREASING EUA DECISION TRANSPARENCY.

Section 564(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3(h)) is amended—

(1) in paragraph (1)—

(A) by inserting "on the internet website of the Food and Drug Administration and" after "promptly publish";

(B) by striking "application under section 505(i), 512(j), or 520(g), even if such summary may indirectly reveal the existence of such application" and inserting "application, request, or submission under this section or section 505(b), 505(i), 505(j), 512(b), 512(j), 512(n), 515, 510(k), 513(f)(2), 520(g), 520(m), 571, or 572 of this Act, or section 351(a) or 351(k) of the Public Health Service Act, even if such summary may reveal the existence of such an application, request, or submission, or data contained in such application, request, or submission"; and

(C) by inserting before the period at the end of the second sentence the following: ", which may include a summary of the data and information supporting such revisions"; and

(2) in paragraph (2), by adding at the end the following: "Information made publicly available by the Secretary in accordance with paragraph (1) shall be considered a disclosure authorized by law for purposes of section 1905 of title 18, United States Code".

21 USC 393 note.

SEC. 2505. IMPROVING FDA GUIDANCE AND COMMUNICATION.

Web posting.

(a) FDA REPORT AND IMPLEMENTATION OF GOOD GUIDANCE PRACTICES.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall develop, and publish on the website of the Food and Drug Administration—

(1) a report identifying best practices for the efficient prioritization, development, issuance, and use of guidance documents, within centers, across the Food and Drug Administration, and across other applicable agencies; and

Implementation plan.

(2) a plan for implementation of such best practices, including across other applicable agencies, which shall address—

(A) streamlining development and review of guidance documents within centers and across the Food and Drug Administration;

(B) streamlining processes for regulatory submissions to the Food and Drug Administration, including through the revision or issuance of guidance documents; and

(C) implementing innovative guidance development processes and practices and transitioning or updating guidance issued during the COVID–19 public health emergency, as appropriate.

(b) REPORT AND IMPLEMENTATION OF FDA BEST PRACTICES FOR COMMUNICATING WITH EXTERNAL STAKEHOLDERS.—The Secretary, acting through the Commissioner of Food and Drugs, shall develop and publish on the website of the Food and Drug Administration a report on the practices of the Food and Drug Administration to broadly communicate with external stakeholders, other than through guidance documents, which shall include— Web posting.

(1) a review of the types and methods of public communication that the Food and Drug Administration uses to communicate and interact with medical product sponsors and other external stakeholders;

(2) the identification of best practices for the efficient development, issuance, and use of such communications; and

(3) a plan for implementation of best practices for communication with external stakeholders, which shall address— Implementation plan.

(A) advancing the use of innovative forms of communication, including novel document types and formats, to provide increased regulatory clarity to product sponsors and other stakeholders, and advancing methods of communicating and interacting with medical product sponsors and other external stakeholders, including the use of tools such as product submission templates, webinars, and frequently asked questions communications;

(B) streamlining processes for regulatory submissions; and

(C) implementing innovative communication development processes and transitioning or updating communication practices used during the COVID–19 public health emergency, as appropriate.

(c) CONSULTATION.—In developing and publishing the report and implementation plan under this section, the Secretary shall consult with stakeholders, including researchers, academic organizations, pharmaceutical, biotechnology, and medical device developers, clinical research organizations, clinical laboratories, health care providers, patient groups, and other appropriate stakeholders.

(d) MANNER OF ISSUANCE.— For purposes of carrying out this section, the Secretary may update an existing report or plan, and may combine the reports and implementation plans described in subsections (a) and (b) into one or more documents. Update.

(e) TIMING.—The Secretary shall— Deadlines. Publications.

(1) not later than 1 year after the date of enactment of this Act, publish a draft of the reports and plans required under this section; and

(2) not later than 180 days after publication of the draft reports and plans under paragraph (1)—

(A) publish a final report and plan; and

(B) begin implementation of the best practices pursuant to such final plan.

CHAPTER 2—MITIGATING SHORTAGES

SEC. 2511. ENSURING REGISTRATION OF FOREIGN DRUG AND DEVICE MANUFACTURERS.

(a) REGISTRATION OF CERTAIN FOREIGN ESTABLISHMENTS.—Section 510(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(i)) is amended by adding at the end the following:

Applicability.

"(5) The requirements of paragraphs (1) and (2) shall apply regardless of whether the drug or device undergoes further manufacture, preparation, propagation, compounding, or processing at a separate establishment outside the United States prior to being imported or offered for import into the United States.".

Deadline.
21 USC 360 note.

(b) UPDATING REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall update regulations, as appropriate, to implement the amendment made by subsection (a).

Labeling.

SEC. 2512. EXTENDING EXPIRATION DATES FOR CERTAIN DRUGS.

Deadline.
Guidance.
Revision.
21 USC 355 note.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall issue draft guidance, or revise existing guidance, to address recommendations for sponsors of applications submitted under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) regarding—

Data.

(1) the submission of stability testing data in such applications, including considerations for data requirements that could be streamlined or reduced to facilitate faster review of longer proposed expiration dates;

(2) establishing in the labeling of drugs the longest feasible expiration date scientifically supported by such data, taking into consideration how extended expiration dates may—

(A) help prevent or mitigate drug shortages; and

(B) affect product quality; and

(3) the use of innovative approaches for drug and combination product stability modeling to support initial product expiration dates and expiration date extensions.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, and again 2 years thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

(1) the number of drugs for which the Secretary has requested the manufacturer make a labeling change regarding the expiration date; and

(2) for each drug for which the Secretary has requested a labeling change with respect to the expiration date, information regarding the circumstances of such request, including—

(A) the name and dose of such drug;

(B) the rationale for the request;

(C) whether the drug, at the time of the request, was listed on the drug shortage list under section 506E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e), or was at risk of shortage;

(D) whether the request was made in connection with a public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

(E) whether the manufacturer made the requested change by the requested date, and for instances where the manufacturer does not make the requested change, the manufacturer's justification for not making the change, if the manufacturer agrees to provide such justification for inclusion in the report.

SEC. 2513. COMBATING COUNTERFEIT DEVICES.

(a) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(fff)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification upon any device or container, packaging, or labeling thereof so as to render such device a counterfeit device.

"(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark or imprint of another or any likeness of any of the foregoing upon any device or container, packaging, or labeling thereof so as to render such device a counterfeit device.

"(3) The doing of any act which causes a device to be a counterfeit device, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit device.".

(b) PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended—

(1) in subsection (b)(8), by inserting ", or who violates section 301(fff)(3) by knowingly making, selling or dispensing, or holding for sale or dispensing, a counterfeit device," after "a counterfeit drug"; and

(2) in subsection (c), by inserting "; or (6) for having violated section 301(fff)(2) if such person acted in good faith and had no reason to believe that use of the punch, die, plate, stone, or other thing involved would result in a device being a counterfeit device, or for having violated section 301(fff)(3) if the person doing the act or causing it to be done acted in good faith and had no reason to believe that the device was a counterfeit device" before the period.

(c) SEIZURE.—Section 304(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(a)(2)) is amended—

(1) by striking ", and (E)" and inserting ", (E)"; and

(2) by inserting ", (F) Any device that is a counterfeit device, (G) Any container, packaging, or labeling of a counterfeit device, and (H) Any punch, die, plate, stone, labeling, container, or other thing used or designed for use in making a counterfeit device or devices" before the period.

SEC. 2514. PREVENTING MEDICAL DEVICE SHORTAGES.

Deadlines.

(a) NOTIFICATIONS.—Section 506J of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356j) is amended—

(1) in subsection (f), by inserting "or (h)" after "subsection (a)";

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g) the following:

Determination.

"(h) ADDITIONAL NOTIFICATIONS.—The Secretary may receive voluntary notifications from a manufacturer of a device that is life-supporting, life-sustaining, or intended for use in emergency medical care or during surgery, or any other device the Secretary determines to be critical to the public health, pertaining to a permanent discontinuance in the manufacture of the device (except for any discontinuance as a result of an approved modification of the

device) or an interruption of the manufacture of the device that is likely to lead to a meaningful disruption in the supply of that device in the United States, and the reasons for such discontinuance or interruption.".

21 USC 356j note.

(b) GUIDANCE ON VOLUNTARY NOTIFICATIONS OF DISCONTINUANCE OR INTERRUPTION OF DEVICE MANUFACTURE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue draft guidance to facilitate voluntary notifications under subsection (h) of section 506J of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356j), as added by subsection (a). Such guidance shall include a description of circumstances in which a voluntary notification under such subsection (h) may be appropriate, recommended timeframes for such a notification, the process for receiving such a notification, and actions the Secretary may take to mitigate or prevent a shortage resulting from a discontinuance or interruption in the manufacture of a device for which such notification is received. The Secretary shall issue final guidance not later than 1 year after the close of the comment period for the draft guidance.

Recommendations. Timeframes. Processes.

21 USC 356j note.

(c) GUIDANCE ON DEVICE SHORTAGE NOTIFICATION REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue or revise draft guidance regarding requirements under section 506J of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356j). Such guidance shall include a list of each device product code for which a manufacturer of such device is required to notify the Secretary in accordance with section 506J.

List.

SEC. 2515. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTIONS TO THE CARES ACT.—Division A of the CARES Act (Public Law 116–136) is amended—

21 USC 356c.

(1) in section 3111(1), by striking "in paragraph (1)" and inserting "in the matter preceding paragraph (1)";

21 USC 374.

(2) in section 3112(d)(1), by striking "and subparagraphs (A) and (B)" and inserting "as subparagraphs (A) and (B)"; and

21 USC 360.

(3) in section 3112(e), by striking "Federal Food, Drug, Cosmetic Act" and inserting "Federal Food, Drug, and Cosmetic Act".

(b) TECHNICAL CORRECTIONS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT RELATED TO THE CARES ACT.—

(1) SECTION 506C.—Section 506C(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c(a)) is amended, in the flush text at the end, by striking the second comma after "in the United States".

21 USC 356c note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in section 3112 of division A of the CARES Act (Public Law 116–136).

(c) OTHER TECHNICAL CORRECTION TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Section 505B(f)(6)(I) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(f)(6)(I)) is amended by striking "subsection (a)(3)(B)" and inserting "subsection (a)(4)(C)".

TITLE III—FOOD AND DRUG ADMINISTRATION

Food and Drug Omnibus Reform Act of 2022.

SEC. 3001. SHORT TITLE.

21 USC 301 note.

This title may be cited as the "Food and Drug Omnibus Reform Act of 2022".

SEC. 3002. DEFINITION.

21 USC 350a–1 note.

In this title, except as otherwise specified, the term "Secretary" means the Secretary of Health and Human Services.

Subtitle A—Reauthorizations

SEC. 3101. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIP.

Section 566(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–5(f)) is amended by striking "$1,265,753 for the period beginning on October 1, 2022 and ending on December 23, 2022" and inserting "$6,000,000 for each of fiscal years 2023 through 2027".

SEC. 3102. REAUTHORIZATION OF THE BEST PHARMACEUTICALS FOR CHILDREN PROGRAM.

Section 409I(d)(1) of the Public Health Service Act (42 U.S.C. 284m(d)(1)) is amended by striking "$5,273,973 for the period beginning on October 1, 2022 and ending on December 23, 2022" and inserting "$25,000,000 for each of fiscal years 2023 through 2027".

SEC. 3103. REAUTHORIZATION OF THE HUMANITARIAN DEVICE EXEMPTION INCENTIVE.

Section 520(m)(6)(A)(iv) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended by striking "December 24, 2022" and inserting "October 1, 2027".

SEC. 3104. REAUTHORIZATION OF THE PEDIATRIC DEVICE CONSORTIA PROGRAM.

Section 305(e) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85; 42 U.S.C. 282 note) is amended by striking "$1,107,534 for the period beginning on October 1, 2022, and ending on December 23, 2022" and inserting "$7,000,000 for each of fiscal years 2023 through 2027".

SEC. 3105. REAUTHORIZATION OF PROVISION PERTAINING TO DRUGS CONTAINING SINGLE ENANTIOMERS.

Section 505(u) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(u)) is amended—

(1) in paragraph (1)(A)(ii)(II), by adding "(other than bioavailability studies)" after "any clinical investigations"; and

(2) in paragraph (4), by striking "December 24, 2022" and inserting "October 1, 2027".

SEC. 3106. REAUTHORIZATION OF CERTAIN DEVICE INSPECTIONS.

Section 704(g)(11) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by striking "December 24, 2022" and inserting "October 1, 2027".

SEC. 3107. REAUTHORIZATION OF ORPHAN DRUG GRANTS.

Section 5 of the Orphan Drug Act (21 U.S.C. 360ee) is amended—

(1) in subsection (a)—

(A) by striking "and (3)" and inserting "(3)"; and

(B) by inserting before the period at the end the following: ", and (4) developing regulatory science pertaining to the chemistry, manufacturing, and controls of individualized medical products to treat individuals with rare diseases or conditions"; and

(2) in subsection (c), by striking "$6,328,767 for the period beginning on October 1, 2022, and ending on December 23, 2022" and inserting "$30,000,000 for each of fiscal years 2023 through 2027".

SEC. 3108. REAUTHORIZATION OF REPORTING REQUIREMENTS RELATED TO PENDING GENERIC DRUG APPLICATIONS AND PRIORITY REVIEW APPLICATIONS.

Section 807 of the FDA Reauthorization Act of 2017 (Public Law 115–52) is amended, in the matter preceding paragraph (1), by striking "December 23, 2022" and inserting "October 1, 2027".

131 Stat. 1073.

SEC. 3109. REAUTHORIZATION OF THIRD-PARTY REVIEW PROGRAM.

Section 523(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m(c)) is amended by striking "December 24, 2022" and inserting "on October 1, 2027" .

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.

(a) IN GENERAL.—Section 506I of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356i) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "The holder of an application approved under subsection (c) or (j) of section 505" and inserting "The holder of an application approved under subsection (c) or (j) of section 505 of this Act or subsection (a) or (k) of section 351 of the Public Health Service Act";

(B) in paragraph (2), by striking "established name" and inserting "established name (or, in the case of a biological product, the proper name)"; and

(C) in paragraph (3), by striking "or abbreviated application number" and inserting ", abbreviated application number, or biologics license application number"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "The holder of an application approved under subsection (c) or (j)" and inserting "The holder of an application approved under subsection (c) or (j) of section 505 of this Act or subsection (a) or (k) of section 351 of the Public Health Service Act";

(B) in paragraph (1), by striking "established name" and inserting "established name (or, in the case of a biological product, the proper name)"; and

(C) in paragraph (2), by striking "or abbreviated application number" and inserting ", abbreviated application number, or biologics license application number".

(b) ADDITIONAL ONE-TIME REPORT.—Subsection (c) of section 506I of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356i) is amended to read as follows:

"(c) ADDITIONAL ONE-TIME REPORT.—Within 180 days of the date of enactment of the Food and Drug Omnibus Reform Act of 2022, all holders of applications approved under subsection (a) or (k) of section 351 of the Public Health Service Act shall review the information in the list published under section 351(k)(9)(A) of the Public Health Service Act and shall submit a written notice to the Secretary— Review. Notice.

"(1) stating that all of the application holder's biological products in the list published under such section 351(k)(9)(A) that are not listed as discontinued are available for sale; or

"(2) including the information required pursuant to subsection (a) or (b), as applicable, for each of the application holder's biological products that are in the list published under such section 351(k)(9)(A) and not listed as discontinued, but have been discontinued from sale or never have been available for sale.".

(c) PURPLE BOOK.—Section 506I of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356i) is amended—

(1) by striking subsection (d) and inserting the following:

"(d) FAILURE TO MEET REQUIREMENTS.—If a holder of an approved application fails to submit the information required under subsection (a), (b), or (c), the Secretary may—

"(1) move the application holder's drugs from the active section of the list published under section 505(j)(7)(A) to the discontinued section of the list, except that the Secretary shall remove from the list in accordance with section 505(j)(7)(C) drugs the Secretary determines have been withdrawn from sale for reasons of safety or effectiveness; and Determinations.

"(2) identify the application holder's biological products as discontinued in the list published under section 351(k)(9)(A) of the Public Health Service Act, except that the Secretary shall remove from the list in accordance with section 351(k)(9)(B) of such Act biological products for which the license has been revoked or suspended for reasons of safety, purity, or potency."; and

(2) in subsection (e)—

(A) by inserting after the first sentence the following: "The Secretary shall update the list published under section 351(k)(9)(A) of the Public Health Service Act based on information provided under subsections (a), (b), and (c) by identifying as discontinued biological products that are not available for sale, except that biological products for which the license has been revoked or suspended for safety, purity, or potency reasons shall be removed from the list in accordance with section 351(k)(9)(B) of the Public Health Service Act."; Update.

(B) by striking "monthly updates to the list" and inserting "monthly updates to the lists referred to in the preceding sentences"; and

(C) by striking "and shall update the list based on" and inserting "and shall update such lists based on".

(d) TECHNICAL CORRECTIONS.—Section 506I(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356i(e)) is amended—

(1) by striking "subsection 505(j)(7)(A)" and inserting "section 505(j)(7)(A)"; and

(2) by striking "subsection 505(j)(7)(C)" and inserting "section 505(j)(7)(C)".

SEC. 3202. IMPROVING THE TREATMENT OF RARE DISEASES AND CONDITIONS.

(a) REPORT ON ORPHAN DRUG PROGRAM.—

Summary.
Time period.

(1) IN GENERAL.—Not later than September 30, 2026, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report summarizing the activities of the Food and Drug Administration, with respect to the period of fiscal years 2023 through fiscal year 2025, related to designating drugs under section 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb) for a rare disease or condition and approving such drugs under section 505 of such Act (21 U.S.C. 355) or licensing such drugs under section 351 of the Public Health Service Act (42 U.S.C. 262), including—

(A) the number of applications for such drugs under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) received by the Food and Drug Administration, the number of such applications accepted and rejected for filing, and the numbers of such applications pending, approved, and for which a complete response letter has been issued by the Food and Drug Administration;

(B) the number of applications for which the sponsor requested written recommendations pursuant to section 525 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa) and the number of such applications for which the sponsor received such written recommendations;

(C) a description of trends in drug approvals for rare diseases and conditions across review divisions at the Food and Drug Administration;

(D) the extent to which the Food and Drug Administration is consulting with external experts pursuant to section 569(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–8(a)(2)) on topics pertaining to drugs for a rare disease or condition, including how and when any such consultation is occurring;

(E) the number of applications for which the Secretary allowed the sponsor to rely upon data and information pursuant to section 529A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff–1); and

(F) a description of the Food and Drug Administration's efforts to promote best practices in the development of novel treatments for rare diseases or conditions, including—

(i) reviewer training on policies, methods, and tools related to rare diseases and conditions; and

(ii) new regulatory science and coordinated support for patient and stakeholder engagement.

(2) PUBLIC AVAILABILITY.—The Secretary shall make the report under paragraph (1) available to the public, including by posting the report on the website of the Food and Drug Administration. Web posting.

(3) INFORMATION DISCLOSURE.—Nothing in this subsection shall be construed to authorize the disclosure of information that is prohibited from disclosure under section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)) or section 1905 of title 18, United States Code, or subject to withholding under paragraph (4) of section 552(b) of title 5, United States Code (commonly referred to as the "Freedom of Information Act").

(b) GUIDANCE.—Not later than 9 months after the date of enactment of this Act, the Secretary shall publish final guidance related to the draft guidance titled, "Rare Diseases: Common Issues in Drug Development", issued on February 1, 2019. Deadline. Publication.

(c) STUDY ON EUROPEAN UNION SAFETY AND EFFICACY REVIEWS OF DRUGS FOR RARE DISEASES AND CONDITIONS.—

(1) IN GENERAL.—The Secretary shall enter into a contract with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the "National Academies") to conduct a study on processes for evaluating the safety and efficacy of drugs for rare diseases or conditions in the United States and the European Union, including— Contracts.

(A) flexibilities, authorities, or mechanisms available to regulators in the United States and the European Union specific to rare diseases or conditions;

(B) the consideration and use of supplemental data submitted during review processes in the United States and the European Union, including data associated with open label extension studies and expanded access programs specific to rare diseases or conditions; Data.

(C) an assessment of collaborative efforts between United States and European Union regulators related to— Assessment.

(i) product development programs under review;

(ii) policies under development and those recently issued; and

(iii) scientific information related to product development or regulation; and

(D) recommendations for how Congress can support collaborative efforts described in subparagraph (C). Recommendations.

(2) CONSULTATION.—The contract under paragraph (1) shall provide for consultation with relevant stakeholders, including—

(A) representatives from the Food and Drug Administration and the European Medicines Agency;

(B) patients with rare diseases or conditions; and

(C) patient groups that—

(i) represent patients with rare diseases or conditions; and

(ii) have international patient outreach.

(3) REPORT.—The contract under paragraph (1) shall provide for, not later than 2 years after the date of entering into such contract—

(A) the completion of the study under paragraph (1); and

(B) the submission of a report on the results of such study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

Web posting.

(4) PUBLIC AVAILABILITY.—The contract under paragraph (1) shall provide for the National Academies to make the report under paragraph (3) available to the public, including by posting the report on the website of the National Academies.

(d) PUBLIC MEETING.—

Deadline.

(1) IN GENERAL.—Not later than December 31, 2023, the Secretary, acting through the Commissioner of Food and Drugs, shall convene one or more public meetings to solicit input from stakeholders regarding the approaches described in paragraph (2).

(2) APPROACHES.—The public meeting or meetings under paragraph (1) shall address approaches to increasing and improving engagement with rare disease or condition patients, groups representing such patients, rare disease or condition experts, and experts on small population studies, in order to improve the understanding with respect to rare diseases or conditions of—

(A) patient burden;

(B) treatment options; and

(C) side effects of treatments, including understanding the risks of side effects relative to the health status of the patient and the progression of the disease or condition.

Public comments.

(3) PUBLIC DOCKET.—The Secretary shall establish a public docket to receive written comments related to the approaches addressed during each public meeting under paragraph (1). Such public docket shall remain open for 60 days following the date of each such public meeting.

Time period.

Web posting.

(4) REPORTS.—Not later than 180 days after each public meeting under paragraph (1), the Commissioner of Food and Drugs shall develop and publish on the website of the Food and Drug Administration a report on—

(A) the approaches discussed at the public meeting; and

Recommendations.

(B) any related recommendations.

(e) CONSULTATION ON THE SCIENCE OF SMALL POPULATION STUDIES.—Section 569(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–8(b)) is amended—

(1) in paragraph (6), by striking "; and" and inserting a semicolon;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) the science of small population studies.".

(f) GAO REPORT.—

Assessments.

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report assessing the policies, practices, and programs of the Food

and Drug Administration with respect to the review of applications for approval of drugs under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and licensing of biological products under section 351 of the Public Health Service Act (42 U.S.C. 262) intended to treat rare diseases and conditions.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall—

(A) describe the activities of the Food and Drug Administration dedicated to the development and review of drugs and biological products intended to treat rare diseases and conditions under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and section 351 of the Public Health Service Act (42 U.S.C. 262);

(B) describe challenges with developing and obtaining approval or licensure of drugs and biological products intended to treat rare diseases and conditions, such as challenges related to designing and conducting clinical trials, clinical trial subject recruitment and enrollment, study endpoints, and ensuring data quality, assessing the benefit-risk profile of drugs and biological products intended to treat rare diseases and conditions, and meeting requirements for approval or licensure;

Assessment.

(C) assess the effectiveness of policies and practices of the Food and Drug Administration related to the review of applications for drugs and biological products intended to treat rare diseases and conditions, including—

(i) initiatives to support the development and review of drugs and biological products intended to treat rare diseases and conditions, including initiatives related to regulatory science, clinical trial design, statistical analysis, and other relevant topics;

(ii) consideration of relevant patient-focused drug development data and information, including patient experience data and the views of patients, pursuant to section 569C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–8c);

(iii) training and other efforts to ensure the expertise of personnel of the Food and Drug Administration regarding the review of applications for drugs and biological products intended to treat rare diseases and conditions; and

(iv) consultations and engagement with stakeholders and external experts pursuant to section 569 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–8);

Assessment.

(D) assess the extent to which the Food and Drug Administration is applying the policies and practices described in subparagraph (C) consistently across review divisions, and the factors that influence the extent to which such application is consistent; and

Recommendations.

(E) include recommendations to address challenges and deficiencies identified, including recommendations to improve the effectiveness, consistency, and coordination of policies, practices, and programs of the Food and Drug Administration related to the review of applications for

drugs and biological products intended to treat rare diseases and conditions.

(g) DEFINITION.—In this section, the terms "rare disease or condition", "rare diseases or conditions", and "rare diseases and conditions" have the meaning given the term "rare disease or condition" in section 526(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb(a)(2)).

SEC. 3203. EMERGING TECHNOLOGY PROGRAM.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.) is amended by inserting after section 566 of such Act (21 U.S.C. 360bbb–5) the following:

21 USC 360bbb–5a.

"SEC. 566A. EMERGING TECHNOLOGY PROGRAM.

"(a) PROGRAM ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish a program to support the adoption of, and improve the development of, innovative approaches to drug design and manufacturing.

"(2) ACTIONS.—In carrying out the program under paragraph (1), the Secretary may—

"(A) facilitate and increase communication between public and private entities, consortia, and individuals with respect to innovative drug product design and manufacturing;

"(B) solicit information regarding, and conduct or support research on, innovative approaches to drug product design and manufacturing;

"(C) convene meetings with representatives of industry, academia, other Federal agencies, international agencies, and other interested persons, as appropriate;

"(D) convene working groups to support drug product design and manufacturing research and development;

"(E) support education and training for regulatory staff and scientists related to innovative approaches to drug product design and manufacturing;

"(F) advance regulatory science related to the development and review of innovative approaches to drug product design and manufacturing;

"(G) convene or participate in working groups to support the harmonization of international regulatory requirements related to innovative approaches to drug product design and manufacturing; and

Grants. Contracts.

"(H) award grants or contracts to carry out or support the program under paragraph (1).

"(3) GRANTS AND CONTRACTS.—To seek a grant or contract under this section, an entity shall submit an application—

"(A) in such form and manner as the Secretary may require; and

"(B) containing such information as the Secretary may require, including a description of—

"(i) how the entity will conduct the activities to be supported through the grant or contract; and

"(ii) how such activities will further research and development related to, or adoption of, innovative approaches to drug product design and manufacturing.

"(b) GUIDANCE.—The Secretary shall—

"(1) issue or update guidance to help facilitate the adoption of, and advance the development of, innovative approaches to drug product design and manufacturing; and Update.

"(2) include in such guidance descriptions of—

"(A) any regulatory requirements related to the development or review of technologies related to innovative approaches to drug product design and manufacturing, including updates and improvements to such technologies after product approval; and

"(B) data that can be used to demonstrate the identity, safety, purity, and potency of drugs manufactured using such technologies.

"(c) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing—

"(1) an annual accounting of the allocation of funds made available to carry out this section;

"(2) a description of how Food and Drug Administration staff were utilized to carry out this section and, as applicable, any challenges or limitations related to staffing;

"(3) the number of public meetings held or participated in by the Food and Drug Administration pursuant to this section, including meetings convened as part of a working group described in subparagraph (D) or (G) of subsection (a)(2), and the topics of each such meeting; and

"(4) the number of drug products approved or licensed, after the date of enactment of this section, using an innovative approach to drug product design and manufacturing.".

SEC. 3204. NATIONAL CENTERS OF EXCELLENCE IN ADVANCED AND CONTINUOUS PHARMACEUTICAL MANUFACTURING.

(a) IN GENERAL.—Section 3016 of the 21st Century Cures Act (21 U.S.C. 399h) is amended to read as follows:

"SEC. 3016. NATIONAL CENTERS OF EXCELLENCE IN ADVANCED AND CONTINUOUS PHARMACEUTICAL MANUFACTURING.

"(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs—

"(1) may, to support the advancement, development, and implementation of advanced and continuous pharmaceutical manufacturing—

"(A) solicit requests for designation as National Centers of Excellence in Advanced and Continuous Pharmaceutical Manufacturing (in this section referred to as a 'National Center of Excellence');

"(B) beginning not later than one year after the date of enactment of the Food and Drug Omnibus Reform Act of 2022, designate as National Centers of Excellence institutions of higher education or consortia of institutions of higher education that— Deadline. Designations.

"(i) request such designation; and

"(ii) meet the eligibility criteria specified in subsection (c); and

"(C) award grants to such institutions or consortia of institutions; and Grants.

Designations.

"(2) shall so designate not more than 5 institutions of higher education or consortia of such institutions.

"(b) REQUEST FOR DESIGNATION.—A request for designation under subsection (a) shall be made to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) ELIGIBILITY CRITERIA FOR DESIGNATION.—To be eligible to receive a designation under this section, an institution of higher education or consortium of institutions of higher education shall include in its request for designation a description of the institution's or consortium's—

"(1) physical capacity and technical capabilities to conduct advanced research on, and to develop and implement, advanced and continuous pharmaceutical manufacturing;

"(2) collaboration or partnerships with other institutions of higher education, nonprofit organizations, and large and small pharmaceutical manufacturers, including generic and nonprescription manufacturers, contract manufacturers, and other relevant entities;

"(3) proven capacity to design, develop, implement, and demonstrate new, highly effective technologies for use in advanced and continuous pharmaceutical manufacturing;

"(4) proven ability to facilitate training of a qualified workforce for advanced research on, and development and implementation of, advanced and continuous pharmaceutical manufacturing; and

"(5)(A) experience in participating in and leading advanced and continuous pharmaceutical manufacturing technology partnerships with other institutions of higher education, nonprofit organizations, and large and small pharmaceutical manufacturers, including generic and nonprescription manufacturers, contract manufacturers, and other relevant entities to—

"(i) support the implementation of advanced or continuous pharmaceutical manufacturing for companies manufacturing or seeking to manufacture in the United States;

"(ii) support Federal agencies with technical assistance and workforce training, which may include regulatory and quality metric guidance as applicable, and hands-on training, for advanced and continuous pharmaceutical manufacturing;

"(iii) organize and conduct advanced research and development activities, with respect to advanced or continuous pharmaceutical manufacturing, needed to develop new and more effective technology, and to develop and support technological leadership;

"(iv) develop best practices for designing, developing, and implementing advanced and continuous pharmaceutical manufacturing processes; and

"(v) identify and assess workforce needs for advanced and continuous pharmaceutical manufacturing, and address such workforce needs, which may include the development and implementing of training programs; or

Plan.
Deadline.

"(B) a plan, to be implemented within 2 years, to establish partnerships described in subparagraph (A).

Designation.

"(d) TERMINATION OF DESIGNATION.—The Secretary may terminate the designation of any National Center of Excellence designated under this section if the Secretary determines such National

Center of Excellence no longer meets the criteria specified in subsection (c). Not later than 90 days before the effective date of such a termination, the Secretary shall provide written notice to the National Center of Excellence, including the rationale for such termination.

Deadline. Notice.

"(e) CONDITIONS FOR DESIGNATION.—As a condition of designation as a National Center of Excellence under this section, the Secretary shall require that an institution of higher education or consortium of institutions of higher education enter into an agreement with the Secretary under which the institution or consortium agrees—

Requirements. Contracts.

"(1) to collaborate directly with the Food and Drug Administration to publish the reports required by subsection (g);

"(2) to share data with the Food and Drug Administration regarding best practices and research generated through the funding under subsection (f);

"(3) to develop, along with industry partners (which may include large and small pharmaceutical manufacturers, including generic and nonprescription manufacturers, and contract research organizations or contract manufacturers that carry out drug development and manufacturing activities) and another institution or consortium designated under this section, if any, a strategic plan for developing an advanced and continuous pharmaceutical manufacturing workforce;

Strategic plan.

"(4) to develop, along with industry partners and other institutions or consortia of such institutions designated under this section, a strategic plan for strengthening existing, and developing new, partnerships with other institutions of higher education or consortia thereof, or nonprofit organizations; and

Strategic plan.

"(5) to provide an annual report to the Food and Drug Administration regarding the designee's activities under this section, including a description of how the designee continues to meet and make progress on the criteria specified in subsection (c).

Reports.

"(f) FUNDING.—

"(1) IN GENERAL.—The Secretary shall award funding, through grants, contracts, or cooperative agreements, to the entities designated as National Centers of Excellence under this section for the purposes of supporting the advanced research on, and development and implementation of, advanced and continuous pharmaceutical manufacturing, and recommending improvements to advanced and continuous pharmaceutical manufacturing, including—

Grants. Contracts.

"(A) expanding capacity for advanced research on, and development of, advanced and continuous pharmaceutical manufacturing; and

"(B) implementing advanced research capacity and capabilities in advanced and continuous pharmaceutical manufacturing suitable for accelerating the development of drug products needed to respond to public health threats, mitigate or prevent drug shortages, address drug quality issues and supply chain disruptions, and other circumstances with respect to which the Secretary may determine the rapid development of new products or new manufacturing processes may be appropriate.

"(2) CONSISTENCY WITH FDA MISSION.—As a condition on receipt of funding under this subsection, a National Center

of Excellence shall consider any input from the Secretary regarding the use of funding related to—

"(A) best practices to increase, and provide for the advancement of, advanced and continuous pharmaceutical manufacturing through the National Center of Excellence; and

"(B) the extent to which activities conducted by the National Center of Excellence are consistent with the mission of the Food and Drug Administration.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as precluding a National Center for Excellence designated under this section from receiving funds under any other provision of this Act or any other Federal law.

"(g) ANNUAL REVIEW AND REPORTS.—

"(1) ANNUAL REPORT TO CONGRESS.—Beginning not later than one year after the date on which the first designation is made under subsection (a), and annually thereafter, the Secretary shall—

"(A) submit to Congress a report describing the activities, partnerships and collaborations, Federal policy recommendations, previous and continuing funding, and findings of, and any other applicable information from, the National Centers of Excellence designated under this section;

Expenses.

"(B) include in such report an accounting of the Federal administrative expenses described in subsection (i)(2) over the reporting period; and

Public information. Web posting.

"(C) make such report available to the public in an easily accessible electronic format on the website of the Food and Drug Administration.

Summary.

"(2) CENTER OF EXCELLENCE REPORT.—An entity receiving a grant under this section shall, not later than 1 year after receiving such grant, and annually thereafter for the duration of the grant period, submit to the Secretary a summary of programs and activities funded under the grant.

"(3) PERIODIC REVIEW.—The Secretary shall periodically review the National Centers of Excellence designated under this section to ensure that such National Centers of Excellence continue to meet the criteria for designation under this section.

Plans. Guidance. Regulations.

"(4) ADDITIONAL REPORT TO CONGRESS.—Not later than 1 year after the date on which the first designation is made under subsection (a), the Secretary, in consultation with the National Centers of Excellence designated under this section, shall submit a report to the Congress on the role of the Food and Drug Administration in supporting advanced and continuous pharmaceutical manufacturing, including—

"(A) a national framework of principles related to the implementation of advanced and continuous pharmaceutical manufacturing;

"(B) a plan for the development of Federal regulations and guidance to support and facilitate the incorporation of advanced or continuous manufacturing into the development of pharmaceuticals;

"(C) a plan for development of Federal regulations or guidance related to the review of advanced and continuous pharmaceutical manufacturing, including how such

manufacturing practices may be incorporated into the review of medical product applications; and

"(D) a summary of relevant feedback related to improving advanced and continuous pharmaceutical manufacturing solicited from the public, which may include other institutions of higher education, nonprofit organizations, and large and small pharmaceutical manufacturers, including generic and nonprescription manufacturers, and contract manufacturers, and other relevant entities. Summary.

"(h) DEFINITIONS.—In this section:

"(1) ADVANCED AND CONTINUOUS PHARMACEUTICAL MANUFACTURING.—The term 'advanced and continuous pharmaceutical manufacturing' refers to a method of pharmaceutical manufacturing, or a combination of pharmaceutical manufacturing methods—

"(A) that incorporates a novel technology, or uses an established technique or technology in a new or innovative way, that enhances drug quality or improves the manufacturing process for a drug, including processes that may apply to advanced therapies and the production of biological products, such as cell and gene therapies; or

"(B) for which the input materials are continuously fed into and transformed within the process, and the output materials are continuously removed from the system, utilizing an integrated manufacturing process that consists of a series of 2 or more simultaneous unit operations.

"(2) BIOLOGICAL PRODUCT.—The term 'biological product' has the meaning given such term in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

"(3) DRUG.—The term 'drug' has the meaning given such term in section 201(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)).

"(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $100,000,000 for the period of fiscal years 2023 through 2027. Time periods.

"(2) FEDERAL ADMINISTRATIVE EXPENSES.—Of the amounts made available to carry out this section for a fiscal year, the Secretary shall not use more than 8 percent for Federal administrative expenses, including training, technical assistance, reporting, and evaluation.".

(b) TRANSITION RULE.—Section 3016 of the 21st Century Cures Act (21 U.S.C. 399h), as in effect on the day before the date of the enactment of this section, shall apply with respect to grants awarded under such section before such date of enactment. Applicability. 21 USC 399h note.

(c) CLERICAL AMENDMENT.—The item relating to section 3016 in the table of contents in section 1(b) of the 21st Century Cures Act (Public Law 114–255) is amended to read as follows:

130 Stat. 1034.

"Sec. 3016. National Centers of Excellence in Advanced and Continuous Pharmaceutical Manufacturing.".

Deadline.

SEC. 3205. PUBLIC WORKSHOP ON CELL THERAPIES.

Not later than 3 years after the date of the enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall convene a public workshop with relevant stakeholders to discuss best practices on generating scientific data necessary to further facilitate the development of certain human cell-, tissue-, and cellular-based medical products (and the latest scientific information about such products) that are regulated as drugs under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and biological products under section 351 of the Public Health Service Act (42 U.S.C. 262), namely, stem cell and other cellular therapies.

SEC. 3206. CLARIFICATIONS TO EXCLUSIVITY PROVISIONS FOR FIRST INTERCHANGEABLE BIOSIMILAR BIOLOGICAL PRODUCTS.

Section 351(k)(6) of the Public Health Service Act (42 U.S.C. 262(k)(6)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "Upon review of" and inserting "The Secretary shall not make approval as an interchangeable biological product effective with respect to";

(B) by striking "relying on" and inserting "that relies on"; and

(C) by striking "the Secretary shall not make a determination under paragraph (4) that the second or subsequent biological product is interchangeable for any condition of use"; and

(2) in the flush text that follows subparagraph (C)(ii), by striking "taken." and inserting "taken, and the term 'first interchangeable biosimilar biological product' means any interchangeable biosimilar biological product that is approved on the first day on which such a product is approved as interchangeable with the reference product.".

SEC. 3207. GAO REPORT ON NONPROFIT PHARMACEUTICAL ORGANIZATIONS.

(a) GAO REVIEW.—The Comptroller General of the United States (referred to in this section as the "Comptroller General") shall prepare a report on—

(1) what is known about nonprofit pharmaceutical manufacturing organizations, including the impact of such organizations on the development, availability, and cost of prescription drugs in the United States, which may include information with respect to the capacity and capability to help prevent or mitigate shortages of such drugs, and any challenges to manufacturing or other operations; and

Recommendations.

(2) recommendations to address such challenges.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit the report described in subsection (a) to the Committee on Health, Education,

Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SEC. 3208. RARE DISEASE ENDPOINT ADVANCEMENT PILOT PROGRAM.

21 USC 360aa note. Procedures.

(a) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary establishes procedures to provide increased interaction with sponsors of rare disease drug development programs for purposes of advancing the development of efficacy endpoints, including surrogate and intermediate endpoints, for drugs intended to treat rare diseases, including through—

(1) determining eligibility of participants for such program; and

(2) developing and implementing a process for applying to, and participating in, such a program.

Process.

(b) PUBLIC WORKSHOPS.—The Secretary shall conduct up to 3 public workshops, which shall be completed not later than September 30, 2026, to discuss topics relevant to the development of endpoints for rare diseases, which may include discussions about—

Deadline.

(1) novel endpoints developed through the pilot program established under this section; and

(2) as appropriate, the use of real world evidence and real world data to support the validation of efficacy endpoints, including surrogate and intermediate endpoints, for rare diseases.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than September 30, 2026, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the completed and ongoing activities in the pilot program established under this section and public workshops described in subsection (b).

(2) FINAL REPORT.—Not later than September 30, 2027, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the outcomes of the pilot program established under this section.

(d) GUIDANCE.—Not later than September 30, 2027, the Secretary shall issue guidance describing best practices and strategies for development of efficacy endpoints, including surrogate and intermediate endpoints, for rare diseases.

Deadline.

(e) SUNSET.—The Secretary may not accept any new application or request to participate in the program established by this section on or after October 1, 2027.

SEC. 3209. ANIMAL TESTING ALTERNATIVES.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (i)—

(A) in paragraph (1)(A), by striking "preclinical tests (including tests on animals)" and inserting "nonclinical tests"; and

(B) in paragraph (2)(B), by striking "animal" and inserting "nonclinical tests"; and

(2) by inserting after subsection (y) the following:

"(z) NONCLINICAL TEST DEFINED.—For purposes of this section, the term 'nonclinical test' means a test conducted in vitro, in silico, or in chemico, or a nonhuman in vivo test, that occurs before or during the clinical trial phase of the investigation of the safety and effectiveness of a drug. Such test may include the following:

"(1) Cell-based assays.

"(2) Organ chips and microphysiological systems.

"(3) Computer modeling.

"(4) Other nonhuman or human biology-based test methods, such as bioprinting.

"(5) Animal tests.".

(b) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATIONS.—Item (bb) of section 351(k)(2)(A)(i)(I) of the Public Health Service Act (42 U.S.C. 262(k)(2)(A)(i)(I)) is amended to read as follows:

"(bb) an assessment of toxicity (which may rely on, or consist of, a study or studies described in item (aa) or (cc)); and".

SEC. 3210. MODERNIZING ACCELERATED APPROVAL.

(a) IN GENERAL.—Section 506(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(c)) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking "Approval of a product" and inserting the following:

"(A) IN GENERAL.—Approval of a product";

(C) in clause (i) of such subparagraph (A), as so redesignated, by striking "appropriate postapproval studies" and inserting "an appropriate postapproval study or studies"; and

(D) by adding at the end the following:

Web posting.

"(B) STUDIES NOT REQUIRED.—If the Secretary does not require that the sponsor of a product approved under accelerated approval conduct a postapproval study under this paragraph, the Secretary shall publish on the website of the Food and Drug Administration the rationale for why such study is not appropriate or necessary.

Deadline.

"(C) POSTAPPROVAL STUDY CONDITIONS.—Not later than the date of approval of a product under accelerated approval, the Secretary shall specify the conditions for a postapproval study or studies required to be conducted under this paragraph with respect to such product, which may include enrollment targets, the study protocol, and milestones, including the target date of study completion.

"(D) STUDIES BEGUN BEFORE APPROVAL.—The Secretary may require, as appropriate, a study or studies to be underway prior to approval, or within a specified time period after the date of approval, of the applicable product."; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "(as prescribed by the Secretary in regulations which shall include an opportunity for an informal hearing)" and inserting "described in subparagraph (B)";

(B) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively and adjusting the margins accordingly;

(C) by striking "The Secretary may" and inserting the following:

"(A) IN GENERAL.—The Secretary may";

(D) in clause (i) of such subparagraph (A), as so redesignated, by striking "drug with due diligence" and inserting "product with due diligence, including with respect to conditions specified by the Secretary under paragraph (2)(C)";

(E) in clause (iii) of such subparagraph (A), as so redesignated, by inserting "shown to be" after "product is not"; and

(F) by adding at the end the following:

"(B) EXPEDITED PROCEDURES DESCRIBED.—Expedited procedures described in this subparagraph shall consist of, prior to the withdrawal of accelerated approval—

"(i) providing the sponsor with—

"(I) due notice; 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— Appeal.

"(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; Public comment.

"(iii) the publication of a summary of the public comments received, and the Secretary's response to such comments, on the website of the Food and Drug Administration; and Summary. Web posting.

"(iv) convening and consulting an advisory committee on issues related to the proposed withdrawal, if requested by the sponsor and if no such advisory committee has previously advised the Secretary on such issues with respect to the withdrawal of the product prior to the sponsor's request.". Consultation.

(b) REPORTS OF POSTMARKETING STUDIES.—Section 506B(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356b(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) ACCELERATED APPROVAL.—Notwithstanding paragraph (1), a sponsor of a drug approved pursuant to accelerated approval shall submit to the Secretary a report of the progress of any study required under section 506(c), including progress toward enrollment targets, milestones, and other information as required by the Secretary, not later than 180 days after the approval of such drug and not less frequently than every 180 days thereafter, until the study is completed or terminated.

Web posting.

The Secretary shall promptly publish on the website of the Food and Drug Administration, in an easily searchable format, the information reported under this paragraph.".

(c) ENFORCEMENT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by title II, is further amended by adding at the end the following:

"(ggg) The failure of a sponsor of a product approved under accelerated approval pursuant to section 506(c)—

"(1) to conduct with due diligence any postapproval study required under section 506(c) with respect to such product; or

"(2) to submit timely reports with respect to such product in accordance with section 506B(a)(2).".

21 USC 356 note.

(d) GUIDANCE.—

(1) IN GENERAL.—The Secretary shall issue guidance describing—

(A) how sponsor questions related to the identification of novel surrogate or intermediate clinical endpoints may be addressed in early-stage development meetings with the Food and Drug Administration;

(B) the use of novel clinical trial designs that may be used to conduct appropriate postapproval studies as may be required under section 506(c)(2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(c)(2)(A)), as amended by subsection (a);

(C) the expedited procedures described in section 506(c)(3)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(c)(3)(B)); and

(D) considerations related to the use of surrogate or intermediate clinical endpoints that may support the accelerated approval of an application under 506(c)(1)(A) of such Act (21 U.S.C. 356(c)(1)(A)), including considerations in evaluating the evidence related to any such endpoints.

Deadlines.

(2) FINAL GUIDANCE.—The Secretary shall issue—

(A) draft guidance under paragraph (1) not later than 18 months after the date of enactment of this Act; and

(B) final guidance not later than 1 year after the close of the public comment period on such draft guidance.

21 USC 356–2.

(e) ACCELERATED APPROVAL COUNCIL.—

Deadline.
Establishment.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish an intra-agency coordinating council (referred to in this subsection as the "Council") within the Food and Drug Administration to ensure the consistent and appropriate use of accelerated approval across the Food and Drug Administration, pursuant to section 506(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(c)).

(2) MEMBERSHIP.—The members of the Council shall consist of the following senior officials, or a designee of such official, from the Food and Drug Administration and relevant Centers:

(A) The Director of the Center for Drug Evaluation and Research.

(B) The Director of the Center for Biologics Evaluation and Research.

(C) The Director of the Oncology Center of Excellence.

(D) The Director of the Office of New Drugs.

(E) The Director of the Office of Orphan Products Development.

(F) The Director of the Office of Tissues and Advanced Therapies.

(G) The Director of the Office of Medical Policy.

(H) At least 3 directors of review divisions or offices overseeing products approved under accelerated approval, including at least one director within the Office of Neuroscience.

(3) DUTIES OF THE COUNCIL.—

(A) MEETINGS.—The Council shall convene not fewer than 3 times per calendar year to discuss issues related to accelerated approval, including any relevant cross-disciplinary approaches related to product review with respect to accelerated approval.

(B) POLICY DEVELOPMENT.—The Council shall directly engage with product review teams to support the consistent and appropriate use of accelerated approval across the Food and Drug Administration. Such engagement may include—

(i) developing guidance for Food and Drug Administration staff and best practices for, and across, product review teams, including with respect to communication between sponsors and the Food and Drug Administration and the review of products under accelerated approval;

(ii) providing training for product review teams; and

(iii) advising review divisions on best practices with respect to product-specific development, review, and withdrawal of products under accelerated approval.

(4) PUBLICATION OF A REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Council shall publish on the public website of the Food and Drug Administration a report on the activities of the Council.

Public information. Web posting.

(f) RULE OF CONSTRUCTION.—Nothing in this section (including the amendments made by this section) shall be construed to affect ongoing withdrawal proceedings for products approved pursuant to section 506(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(c)) for which a notice of proposed withdrawal has been published in the Federal Register prior to the date of enactment of this Act. Such proceedings may continue under procedures in effect prior to the date of enactment of this Act.

21 USC 356 note.

SEC. 3211. ANTIFUNGAL RESEARCH AND DEVELOPMENT.

Deadlines. 21 USC 355 note.

(a) DRAFT GUIDANCE.—Not later than 3 years after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall issue draft guidance for industry for the purposes of assisting entities seeking approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or licensure under section 351 of the Public Health Service Act (42 U.S.C. 262) of antifungal therapies designed to treat coccidioidomycosis (commonly known as Valley Fever).

(b) FINAL GUIDANCE.—Not later than 18 months after the close of the public comment period on the draft guidance issued pursuant

to subsection (a), the Secretary, acting through the Commissioner of Food and Drugs, shall finalize the draft guidance.

(c) WORKSHOP.—To assist entities developing preventive vaccines for fungal infections and coccidioidomycosis, the Secretary shall hold a public workshop.

SEC. 3212. ADVANCING QUALIFIED INFECTIOUS DISEASE PRODUCT INNOVATION.

(a) IN GENERAL.—Section 505E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355f) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking "; or" and inserting ";";

(B) in paragraph (3), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(4) an application pursuant to section 351(a) of the Public Health Service Act.";

(2) in subsection (d)(1), by inserting "of this Act or section 351(a) of the Public Health Service Act" after "section 505(b)"; and

(3) by amending subsection (g) to read as follows:

Definition.

"(g) QUALIFIED INFECTIOUS DISEASE PRODUCT.—The term 'qualified infectious disease product' means a drug (including a biological product), including an antibacterial or antifungal drug, for human use that—

"(1) acts on bacteria or fungi or on substances produced by such bacteria or fungi; and

"(2) is intended to treat a serious or life-threatening infection, including such an infection caused by—

"(A) an antibacterial or antifungal resistant pathogen, including novel or emerging infectious pathogens; or

"(B) qualifying pathogens listed by the Secretary under subsection (f).".

(b) PRIORITY REVIEW.—Section 524A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n–1(a)) is amended by inserting "of this Act, or section 351(a) of the Public Health Service Act, that requires clinical data (other than bioavailability studies) to demonstrate safety or effectiveness" before the period.

SEC. 3213. ADVANCED MANUFACTURING TECHNOLOGIES DESIGNATION PROGRAM.

Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.), as amended by title II, is further amended by inserting after section 506K the following:

21 USC 356*l*.

"SEC. 506L. ADVANCED MANUFACTURING TECHNOLOGIES DESIGNATION PROGRAM.

Deadline.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall initiate a program under which persons may request designation of an advanced manufacturing technology as described in subsection (b).

"(b) DESIGNATION PROCESS.—The Secretary shall establish a process for the designation under this section of methods of manufacturing drugs, including biological products, and active pharmaceutical ingredients of such drugs, as advanced manufacturing technologies. A method of manufacturing, or a combination of manufacturing methods, is eligible for designation as an advanced manufacturing technology if such method or combination of methods incorporates a novel technology, or uses an established technique or technology in a novel way, that will substantially improve the manufacturing process for a drug while maintaining equivalent, or providing superior, drug quality, including by—

"(1) reducing development time for a drug using the designated manufacturing method; or

"(2) increasing or maintaining the supply of—

"(A) a drug that is life-supporting, life-sustaining, or of critical importance to providing health care; or

"(B) a drug that is on the drug shortage list under section 506E.

"(c) EVALUATION AND DESIGNATION OF AN ADVANCED MANUFACTURING TECHNOLOGY.—

"(1) SUBMISSION.—A person who requests designation of a method of manufacturing as an advanced manufacturing technology under this section shall submit to the Secretary data or information demonstrating that the method of manufacturing meets the criteria described in subsection (b) in a particular context of use. The Secretary may facilitate the development and review of such data or information by— Data.

"(A) providing timely advice to, and interactive communication with, such person regarding the development of the method of manufacturing; and

"(B) involving senior managers and experienced staff of the Food and Drug Administration, as appropriate, in a collaborative, cross-disciplinary review of the method of manufacturing, as applicable.

"(2) EVALUATION AND DESIGNATION.—Not later than 180 calendar days after the receipt of a request under paragraph (1), the Secretary shall determine whether to designate such method of manufacturing as an advanced manufacturing technology, in a particular context of use, based on the data and information submitted under paragraph (1) and the criteria described in subsection (b). Deadline. Determination.

"(d) REVIEW OF ADVANCED MANUFACTURING TECHNOLOGIES.—If the Secretary designates a method of manufacturing as an advanced manufacturing technology, the Secretary shall—

"(1) expedite the development and review of an application submitted under section 505 of this Act or section 351 of the Public Health Service Act, including supplemental applications, for drugs that are manufactured using a designated advanced manufacturing technology; and

"(2) allow the holder of an advanced technology designation, or a person authorized by the advanced manufacturing technology designation holder, to reference or rely upon, in an application submitted under section 505 of this Act or section 351 of the Public Health Service Act, including a supplemental application, data and information about the designated advanced manufacturing technology for use in manufacturing

drugs in the same context of use for which the designation was granted.

"(e) IMPLEMENTATION AND EVALUATION OF ADVANCED MANUFACTURING TECHNOLOGIES PROGRAM.—

Federal Register, publication. Notice. Deadline. Recommendations.

"(1) PUBLIC MEETING.—The Secretary shall publish in the Federal Register a notice of a public meeting, to be held not later than 180 days after the date of enactment of this section, to discuss, and obtain input and recommendations from relevant stakeholders regarding—

"(A) the goals and scope of the program under this section, and the framework, procedures, and requirements suitable for such program; and

"(B) ways in which the Food and Drug Administration will support the use of advanced manufacturing technologies and other innovative manufacturing approaches for drugs.

"(2) PROGRAM GUIDANCE.—

Deadlines.

"(A) IN GENERAL.—The Secretary shall—

"(i) not later than 180 days after the public meeting under paragraph (1), issue draft guidance regarding the goals and implementation of the program under this section; and

"(ii) not later than 2 years after the date of enactment of this section, issue final guidance regarding the implementation of such program.

"(B) CONTENT.—The guidance described in subparagraph (A) shall address—

"(i) the process by which a person may request a designation under subsection (b);

"(ii) the data and information that a person requesting such a designation is required to submit under subsection (c), and how the Secretary intends to evaluate such submissions;

"(iii) the process to expedite the development and review of applications under subsection (d); and

"(iv) the criteria described in subsection (b) for eligibility for such a designation.

Web posting. Evaluations.

"(3) REPORT.—Not later than 3 years after the date of enactment of this section and annually thereafter, the Secretary shall publish on the website of the Food and Drug Administration and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing a description and evaluation of the program being conducted under this section, including the types of innovative manufacturing approaches supported under the program. Such report shall include the following:

"(A) The number of persons that have requested designations and that have been granted designations.

"(B) The number of methods of manufacturing that have been the subject of designation requests and that have been granted designations.

"(C) The average number of calendar days for completion of evaluations under subsection (c)(2).

Analysis.

"(D) An analysis of the factors in data submissions that result in determinations to designate and not to designate after evaluation under subsection (c)(2).

"(E) The number of applications received under section 505 of this Act or section 351 of the Public Health Service Act, including supplemental applications, that have included an advanced manufacturing technology designated under this section, and the number of such applications approved.

"(f) SUNSET.—The Secretary—

"(1) may not consider any requests for designation submitted under subsection (c) after October 1, 2032; and

"(2) may continue all activities under this section with respect to advanced manufacturing technologies that were designated pursuant to subsection (b) prior to such date, if the Secretary determines such activities are in the interest of the public health.".

CHAPTER 2—TRANSPARENCY, PROGRAM INTEGRITY, AND REGULATORY IMPROVEMENTS

SEC. 3221. SAFER DISPOSAL OF OPIOIDS.

Section 505–1(e)(4)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(e)(4)(B)) is amended by striking "for purposes of rendering drugs nonretrievable (as defined in section 1300.05 of title 21, Code of Federal Regulations (or any successor regulation))".

SEC. 3222. THERAPEUTIC EQUIVALENCE EVALUATIONS.

Section 505(j)(7)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)(A)) is amended by adding at the end the following:

Deadlines.
Data.

"(v)(I) With respect to an application submitted pursuant to subsection (b)(2) for a drug that is subject to section 503(b) for which the sole difference from a listed drug relied upon in the application is a difference in inactive ingredients not permitted under clause (iii) or (iv) of section 314.94(a)(9) of title 21, Code of Federal Regulations (or any successor regulations), the Secretary shall make an evaluation with respect to whether such drug is a therapeutic equivalent (as defined in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) to another approved drug product in the prescription drug product section of the list under this paragraph as follows:

"(aa) With respect to such an application submitted after the date of enactment of the Food and Drug Omnibus Reform Act of 2022, the evaluation shall be made with respect to a listed drug relied upon in the application pursuant to subsection (b)(2) that is a pharmaceutical equivalent (as defined in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) to the drug in the application pursuant to subsection (b)(2) at the time of approval of such application or not later than 180 days after the date of such approval, provided that the request for such an evaluation is made in the original application (or in a resubmission to a complete response letter), and all necessary data and information are submitted in the original application (or in a resubmission in response to a complete response letter) for the therapeutic equivalence evaluation, including information to demonstrate bioequivalence, in a form and manner prescribed by the Secretary.

"(bb) With respect to such an application approved prior to or on the date of enactment of the Food and Drug Omnibus Reform Act of 2022, the evaluation shall be made not later than 180 days after receipt of a request for a therapeutic equivalence evaluation submitted as part of a supplement to such application; or with respect to an application that was submitted prior to the date of enactment of the Food and Drug Omnibus Reform Act of 2022 but not approved as of the date of enactment of such Act, the evaluation shall be made not later than 180 days after the date of approval of such application if a request for such evaluation is submitted as an amendment to the application, provided that—

"(AA) such request for a therapeutic equivalence evaluation is being sought with respect to a listed drug relied upon in the application, and the relied upon listed drug is in the prescription drug product section of the list under this paragraph and is a pharmaceutical equivalent (as defined in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) to the drug for which a therapeutic equivalence evaluation is sought; and

"(BB) the amendment or supplement, as applicable, containing such request, or the relevant application, includes all necessary data and information for the therapeutic equivalence evaluation, including information to demonstrate bioequivalence, in a form and manner prescribed by the Secretary.

Revisions.

"(II) When the Secretary makes an evaluation under subclause (I), the Secretary shall, in revisions made to the list pursuant to clause (ii), include such information for such drug.".

SEC. 3223. PUBLIC DOCKET ON PROPOSED CHANGES TO THIRD-PARTY VENDORS.

(a) IN GENERAL.—

Deadline.
Public comment.

(1) OPENING PUBLIC DOCKET.—Not later than 90 days after the date of enactment of this Act, the Secretary shall open a single public docket to solicit comments on factors that generally should be considered by the Secretary when reviewing requests from sponsors of drugs subject to risk evaluation and mitigation strategies to change third-party vendors engaged by sponsors to aid in implementation and management of the strategies.

(2) FACTORS.—Such factors include the potential effects of changes in third-party vendors on—

(A) patient access; and

(B) prescribing and administration of the drugs by health care providers.

Deadline.

(3) CLOSING PUBLIC DOCKET.—The Secretary may close such public docket not earlier than 90 days after such docket is opened.

(4) NO DELAY.—Nothing in this section shall delay agency action on any modification to a risk evaluation and mitigation strategy.

(b) GAO REPORT.—Not later than December 31, 2026, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives

and the Committee on Health, Education, Labor, and Pensions of the Senate a report on—

(1) the number of changes in third-party vendors (engaged by sponsors to aid implementation and management of risk evaluation and mitigation strategies) for an approved risk evaluation and mitigation strategy the Secretary has approved under section 505–1(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(h));

(2) any issues affecting patient access to the drug that is subject to the strategy or considerations with respect to the administration or prescribing of such drug by health care providers that arose as a result of such changes; and

(3) how such issues were resolved, as applicable.

SEC. 3224. ENHANCING ACCESS TO AFFORDABLE MEDICINES.

Revisions. Labeling. Deadlines.

Section 505(j)(10)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(10)(A)) is amended by striking clauses (i) through (iii) and inserting the following:

"(i) a revision to the labeling of the listed drug has been approved by the Secretary within 90 days of when the application is otherwise eligible for approval under this subsection;

"(ii) the sponsor of the application agrees to submit revised labeling for the drug that is the subject of the application not later than 60 days after approval under this subsection of the application;

"(iii) the labeling revision described under clause (i) does not include a change to the 'Warnings' section of the labeling; and".

Subtitle C—Medical Devices

SEC. 3301. DUAL SUBMISSION FOR CERTAIN DEVICES.

Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) is amended by adding at the end the following:

"(k) For a device authorized for emergency use under section 564 for which, in accordance with section 564(m), the Secretary has deemed a laboratory examination or procedure associated with such device to be in the category of examinations and procedures described in section 353(d)(3) of the Public Health Service Act, the sponsor of such device may, when submitting a request for classification under section 513(f)(2), submit a single submission containing—

"(1) the information needed for such a request; and

"(2) sufficient information to enable the Secretary to determine whether such laboratory examination or procedure satisfies the criteria to be categorized under section 353(d)(3) of the Public Health Service Act.".

Determination.

SEC. 3302. MEDICAL DEVICES ADVISORY COMMITTEE MEETINGS.

Establishment. Time period.

(a) IN GENERAL.—The Secretary shall convene one or more panels of the Medical Devices Advisory Committee not less than once per year for the purpose of providing advice to the Secretary on topics related to medical devices used in pandemic preparedness and response, including topics related to in vitro diagnostics.

(b) REQUIRED PANEL MEMBER.—A panel convened under subsection (a) shall include at least 1 population health-specific representative.

(c) SUNSET.—This section shall cease to be effective on October 1, 2027.

SEC. 3303. GAO REPORT ON THIRD-PARTY REVIEW.

Not later than September 30, 2026, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the third-party review program under section 523 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m). Such report shall include—

(1) a description of the financial and staffing resources used to carry out such program;

(2) a description of actions taken by the Secretary pursuant section 523(b)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m(b)(2)(C)); and

Audit.

(3) the results of an audit of the performance of select persons accredited under such program.

SEC. 3304. CERTIFICATES TO FOREIGN GOVERNMENTS.

Section 801(e)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)) is amended—

(1) in subparagraph (E), by striking clause (iii); and

(2) by adding at the end the following:

Applicability.

"(F)(i) This paragraph applies to requests for certification under this subparagraph of a device manufactured by a device establishment located outside of the United States that is registered under section 510, if the device is listed pursuant to section 510(j), the device has been cleared, approved, or is not required to submit a premarket report pursuant to subsection (l) or (m) of section 510, and the device is imported or offered for import into the United States.

"(ii) The Secretary shall issue the certification as described in clause (iii) if the device or devices for which certification is requested under this subparagraph meet the applicable requirements of this Act.

Fees.

"(iii)(I) A certification for a device described in clause (i) shall be subject to the fee described in subparagraph (B).

"(II) Notwithstanding subparagraph (C), a certification for a device described in clause (i) shall address and include the same material information as a 'Certificate to Foreign Government' and shall have a document title including the words 'Certificate to Foreign Government'.

Applicability.

"(iv) The requirements and procedures of subparagraph (E) shall apply to a denial of a certification under this subparagraph.".

SEC. 3305. ENSURING CYBERSECURITY OF MEDICAL DEVICES.

(a) IN GENERAL.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

21 USC 360n–2.

"SEC. 524B. ENSURING CYBERSECURITY OF DEVICES.

"(a) IN GENERAL.—A person who submits an application or submission under section 510(k), 513, 515(c), 515(f), or 520(m) for a device that meets the definition of a cyber device under this section shall include such information as the Secretary may require to ensure that such cyber device meets the cybersecurity requirements under subsection (b).

"(b) CYBERSECURITY REQUIREMENTS.—The sponsor of an application or submission described in subsection (a) shall—

"(1) submit to the Secretary a plan to monitor, identify, and address, as appropriate, in a reasonable time, postmarket cybersecurity vulnerabilities and exploits, including coordinated vulnerability disclosure and related procedures; Plan.

"(2) design, develop, and maintain processes and procedures to provide a reasonable assurance that the device and related systems are cybersecure, and make available postmarket updates and patches to the device and related systems to address— Processes. Procedures. Updates.

"(A) on a reasonably justified regular cycle, known unacceptable vulnerabilities; and

"(B) as soon as possible out of cycle, critical vulnerabilities that could cause uncontrolled risks;

"(3) provide to the Secretary a software bill of materials, including commercial, open-source, and off-the-shelf software components; and

"(4) comply with such other requirements as the Secretary may require through regulation to demonstrate reasonable assurance that the device and related systems are cybersecure. Compliance.

"(c) DEFINITION.—In this section, the term 'cyber device' means a device that—

"(1) includes software validated, installed, or authorized by the sponsor as a device or in a device;

"(2) has the ability to connect to the internet; and

"(3) contains any such technological characteristics validated, installed, or authorized by the sponsor that could be vulnerable to cybersecurity threats.

"(d) EXEMPTION.—The Secretary may identify devices, or categories or types of devices, that are exempt from meeting the cybersecurity requirements established by this section and regulations promulgated pursuant to this section. The Secretary shall publish in the Federal Register, and update, as appropriate, a list of the devices, or categories or types of devices, so identified by the Secretary.". Federal Register, publication. Update. List.

(b) PROHIBITED ACT.—Section 301(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(q)) is amended by adding at the end the following:

"(3) The failure to comply with any requirement under section 524B(b)(2) (relating to ensuring device cybersecurity).".

(c) RULE OF CONSTRUCTION.—Nothing in this section, including the amendments made by this section, shall be construed to affect the Secretary's authority related to ensuring that there is a reasonable assurance of the safety and effectiveness of devices, which may include ensuring that there is a reasonable assurance of the cybersecurity of certain cyber devices, including for devices approved or cleared prior to the date of enactment of this Act. 21 USC 331 note.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 90 days after the date of enactment of this Act. An application or submission submitted before such effective date shall not be subject to the requirements under subsection (a) or (b) of section 524B of the Federal Food, Drug, and Cosmetic Act, as added by this section. 21 USC 331 note.

(e) GUIDANCE FOR INDUSTRY AND FDA STAFF ON DEVICE CYBERSECURITY.—Not later than 2 years after the date of enactment of this Act, and periodically thereafter as appropriate, the Secretary, 21 USC 360n–2 note. Deadline. Review. Update.

in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall review and, as appropriate and after soliciting and receiving feedback from device manufacturers, health care providers, third-party-device servicers, patient advocates, and other appropriate stakeholders, update the guidance entitled "Content of Premarket Submissions for Management of Cybersecurity in Medical Devices" (or a successor document).

Deadline. Updates. Web posting. 21 USC 360n–2 note.

(f) RESOURCES REGARDING CYBERSECURITY OF DEVICES.—Not later than 180 days after the date of enactment of this Act, and not less than annually thereafter, the Secretary shall update public information provided by the Food and Drug Administration, including on the website of the Food and Drug Administration, with information regarding improving cybersecurity of devices. Such information shall include information on identifying and addressing cyber vulnerabilities for health care providers, health systems, and device manufacturers, and how such entities may access support through the Cybersecurity and Infrastructure Security Agency and other Federal entities, including the Department of Health and Human Services, to improve the cybersecurity of devices.

Publication.

(g) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall publish a report identifying challenges in cybersecurity for devices, including legacy devices that may not support certain software security updates. Through such report, the Comptroller General shall examine—

Examinations.

(1) challenges for device manufacturers, health care providers, health systems, and patients in accessing Federal support to address vulnerabilities across Federal agencies;

(2) how Federal agencies can strengthen coordination to better support cybersecurity for devices; and

(3) statutory limitations and opportunities for improving cybersecurity for devices.

21 USC 360n–2 note.

(h) DEFINITION.—In this section, the term "device" has the meaning given such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

SEC. 3306. BANS OF DEVICES FOR ONE OR MORE INTENDED USES.

(a) IN GENERAL.—Section 516(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360f(a)) is amended—

(1) in paragraph (1), by inserting "for one or more intended uses" before the semicolon at the end; and

(2) in the matter following paragraph (2), by inserting "or to make such intended use or uses a banned intended use or uses. A device that is banned for one or more intended uses is not a legally marketed device under section 1006 when intended for such use or uses" after "banned device".

21 USC 360f note.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary to amend, in accordance with section 516 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360f), as amended by this section, and chapter 5 of title 5, United States Code, regulations promulgated pursuant to such section 516, as amended by this section.

21 USC 360g–2.

SEC. 3307. THIRD PARTY DATA TRANSPARENCY.

(a) IN GENERAL.—To the extent the Secretary relies on any data, analysis, or other information or findings provided by entities that has been funded in whole or in part by, or otherwise performed

under contract with, the Food and Drug Administration, in regulatory decision-making with respect to devices, the Secretary shall—

(1) request access to the datasets, inputs, clinical or other assumptions, methods, analytical code, results, and other components underlying or comprising the analysis, conclusions, or other findings upon which the Secretary seeks to rely; and

(2) in the event that information described in paragraph (1) is used to support regulatory decision-making, and as otherwise appropriate, to the extent practicable, provide the manufacturer or manufacturers subject to such decision a summary of such information, subject to protection of confidential commercial information or trade secret information or personally identifiable information.

Summary.

(b) REPORT.—Not later than September 30, 2023, and biennially thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and publish on the website of the Food and Drug Administration, a report on the number of postmarket device signals communications issued by the Secretary, the sources of data for such signals, and how such signals were revised or resolved.

Web posting.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the delay of any regulatory decision-making or other action of the Food and Drug Administration.

SEC. 3308. PREDETERMINED CHANGE CONTROL PLANS FOR DEVICES.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515B (21 U.S.C. 360e–3) the following:

"SEC. 515C. PREDETERMINED CHANGE CONTROL PLANS FOR DEVICES.

21 USC 360e–4.

"(a) APPROVED DEVICES.—

"(1) IN GENERAL.—Notwithstanding section 515(d)(5)(A), a supplemental application shall not be required for a change to a device approved under section 515, if such change is consistent with a predetermined change control plan that is approved pursuant to paragraph (2).

"(2) PREDETERMINED CHANGE CONTROL PLAN.—The Secretary may approve a predetermined change control plan submitted in an application, including a supplemental application, under section 515 that describes planned changes that may be made to the device (and that would otherwise require a supplemental application under section 515), if the device remains safe and effective without any change.

"(3) SCOPE.—The Secretary may require that a change control plan include labeling required for safe and effective use of the device as such device changes pursuant to such plan, notification requirements if the device does not function as intended pursuant to such plan, and performance requirements for changes made under the plan.

Requirements.
Labeling.
Notifications.

"(b) CLEARED DEVICES.—

"(1) IN GENERAL.—Notwithstanding section 510(k), a premarket notification shall not be required for a change to a device cleared under section 510(k), if such change is consistent with an established predetermined change control plan granted pursuant to paragraph (2).

"(2) PREDETERMINED CHANGE CONTROL PLAN.—The Secretary may clear a predetermined change control plan submitted in a notification submitted under section 510(k) that describes planned changes that may be made to the device (and that would otherwise require a new notification), if—

"(A) the device remains safe and effective without any such change; and

"(B) the device would remain substantially equivalent to the predicate.

Requirements. Labeling. Notifications.

"(3) SCOPE.—The Secretary may require that a change control plan include labeling required for safe and effective use of the device as such device changes pursuant to such plan, notification requirements if the device does not function as intended pursuant to such plan, and performance requirements for changes made under the plan.

Determination.

"(c) PREDICATE DEVICES.—In making a determination of substantial equivalence pursuant to section 513(i), the Secretary shall not compare a device to changed versions of a device implemented in accordance with an established predetermined change control plan as a predicate device. Only the version of the device cleared or approved, prior to changes made under the predetermined change control plan, may be used by a sponsor as a predicate device.".

(b) CONFORMING AMENDMENTS.—

(1) CLEARED DEVICES.—Section 510(l)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(l)(1)) is amended, in the first sentence, by inserting ", or with respect to a change that is consistent with a predetermined change control plan cleared under section 515C" before the period at the end.

(2) APPROVED DEVICES.—Section 515(d)(5)(A)(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(5)(A)(i)) is amended by striking "A supplemental" and inserting "Unless the change is consistent with a predetermined change control plan approved under section 515C, a supplemental".

(3) DOCUMENTATION OF RATIONALE FOR SIGNIFICANT DECISIONS.—Section 517A(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360g–1(a)(1)) is amended to read as follows:

Summary.

"(1) IN GENERAL.—The Secretary shall provide a substantive summary of the scientific and regulatory rationale for any significant decision of the Center for Devices and Radiological Health regarding submission or review of a report under section 510(k), a petition for classification under section 513(f), an application under section 515, or an application for an exemption under section 520(g), including documentation of significant controversies or differences of opinion and the resolution of such controversies or differences of opinion.".

SEC. 3309. SMALL BUSINESS FEE WAIVER.

(a) IN GENERAL.—Section 738(a)(3)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j) is amended—

(1) by striking "No fee" and inserting the following:

"(i) IN GENERAL.—No fee"; and

(2) by adding at the end the following:

"(ii) SMALL BUSINESSES FEE WAIVER.—

"(I) DEFINITION OF SMALL BUSINESS.—For purposes of this clause, the term 'small business'

means an entity that reported $1,000,000 or less of gross receipts or sales in its most recent Federal income tax return for a taxable year, including such returns of all of its affiliates.

"(II) WAIVER.—The Secretary may grant a waiver of the fee required under subparagraph (A) for the annual registration (excluding the initial registration) of an establishment for a year, beginning on October 1, 2024, if the Secretary finds that the establishment is a small business and paying the fee for such year represents a financial hardship to the establishment as determined by the Secretary.

Time period.
Effective date.
Determination.

"(III) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The establishment shall support its claim that it meets the definition under subclause (I) by submission of a copy of its most recent Federal income tax return for a taxable year, and a copy of such returns of its affiliates, which show an amount of gross sales or receipts that is less than the maximum established in subclause (I). The establishment, and each of such affiliates, shall certify that the information provided is a true and accurate copy of the actual tax forms they submitted to the Internal Revenue Service. If no tax forms are submitted for any affiliate, the establishment shall certify that the establishment has no affiliates.

Records.
Certifications.

"(IV) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—In the case of an establishment that has not previously submitted a Federal income tax return, the establishment and each of its affiliates shall demonstrate that it meets the definition under subclause (I) by submission of a signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the establishment or affiliate meets the criteria for a small business and a certification, in English, from the national taxing authority, if extant, of the country in which the establishment or, if applicable, affiliate is headquartered. The certification from such taxing authority shall bear the official seal of such taxing authority and shall provide the establishment's or affiliate's gross receipts or sales for the most recent year in both the local currency of such country and in United States dollars, the exchange rate used in converting such local currency to dollars, and the dates during which these receipts or sales were collected. The establishment shall also submit a statement signed by the head of the establishment's firm or by its chief financial officer that the establishment has submitted certifications for all of its affiliates, or that the establishment has no affiliates.

Certification.
Notice.
Federal Register, publication.

Statement.

Deadline.

"(V) REQUEST FOR WAIVER.—An establishment seeking a fee waiver for a year under this clause shall submit supporting information to the Secretary at least 60 days before the fee is required pursuant to subparagraph (C). The decision of the Secretary regarding whether an entity may receive the waiver for such year is not reviewable.".

(b) TAXING AUTHORITY.—Section 738(d)(2)(B)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(d)(2)(B)(iii)) is amended by inserting ", if extant," after "national taxing authority".

Subtitle D—Infant Formula

21 USC 350a–1.

SEC. 3401. PROTECTING INFANTS AND IMPROVING FORMULA SUPPLY.

(a) DEFINITIONS.—

(1) IN GENERAL.—In this section, the term "infant formula" has the meaning given such term in section 201(z) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(z)).

(2) CRITICAL FOOD.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(ss) The term 'critical food' means a food that is—

"(1) an infant formula; or

"(2) a medical food, as defined in section 5(b)(3) of the Orphan Drug Act.".

(b) OFFICE OF CRITICAL FOODS.—

Establishment.

(1) IN GENERAL.—The Secretary shall establish within the Center for Food Safety and Applied Nutrition an office to be known as the Office of Critical Foods. The Secretary shall appoint a Director to lead such Office.

Appointment.

(2) DUTIES.—The Office of Critical Foods shall be responsible for oversight, coordination, and facilitation of activities related to critical foods, as defined in section 201(ss) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a)(2).

(c) PREMARKET SUBMISSIONS OF INFANT FORMULA TO ADDRESS SHORTAGES.—Section 412 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a) is amended by adding at the end the following:

"(j) PREMARKET SUBMISSIONS TO ADDRESS SHORTAGES.—

Waiver.
Time periods.
Requirement.

"(1) IN GENERAL.—The Secretary shall waive the 90-day premarket submission requirement under subsection (c) and apply a 30-day premarket submission requirement for any person who intends to introduce or deliver for introduction into interstate commerce any new infant formula.

"(2) EFFECTIVE PERIOD.—The waiver authority under this subsection shall remain in effect—

"(A) for 90 days beginning on the date that the Secretary distributes information under section 424(a)(2) with respect to a shortage of infant formula; or

Determination.

"(B) such longer period as the Secretary determines appropriate, to prevent or mitigate a shortage of infant formula.".

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate

and the Committee on Energy and Commerce of the House of Representatives that includes—

(1) the number of premarket submissions for new infant formula the Secretary has received under section 412(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(d)) each year since 2012;

(2) how many of such submissions received requests from the Secretary for additional information;

(3) how long after receiving such submissions the Secretary sent such requests for additional information;

(4) what additional information the Secretary requested of the persons submitting such submissions; and

(5) the date each new infant formula described in subparagraph (A) was first marketed, if available.

(e) INFANT FORMULA FLEXIBILITIES.—The Secretary shall publish a list on the website of the Department of Health and Human Services providing information on how to identify appropriate substitutes for infant formula products in shortage that are relied upon by infants and other individuals with inborn errors of metabolism or other serious health conditions. Web posting. List.

(f) INTERNATIONAL HARMONIZATION OF INFANT FORMULA REQUIREMENTS.—

(1) IN GENERAL.—The Secretary—

(A) shall participate in meetings with representatives from other countries to discuss methods and approaches to harmonizing regulatory requirements for infant formula, including with respect to inspections, labeling, and nutritional requirements; and

(B) may enter into arrangements or agreements regarding such requirements with other countries, as appropriate, including arrangements or agreements with a foreign government or agency of a foreign government to recognize the inspection of foreign establishments that manufacture infant formula for export to the United States. Contracts.

(2) STUDY ON INFANT FORMULA.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this paragraph as the "National Academies") to examine and report on challenges in supply, market competition, and regulation of infant formula in the United States. Contracts. Examination. Reports.

(B) CONTENTS OF THE REPORT.—The report developed pursuant to the agreement under subparagraph (A) shall—

(i) assess and evaluate— Assessments. Evaluations.

(I) infant formula marketed in the United States;

(II) any challenges in supply, or market competition with respect to such infant formula; and

(III) any differences between infant formula marketed in the United States and infant formula marketed in the European Union, including with respect to nutritional content and applicable labeling and other regulatory requirements; and

(ii) include recommendations, including for infant formula manufacturers, on measures to address supply and market competition in the United States. Recommendations.

(C) FINAL REPORT.—The agreement under subparagraph (A) shall specify that the National Academies shall, not later than 1 year after the date of enactment of this Act, complete such study and submit a report on the results of such study to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(g) TRANSPARENCY AND ACCOUNTABILITY TO SUPPORT INFANT FORMULA INNOVATION.—

(1) CONGRESSIONAL NOTIFICATION OF RECALL.—Section 412 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a), as amended by subsection (c), is further amended by adding at the end the following:

"(k) CONGRESSIONAL NOTIFICATION OF RECALL.—

Deadline.

"(1) IN GENERAL.—Not later than 24 hours after the initiation of a recall of infant formula as described in subsection (e), the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a notification of such recall.

Summaries.

"(2) CONTENTS.—A notification under paragraph (1) shall include the following:

"(A) If the recall is required by the Food and Drug Administration, a summary of the information supporting a determination that the adulterated or misbranded infant formula presents a risk to human health.

"(B) If the recall is voluntarily initiated by the manufacturer, a summary of the information provided to the Food and Drug Administration by the manufacturer regarding infant formula that has left the control of the manufacturer that may be adulterated or misbranded.

"(C) Specification of when the Food and Drug Administration was first made aware of the instance or circumstances surrounding the recall.

Estimate.

"(D) An initial estimate of the disruption in domestic production that may result from the recall.".

(2) ANNUAL REPORT TO CONGRESS.—Section 412 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a), as amended by paragraph (1), is further amended by adding at the end the following:

"(l) ANNUAL REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than March 30 of each year, the Secretary shall submit a report to Congress containing, with respect to the preceding calendar year, the following information:

"(A) The number of submissions received by the Secretary under subsection (d).

"(B) The number of such submissions that included any new ingredients that were not included in any infant formula already on the market.

"(C) The number of inspections conducted by the Food and Drug Administration or any agent thereof to evaluate compliance with the requirements for infant formulas under subsection (b).

"(D) The time between any inspection referred to in subparagraph (C) and any necessary reinspection to

evaluate compliance with the requirements for infant formulas under subsection (b).

"(E) A breakdown of the information described in subparagraphs (A) through (D) between foreign and domestic manufacturers and facilities.

"(2) CONFIDENTIALITY.—The Secretary shall ensure that the reports under paragraph (1) do not include any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.".

(3) NEW INFANT FORMULA SUBMISSIONS.—Section 412(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(d)) is amended by adding at the end the following:

"(4) The Secretary shall provide a response to a submission under this subsection not later than 45 days after receiving such submission.". Deadline.

(4) LIST OF NUTRIENTS.—Section 412(i)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(i)) is amended by striking "or, if revised by the Secretary under paragraph (2), as so revised" and inserting the following: ", which shall be reviewed by the Secretary every 4 years as appropriate. In reviewing such table, the Secretary shall consider any new scientific data or information related to infant formula nutrients, including international infant formula standards. The Secretary may revise the list of nutrients and the required level for any nutrient required by the table". Reviews. Deadline. Revision.

(5) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance regarding information sponsors may consider including in submissions required under section 412(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(d)), including considerations for meeting each of the requirements of paragraphs (1), (2), and (3) of subsection (d). Deadline.

(6) TECHNICAL CORRECTION.—Section 412(c)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(c)(1)(B)) is amended by striking "subsection (c)(1)" and inserting "subsection (d)(1)".

(h) RESPONSE TO RECALL.—

(1) MANUFACTURER SUBMISSION.—

(A) IN GENERAL.—Promptly after the initiation of a recall of infant formula, the manufacturer of the recalled infant formula shall submit information to the Secretary regarding such recall.

(B) CONTENTS.—A submission under subparagraph (A) shall include the following: Plans.

(i) A plan (including an estimated timeline, as applicable) of actions the manufacturer will take, suited to the individual circumstances of the particular recall, including— Timeline.

(I) to identify and address any cause of, and contributing factor in, known or suspected adulteration or known or suspected misbranding; and

(II) if appropriate, to restore operation of the impacted facilities.

(ii) In the case that a recall of the manufacturer's infant formula products, and subsequent actions to

respond to such recall, impacts over 10 percent of the production of the infant formula intended for sale in the United States, a plan to backfill the supply of the manufacturer's infant formula supply if the current domestic supply of such infant formula has fallen, or is expected to fall, below the expected demand for the formula.

(2) REPORT TO CONGRESS.—

(A) IN GENERAL.—Promptly after a submission under paragraph (1) is received, the Secretary shall provide such submission, together with the information specified in subparagraph (B), in a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(B) CONTENTS.—A report under subparagraph (A) shall include the following:

(i) Information concerning the current domestic supply of infant formula, including—

(I) a breakdown of the specific types of formula involved; and

Estimate.

(II) an estimate of how long current supplies will last.

(ii) If a submission or submissions under paragraph (1) show that the recall and subsequent actions to respond to the recall impact over 10 percent of the domestic production of infant formula intended for sale in the United States—

(I) actions to work with the impacted manufacturer or other manufacturers to increase production; and

(II) specification of—

(aa) any additional authorities needed regarding production or importation to fill a supply gap; and

(bb) any supplemental funding necessary to address the shortage.

(3) SUNSET.—This subsection shall cease to have force or effect on September 30, 2026.

Deadlines.

(i) COORDINATION WITH MANUFACTURER.—

(1) IN GENERAL.—

List.

(A) COMMUNICATION FOLLOWING INSPECTION.—Upon completing an inspection of an infant formula manufacturing facility impacted by a recall, the Secretary, acting through the Commissioner of Food and Drugs, shall provide the manufacturer involved a list of any actions necessary to—

(i) address deficiencies contributing to the potential adulteration or misbranding of product at the facility; and

(ii) safely restart production at the facility.

(B) RESPONSE TO MANUFACTURER.—Not later than 7 days after receiving a written communication from a manufacturer of infant formula containing corrective actions to address manufacturing deficiencies identified during an inspection of a facility engaged in the manufacturing of an infant formula impacted by a recall, the Secretary,

acting through the Commissioner of Food and Drugs, shall provide a substantive response to such communication concerning the sufficiency of the proposed corrective actions.

(2) INSPECTIONS.—The Secretary shall ensure timely communication with a manufacturer of infant formula following an inspection of a facility engaged in the manufacturing of infant formula for consumption in the United States. If a reinspection of a manufacturer of an infant formula is required to ensure that such manufacturer completed any remediation actions or addressed any deficiencies, the Secretary shall reinspect such facility in a timely manner. The Secretary shall prioritize and expedite an inspection or reinspection of an establishment that could help mitigate or prevent a shortage of an infant formula.

(3) ANNUAL INSPECTIONS.—Not later than 6 months after the date of enactment of this Act, and not less than once per calendar year thereafter, the Secretary shall conduct inspections, including unannounced inspections, of the facilities (including foreign facilities) of each manufacturer of an infant formula required to be registered under section 412(c)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(c)(1)(A)), in accordance with a risk-based approach and ensure timely and effective internal coordination and alignment among the Office of Regulatory Affairs and the Center for Food Safety and Applied Nutrition. In meeting the inspection requirements under this subsection, the Secretary may rely on inspections conducted by foreign regulatory authorities, under arrangements or agreements, and conducted by State agencies under contract, memoranda of understanding, or any other obligation.

Contracts. Memorandums.

(j) NATIONAL STRATEGY ON INFANT FORMULA.—

Deadlines.

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and other heads of relevant departments and agencies, shall develop and issue, not later than 90 days after the date of enactment of this Act, a national strategy on infant formula to increase the resiliency of the infant formula supply chain, protect against future contamination and other potential causes of supply disruptions and shortages, and ensure parents and caregivers have access to infant formula and information they need.

(2) IMMEDIATE NATIONAL STRATEGY.—The national strategy under paragraph (1) shall include efforts—

Assessments.

(A) to increase the resiliency of the infant formula supply chain in the short-term by—

(i) assessing causes of any supply disruption or shortage of infant formula in existence as of the date of enactment of this Act and potential causes of future supply disruptions and shortages;

(ii) assessing and addressing immediate infant formula needs associated with the shortage; and

(iii) developing a plan to increase infant formula supply, including through increased competition; and

Plan.

(B) to ensure the development and updating of education and communication materials for parents and caregivers that cover—

(i) where and how to find infant formula;

(ii) comparable infant formulas on the market;

(iii) what to do if a specialty infant formula is unavailable;

(iv) safe practices for handling infant formula; and

(v) other topics, as appropriate.

Update. Recommendations.

(3) LONG-TERM STRATEGY.—Not later than 90 days after the submission of the report described in subsection (f)(2), the Secretary shall update the national strategy under paragraph (1) to include efforts to improve preparedness against infant formula shortages in the long-term by—

(A) outlining methods to improve information-sharing between the Federal Government and State and local governments, and other entities as appropriate, regarding shortages;

(B) recommending measures for protecting the integrity of the infant formula supply and preventing contamination;

Outline.

(C) outlining methods to incentivize new infant formula manufacturers to increase supply and mitigate future shortages; and

(D) recommending other necessary authorities to gain insight into the supply chain and risk for shortages, and to incentivize new infant formula manufacturers.

(k) MEANINGFUL DISRUPTION IN THE PRODUCTION OF CRITICAL FOOD.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

21 USC 350m.

"SEC. 424. REQUIREMENTS FOR CRITICAL FOOD.

Deadlines.

"(a) NOTIFICATION OF MEANINGFUL DISRUPTION FOR CRITICAL FOOD.—

"(1) IN GENERAL.—A manufacturer of a critical food (as defined in section 201(ss)) shall notify the Secretary of a permanent discontinuance in the manufacture or an interruption of the manufacture of such food that is likely to lead to a meaningful disruption in the supply of such food in the United States, and the reasons for such discontinuance or interruption, as soon as practicable, but not later than 5 business days after such discontinuance or such interruption.

Determination.

"(2) DISTRIBUTION OF INFORMATION.—Not later than 5 calendar days after receiving a notification under paragraph (1), if the Secretary has determined that such discontinuance or interruption has resulted, or is likely to result, in a shortage of such critical food, the Secretary shall distribute, to the Secretary of Agriculture and to the maximum extent practicable to the appropriate entities, as determined by the Secretary through such means as the Secretary determines appropriate, information on such shortage.

"(3) CONFIDENTIALITY.—Nothing in this subsection authorizes the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

Definition.

"(4) MEANINGFUL DISRUPTION.—In this subsection, the term 'meaningful disruption'—

"(A) means a change in production that is reasonably likely to lead to a significant reduction in the supply of a critical food by a manufacturer that affects the ability

of the manufacturer to meet expected demand for its product; and

"(B) does not include interruptions in manufacturing due to matters such as routine maintenance, changes or discontinuance of flavors, colors, or other insignificant formulation characteristics, or insignificant changes in manufacturing so long as the manufacturer expects to resume operations in a short period of time.

"(b) RISK MANAGEMENT PLANS.—Each manufacturer of a critical food shall develop, maintain, and implement, as appropriate, a redundancy risk management plan that identifies and evaluates risks to the supply of the food, as applicable, for each establishment in which such food is manufactured. A risk management plan under this subsection— Evaluations.

"(1) may identify and evaluate risks to the supply of more than one critical food, or critical food category, manufactured at the same establishment;

"(2) may identify mechanisms by which the manufacturer would mitigate the impacts of a supply disruption through alternative production sites, alternative suppliers, stockpiling of inventory, or other means; and

"(3) shall be subject to inspection and copying by the Secretary pursuant to an inspection under section 704.

"(c) FAILURE TO MEET REQUIREMENTS.—

"(1) IN GENERAL.—If a person fails to submit information required under, and in accordance with, subsection (a)—

"(A) the Secretary shall issue a letter to such person informing such person of such failure; and Letter.

"(B) not later than 45 calendar days after the issuance of a letter under subparagraph (A), subject to paragraph (2), the Secretary shall make available to the public on the website of the Food and Drug Administration, with appropriate redactions made to protect the information described in subsection (a)(3)— Deadline. Public information. Web posting.

"(i) the letter issued under subparagraph (A); and

"(ii) at the request of such person, any response to such letter such person submitted to the Secretary.

"(2) EXCEPTION.—If the Secretary determines that the letter under paragraph (1) was issued in error or, after review of such response, the person had a reasonable basis for not submitting a notification as required under subsection (a), the requirements of paragraph (1)(B) shall not apply.". Determination. Review.

(l) SPECIALTY INFANT FORMULA FOR IMPORTATION.—Section 412 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a), as amended by subsection (f)(2), is further amended by adding at the end the following:

"(m) WAIVER OF REQUIREMENTS FOR IMPORTATION OF SPECIALTY INFANT FORMULA.—

"(1) IN GENERAL.—The Secretary may, during a shortage of specialty infant formula as determined by the Secretary, waive any requirement under this Act applicable to facilitate the importation of specialty infant formula. Such a waiver may be applicable to— Determinations.

"(A) the importation of specialty infant formula from any country that is determined by the Secretary to be

implementing and enforcing requirements for infant formula that provide a similar assurance of safety and nutritional adequacy as the requirements of this Act; or

"(B) the distribution and sale of such imported specialty infant formula.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to limit the authority of the Secretary to require a recall of, or otherwise impose restrictions and requirements under this Act with respect to, specialty infant formula that is subject to a waiver under paragraph (1).

"(3) DEFINITION OF SPECIALTY INFANT FORMULA.—In this subsection, the term 'specialty infant formula' means infant formula described in subsection (h)(1).".

(m) IMPORTATION FOR PERSONAL USE.—

Time periods.

(1) IN GENERAL.—Notwithstanding any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), during the 90-day period beginning on the date of enactment of this Act, an individual may, without prior notice to the Food and Drug Administration, import up to a 3-month supply of infant formula for personal use from—

Canada.

(A) Canada;

(B) any country in the European Union; or

Determination.

(C) any other country that is determined by the Secretary to be implementing and enforcing requirements for infant formula that provide a similar assurance of safety and nutritional adequacy as the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(2) LIMITATIONS.—Infant formula may be imported pursuant to paragraph (1) only if the infant formula—

(A) is exclusively for personal use and will not be commercialized or promoted; and

(B) does not present an unreasonable risk to human health.

(3) REPORTING OF ADVERSE EVENTS.—If a health care provider becomes aware of any adverse event which the health care provider reasonably suspects to be associated with infant formula imported pursuant to paragraph (1), the health care provider shall report such adverse event to the Commissioner of Food and Drugs.

Web posting.

(4) PUBLIC NOTICE.—The Secretary, acting through the Commissioner of Food and Drugs, shall post on the public website of the Food and Drug Administration notice that—

(A) infant formula imported pursuant to paragraph (1) may not have been manufactured in a facility that has been inspected by the Food and Drug Administration;

(B) the labeling of such infant formula may not meet the standards and other requirements applicable with respect to infant formula under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

(C) the nutritional content of infant formula imported pursuant to paragraph (1) may vary from that of infant formula meeting such standards and other requirements.

(5) SENSE OF CONGRESS.—It is the sense of Congress that persons considering the personal importation of infant formula should consult with their pediatrician about such importation.

Subtitle E—Cosmetics

Modernization of Cosmetics Regulation Act of 2022. 21 USC 301 note.

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the "Modernization of Cosmetics Regulation Act of 2022".

SEC. 3502. AMENDMENTS TO COSMETIC REQUIREMENTS.

Chapter VI of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 361 et seq.) is amended by adding at the end the following:

"SEC. 604. DEFINITIONS. 21 USC 364.

"In this chapter:

"(1) ADVERSE EVENT.—The term 'adverse event' means any health-related event associated with the use of a cosmetic product that is adverse.

"(2) COSMETIC PRODUCT.—The term 'cosmetic product' means a preparation of cosmetic ingredients with a qualitatively and quantitatively set composition for use in a finished product.

"(3) FACILITY.—

"(A) IN GENERAL.—The term 'facility' includes any establishment (including an establishment of an importer) that manufactures or processes cosmetic products distributed in the United States.

"(B) Such term does not include any of the following:

"(i) Beauty shops and salons, unless such establishment manufactures or processes cosmetic products at that location.

"(ii) Cosmetic product retailers, including individual sales representatives, direct sellers (as defined in section 3508(b)(2) of the Internal Revenue Code of 1986), retail distribution facilities, and pharmacies, unless such establishment manufactures or processes cosmetic products that are not sold directly to consumers at that location.

"(iii) Hospitals, physicians' offices, and health care clinics.

"(iv) Public health agencies and other nonprofit entities that provide cosmetic products directly to the consumer.

"(v) Entities (such as hotels and airlines) that provide complimentary cosmetic products to customers incidental to other services.

"(vi) Trade shows and other venues where cosmetic product samples are provided free of charge.

"(vii) An establishment that manufactures or processes cosmetic products that are solely for use in research or evaluation, including for production testing and not offered for retail sale.

"(viii) An establishment that solely performs one or more of the following with respect to cosmetic products:

"(I) Labeling.

"(II) Relabeling.

"(III) Packaging.

"(IV) Repackaging.

"(V) Holding.

"(VI) Distributing.

"(C) CLARIFICATION.—For the purposes of subparagraph (B)(viii), the terms 'packaging' and 'repackaging' do not include filling a product container with a cosmetic product.

"(4) RESPONSIBLE PERSON.—The term 'responsible person' means the manufacturer, packer, or distributor of a cosmetic product whose name appears on the label of such cosmetic product in accordance with section 609(a) of this Act or section 4(a) of the Fair Packaging and Labeling Act.

"(5) SERIOUS ADVERSE EVENT.—The term 'serious adverse event' means an adverse event that—

"(A) results in—

"(i) death;

"(ii) a life-threatening experience;

"(iii) inpatient hospitalization;

"(iv) a persistent or significant disability or incapacity;

"(v) a congenital anomaly or birth defect;

"(vi) an infection; or

"(vii) significant disfigurement (including serious and persistent rashes, second- or third-degree burns, significant hair loss, or persistent or significant alteration of appearance), other than as intended, under conditions of use that are customary or usual; or

"(B) requires, based on reasonable medical judgment, a medical or surgical intervention to prevent an outcome described in subparagraph (A).

21 USC 364a.

"SEC. 605. ADVERSE EVENTS.

"(a) SERIOUS ADVERSE EVENT REPORTING REQUIREMENTS.—The responsible person shall submit to the Secretary any report received of a serious adverse event associated with the use, in the United States, of a cosmetic product manufactured, packed, or distributed by such person.

"(b) SUBMISSION OF REPORTS.—

Records.

"(1) SERIOUS ADVERSE EVENT REPORT.—The responsible person shall submit to the Secretary a serious adverse event report accompanied by a copy of the label on or within the retail packaging of such cosmetic product no later than 15 business days after the report is received by the responsible person.

"(2) NEW MEDICAL INFORMATION.—The responsible person shall submit to the Secretary any new and material medical information, related to a serious adverse event report submitted to the Secretary in accordance with paragraph (1), that is received by the responsible person within 1 year of the initial report to the Secretary, no later than 15 business days after such information is received by such responsible person.

"(3) CONSOLIDATION OF REPORTS.—The Secretary shall develop systems to enable responsible persons to submit a single report that includes duplicate reports of, or new medical information related to, a serious adverse event.

Regulations.
Determination.

"(c) EXEMPTIONS.—The Secretary may establish by regulation an exemption to any of the requirements of this section if the Secretary determines that such exemption would have no significant adverse effect on public health.

"(d) CONTACT INFORMATION.—The responsible person shall receive reports of adverse events through the domestic address,

domestic telephone number, or electronic contact information included on the label in accordance with section 609(a).

"(e) MAINTENANCE AND INSPECTION OF ADVERSE EVENT RECORDS.—

"(1) MAINTENANCE.—The responsible person shall maintain records related to each report of an adverse event associated with the use, in the United States, of a cosmetic product manufactured or distributed by such person received by such person, for a period of 6 years, except that a responsible person that is considered a small business for the purposes of section 612, who does not engage in the manufacturing or processing of the cosmetic products described in subsection 612(b), shall maintain such records for a period of 3 years. Time periods.

"(2) INSPECTION.—

"(A) IN GENERAL.— The responsible person shall permit an authorized person to have access to records required to be maintained under this section during an inspection pursuant to section 704.

"(B) AUTHORIZED PERSON.—For purposes of this paragraph, the term 'authorized person' means an officer or employee of the Department of Health and Human Services who has— Definition.

"(i) appropriate credentials, as determined by the Secretary; and

"(ii) been duly designated by the Secretary to have access to the records required under this section.

"(f) FRAGRANCE AND FLAVOR INGREDIENTS.—If the Secretary has reasonable grounds to believe that an ingredient or combination of ingredients in a fragrance or flavor has caused or contributed to a serious adverse event required to be reported under this section, the Secretary may request in writing a list of such ingredients or categories of ingredients in the specific fragrances or flavors in the cosmetic product, from the responsible person. The responsible person shall ensure that the requested information is submitted to the Secretary within 30 days of such request. In response to a request under section 552 of title 5, United States Code, information submitted to the Secretary under this subsection shall be withheld under section 552(b)(3) of title 5, United States Code. List. Deadline.

"(g) PROTECTED INFORMATION.—A serious adverse event report submitted to the Secretary under this section, including any new medical information submitted under subsection (b)(2), or an adverse event report, or any new information, voluntarily submitted to the Secretary shall be considered to be—

"(1) a safety report under section 756 and may be accompanied by a statement, which shall be a part of any report that is released for public disclosure, that denies that the report or the records constitute an admission that the product involved caused or contributed to the adverse event; and Statement.

"(2) a record about an individual under section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act of 1974') and a medical or similar file the disclosure of which would constitute a violation of section 552 of such title 5 (commonly referred to as the 'Freedom of Information Act'), and shall not be publicly disclosed unless all personally identifiable information is redacted. Records.

"(h) EFFECT OF SECTION.—

Memorandums.

"(1) IN GENERAL.—Nothing in this section shall affect the authority of the Secretary to provide adverse event reports and information to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, under a memorandum of understanding between the Secretary and such State, territory, or political subdivision.

"(2) PERSONALLY IDENTIFIABLE INFORMATION.—Notwithstanding any other provision of law, personally-identifiable information in adverse event reports provided by the Secretary to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, shall not—

"(A) be made publicly available pursuant to any State or other law requiring disclosure of information or records; or

"(B) otherwise be disclosed or distributed to any party without the written consent of the Secretary and the person submitting such information to the Secretary.

"(3) USE OF REPORTS.—Nothing in this section shall permit a State, territory, or political subdivision of a State or territory, to use any safety report received from the Secretary in a manner inconsistent with this section.

"(4) RULE OF CONSTRUCTION.—The submission of any report in compliance with this section shall not be construed as an admission that the cosmetic product involved caused or contributed to the relevant adverse event.

21 USC 364b.

"SEC. 606. GOOD MANUFACTURING PRACTICE.

Regulations.

"(a) IN GENERAL.—The Secretary shall by regulation establish good manufacturing practices for facilities that are consistent, to the extent practicable, and appropriate, with national and international standards, in accordance with section 601. Any such regulations shall be intended to protect the public health and ensure that cosmetic products are not adulterated. Such regulations may allow for the Secretary to inspect records necessary to demonstrate compliance with good manufacturing practices prescribed by the Secretary under this paragraph during an inspection conducted under section 704.

Inspection.
Records.
Compliance.

"(b) CONSIDERATIONS.—In establishing regulations for good manufacturing practices under this section, the Secretary shall take into account the size and scope of the businesses engaged in the manufacture of cosmetics, and the risks to public health posed by such cosmetics, and provide sufficient flexibility to be practicable for all sizes and types of facilities to which such regulations will apply. Such regulations shall include simplified good manufacturing practice requirements for smaller businesses, as appropriate, to ensure that such regulations do not impose undue economic hardship for smaller businesses, and may include longer compliance times for smaller businesses. Before issuing regulations to implement subsection (a), the Secretary shall consult with cosmetics manufacturers, including smaller businesses, consumer organizations, and other experts selected by the Secretary.

Requirements.

Consultation.

Publications.
Notice.
Deadlines.

"(c) TIMEFRAME.—The Secretary shall publish a notice of proposed rulemaking not later than 2 years after the date of enactment of the Modernization of Cosmetics Regulation Act of 2022 and shall publish a final such rule not later than 3 years after such date of enactment.

"SEC. 607. REGISTRATION AND PRODUCT LISTING.

Deadlines.
21 USC 364c.

"(a) SUBMISSION OF REGISTRATION.—

"(1) INITIAL REGISTRATION.—

Effective dates.

"(A) EXISTING FACILITIES.—Every person that, on the date of enactment of the Modernization of Cosmetics Regulation Act of 2022, owns or operates a facility that engages in the manufacturing or processing of a cosmetic product for distribution in the United States shall register each facility with the Secretary not later than 1 year after date of enactment of such Act.

"(B) NEW FACILITIES.—Every person that owns or operates a facility that first engages, after the date of enactment of the Modernization of Cosmetics Regulation Act of 2022, in manufacturing or processing of a cosmetic product for distribution in the United States, shall register with the Secretary such facility within 60 days of first engaging in such activity or 60 days after the deadline for registration under subparagraph (A), whichever is later.

"(2) BIENNIAL RENEWAL OF REGISTRATION.—A person required to register a facility under paragraph (1) shall renew such registrations with the Secretary biennially.

"(3) CONTRACT MANUFACTURERS.—If a facility manufactures or processes cosmetic products on behalf of a responsible person, the Secretary shall require only a single registration for such facility even if such facility is manufacturing or processing its own cosmetic products or cosmetic products on behalf of more than one responsible person. Such single registration may be submitted to the Secretary by such facility or any responsible person whose products are manufactured or processed at such facility.

Notification.

"(4) UPDATES TO CONTENT.—A person that is required to register under subsection (a)(1) shall notify the Secretary within 60 days of any changes to information required under subsection (b)(2).

"(5) ABBREVIATED RENEWAL REGISTRATIONS.—The Secretary shall provide for an abbreviated registration renewal process for any person that owns or operates a facility that has not been required to submit updates under paragraph (4) for a registered facility since submission of the most recent registration of such facility under paragraph (1) or (2).

"(b) FORMAT; CONTENTS OF REGISTRATION.—

"(1) IN GENERAL.—Registration information under this section may be submitted at such time and in such manner as the Secretary may prescribe.

"(2) CONTENTS.—The registration under subsection (a) shall contain—

"(A) the facility's name, physical address, email address, and telephone number;

"(B) with respect to any foreign facility, the contact for the United States agent of the facility, and, if available, the electronic contact information;

"(C) the facility registration number, if any, previously assigned by the Secretary under subsection (d);

"(D) all brand names under which cosmetic products manufactured or processed in the facility are sold; and

"(E) the product category or categories and responsible person for each cosmetic product manufactured or processed at the facility.

"(c) COSMETIC PRODUCT LISTING.—

"(1) IN GENERAL.—For each cosmetic product, the responsible person shall submit to the Secretary a cosmetic product listing, or ensure that such submission is made, at such time and in such manner as the Secretary may prescribe.

Effective dates.

"(2) COSMETIC PRODUCT LISTING.—The responsible person of a cosmetic product that is marketed on the date of enactment of the Modernization of Cosmetics Regulation Act of 2022 shall submit to the Secretary a cosmetic product listing not later than 1 year after the date of enactment of the Modernization of Cosmetics Regulation Act of 2022, or for a cosmetic product that is first marketed after the date of enactment of such Act, within 120 days of marketing such product in interstate commerce. Thereafter, any updates to such listing shall be made annually, consistent with paragraphs (4) and (5).

Updates.
Time period.

"(3) ABBREVIATED RENEWAL.—The Secretary shall provide for an abbreviated process for the renewal of any cosmetic product listing under this subsection with respect to which there has been no change since the responsible person submitted the previous listing.

"(4) CONTENTS OF LISTING.—

"(A) IN GENERAL.—Each such cosmetic product listing shall include—

"(i) the facility registration number of each facility where the cosmetic product is manufactured or processed;

"(ii) the name and contact number of the responsible person and the name for the cosmetic product, as such name appears on the label;

"(iii) the applicable cosmetic category or categories for the cosmetic product;

"(iv) a list of ingredients in the cosmetic product, including any fragrances, flavors, or colors, with each ingredient identified by the name, as required under section 701.3 of title 21, Code of Federal Regulations (or any successor regulations), or by the common or usual name of the ingredient; and

"(v) the product listing number, if any previously assigned by the Secretary under subsection (d).

"(B) FLEXIBLE LISTINGS.—A single listing submission for a cosmetic product may include multiple cosmetic products with identical formulations, or formulations that differ only with respect to colors, fragrances or flavors, or quantity of contents.

Time period.

"(5) UPDATES TO CONTENT.—A responsible person that is required to submit a cosmetic product listing shall submit any updates to such cosmetic product listing annually.

"(6) SUBMISSION.—A responsible person may submit product listing information as part of a facility registration or separately.

"(d) FACILITY REGISTRATION AND PRODUCT LISTING NUMBERS.—

Assignment.

At the time of the initial registration of any facility under subsection (a)(1) or initial listing of any cosmetic product under (c)(1), the Secretary shall assign a facility registration number to the facility

and a product listing number to each cosmetic product. The Secretary shall not make such product listing number publicly available.

"(e) CONFIDENTIALITY.—In response to a request under section 552 of title 5, United States Code, information described in subsection (b)(2)(D) or (c)(4)(A)(i) that is derived from a registration or listing under this section shall be withheld under section 552(b)(3) of title 5, United States Code.

"(f) SUSPENSIONS.— Determinations.

"(1) SUSPENSION OF REGISTRATION OF A FACILITY.—The Secretary may suspend the registration of a facility if the Secretary determines that a cosmetic product manufactured or processed by a registered facility and distributed in the United States has a reasonable probability of causing serious adverse health consequences or death to humans and the Secretary has a reasonable belief that other products manufactured or processed by the facility may be similarly affected because of a failure that cannot be isolated to a product or products, or is sufficiently pervasive to raise concerns about other products manufactured in the facility.

"(2) NOTICE OF SUSPENSION.—Before suspending a facility registration under this section, the Secretary shall provide—

"(A) notice to the facility registrant of the cosmetic product or other responsible person, as appropriate, of the intent to suspend the facility registration, which shall specify the basis of the determination by the Secretary that the facility registration should be suspended; and

"(B) an opportunity, within 5 business days of the notice provided under subparagraph (A), for the responsible person to provide a plan for addressing the reasons for possible suspension of the facility registration. Plan.

"(3) HEARING ON SUSPENSION.—The Secretary shall provide the registrant subject to an order under paragraph (1) or (2) with an opportunity for an informal hearing, to be held as soon as possible but not later than 5 business days after the issuance of the order, or such other time period agreed upon by the Secretary and the registrant, on the actions required for reinstatement of registration and why the registration that is subject to the suspension should be reinstated. The Secretary shall reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

"(4) POST-HEARING CORRECTIVE ACTION PLAN.—If, after providing opportunity for an informal hearing under paragraph (3), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan not later than 14 business days after the submission of the corrective action plan or such other time period as determined by the Secretary, in consultation with the registrant. Requirement. Review.

"(5) VACATING OF ORDER; REINSTATEMENT.—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions, the Secretary shall promptly vacate the suspension and reinstate the registration of the facility.

"(6) EFFECT OF SUSPENSION.—If the registration of the facility is suspended under this section, no person shall introduce or deliver for introduction into commerce in the United States cosmetic products from such facility.

"(7) NO DELEGATION.—The authority conferred by this section to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.

Records.
21 USC 364d.

"SEC. 608. SAFETY SUBSTANTIATION.

"(a) SUBSTANTIATION OF SAFETY.—A responsible person for a cosmetic product shall ensure, and maintain records supporting, that there is adequate substantiation of safety of such cosmetic product.

"(b) COAL-TAR HAIR DYE.—Subsection (a) shall not apply to coal-tar hair dye that otherwise complies with the requirements of section 601(a). A responsible person for a coal-tar hair dye shall maintain records related to the safety of such product.

"(c) DEFINITIONS.—For purposes of this section:

"(1) ADEQUATE SUBSTANTIATION OF SAFETY.—The term 'adequate substantiation of safety' means tests or studies, research, analyses, or other evidence or information that is considered, among experts qualified by scientific training and experience to evaluate the safety of cosmetic products and their ingredients, sufficient to support a reasonable certainty that a cosmetic product is safe.

"(2) SAFE.—The term 'safe' means that the cosmetic product, including any ingredient thereof, is not injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual. The Secretary shall not consider a cosmetic ingredient or cosmetic product injurious to users solely because it can cause minor and transient reactions or minor and transient skin irritations in some users. In determining for purposes of this section whether a cosmetic product is safe, the Secretary may consider, as appropriate and available, the cumulative or other relevant exposure to the cosmetic product, including any ingredient thereof.

21 USC 364e.

"SEC. 609. LABELING.

"(a) GENERAL REQUIREMENT.—Each cosmetic product shall bear a label that includes a domestic address, domestic phone number, or electronic contact information, which may include a website, through which the responsible person can receive adverse event reports with respect to such cosmetic product.

Determination.
Regulations.

"(b) FRAGRANCE ALLERGENS.—The responsible person shall identify on the label of a cosmetic product each fragrance allergen included in such cosmetic product. Substances that are fragrance allergens for purposes of this subsection shall be determined by the Secretary by regulation. The Secretary shall issue a notice of proposed rulemaking promulgating the regulation implementing this requirement not later than 18 months after the date of enactment of the Modernization of Cosmetics Regulation Act of 2022, and not later than 180 days after the date on which the public comment period on the proposed rulemaking closes, shall issue a final rulemaking. In promulgating regulations implementing this subsection, the Secretary shall consider international, State, and local requirements for allergen disclosure, including the substance

Notice.
Regulations.
Deadlines.

and format of requirements in the European Union, and may establish threshold levels of amounts of substances subject to disclosure pursuant to such regulations.

"(c) COSMETIC PRODUCTS FOR PROFESSIONAL USE.—

"(1) DEFINITION OF PROFESSIONAL.—For purposes of this subsection, the term 'professional' means an individual who is licensed by an official State authority to practice in the field of cosmetology, nail care, barbering, or esthetics.

"(2) PROFESSIONAL USE LABELING.—A cosmetic product introduced into interstate commerce and intended to be used only by a professional shall bear a label that—

"(A) contains a clear and prominent statement that the product shall be administered or used only by licensed professionals; and Statement.

"(B) is in conformity with the requirements of the Secretary for cosmetics labeling under this Act and section 4(a) of the Fair Packaging and Labeling Act.

"SEC. 610. RECORDS. 21 USC 364f.

"(a) IN GENERAL.—If the Secretary has a reasonable belief that a cosmetic product, including an ingredient in such cosmetic product, and any other cosmetic product that the Secretary reasonably believes is likely to be affected in a similar manner, is likely to be adulterated such that the use or exposure to such product presents a threat of serious adverse health consequences or death to humans, each responsible person and facility shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such cosmetic product, and to any other cosmetic product that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether the cosmetic product is adulterated and presents a threat of serious adverse health consequences or death to humans. This subsection shall not be construed to extend to recipes or formulas for cosmetics, financial data, pricing data, personnel data (other than data as to qualification of technical and professional personnel performing functions subject to this Act), research data (other than safety substantiation data for cosmetic products and their ingredients), or sales data (other than shipment data regarding sales). Notice. Determination.

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary to inspect records or require establishment and maintenance of records under any other provision of this Act, including section 605 or 606.

"SEC. 611. MANDATORY RECALL AUTHORITY. 21 USC 364g.

"(a) IN GENERAL.—If the Secretary determines that there is a reasonable probability that a cosmetic is adulterated under section 601 or misbranded under section 602 and the use of or exposure to such cosmetic will cause serious adverse health consequences or death, the Secretary shall provide the responsible person with an opportunity to voluntarily cease distribution and recall such article. If the responsible person refuses to or does not voluntarily cease distribution or recall such cosmetic within the time and manner prescribed by the Secretary (if so prescribed), the Secretary Determinations. Requirements.

may, by order, require, as the Secretary determines necessary, such person to immediately cease distribution of such article.

Deadline.

"(b) HEARING.—The Secretary shall provide the responsible person who is subject to an order under subsection (a) with an opportunity for an informal hearing, to be held not later than 10 days after the date of issuance of the order, on whether adequate evidence exists to justify the order.

"(c) ORDER RESOLUTION.—After an order is issued according to the process under subsections (a) and (b), the Secretary shall, except as provided in subsection (d)—

Determination.

"(1) vacate the order, if the Secretary determines that inadequate grounds exist to support the actions required by the order;

Continuation.

"(2) continue the order ceasing distribution of the cosmetic until a date specified in such order; or

Requirements. Notifications. Schedule. Updates.

"(3) amend the order to require a recall of the cosmetic, including any requirements to notify appropriate persons, a timetable for the recall to occur, and a schedule for updates to be provided to the Secretary regarding such recall.

"(d) ACTION FOLLOWING ORDER.—Any person who is subject to an order pursuant to paragraph (2) or (3) of subsection (c) shall immediately cease distribution of or recall, as applicable, the cosmetic and provide notification as required by such order.

Determination. Notice.

"(e) NOTICE TO PERSONS AFFECTED.—If the Secretary determines necessary, the Secretary may require the person subject to an order pursuant to subsection (a) or an amended order pursuant to paragraph (2) or (3) of subsection (c) to provide either a notice of a recall order for, or an order to cease distribution of, such cosmetic, as applicable, under this section to appropriate persons, including persons who manufacture, distribute, import, or offer for sale such product that is the subject of an order and to the public.

"(f) PUBLIC NOTIFICATION.—In conducting a recall under this section, the Secretary shall—

"(1) ensure that a press release is published regarding the recall, and that alerts and public notices are issued, as appropriate, in order to provide notification—

"(A) of the recall to consumers and retailers to whom such cosmetic was, or may have been, distributed; and

"(B) that includes, at a minimum—

"(i) the name of the cosmetic subject to the recall;

"(ii) a description of the risk associated with such article; and

"(iii) to the extent practicable, information for consumers about similar cosmetics that are not affected by the recall; and

Web posting.

"(2) ensure publication, as appropriate, on the website of the Food and Drug Administration of an image of the cosmetic that is the subject of the press release described in paragraph (1), if available.

"(g) NO DELEGATION.—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Commissioner.

"(h) EFFECT.—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall, or to issue an order to cease distribution or to recall under any other provision of this chapter.

"SEC. 612. SMALL BUSINESSES.

Time periods.
21 USC 364h.

"(a) IN GENERAL.—Responsible persons, and owners and operators of facilities, whose average gross annual sales in the United States of cosmetic products for the previous 3-year period is less than $1,000,000, adjusted for inflation, and who do not engage in the manufacturing or processing of the cosmetic products described in subsection (b), shall be considered small businesses and not subject to the requirements of section 606 or 607.

"(b) REQUIREMENTS APPLICABLE TO ALL MANUFACTURERS AND PROCESSORS OF COSMETICS.—The exemptions under subsection (a) shall not apply to any responsible person or facility engaged in the manufacturing or processing of any of the following products:

"(1) Cosmetic products that regularly come into contact with mucus membrane of the eye under conditions of use that are customary or usual.

"(2) Cosmetic products that are injected.

"(3) Cosmetic products that are intended for internal use.

"(4) Cosmetic products that are intended to alter appearance for more than 24 hours under conditions of use that are customary or usual and removal by the consumer is not part of such conditions of use that are customary or usual.

"SEC. 613. EXEMPTION FOR CERTAIN PRODUCTS AND FACILITIES.

21 USC 364i.

"(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), a cosmetic product or facility that is also subject to the requirements of chapter V shall be exempt from the requirements of sections 605, 606, 607, 608, 609(a), 610, and 611.

"(b) EXCEPTION.—A facility described in subsection (a) that also manufactures or processes cosmetic products that are not subject to the requirements of chapter V shall not be exempt from the requirements of sections 605, 606, 607, 608, 609(a), 610, and 611, with respect to such cosmetic products.

"SEC. 614. PREEMPTION.

21 USC 364j.

"(a) IN GENERAL.—No State or political subdivision of a State may establish or continue in effect any law, regulation, order, or other requirement for cosmetics that is different from or in addition to, or otherwise not identical with, any requirement applicable under this chapter with respect to registration and product listing, good manufacturing practice, records, recalls, adverse event reporting, or safety substantiation.

"(b) LIMITATION.—Nothing in the amendments to this Act made by the Modernization of Cosmetics Regulation Act of 2022 shall be construed to preempt any State statute, public initiative, referendum, regulation, or other State action, except as expressly provided in subsection (a). Notwithstanding subsection (a), nothing in this section shall be construed to prevent any State from prohibiting the use or limiting the amount of an ingredient in a cosmetic product, or from continuing in effect a requirement of any State that is in effect at the time of enactment of the Modernization of Cosmetics Regulation Act of 2022 for the reporting to the State of an ingredient in a cosmetic product.

"(c) SAVINGS.—Nothing in the amendments to this Act made by the Modernization of Cosmetics Regulation Act of 2022, nor any standard, rule, requirement, regulation, or adverse event report shall be construed to modify, preempt, or displace any action for

damages or the liability of any person under the law of any State, whether statutory or based in common law.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to amend, expand, or limit the provisions under section 752.".

SEC. 3503. ENFORCEMENT AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—

(1) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by section 3210, is further amended—

(A) by adding at the end the following:

"(hhh) The failure to register or submit listing information in accordance with section 607.

"(iii) The refusal or failure to follow an order under section 611."; and

(B) in paragraph (d), by striking "or 564" and inserting ", 564, or 607".

(2) ADULTERATED PRODUCTS.—Section 601 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 361) is amended by adding at the end the following:

"(f) If it has been manufactured or processed under conditions that do not meet the good manufacturing practice requirements of section 606.

"(g) If it is a cosmetic product, and the cosmetic product, including each ingredient in the cosmetic product, does not have adequate substantiation for safety, as defined in section 608(c).".

(3) MISBRANDED COSMETICS.—Section 602(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 362(b)) is amended—

(A) by striking "and (2)" and inserting "(2)"; and

(B) by inserting after "numerical count" the following: "; and (3) the information required under section 609".

(4) ADVERSE EVENT REPORTING.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(A) in section 301(e) (21 U.S.C. 331(e))—

(i) by striking "564, 703" and inserting "564, 605, 703"; and

(ii) by striking "564, 760" and inserting "564, 605, 611, 760";

(B) in section 301(ii) (21 U.S.C. 331(ii))—

(i) by striking "760 or 761) or" and inserting "604, 760, or 761) or"; and

(ii) by inserting "or required under section 605(a)" after "report (as defined under section 760 or 761";

(C) in section 801(a) (21 U.S.C. 381(a))—

(i) by striking "under section 760 or 761" and inserting "under section 605, 760, or 761";

(ii) by striking "defined in such section 760 or 761" and inserting "defined in section 604, 760, or 761";

(iii) by striking "of such section 760 or 761" and inserting "of such section 605, 760, or 761"; and

(iv) by striking "described in such section 760 or 761" and inserting "described in such section 605, 760, or 761"; and

(D) in section 801(b) (21 U.S.C. 381(b))—

(i) by striking "requirements of sections 760 or 761," and inserting "requirements of section 605, 760, or 761";

(ii) by striking "as defined in section 760 or 761" and inserting "as defined in section 604, 760, or 761"; and

(iii) by striking "with section 760 or 761" and inserting "with section 605, 760, or 761".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act. 21 USC 331 note.

(2) LABELING REQUIREMENT.—Section 609(a) of the Federal Food, Drug, and Cosmetic Act, as added by section 802, shall take effect on the date that is 2 years after the date of enactment of this Act. 21 USC 364e note.

(c) CONFIDENTIALITY.— 21 USC 364 note.

(1) IN GENERAL.—The Secretary shall take appropriate measures to ensure that there are in effect effective procedures to prevent the unauthorized disclosure of any trade secret or confidential commercial information that is obtained by the Secretary of Health and Human Services pursuant to this subtitle, including the amendments made by this subtitle.

(2) CLARIFICATION.—Nothing in this subtitle, including the amendments made by this subtitle, shall be construed to authorize the disclosure of information that is prohibited from disclosure under section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)) or section 1905 of title 18, United States Code, or that is subject to withholding under section 552(b)(4) of title 5, United States Code.

SEC. 3504. RECORDS INSPECTION.

Section 704(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)(1)) is amended by inserting after the second sentence the following: "In the case of a facility (as defined in section 604) that manufactures or processes cosmetic products, the inspection shall extend to all records and other information described in sections 605, 606, and 610, when the standard for records inspection under such section applies.".

SEC. 3505. TALC-CONTAINING COSMETICS.

Deadlines. Regulations. 21 USC 364d note.

The Secretary of Health and Human Services—

(1) not later than one year after the date of enactment of this Act, shall promulgate proposed regulations to establish and require standardized testing methods for detecting and identifying asbestos in talc-containing cosmetic products; and

(2) not later than 180 days after the date on which the public comment period on the proposed regulations closes, shall issue such final regulations.

SEC. 3506. PFAS IN COSMETICS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall assess the use of perfluoroalkyl and polyfluoroalkyl substances in cosmetic products and the scientific evidence regarding the safety of such use in cosmetic products, including any risks associated with such use. In conducting such assessment, the Secretary may, as appropriate, consult with the National Center for Toxicological Research. Assessment.

Web posting.
Summary.

(b) REPORT.—Not later than 3 years after enactment of this Act, the Secretary shall publish on the website of the Food and Drug Administration a report summarizing the results of the assessment conducted under subsection (a).

SEC. 3507. SENSE OF THE CONGRESS ON ANIMAL TESTING.

It is the sense of the Congress that animal testing should not be used for the purposes of safety testing on cosmetic products and should be phased out with the exception of appropriate allowances.

Time periods.

SEC. 3508. FUNDING.

There is authorized to be appropriated $14,200,000 for fiscal year 2023, $25,960,000 for fiscal year 2024, and $41,890,000 for each of fiscal years 2025 through 2027, for purposes of conducting the activities under this subtitle (including the amendments made by this subtitle) and hiring personnel required to carry out this subtitle (including the amendments made by this subtitle).

Subtitle F—Cross-Cutting Provisions

CHAPTER 1—CLINICAL TRIAL DIVERSITY AND MODERNIZATION

SEC. 3601. DIVERSITY ACTION PLANS FOR CLINICAL STUDIES.

(a) DRUGS.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(z)(1) With respect to a clinical investigation of a new drug that is a phase 3 study, as defined in section 312.21(c) of title 21, Code of Federal Regulations (or successor regulations), or, as appropriate, another pivotal study of a new drug (other than bioavailability or bioequivalence studies), the sponsor of such drug shall submit to the Secretary a diversity action plan.

"(2) Such diversity action plan shall include—

"(A) the sponsor's goals for enrollment in such clinical study;

"(B) the sponsor's rationale for such goals; and

"(C) an explanation of how the sponsor intends to meet such goals.

Guidance.
Deadline.

"(3) The sponsor shall submit to the Secretary such diversity action plan, in the form and manner specified by the Secretary in guidance, as soon as practicable but not later than the date on which the sponsor submits the protocol to the Secretary for such a phase 3 study or other pivotal study of the drug. The sponsor may submit modifications to the diversity action plan. Any such modifications shall be in the form and manner specified by the Secretary in guidance.

Waiver authority.
Determination.

"(4)(A) On the initiative of the Secretary or at the request of a sponsor, the Secretary may waive any requirement in paragraph (1), (2), or (3) if the Secretary determines that a waiver is necessary based on what is known or what can be determined about the prevalence or incidence of the disease or condition for which the new drug is under investigation (including in terms of the patient population that may use the drug), if conducting a clinical investigation in accordance with a diversity action plan

would otherwise be impracticable, or if such waiver is necessary to protect public health during a public health emergency.

"(B) The Secretary shall issue a written response granting or denying a request from a sponsor for a waiver within 60 days of receiving such request. Deadline.

"(5) No diversity action plan shall be required for a submission described in section 561.".

(b) DEVICES.—Section 520(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(g)) is amended by adding at the end the following:

"(9)(A)(i) The sponsor of a device for which submission of an application for an investigational device exemption is required shall submit to the Secretary in such application a diversity action plan for clinical studies of the device, in the form and manner specified in guidance issued by the Secretary.

"(ii) The sponsor of a device for which submission of an application for an investigational device exemption is not required, except for a device being studied as described in section 812.2(c) of title 21, Code of Federal Regulations (or successor regulations), shall develop a diversity action plan for any clinical study with respect to the device. Such diversity action plan shall be submitted to the Secretary in any premarket notification under section 510(k), request for classification under section 513(f)(2), or application for premarket approval under section 515 for such device.

"(B) A diversity action plan under clause (i) or (ii) of subparagraph (A) shall include—

"(i) the sponsor's goals for enrollment in the clinical study;

"(ii) the sponsor's rationale for such goals; and

"(iii) an explanation of how the sponsor intends to meet such goals.

"(C)(i) On the initiative of the Secretary or at the request of a sponsor, the Secretary may waive any requirement in subparagraph (A) or (B) if the Secretary determines that a waiver is necessary based on what is known or can be determined about the prevalence or incidence of the disease or condition for which the device is under investigation (including in terms of the patient population that may use the device), if conducting a clinical investigation in accordance with a diversity action plan would otherwise be impracticable, or if such waiver is necessary to protect public health during a public health emergency. Waiver authority. Determination.

"(ii) The Secretary shall issue a written response granting or denying a request from a sponsor for a waiver within 60 days of receiving such request. Deadline.

"(D) No diversity action plan shall be required for a submission described in section 561.".

SEC. 3602. GUIDANCE ON DIVERSITY ACTION PLANS FOR CLINICAL STUDIES.

(a) IN GENERAL.—The Secretary shall update or issue guidance relating to— Update. 21 USC 355 note.

(1) the format and content of the diversity action plans required by sections 505(z) and 520(g)(9) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(z); 360j(g)(9)) (as amended by section 3601) pertaining to the sponsor's goals for clinical study enrollment, disaggregated by age group, sex, and racial and ethnic demographic characteristics of clinically relevant study populations, and may include characteristics

such as geographic location and socioeconomic status, including with respect to—

(A) the rationale for the sponsor's enrollment goals, which may include—

(i) the estimated prevalence or incidence in the United States of the disease or condition for which the drug or device is being investigated in the relevant clinical trial, if such estimated prevalence or incidence is known or can be determined based on available data;

(ii) what is known about the disease or condition for which the drug or device is being investigated;

(iii) any relevant pharmacokinetic or pharmacogenomic data;

(iv) what is known about the patient population for such disease or condition, including, to the extent data is available—

(I) demographic information, which may include age group, sex, race, geographic location, socioeconomic status, and ethnicity;

(II) non-demographic factors, including co-morbidities affecting the patient population; and

(III) potential barriers to enrolling diverse participants, such as patient population size, geographic location, and socioeconomic status; and

(v) any other data or information relevant to selecting appropriate enrollment goals, disaggregated by demographic subgroup, such as the inclusion of pregnant and lactating women; and

(B) an explanation for how the sponsor intends to meet such goals, including demographic-specific outreach and enrollment strategies, study-site selection, clinical study inclusion and exclusion practices, and any diversity training for study personnel;

(2) submission of any modifications to the diversity action plan;

(3) considerations for the public posting by a sponsor of key information from the diversity action plan that would be useful to patients and providers on the sponsor's website, as appropriate;

(4) criteria that the Secretary will consider in assessing whether to grant a sponsor's request to waive the requirement to submit a diversity action plan under section 505(z)(4) or 520(g)(9)(C) of the Federal Food, Drug, and Cosmetic Act (as amended by section 3601); and

(5) how sponsors may include in regular reports otherwise required by the Secretary—

(A) the sponsor's progress in meeting the goals referred to in paragraph (1)(A); and

(B) any updates needed to be made to a diversity action plan referred to in paragraph (1) to help meet goals referred to in paragraph (1)(A); and

(C) if the sponsor does not expect to meet goals referred to in paragraph (1)(A), the sponsor's reasons for why the sponsor does not expect to meet such goals.

Deadlines.
21 USC 355 note.

(b) ISSUANCE.—The Secretary shall—

(1) not later than 12 months after the date of enactment of this Act, issue new draft guidance or update existing draft guidance described in subsection (a); and

Update.

(2) not later than 9 months after closing the comment period on such draft guidance, finalize such guidance.

Public comments.

(c) APPLICABILITY.—Sections 505(z) and 520(g)(9) of the Federal Food, Drug, and Cosmetic Act, as added by section 3601, shall apply only with respect to clinical investigations for which enrollment commences after the date that is 180 days after the publication of final guidance required under this section.

Effective date.
21 USC 355 note.

SEC. 3603. PUBLIC WORKSHOPS TO ENHANCE CLINICAL STUDY DIVERSITY.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary, in consultation with drug sponsors, medical device sponsors, clinical research organizations, academia, patients, and other stakeholders, shall convene one or more public workshops to solicit input from stakeholders on increasing the enrollment of historically underrepresented populations in clinical studies and encouraging clinical study participation that reflects the prevalence of the disease or condition among demographic subgroups, where appropriate, and other topics, including—

Deadline.

(1) how and when to collect and present the prevalence or incidence data on a disease or condition by demographic subgroup, including possible sources for such data and methodologies for assessing such data;

(2) considerations for the dissemination, as appropriate, after approval, of information to the public on clinical study enrollment demographic data;

(3) the establishment of goals for enrollment in clinical trials, including the relevance of the estimated prevalence or incidence, as applicable, in the United States of the disease or condition for which the drug or device is being developed; and

(4) approaches to support inclusion of underrepresented populations and to encourage clinical study participation that reflects the population expected to use the drug or device under study, including with respect to—

(A) the establishment of inclusion and exclusion criteria for certain subgroups, such as pregnant and lactating women and individuals with disabilities, including intellectual or developmental disabilities or mental illness;

(B) considerations regarding informed consent with respect to individuals with intellectual or developmental disabilities or mental illness, including ethical and scientific considerations;

(C) the appropriate use of decentralized trials or digital health tools;

(D) clinical endpoints;

(E) biomarker selection; and

(F) studying analysis.

(b) PUBLIC DOCKET.—The Secretary shall establish a public comment period to receive written comments related to the topics addressed during each public workshop convened under this section. The public comment period shall remain open for 60 days following the date on which each public workshop is convened.

Public comment.

Time period.

Public information. Web posting.

Summary. Recommendations.

(c) REPORT.—Not later than 180 days after the close of the public comment period for each public workshop convened under this section, the Secretary shall make available on the public website of the Food and Drug Administration a report on the topics discussed at such workshop. The report shall include a summary of topics and responses to any recommendations raised in such workshop.

21 USC 355 note.

SEC. 3604. ANNUAL SUMMARY REPORT ON PROGRESS TO INCREASE DIVERSITY IN CLINICAL STUDIES.

Public information. Web posting.

(a) IN GENERAL.—Beginning not later than 2 years after the date of enactment of this Act, and each year thereafter, the Secretary shall submit to the Congress, and publish on the public website of the Food and Drug Administration, a report that—

(1) summarizes, in aggregate, the diversity action plans received pursuant to section 505(z) or 520(g)(9) of the Federal Food, Drug, and Cosmetic Act, as added by section 3601; and

(2) contains information, in the aggregate, on—

(A) for drugs, biological products, and devices approved, licensed, cleared, or classified under section 505, 515, 510(k), or 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355; 360e; 360(k); and 360(f)(2)), or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), whether the clinical studies conducted with respect to such applications met the demographic subgroup enrollment goals from the diversity action plan submitted for such applications; and

(B) the reasons provided, if any, for why enrollment goals from submitted diversity action plans were not met.

(b) CONFIDENTIALITY.—Nothing in this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

Recommendations.

SEC. 3605. PUBLIC MEETING ON CLINICAL STUDY FLEXIBILITIES INITIATED IN RESPONSE TO COVID–19 PANDEMIC.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date on which the COVID–19 emergency period ends, the Secretary shall convene a public meeting to discuss the recommendations provided by the Food and Drug Administration during the COVID–19 emergency period to mitigate disruption of clinical studies, including recommendations detailed in the guidance entitled "Conduct of Clinical Trials of Medical Products During the COVID–19 Public Health Emergency, Guidance for Industry, Investigators, and Institutional Review Boards", as updated on August 8, 2021, and by any subsequent updates to such guidance. The Secretary shall invite to such meeting representatives from the pharmaceutical and medical device industries who sponsored clinical studies during the COVID–19 emergency period and organizations representing patients.

Web posting. Reports.

(b) TOPICS.—Not later than 90 days after the date on which the public meeting under subsection (a) is convened, the Secretary shall make available on the public website of the Food and Drug Administration a report on the topics discussed at such meeting. Such topics shall include discussion of—

(1) the actions sponsors took to utilize such recommendations and the frequency at which such recommendations were employed;

(2) the characteristics of the sponsors, studies, and patient populations impacted by such recommendations;

(3) a consideration of how recommendations intended to mitigate disruption of clinical studies during the COVID–19 emergency period, including any recommendations to consider decentralized clinical studies when appropriate, may have affected access to clinical studies for certain patient populations, especially unrepresented or underrepresented racial and ethnic minorities; and

(4) recommendations for incorporating certain clinical study disruption mitigation recommendations into current or additional guidance to improve clinical study access and enrollment of diverse patient populations.

(c) COVID–19 EMERGENCY PERIOD DEFINED.—In this section, the term "COVID–19 emergency period" has the meaning given the term "emergency period" in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)).

SEC. 3606. DECENTRALIZED CLINICAL STUDIES.

Recommendations.
21 USC 360a–1 note.
Deadlines.
Revision.

(a) GUIDANCE.—The Secretary shall—

(1) not later than 1 year after the date of enactment of this Act, issue or revise draft guidance that includes recommendations to clarify and advance the use of decentralized clinical studies to support the development of drugs and devices, including recommendations for how to advance the use of flexible and novel clinical trial designs and to help improve trial participant engagement, recruitment, enrollment, and retention of a meaningfully diverse clinical population, including with respect to race, ethnicity, age, sex, and geographic location, when appropriate; and

(2) not later than 1 year after closing the comment period on such draft guidance, finalize such guidance.

(b) CONTENT OF GUIDANCE.—The guidance under subsection (a) shall address the following:

Data.

(1) Recommendations related to digital health technology or other assessment options, such as telehealth, local laboratories, local health care providers, or other options for remote data collection, could support decentralized clinical studies, including guidance on considerations for selecting technological platforms and mediums, data collection and use, data integrity and security, and communication to study participants through digital technology.

(2) Recommendations for subject recruitment, retention, and engagement, including considerations for sponsors to minimize or reduce burdens for clinical study participants through the use of digital health technology, telehealth, local health care providers and laboratories, health care provider home visits, direct-to-participant engagement, electronic informed consent, or other means, as appropriate.

Evaluation.
Data.

(3) Recommendations with respect to the evaluation of data collected within a decentralized clinical study setting.

Data.

(4) Recommendations for methods of remote data collection, including clinical trial participant experience data, through the use of digital health technologies, telemedicine, local laboratories, local health care providers, or other options for data collection.

Data.
Assessment.

(5) Considerations for sponsors to minimize or reduce burdens for clinical trial participants associated with participating in a clinical trial, such as the use of digital technologies, telemedicine, local laboratories, local health care providers, or other data collection or assessment options, health care provider home visits, direct-to-participant shipping of investigational drugs and devices, and electronic informed consent, as appropriate.

(6) Recommendations regarding conducting decentralized clinical trials to facilitate and encourage meaningful diversity among clinical trial participants, including with respect to race, ethnicity, age, sex, and geographic location, as appropriate.

(7) Recommendations for strategies and methods for recruiting, retaining, and engaging with clinical trial participants, including communication regarding the role of clinical trial participants and community partners to facilitate clinical trial recruitment and engagement, including with respect to diverse and underrepresented populations, as appropriate.

(8) Considerations for review and oversight by sponsors and institutional review boards, including remote trial oversight.

(9) Recommendations for decentralized clinical trial protocol designs and processes for evaluating such proposed clinical trial designs.

Data.

(10) Recommendations related to digital health technology and other remote assessment tools that may support decentralized clinical trials, including guidance on appropriate technological platforms and tools, data collection and use, data integrity, and communication to clinical trial participants through such technology.

Assessment.
Evaluation.
Data.

(11) A description of the manner in which the Secretary will assess or evaluate data collected within a decentralized clinical trial to support the development of the drug or device, if the manner is different from that used for a nondecentralized trial.

(12) Considerations for sponsors to validate digital technologies and establish appropriate clinical endpoints for use in decentralized trials.

(13) Considerations for privacy and security of personally identifiable information of trial participants.

(14) Considerations for conducting clinical trials using centralized approaches in conjunction with decentralized approaches.

(c) DEFINITION.—In this section, the term "decentralized clinical study" means a clinical study in which some or all of the study-related activities occur at a location separate from the investigator's location.

Deadlines.
Revisions.
Guidance.
Reviews.
Recommendations.
21 USC 360a–1 note.

SEC. 3607. MODERNIZING CLINICAL TRIALS.

(a) CLARIFYING THE USE OF DIGITAL HEALTH TECHNOLOGIES IN CLINICAL TRIALS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue or revise draft guidance regarding the appropriate use of digital health technologies in clinical trials to help improve recruitment for, retention in, participation in, and data collection during, clinical trials, and provide for novel clinical trial designs utilizing such technology for purposes of supporting the development of, and

review of applications for, drugs and devices. Not later than 18 months after the public comment period on such draft guidance ends, the Secretary shall issue a revised draft guidance or final guidance.

(2) CONTENT.—The guidance described in paragraph (1) shall include—

(A) recommendations for data collection methodologies by which sponsors may incorporate the use of digital health technologies in clinical trials to collect data remotely from trial participants;

(B) considerations for privacy and security protections for data collected during a clinical trial, including—

(i) recommendations for the protection of trial participant data that are collected or used in research using digital health technologies;

(ii) compliance with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), subpart B of part 50 of title 21, Code of Federal Regulations, subpart C of part 56 of title 21, Code of Federal Regulations, the Federal policy for the protection of human subjects under subpart A of part 46 of title 45, Code of Federal Regulations (commonly known as the "Common Rule"), and part 2 of title 42, Code of Federal Regulations (or any successor regulations); and

(iii) recommendations for the protection of clinical trial participant data against cybersecurity threats, as applicable;

(C) considerations on data collection methods to help increase recruitment of clinical trial participants and the level of participation of such participants, reduce burden on clinical trial participants, and optimize data quality;

(D) recommendations for the use of electronic methods to obtain informed consent from clinical trial participants, taking into consideration applicable Federal law, including subpart B of part 50 of title 21, Code of Federal Regulations (or successor regulations), and, as appropriate, State law;

(E) best practices for communication between sponsors and the Secretary on the development of data collection methods;

(F) the appropriate format to submit such data to the Secretary;

(G) a description of the manner in which the Secretary may assess or evaluate data collected through digital health technologies to support the development of the drug or device;

(H) recommendations regarding the data and information needed to demonstrate that a digital health technology is fit-for-purpose for a clinical trial, and a description of how the Secretary will evaluate such data and information; and

(I) recommendations for increasing access to, and the use of, digital health technologies in clinical trials to facilitate the inclusion of diverse and underrepresented populations, as appropriate, including considerations for access

to, and the use of, digital health technologies in clinical trials by people with disabilities and pediatric populations.

(b) SEAMLESS AND CONCURRENT CLINICAL TRIALS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue or revise draft guidance on the use of seamless, concurrent, and other innovative clinical trial designs to support the expedited development and review of applications for drugs, as appropriate. Not later than 18 months after the public comment period on such draft guidance ends, the Secretary shall issue a revised draft guidance or final guidance.

(2) CONTENT.—The guidance described in paragraph (1) shall include—

(A) recommendations on the use of expansion cohorts and other seamless clinical trial designs to assess different aspects of product candidates in one continuous trial, including how such clinical trial designs can be used as part of meeting the substantial evidence standard under section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d));

(B) recommendations on the use of clinical trial designs that involve the concurrent conduct of different or multiple clinical trial phases, and the concurrent conduct of preclinical testing, to expedite the development of new drugs and facilitate the timely collection of data;

Analysis.

(C) recommendations for how to streamline trial logistics and facilitate the efficient collection and analysis of clinical trial data, including any planned interim analyses and how such analyses could be used to streamline the product development and review processes;

(D) considerations to assist sponsors in ensuring the rights, safety, and welfare of clinical trial participants, maintaining compliance with good clinical practice regulations, minimizing risks to clinical trial data integrity, and ensuring the reliability of clinical trial results;

(E) recommendations for communication between sponsors and the Food and Drug Administration on the development of seamless, concurrent, or other adaptive clinical trial designs, including review of, and feedback on, clinical trial protocols; and

(F) a description of the manner in which the Secretary will assess or evaluate data collected through seamless, concurrent, or other adaptive clinical trial designs to support the development of drugs.

Memorandums.

(c) INTERNATIONAL HARMONIZATION.—The Secretary shall, as appropriate, work with foreign regulators pursuant to memoranda of understanding or other arrangements governing the exchange of information to facilitate international harmonization of the regulation and use of decentralized clinical trials, digital technology in clinical trials, and seamless, concurrent, and other adaptive or innovative clinical trial designs.

CHAPTER 2—INSPECTIONS

SEC. 3611. DEVICE INSPECTIONS.

(a) IN GENERAL.—Section 704(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)(1)) is amended by striking "restricted devices" each place it appears and inserting "devices".

(b) RECORDS OR OTHER INFORMATION.—

(1) ESTABLISHMENTS.—Section 704(a)(4)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)(4)(A)) is amended—

(A) by striking "an establishment that is engaged in the manufacture, preparation, propagation, compounding, or processing of a drug" and inserting "an establishment that is engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or device, or a site or facility that is subject to inspection under paragraph (5)(C),"; and

(B) by striking "records requested." and inserting the following: "records or other information requested and a rationale for requesting such records or other information in advance of, or in lieu of, an inspection.".

(2) GUIDANCE.— 21 USC 374 note.

(A) IN GENERAL.—The Secretary shall issue or update guidance describing— Update.

(i) circumstances in which the Secretary intends to issue requests for records or other information in advance of, or in lieu of, an inspection under section 704(a)(4) of the Federal Food, Drug, and Cosmetic Act, as amended by paragraph (1);

(ii) processes for responding to such requests electronically or in physical form; and

(iii) factors the Secretary intends to consider in evaluating whether such records and other information are provided within a reasonable timeframe, within reasonable limits, and in a reasonable manner, accounting for resource and other limitations that may exist, including for small businesses.

(B) TIMING.—The Secretary shall— Deadlines.

(i) not later than 1 year after the date of enactment of this Act, issue draft guidance under subparagraph (A); and

(ii) not later than 1 year after the close of the comment period for such draft guidance, issue final guidance under subparagraph (A).

SEC. 3612. BIORESEARCH MONITORING INSPECTIONS. Records.

(a) IN GENERAL.—Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) is amended by adding at the end the following:

"(5)(A) The Secretary may, to ensure the accuracy and reliability of studies and records or other information described in subparagraph (B) and to assess compliance with applicable requirements under this Act or the Public Health Service Act, enter sites and facilities specified in subparagraph (C) in order to inspect such records or other information.

"(B) An inspection under this paragraph shall extend to all records and other information related to the studies and submissions described in subparagraph (E), including records and information related to the conduct, results, and analyses of, and the protection of human and animal trial participants participating in, such studies.

"(C)(i) The sites and facilities subject to inspection by the Secretary under this paragraph are those owned or operated by a person described in clause (ii) and which are (or were) utilized by such person in connection with—

"(I) developing an application or other submission to the Secretary under this Act or the Public Health Service Act related to marketing authorization for a product described in paragraph (1);

"(II) preparing, conducting, or analyzing the results of a study described in subparagraph (E); or

"(III) holding any records or other information described in subparagraph (B).

"(ii) A person described in this clause is—

"(I) the sponsor of an application or submission specified in subparagraph (E);

"(II) a person engaged in any activity described in clause (i) on behalf of such a sponsor, through a contract, grant, or other business arrangement with such sponsor;

"(III) an institutional review board, or other individual or entity, engaged by contract, grant, or other business arrangement with a nonsponsor in preparing, collecting, or analyzing records or other information described in subparagraph (B); or

"(IV) any person not otherwise described in this clause that conducts, or has conducted, a study described in subparagraph (E) yielding records or other information described in subparagraph (B).

"(D)(i) Subject to clause (ii), an entity that owns or operates any site or facility subject to inspection under this paragraph shall provide the Secretary with access to records and other information described in subparagraph (B) that is held by or under the control of such entity, including—

"(I) permitting the Secretary to record or copy such information for purposes of this paragraph;

"(II) providing the Secretary with access to any electronic information system utilized by such entity to hold, process, analyze, or transfer any records or other information described in subparagraph (B); and

"(III) permitting the Secretary to inspect the facilities, equipment, written procedures, processes, and conditions through which records or other information described in subparagraph (B) is or was generated, held, processed, analyzed, or transferred.

"(ii) Nothing in clause (i) shall negate, supersede, or otherwise affect the applicability of provisions, under this or any other Act, preventing or limiting the disclosure of confidential commercial information or other information considered proprietary or trade secret.

"(iii) An inspection under this paragraph shall be conducted at reasonable times and within reasonable limits and in a reasonable manner.

"(E) The studies and submissions described in this subparagraph are each of the following: Studies.

"(i) Clinical and nonclinical studies submitted to the Secretary in support of, or otherwise related to, applications and other submissions to the Secretary under this Act or the Public Health Service Act for marketing authorization of a product described in paragraph (1).

"(ii) Postmarket safety activities conducted under this Act or the Public Health Service Act.

"(iii) Any other clinical investigation of—

"(I) a drug subject to section 505 or 512 of this Act or section 351 of the Public Health Service Act; or

"(II) a device subject to section 520(g).

"(iv) Any other submissions made under this Act or the Public Health Service Act with respect to which the Secretary determines an inspection under this paragraph is warranted in the interest of public health. Determination.

"(F) This paragraph clarifies the authority of the Secretary to conduct inspections of the type described in this paragraph and shall not be construed as a basis for inferring that, prior to the date of enactment of this paragraph, the Secretary lacked the authority to conduct such inspections, including under this Act or the Public Health Service Act.".

(b) REVIEW OF PROCESSES AND PRACTICES; GUIDANCE FOR INDUSTRY.— 21 USC 374 note.

(1) IN GENERAL.—The Secretary shall—

(A) review processes and practices in effect as of the date of enactment of this Act applicable to inspections of foreign and domestic sites and facilities described in subparagraph (C)(i) of section 704(a)(5) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a); and

(B) evaluate whether any updates are needed to facilitate the consistency of such processes and practices. Evaluation.

(2) GUIDANCE.—

(A) IN GENERAL.—The Secretary shall issue guidance describing the processes and practices applicable to inspections of sites and facilities described in subparagraph (C)(i) of section 704(a)(5) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), including with respect to the types of records and information required to be provided, best practices for communication between the Food and Drug Administration and industry in advance of or during an inspection or request for records or other information, and other inspections-related conduct, to the extent not specified in existing publicly available Food and Drug Administration guides and manuals for such inspections.

(B) TIMING.—The Secretary shall— Deadlines.

(i) not later than 18 months after the date of enactment of this Act, issue draft guidance under subparagraph (A); and

(ii) not later than 1 year after the close of the public comment period for such draft guidance, issue final guidance under subparagraph (A).

SEC. 3613. IMPROVING FOOD AND DRUG ADMINISTRATION INSPECTIONS.

(a) RISK FACTORS FOR ESTABLISHMENTS.—Section 510(h)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)(4)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (G); and

(2) by inserting after subparagraph (E) the following:

"(F) The compliance history of establishments in the country or region in which the establishment is located that are subject to regulation under this Act, including the history of violations related to products exported from such country or region that are subject to such regulation.".

(b) USE OF RECORDS.—Section 704(a)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)(4)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) The Secretary may rely on any records or other information that the Secretary may inspect under this section to satisfy requirements that may pertain to a preapproval or risk-based surveillance inspection, or to resolve deficiencies identified during such inspections, if applicable and appropriate.".

(c) RECOGNITION OF FOREIGN GOVERNMENT INSPECTIONS.—Section 809 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384e) is amended—

(1) in subsection (a)(1), by inserting "preapproval or" before "risk-based inspections"; and

(2) by adding at the end the following:

"(c) PERIODIC REVIEW.—

Deadline.
Assessments.

"(1) IN GENERAL.—Beginning not later than 1 year after the date of the enactment of the Food and Drug Omnibus Reform Act of 2022, the Secretary shall periodically assess whether additional arrangements and agreements with a foreign government or an agency of a foreign government, as allowed under this section, are appropriate.

"(2) REPORTS TO CONGRESS.—Beginning not later than 4 years after the date of the enactment of the Food and Drug Omnibus Reform Act of 2022, and every 4 years thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report describing the findings and conclusions of each review conducted under paragraph (1).".

SEC. 3614. GAO REPORT ON INSPECTIONS OF FOREIGN ESTABLISHMENTS MANUFACTURING DRUGS.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on inspections conducted by—

(1) the Secretary of foreign establishments pursuant to subsections (h) and (i) of section 510 and section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360; 374); or

(2) a foreign government or an agency of a foreign government pursuant to section 809 of such Act (21 U.S.C. 384e).

(b) CONTENTS.—The report conducted under subsection (a) shall include—

(1) what alternative tools, including remote inspections or remote evaluations, other countries are utilizing to facilitate inspections of foreign establishments;

(2) how frequently trusted foreign regulators conduct inspections of foreign facilities that could be useful to the Food and Drug Administration to review in lieu of its own inspections;

(3) how frequently and under what circumstances, including for what types of inspections, the Secretary utilizes existing agreements or arrangements under section 809 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384e) and whether the use of such agreements could be appropriately expanded;

(4) whether the Secretary has accepted reports of inspections of facilities in China and India conducted by entities with which they have entered into such an agreement or arrangement;

(5) what additional foreign governments or agencies of foreign governments the Secretary has considered entering into a mutual recognition agreement with and, if applicable, reasons why the Secretary declined to enter into a mutual recognition agreement with such foreign governments or agencies;

(6) what tools, if any, the Secretary used to facilitate inspections of domestic facilities that could also be effectively utilized to appropriately inspect foreign facilities;

(7) what steps the Secretary has taken to identify and evaluate tools and strategies the Secretary may use to continue oversight with respect to inspections when in-person inspections are disrupted;

(8) how the Secretary is considering incorporating alternative tools into the inspection activities conducted pursuant to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

(9) what steps the Secretary has taken to identify and evaluate how the Secretary may use alternative tools to address workforce shortages to carry out such inspection activities.

SEC. 3615. UNANNOUNCED FOREIGN FACILITY INSPECTIONS PILOT PROGRAM. 21 USC 374 note.

(a) IN GENERAL.—The Secretary shall conduct a pilot program under which the Secretary increases the conduct of unannounced surveillance inspections of foreign human drug establishments and evaluates the differences between such inspections of domestic and foreign human drug establishments, including the impact of announcing inspections to persons who own or operate foreign human drug establishments in advance of an inspection. Such pilot program shall evaluate— Evaluations.

(1) differences in the number and type of violations of section 501(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(B)) identified as a result of unannounced and announced inspections of foreign human drug establishments and any other significant differences between each type of inspection;

Cost benefits.

(2) costs and benefits associated with conducting announced and unannounced inspections of foreign human drug establishments;

(3) barriers to conducting unannounced inspections of foreign human drug establishments and any challenges to achieving parity between domestic and foreign human drug establishment inspections; and

(4) approaches for mitigating any negative effects of conducting announced inspections of foreign human drug establishments.

(b) PILOT PROGRAM SCOPE.—The inspections evaluated under the pilot program under this section shall be routine surveillance inspections and shall not include inspections conducted as part of the Secretary's evaluation of a request for approval to market a drug submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.).

Deadline.

(c) PILOT PROGRAM INITIATION.—The Secretary shall initiate the pilot program under this section not later than 180 days after the date of enactment of this Act.

Public information. Web posting. Recommendations.

(d) REPORT.—The Secretary shall, not later than 180 days following the completion of the pilot program under this section, make available on the website of the Food and Drug Administration a final report on the pilot program under this section, including—

(1) findings and any associated recommendations with respect to the evaluation under subsection (a), including any recommendations to address identified barriers to conducting unannounced inspections of foreign human drug establishments;

(2) findings and any associated recommendations regarding how the Secretary may achieve parity between domestic and foreign human drug inspections; and

(3) the number of unannounced inspections during the pilot program that would not be unannounced under practices in use as of the date of the enactment of this Act.

SEC. 3616. ENHANCING COORDINATION AND TRANSPARENCY ON INSPECTIONS.

(a) COORDINATION.—Section 506D of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356d) is amended—

(1) by adding at the end the following:

"(g) COORDINATION.—The Secretary shall ensure timely and effective internal coordination and alignment among the field investigators of the Food and Drug Administration and the staff of the Center for Drug Evaluation and Research's Office of Compliance and Drug Shortage Program regarding—

"(1) the reviews of reports shared pursuant to section 704(b)(2); and

"(2) any feedback or corrective or preventive actions in response to such reports."; and

(2) by amending subsection (f) to read as follows:

"(f) TEMPORARY SUNSET.—Subsection (a) shall cease to be effective on the date that is 5 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act. Subsections (b), (c), and (e) shall not be in effect during the period beginning 5 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act and ending on

Time period.

the date of enactment of the Food and Drug Omnibus Reform Act of 2022. Subsections (b), (c), and (e) shall be in effect beginning on the date of enactment of the Food and Drug Omnibus Reform Act of 2022.". Effective date.

(b) REPORTING.—

(1) AMENDMENTS.—Section 506C–1(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c–1(a)) is amended—

(A) by redesignating paragraphs (3) through (7) as paragraphs (5) through (9), respectively;

(B) by inserting after paragraph (2) the following:

"(3) describes the coordination and alignment activities undertaken pursuant to section 506D(g);

"(4) provides the number of reports that were required under section 704(b)(2) to be sent to the appropriate offices of the Food and Drug Administration with expertise regarding drug shortages, and the number of such reports that were sent;"; and

(C) in paragraph (5)(A), as so redesignated, by striking "paragraph (7)" and inserting "paragraph (9)".

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply with respect to reports submitted under section 506C–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c–1) on or after March 31, 2024. 21 USC 356c–1 note.

(c) REPORTING OF MUTUAL RECOGNITION AGREEMENTS FOR INSPECTIONS AND REVIEW ACTIVITIES.—Section 510(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)) is amended—

(1) in paragraph (6)—

(A) in the matter preceding subparagraph (A), by striking "Beginning in 2014, not" and inserting "Not";

(B) by amending subparagraph (A) to read as follows:

"(A)(i) the number of domestic and foreign establishments registered pursuant to this section in the previous fiscal year; Time period.

"(ii) the number of such registered establishments in each region of interest;

"(iii) the number of such domestic establishments and the number of such foreign establishments, including the number of establishments in each region of interest, that the Secretary inspected in the previous fiscal year;

"(iv) the number of inspections to support actions by the Secretary on applications under section 505 of this Act or section 351 of the Public Health Service Act, including the number of inspections to support actions by the Secretary on supplemental applications, including changes to manufacturing processes, the Secretary conducted in the previous fiscal year;

"(v) the number of routine surveillance inspections the Secretary conducted in the previous fiscal year, including in each region of interest;

"(vi) the number of for-cause inspections the Secretary conducted in the previous fiscal year, not including inspections described in clause (iv), including in each region of interest; and

"(vii) the number of inspections the Secretary has recognized pursuant to an agreement entered into pursuant to section 809, or otherwise recognized, for each of the types of inspections described in clauses (v) and (vi),

including for inspections of establishments in each region of interest.";

(C) in subparagraph (B), by striking "; and" and inserting a semicolon;

(D) in subparagraph (C), by striking the period and inserting "; and"; and

(E) by adding at the end the following:

"(D) the status of the efforts of the Food and Drug Administration to expand its recognition of inspections conducted or recognized by foreign regulatory authorities under section 809, including any obstacles to expanding the use of such recognition."; and

(2) by adding at the end the following:

Definition.

"(7) REGION OF INTEREST.—For purposes of paragraph (6)(A), the term 'region of interest' means a foreign geographic region or country, including the People's Republic of China, India, the European Union, the United Kingdom, and any other country or geographic region, as the Secretary determines appropriate.".

SEC. 3617. ENHANCING TRANSPARENCY OF DRUG FACILITY INSPECTION TIMELINES.

Section 902 of the FDA Reauthorization Act of 2017 (21 U.S.C. 355 note) is amended to read as follows:

"SEC. 902. ANNUAL REPORT ON INSPECTIONS.

Public information. Web posting. Time period.

"Not later than 120 days after the end of each fiscal year, the Secretary of Health and Human Services shall post on the website of the Food and Drug Administration information related to inspections of facilities necessary for approval of a drug under subsection (c) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or approval of a device under section 515 of such Act (21 U.S.C. 360e) that were conducted during the previous fiscal year. Such information shall include the following:

"(1) The median time following a request from staff of the Food and Drug Administration reviewing an application or report to the beginning of the inspection, including—

"(A) the median time for drugs described in 505(j)(11)(A)(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(11)(A)(i));

"(B) the median time for drugs for which a notification has been submitted in accordance with section 506C(a) of such Act (21 U.S.C. 356c(a)) during the previous fiscal year; and

"(C) the median time for drugs on the drug shortage list in effect under section 506E of such Act (21 U.S.C. 356e) at the time of such request.

"(2) The median time from the issuance of a report pursuant to section 704(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(b)) to the sending of a warning letter, issuance of an import alert, or holding of a regulatory meeting for inspections for which the Secretary concluded that regulatory or enforcement action was indicated, including the median time for each category of drugs listed in subparagraphs (A) through (C) of paragraph (1).

"(3) The median time from the sending of a warning letter, issuance of an import alert, or holding of a regulatory meeting

related to conditions observed by the Secretary during an inspection, to the time at which the Secretary concludes that corrective actions to resolve such conditions have been taken.

"(4) The number of facilities that failed to implement adequate corrective or preventive actions following a report issued pursuant to such section 704(b), resulting in a withhold recommendation for an application under review, including the number of such facilities manufacturing each category of drugs listed in subparagraphs (A) through (C) of paragraph (1).".

CHAPTER 3—MISCELLANEOUS

SEC. 3621. REGULATION OF CERTAIN PRODUCTS AS DRUGS.

Section 503 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353) is amended by adding at the end the following:

"(h)(1) Any contrast agent, radioactive drug, or OTC monograph drug shall be deemed to be a drug under section 201(g) and not a device under section 201(h).

"(2) For purposes of this subsection:

Definitions.

"(A) The term 'contrast agent' means an article that is intended for use in conjunction with a medical imaging device, and—

"(i) is a diagnostic radiopharmaceutical, as defined in sections 315.2 and 601.31 of title 21, Code of Federal Regulations (or any successor regulations); or

"(ii) is a diagnostic agent that improves the visualization of structure or function within the body by increasing the relative difference in signal intensity within the target tissue, structure, or fluid.

"(B) The term 'radioactive drug' has the meaning given such term in section 310.3(n) of title 21, Code of Federal Regulations (or any successor regulations), except that such term does not include—

"(i) an implant or article similar to an implant;

"(ii) an article that applies radiation from outside of the body; or

"(iii) the radiation source of an article described in clause (i) or (ii).

"(C) The term 'OTC monograph drug' has the meaning given such term in section 744L.

"(3) Nothing in this subsection shall be construed as allowing for the classification of a product as a drug (as defined in section 201(g)) if such product—

"(A) is not described in paragraph (1); and

"(B) meets the definition of a device under section 201(h), unless another provision of this Act otherwise indicates a different classification.

"(4) The Secretary shall waive the application fee under sections 736 and 744B for applications for drugs that are—

Waiver authority.

"(A) on the date of enactment of the Prescription Drug User Fee Amendments of 2022, legally marketed as devices; and

"(B) deemed drugs pursuant to paragraph (1)".

Deadline.

SEC. 3622. WOMEN'S HEALTH RESEARCH ROADMAP.

Not later than 2 years after the date of enactment of this Act, the Office of Women's Health of the Food and Drug Administration, established under section 1011 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399b), shall—

Review. Update.

(1) review and, as appropriate, update the Women's Health Research Roadmap issued in December 2015; and

Briefing.

(2) brief the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the review and, as appropriate, any resulting update.

SEC. 3623. STRATEGIC WORKFORCE PLAN AND REPORT.

Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting after section 714A the following:

21 USC 379d–3b. Public information. Web posting. Strategy.

"SEC. 714B. STRATEGIC WORKFORCE PLAN AND REPORT.

"(a) IN GENERAL.—Not later than September 30, 2023, and at least every 4 years thereafter, the Secretary shall develop, begin implementation of, and submit to the appropriate committees of Congress and post on the website of the Food and Drug Administration, a coordinated strategy and report to provide direction for the activities and programs of the Secretary to recruit, hire, train, develop, and retain the workforce needed to fulfill the public health mission of the Food and Drug Administration, including to facilitate collaboration across centers, to keep pace with new biomedical, technological, and scientific advancements, and support the development, review, and regulation of medical products. Each such report shall be known as the 'Food and Drug Administration Strategic Workforce Plan'.

Update.

"(b) USE OF THE FOOD AND DRUG ADMINISTRATION STRATEGIC WORKFORCE PLAN.—Each center within the Food and Drug Administration shall develop and update, as appropriate, a strategic plan that will be informed by the Food and Drug Administration Strategic Workforce Plans developed under subsection (a).

"(c) CONTENTS OF THE FOOD AND DRUG ADMINISTRATION STRATEGIC WORKFORCE PLAN.—Each Food and Drug Administration Strategic Workforce Plan under subsection (a) shall—

"(1) include agency-wide human capital strategic goals and priorities for recruiting, hiring, training, developing, and retaining a qualified workforce for the Food and Drug Administration;

"(2) establish specific actions the Secretary will take to achieve such strategic goals and priorities and address the workforce needs of the Food and Drug Administration in the forthcoming fiscal years;

"(3) identify challenges and risks the Secretary will face in meeting its strategic goals and priorities, and the actions the Secretary will take to overcome those challenges and mitigate those risks;

"(4) establish performance measures, benchmarks, or other elements that the Secretary will use to measure and evaluate progress in achieving such strategic goals and priorities and the effectiveness of such strategic goals and priorities; and

"(5) define functions, capabilities, and gaps in such workforce and identify strategies to recruit, hire, train, develop, and retain such workforce.

"(d) CONSIDERATIONS.—In developing each Food and Drug Administration Strategic Workforce Plan under subsection (a), the Secretary shall consider—

"(1) the number of employees (including senior leadership and non-senior leadership employees) eligible for retirement, the expertise of such employees, and the employing center of such employees;

"(2) the vacancy and turnover rates for employees with different types of expertise and from different centers, including any changes or trends related to such rates;

"(3) the results of the Federal Employee Viewpoint Survey for employees of the Food and Drug Administration, including any changes or trends related to such results;

"(4) rates of pay for different types of positions, including rates for different types of expertise within the same field (such as differences in pay between different medical specialists), and how such rates of pay impact the ability of the Secretary to achieve the strategic goals and priorities described in subsection (c);

"(5) the statutory hiring authorities used to hire Food and Drug Administration employees, and the time to hire across different hiring authorities; and

"(6) any other timely and relevant information, as the Secretary determines appropriate.

"(e) EVALUATION OF PROGRESS.—Each Food and Drug Administration Strategic Workforce Plan issued pursuant to subsection (a), with the exception of the first such Food and Drug Administration Strategic Workforce Plan, shall include an evaluation of—

"(1) the progress the Secretary has made, based on the performance measures, benchmarks, and other elements that measure successful recruitment, hiring, training, development, and retention activities; and

"(2) whether actions taken in response to the Plan improved the capacity of the Food and Drug Administration to achieve the strategic goals and priorities described in subsection (c)(1).

"(f) ADDITIONAL CONSIDERATIONS.—The Food and Drug Administration Strategic Workforce Plan issued in fiscal year 2023 shall address the effect of the COVID–19 pandemic on hiring, retention, and other workforce challenges for the Food and Drug Administration, including protecting such workforce during public health emergencies.".

SEC. 3624. ENHANCING FOOD AND DRUG ADMINISTRATION HIRING AUTHORITY FOR SCIENTIFIC, TECHNICAL, AND PROFESSIONAL PERSONNEL.

Section 714A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379d–3a) is amended—

(1) in subsection (a)—

(A) by inserting ", including cross-cutting operational positions," after "professional positions"; and

(B) by inserting "and the regulation of food and cosmetics" after "medical products"; and

(2) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "the 21st Century Cures Act" and inserting "the Food and Drug Omnibus Reform Act of 2022"; and

(ii) by striking "that examines the extent" and all that follows through ", including" and inserting "that includes";

(B) in subparagraph (A)—

(i) by inserting "updated" before "analysis"; and

(ii) by striking "; and" and inserting a semicolon;

(C) by redesignating subparagraph (B) as subparagraph (C);

(D) by inserting after subparagraph (A) the following:

Analysis.
Plan.

"(B) an analysis of how the Secretary has used the authorities provided under this section, and a plan for how the Secretary will use the authority under this section, and other applicable hiring authorities, for employees of the Food and Drug Administration; and"; and

(E) in the matter preceding clause (i) of subparagraph (C), as so redesignated, by striking "a recruitment" and inserting "an updated recruitment".

Time periods.

SEC. 3625. FACILITIES MANAGEMENT.

(a) PDUFA AUTHORITY.—Section 736(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(g)(2)) is amended—

(1) in subparagraph (A)(ii)—

(A) by striking "shall be available to defray" and inserting the following: "shall be available—

"(I) for fiscal year 2023, to defray";

(B) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(II) for fiscal year 2024 and each subsequent fiscal year, to defray the costs of the resources allocated for the process for the review of human drug applications (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process), only if the sum of the amounts allocated by the Secretary for such costs, excluding costs paid from fees collected under this section, plus other costs for the maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, and other necessary materials and supplies in connection with the process for the review of human drug applications, is no less than the amount allocated for such costs, excluding any such costs paid from fees collected under this section, for fiscal year 1997, multiplied by the adjustment factor."; and

(2) in subparagraph (B), by striking "for the process for the review of human drug applications" and inserting "as described in subclause (I) or (II) of such subparagraph, as applicable".

(b) BSUFA AUTHORITY.—Section 744H(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52(f)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking "available for a fiscal year beginning after fiscal year 2012" and inserting the following: "available—

"(I) for fiscal year 2023,";

(B) by striking "the fiscal year involved." and inserting "such fiscal year; and"; and

(C) by adding at the end the following:

"(II) for fiscal year 2024 and each subsequent fiscal year, to defray the costs of the process for the review of biosimilar biological product applications (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process), only if the sum of the amounts allocated by the Secretary for such costs, excluding costs paid from fees collected under this section, plus other costs for the maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, and other necessary materials and supplies in connection with the process for the review of biosimilar biological product applications, is no less than $20,000,000, multiplied by the adjustment factor applicable to the fiscal year involved."; and

(2) in subparagraph (C), by striking "subparagraph (B) in any fiscal year if the costs described in such subparagraph" and inserting "subparagraph (B)(i) in any fiscal year if the costs allocated as described in subclause (I) or (II) of such subparagraph, as applicable,".

(c) GDUFA AUTHORITY.—Section 744B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42) is amended—

(1) in subsection (e)(2), by striking "744A(11)(C)" and inserting "744A(12)(C)"; and

(2) in subsection (i)(2)—

(A) in subparagraph (A)(ii)—

(i) by striking "available for a fiscal year beginning after fiscal year 2012" and inserting the following: "available—

"(I) for fiscal year 2023,";

(ii) by striking "the fiscal year involved." and inserting "such fiscal year; and"; and

(iii) by adding at the end the following:

"(II) for fiscal year 2024 and each subsequent fiscal year, to defray the costs of human generic drug activities (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the sum of the amounts allocated by the Secretary for such costs, excluding costs paid from fees collected under this section, plus other costs for the maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, and other necessary materials and supplies in connection with human generic drug activities, is no less than $97,000,000 multiplied by

the adjustment factor defined in section 744A(3) applicable to the fiscal year involved."; and

(B) in subparagraph (B), by striking "for human generic activities" and inserting "as described in subclause (I) or (II) of such subparagraph, as applicable,".

(d) MDUFA AUTHORITY.—Section 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j), as amended by section 3309, is further amended—

(1) in subsection (e)(2)(B)(iii), by inserting ", if extant," after "national taxing authority";

(2) in subsection (h)(2)—

(A) in subparagraph (A)(ii)—

(i) by striking "shall be available to defray" and inserting the following: "shall be available—

"(I) for fiscal year 2023, to defray";

(ii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(II) for fiscal year 2024 and each subsequent fiscal year, to defray the costs of the resources allocated for the process for the review of device applications (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process), only if the sum of the amounts allocated by the Secretary for such costs, excluding costs paid from fees collected under this section, plus other costs for the maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture and other necessary materials and supplies in connection with the process for the review of device applications, is no less than the amount allocated for such costs, excluding any such costs paid from fees collected under this section, for fiscal year 2009 multiplied by the adjustment factor."; and

(B) in subparagraph (B)(i), in the matter preceding subclause (I), by striking "for the process for the review of device applications" and inserting "as described in subclause (I) or (II) of such subparagraph, as applicable"; and

(3) in subsection (g)(3), by striking "737(9)(C)" and inserting "737(10)(C)".

(e) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 905(b)(2) of the FDA Reauthorization Act of 2017 (Public Law 115–52) is amended by striking "Section 738(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(h)) is amended" and inserting "Subsection (g) of section 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j), as so redesignated by section 203(f)(2)(B)(i), is amended".

131 Stat. 1090.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as though included in the enactment of section 905 of the FDA Reauthorization Act of 2017 (Public Law 115–52).

21 USC 379j note.

SEC. 3626. USER FEE PROGRAM TRANSPARENCY AND ACCOUNTABILITY.

(a) PDUFA.—

(1) REAUTHORIZATION; REPORTING REQUIREMENTS.—Section 736B(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) in clause (vii), by striking "; and" and inserting a semicolon;

(II) in clause (viii), by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(ix) the number of investigational new drug applications submitted per fiscal year, including for each review division."; and

(ii) by adding at the end the following flush text: "Nothing in subparagraph (B) shall be construed to authorize the disclosure of information that is prohibited from disclosure under section 301(j) of this Act or section 1905 of title 18, United States Code, or that is subject to withholding under section 552(b)(4) of title 5, United States Code.";

(B) by adding at the end of paragraph (3)(B) the following:

"(v) For fiscal years 2023 and 2024, of the meeting requests from sponsors for which the Secretary has determined that a face-to-face meeting is appropriate, the number of face-to-face meetings requested by sponsors to be conducted in person (in such manner as the Secretary shall prescribe on the website of the Food and Drug Administration), and the number of such in-person meetings granted by the Secretary, with both such numbers disaggregated by the relevant agency center."; and

Time periods. Determination. Public information. Web posting.

(C) in paragraph (4)—

(i) by amending subparagraph (A) to read as follows:

"(A) data, analysis, and discussion of the changes in the number of individuals hired as agreed upon in the letters described in section 1001(b) of the Prescription Drug User Fee Amendments of 2022 and the number of remaining vacancies, the number of full-time equivalents funded by fees collected pursuant to section 736, and the number of full-time equivalents funded by budget authority at the Food and Drug Administration by each division within the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner;";

(ii) by amending subparagraph (B) to read as follows:

"(B) data, analysis, and discussion of the changes in the fee revenue amounts and costs for the process for the review of human drug applications, including identifying—

"(i) drivers of such changes; and

"(ii) changes in the average total cost per full-time equivalent in the prescription drug review program;";

(iii) in subparagraph (C), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(D) data, analysis, and discussion of the changes in the average full-time equivalent hours required to complete review of each type of human drug application.".

(2) REAUTHORIZATION.—Section 736B(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2(f)) is amended—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(B) by inserting after paragraph (3) the following:

"(4) UPDATES TO CONGRESS.—The Secretary, in consultation with regulated industry, shall provide regular updates on negotiations on the reauthorization of this part to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives."; and

(C) in paragraph (7), as so redesignated—

(i) in subparagraph (A)—

(I) by striking "Before presenting the recommendations developed under paragraphs (1) through (5) to the Congress, the" and inserting "The"; and

(II) by inserting ", not later than 30 days after each such negotiation meeting" before the period at the end; and

(ii) in subparagraph (B), by inserting ", in sufficient detail," after "shall summarize".

(b) MDUFA.—

(1) REAUTHORIZATION; REPORTING REQUIREMENTS.—Section 738A(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–1(a)(1)(A)) is amended—

(A) in clause (ii)—

(i) in subclause (II), by striking "; and" and inserting a semicolon;

(ii) in subclause (III), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

"(IV) the number of investigational device exemption applications submitted under section 520(g) per fiscal year, including for each review division; and

"(V) the number of expedited development and priority review requests and designations under section 515B per fiscal year, including for each review division.

Nothing in this clause shall be construed to authorize the disclosure of information that is prohibited from disclosure under section 301(j) of this Act or section 1905 of title 18, United States Code, or that is subject to withholding under section 552(b)(4) of title 5, United States Code."; and

(B) in clause (iv) (relating to rationale for MDUFA program changes)—

(i) by amending subclause (I) to read as follows:

"(I) data, analysis, and discussion of the changes in the number of individuals hired as agreed upon in the letters described in section 2001(b) of the Medical Device User Fee Amendments of 2022 and the number of remaining vacancies, the number of full-time equivalents funded by fees collected pursuant to section 738, and the number of full time equivalents funded by budget authority at the Food and Drug Administration by each division within the Center for Devices and Radiological Health, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner;";

(ii) by amending subclause (II) to read as follows:

"(II) data, analysis, and discussion of the changes in the fee revenue amounts and costs for the process for the review of device applications, including identifying—

"(aa) drivers of such changes; and

"(bb) changes in the average total cost per full-time equivalent in the medical device review program;";

(iii) in subclause (III), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(IV) data, analysis, and discussion of the changes in the average full-time equivalent hours required to complete review of medical device application types.".

(2) REAUTHORIZATION.—Section 738A(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–1(b)) is amended—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(B) by inserting after paragraph (3) the following:

"(4) UPDATES TO CONGRESS.—The Secretary, in consultation with regulated industry, shall provide regular updates on negotiations on the reauthorization of this part to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives."; and

(C) in paragraph (7), as so redesignated—

(i) in subparagraph (A)—

(I) by striking "Before presenting the recommendations developed under paragraphs (1) through (5) to the Congress, the" and inserting "The"; and

(II) by inserting ", not later than 30 days after each such negotiation meeting" before the period at the end; and

(ii) in subparagraph (B), by inserting ", in sufficient detail," after "shall summarize".

(c) GDUFA.—

(1) REAUTHORIZATION; REPORTING REQUIREMENTS.—Section 744C(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–43(a)(3)) is amended—

(A) by amending subparagraph (A) to read as follows:

"(A) data, analysis, and discussion of the changes in the number of individuals hired as agreed upon in the letters described in section 3001(b) of the Generic Drug User Fee Amendments of 2022 and the number of remaining vacancies, the number of full-time equivalents funded by fees collected pursuant to section 744B, and the number of full time equivalents funded by budget authority at the Food and Drug Administration by each division within the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner;";

(B) by amending subparagraph (B) to read as follows:

"(B) data, analysis, and discussion of the changes in the fee revenue amounts and costs for human generic drug activities, including—

"(i) identifying drivers of such changes; and

"(ii) changes in the total average cost per full-time equivalent in the generic drug review program;";

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(D) data, analysis, and discussion of the changes in the average full-time equivalent hours required to complete review of each type of abbreviated new drug application.".

(2) REAUTHORIZATION.—Section 744C(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–43(f)) is amended—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(B) by inserting after paragraph (3) the following:

"(4) UPDATES TO CONGRESS.—The Secretary, in consultation with regulated industry, shall provide regular updates on negotiations on the reauthorization of this part to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives."; and

(C) in paragraph (7), as so redesignated—

(i) in subparagraph (A)—

(I) by striking "Before presenting the recommendations developed under paragraphs (1) through (5) to the Congress, the" and inserting "The"; and

(II) by inserting ", not later than 30 days after each such negotiation meeting" before the period at the end; and

(ii) in subparagraph (B), by inserting ", in sufficient detail," after "shall summarize".

(d) BSUFA.—

(1) REAUTHORIZATION; REPORTING REQUIREMENTS.—Section 744I(a)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–53(a)(4)) is amended—

(A) by amending subparagraph (A) to read as follows:

"(A) data, analysis, and discussion of the changes in the number of individuals hired as agreed upon in the letters described in section 4001(b) of the Biosimilar User Fee Amendments of 2022 and the number of remaining

vacancies, the number of full-time equivalents funded by fees collected pursuant to section 744H, and the number of full time equivalents funded by budget authority at the Food and Drug Administration by each division within the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner;";

(B) by amending subparagraph (B) to read as follows:

"(B) data, analysis, and discussion of the changes in the fee revenue amounts and costs for the process for the review of biosimilar biological product applications, including identifying—

"(i) drivers of such changes; and

"(ii) changes in the average total cost per full-time equivalent in the biosimilar biological product review program;";

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(D) data, analysis, and discussion of the changes in the average full-time equivalent hours required to complete review of each type of biosimilar biological product application.".

(2) REAUTHORIZATION.—Section 744I(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–53(f)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(B) by inserting after paragraph (1) the following:

"(2) PRIOR PUBLIC INPUT.—Prior to beginning negotiations with the regulated industry on the reauthorization of this part, the Secretary shall—

"(A) publish a notice in the Federal Register requesting public input on the reauthorization; Notice. Federal Register, publication.

"(B) hold a public meeting at which the public may present its views on the reauthorization;

"(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and Time period.

"(D) publish the comments on the Food and Drug Administration's website. Web posting.

"(3) PERIODIC CONSULTATION.—Not less frequently than once every month during negotiations with the regulated industry, the Secretary shall hold discussions with representatives of patient and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

"(4) UPDATES TO CONGRESS.—The Secretary, in consultation with regulated industry, shall provide regular updates on negotiations on the reauthorization of this part to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives."; and

(C) by adding at the end the following:

"(7) MINUTES OF NEGOTIATION MEETINGS.—

"(A) PUBLIC AVAILABILITY.—The Secretary shall make publicly available, on the public website of the Food and Web posting. Deadline.

Drug Administration, minutes of all negotiation meetings conducted under this subsection between the Food and Drug Administration and the regulated industry, not later than 30 days after each such negotiation meeting.

Summary.

"(B) CONTENT.—The minutes described under subparagraph (A) shall summarize, in sufficient detail, any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.".

SEC. 3627. IMPROVING INFORMATION TECHNOLOGY SYSTEMS OF THE FOOD AND DRUG ADMINISTRATION.

21 USC 393 note.

(a) FDA STRATEGIC INFORMATION TECHNOLOGY PLAN.—

Deadlines.
Public information.
Web posting.

(1) IN GENERAL.—Not later than September 30, 2023, and at least every 4 years thereafter, the Secretary shall develop and submit to the appropriate committees of Congress and post on the website of the Food and Drug Administration, a coordinated information technology strategic plan to modernize the information technology systems of the Food and Drug Administration. Each such report shall be known as the "Food and Drug Administration Strategic Information Technology Plan". The first such report may include the Data and Technology Modernization Strategy, as set forth in the letters described in section 1001(b) of the FDA User Fee Reauthorization Act of 2022 (division F of Public Law 117–180).

(2) CONTENT OF STRATEGIC PLAN.—The Food and Drug Administration Strategic Information Technology Plan under paragraph (1) shall include—

(A) agency-wide strategic goals and priorities for modernizing the information technology systems of the Food and Drug Administration to maximize the efficiency and effectiveness of such systems for enabling the Food and Drug Administration to fulfill its public health mission;

(B) specific activities and strategies for achieving the goals and priorities identified under subparagraph (A), and specific milestones, metrics, and performance measures for assessing progress against such strategic goals and priorities;

(C) specific activities and strategies for improving and streamlining internal coordination and communication within the Food and Drug Administration, including for activities and communications related to signals of potential public health concerns;

(D) challenges and risks the Food and Drug Administration will face in meeting its strategic goals and priorities, and the activities the Food and Drug Administration will undertake to overcome those challenges and mitigate those risks;

(E) the ways in which the Food and Drug Administration will use the Plan to guide and coordinate the projects and activities of the Food and Drug Administration across its offices and centers; and

Inventory.
Assessment.
Analysis.

(F) a skills inventory, needs assessment, gap analysis, and initiatives to address skills gaps as part of a strategic approach to information technology human capital planning.

(3) EVALUATION OF PROGRESS.—Each Food and Drug Administration Strategic Information Technology Plan issued pursuant to this subsection, with the exception of the first such Food and Drug Administration Strategic Information Technology Plan, shall include an evaluation of—

(A) the progress the Secretary has made, based on the metrics, benchmarks, and other milestones that measure successful development and implementation of information technology systems; and

(B) whether actions taken in response to the previous Plan improved the capacity of the Food and Drug Administration to achieve the strategic goals and priorities set forth in such previous Plans.

(b) GAO REPORT.— Assessments.

(1) IN GENERAL.—Not later than September 30, 2026, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report assessing the implementation of the Food and Drug Administration Strategic Information Technology Plan adopted pursuant to subsection (a).

(2) CONTENT OF REPORT.—The report required under paragraph (1) shall include an assessment of—

(A) the development and implementation of the Food and Drug Administration Strategic Information Technology Plan, including the sufficiency of the plan, progress of the Food and Drug Administration in meeting the results-oriented goals, milestones, and performance measures identified in such plan and any gaps in such implementation;

(B) the efficiency and effectiveness of the Food and Drug Administration's expenditures on information technology systems over the preceding 10 fiscal years, including the implementation by the Food and Drug Administration of the Technology Modernization Action Plan and Data Modernization Action Plan; Time period.

(C) challenges posed by the information technology systems of the Food and Drug Administration for carrying out the Food and Drug Administration's public health mission, including on meeting user fee agreement performance goals, conducting inspections, responding to identified safety concerns, and keeping pace with new scientific and medical advances; and

(D) recommendations for the Food and Drug Administration to address the identified challenges, improve its implementation of the Food and Drug Administration Strategic Information Technology Plan, and to otherwise improve the Food and Drug Administration's information technology systems. Recommendations.

SEC. 3628. REPORTING ON MAILROOM AND OFFICE OF THE EXECUTIVE SECRETARIAT OF THE FOOD AND DRUG ADMINISTRATION.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on—

(1) information related to policies, procedures, and activities of the mailroom and the Office of the Executive Secretariat of the Food and Drug Administration, including—

(A) taking receipt, tracking, managing, and prioritizing confidential informant complaints;

(B) taking receipt of common carrier packages to the Food and Drug Administration;

(C) the organizational structure and management of the mailroom;

(D) the organizational structure and management of the Office of the Executive Secretariat;

(E) the total number of employees and contractors in the mailroom including those working remotely and those working in person;

(F) the total number of employees and contractors in the Office of the Executive Secretariat;

(G) the number of vacant positions in the mailroom;

(H) the number of vacant positions in the Office of the Executive Secretariat;

(I) the average number of days for response to correspondence received by the Office of the Secretariat;

(J) the extent to which there is a backlog of common carrier packages received by the mailroom and the number of common carrier packages in any backlog;

(K) the extent to which there is a backlog of correspondence in the Office of the Executive Secretariat that has not been appropriately responded to by the Food and Drug Administration and the number of correspondence or common carrier packages in any backlog;

(L) a rationale for the failure of the Office of the Executive Secretariat to respond to correspondence in any backlog and the position of the decision-making official who determined not to respond to such correspondence;

(M) the number of whistleblower correspondence received, including within each agency center;

(N) the amount of resources expended for the mailroom, including a breakdown of budget authority and user fee dollars;

(O) the amount of resources expended for the Office of the Executive Secretariat and correspondence-related activities, including a breakdown of budget authority and user fee dollars; and

(P) the performance of third-party contractors responsible for correspondence-related activities with respect to the receipt and tracking of correspondence, and efforts by the Food and Drug Administration to improve performance by such contractors; and

Procedures.

(2) the development and implementation of new or revised policies and procedures of the Food and Drug Administration to monitor and ensure—

(A) the effective receipt, tracking, managing, and prioritization of such complaints; and

(B) the effective receipt of common carrier packages to the Food and Drug Administration.

(b) ANNUAL REPORT.—Not later than the end of each of fiscal years 2023 and 2024, the Secretary shall issue a report to the Committee on Health, Education, Labor, and Pensions of the Senate

and the Committee on Energy and Commerce of the House of Representatives on the implementation of the new or revised policies of the Food and Drug Administration reported under subsection (a)(2), and since such implementation—

(1) the volume of incoming common carrier packages to the mailroom;

(2) the volume of incoming correspondence to the Office of the Executive Secretariat;

(3) the extent to which new backlogs occur in the processing of common carrier packages received by the mailroom;

(4) the extent to which new backlogs occur in the processing of correspondence received by the Office of the Executive Secretariat;

(5) the length of time required to resolve each such backlog;

(6) any known issues of unreasonable delays in correspondence being provided to the intended recipient, or in correspondence being lost, and the measures taken to remedy such delays or lost items;

(7) the average number of days it takes to respond to correspondence received by the Office of the Executive Secretariat;

(8) the resources expended by the mailroom, including a breakdown of budget authority and user fee dollars; and

(9) the resources expended by the Office of the Executive Secretariat on correspondence-related activities, including a breakdown of budget authority and user fee dollars.

Assessment.

(c) GAO REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report assessing the policies and practices of the Division of Executive Operations of the Office of the Executive Secretariat of the Food and Drug Administration with respect to the receipt, tracking, managing, and prioritization of correspondence.

SEC. 3629. FACILITATING THE USE OF REAL WORLD EVIDENCE.

21 USC 355 note.

Deadline.
Revision.
Data.

(a) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue or revise existing guidance on considerations for the use of real world data and real world evidence to support regulatory decision-making, as follows:

(1) With respect to drugs, such guidance shall address the use of such data and evidence to support the approval of a drug application under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or a biological product application under section 351 of the Public Health Service Act (42 U.S.C. 262), and to support an investigational use exemption submission under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)). Such guidance shall include considerations for the inclusion, in such applications and submissions, of real world data and real world evidence obtained as a result of the use of drugs authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3), and considerations for standards and methodologies for collection and analysis

of real world evidence included in such applications and submissions, as appropriate.

(2) With respect to devices, such guidance shall address the use of such data and evidence to support the approval, clearance, or classification of a device pursuant to an application or submission submitted under section 510(k), 513(f)(2), or 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k), 360c(f)(2), 360e), to support an investigational use exemption submission under section 520(g) of such Act (21 U.S.C. 360j(g)), and to support a determination by the Secretary for purposes of section 353 of the Public Health Service Act (42 U.S.C. 263a) (including the category described under subsection (d)(3) of such section). Such guidance shall include considerations for the inclusion, in such applications and submissions, of real world data and real world evidence obtained as a result of the use of devices authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3), including considerations related to a determination under section 353(d)(3) of the Public Health Service Act (42 U.S.C. 263a(d)(3)), and considerations for standards and methodologies for collection and analysis of real world evidence included in such applications, submissions, or determinations, as appropriate.

(b) REPORT TO CONGRESS.—Not later than 2 years after the end of the public health emergency declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on—

(1) the number of applications, submissions, or requests submitted for clearance, approval, or authorization under section 505, 510(k), 513(f)(2), or 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360(k), 360c(f)(2), 360e) or section 351 of the Public Health Service Act (42 U.S.C. 262), for which an authorization under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3) was previously granted;

(2) of the number of applications so submitted, the number of such applications—

(A) for which real world evidence was submitted and used to support a regulatory decision; and

(B) for which real world evidence was submitted and determined to be insufficient to support a regulatory decision; and

Summary.

(3) a summary explanation of why, in the case of applications described in paragraph (2)(B), real world evidence could not be used to support regulatory decisions.

(c) INFORMATION DISCLOSURE.—Nothing in this section shall be construed to authorize the disclosure of information that is prohibited from disclosure under section 1905 of title 18, United States Code, or subject to withholding under subsection (b)(4) of section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act").

SEC. 3630. FACILITATING EXCHANGE OF PRODUCT INFORMATION PRIOR TO APPROVAL.

(a) IN GENERAL.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended—

(1) in paragraph (a)—

(A) by striking "drugs for coverage" and inserting "drugs or devices for coverage"; and

(B) by striking "drug" each place it appears and inserting "drug or device", respectively;

(2) in paragraphs (a)(1) and (a)(2)(B), by striking "under section 505 or under section 351 of the Public Health Service Act" and inserting "under section 505, 510(k), 513(f)(2), or 515 of this Act or section 351 of the Public Health Service Act";

(3) in paragraph (a)(1)—

(A) by striking "under section 505 or under section 351(a) of the Public Health Service Act" and inserting "under section 505, 510(k), 513(f)(2), or 515 of this Act or section 351 of the Public Health Service Act"; and

(B) by striking "in section 505(a) or in subsections (a) and (k) of section 351 of the Public Health Service Act" and inserting "in section 505, 510(k), 513(f)(2), or 515 of this Act or section 351 of the Public Health Service Act"; and

(4) by adding at the end the following:

"(gg)(1) Unless its labeling bears adequate directions for use in accordance with paragraph (f), except that (in addition to drugs or devices that conform with exemptions pursuant to such paragraph) no drug or device shall be deemed to be misbranded under such paragraph through the provision of truthful and not misleading product information to a payor, formulary committee, or other similar entity with knowledge and expertise in the area of health care economic analysis carrying out its responsibilities for the selection of drugs or devices for coverage or reimbursement if the product information relates to an investigational drug or device or investigational use of a drug or device that is approved, cleared, granted marketing authorization, or licensed under section 505, 510(k), 513(f)(2), or 515 of this Act or section 351 of the Public Health Service Act (as applicable), provided— Labeling.

"(A) the product information includes—

"(i) a clear statement that the investigational drug or device or investigational use of a drug or device has not been approved, cleared, granted marketing authorization, or licensed under section 505, 510(k), 513(f)(2), or 515 of this Act or section 351 of the Public Health Service Act (as applicable) and that the safety and effectiveness of such drug or device for such use has not been established; Statement.

"(ii) information related to the stage of development of the drug or device involved, such as—

"(I) the status of any study or studies in which the investigational drug or device or investigational use is being investigated;

"(II) how the study or studies relate to the overall plan for the development of the drug or device; and

"(III) whether an application, premarket notification, or request for classification for the investigational

drug or device or investigational use has been submitted to the Secretary and when such a submission is planned;

"(iii) in the case of information that includes factual presentations of results from studies, which shall not be selectively presented, a description of—

"(I) all material aspects of study design, methodology, and results; and

"(II) all material limitations related to the study design, methodology, and results;

Statement.
Records.
Labeling.

"(iv) where applicable, a prominent statement disclosing the indication or indications for which the Secretary has approved, granted marketing authorization, cleared, or licensed the product pursuant to section 505, 510(k), 513(f)(2), or 515 of this Act or section 351 of the Public Health Service Act, and a copy of the most current required labeling; and

Updates.

"(v) updated information, if previously communicated information becomes materially outdated as a result of significant changes or as a result of new information regarding the product or its review status; and

"(B) the product information does not include—

"(i) information that represents that an unapproved product—

"(I) has been approved, cleared, granted marketing authorization, or licensed under section 505, 510(k), 513(f)(2), or 515 of this Act or section 351 of the Public Health Service Act (as applicable); or

"(II) has otherwise been determined to be safe or effective for the purpose or purposes for which the drug or device is being studied; or

"(ii) information that represents that an unapproved use of a drug or device that has been so approved, granted marketing authorization, cleared, or licensed—

"(I) is so approved, granted marketing authorization, cleared, or licensed; or

"(II) that the product is safe or effective for the use or uses for which the drug or device is being studied.

Definition.

"(2) For purposes of this paragraph, the term 'product information' includes—

"(A) information describing the drug or device (such as drug class, device description, and features);

"(B) information about the indication or indications being investigated;

"(C) the anticipated timeline for a possible approval, clearance, marketing authorization, or licensure pursuant to section 505, 510(k), 513, or 515 of this Act or section 351 of the Public Health Service Act;

"(D) drug or device pricing information;

"(E) patient utilization projections;

"(F) product-related programs or services; and

"(G) factual presentations of results from studies that do not characterize or make conclusions regarding safety or efficacy.".

(b) GAO STUDY AND REPORT.—Beginning on the date that is 5 years and 6 months after the date of enactment of this Act,

the Comptroller General of the United States shall conduct a study on the provision and use of information pursuant to section 502(gg) of the Federal Food, Drug, and Cosmetic Act, as added by this subsection (a), between manufacturers of drugs and devices (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) and entities described in such section 502(gg). Such study shall include an analysis of the following:

Analyses.

(1) The types of information communicated between such manufacturers and payors.

(2) The manner of communication between such manufacturers and payors.

(3)(A) Whether such manufacturers file an application for approval, marketing authorization, clearance, or licensing of a new drug or device or the new use of a drug or device that is the subject of communication between such manufacturers and payors under section 502(gg) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(B) How frequently the Food and Drug Administration approves, grants marketing authorization, clears, or licenses the new drug or device or new use.

(C) The timeframe between the initial communications permitted under section 502(gg) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), regarding an investigational drug or device or investigational use, and the initial marketing of such drug or device.

SEC. 3631. STREAMLINING BLOOD DONOR INPUT.

42 USC 247d–12 note.

Chapter 35 of title 44, United States Code, shall not apply to the collection of information to which a response is voluntary and that is initiated by the Secretary to solicit information from blood donors or potential blood donors to support the development of recommendations by the Secretary, acting through the Commissioner of Food and Drugs, concerning blood donation.

TITLE IV—MEDICARE PROVISIONS

Subtitle A—Medicare Extenders

SEC. 4101. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking "during the portion of fiscal year 2023 beginning on December 24, 2022, and ending on September 30, 2023, and in fiscal year 2024" and inserting "in fiscal year 2025";

(2) in subparagraph (C)(i)—

(A) in the matter preceding subclause (I)—

(i) by striking "or portion of a fiscal year"; and

(ii) by striking "through 2022 and the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 23, 2022'" and inserting "through 2024";

(B) in subclause (III), by striking "through 2022 and the portion of fiscal year 2023 beginning on October 1,

2022, and ending on December 23, 2022'" and inserting "through 2024"; and

(C) in subclause (IV), by striking "the portion of fiscal year 2023 beginning on December 24, 2022, and ending on September 30, 2023, and fiscal year 2024" and inserting "fiscal year 2025"; and

(3) in subparagraph (D)—

(A) in the matter preceding clause (i), by striking "through 2022 or during the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 23, 2022'" and inserting "through 2024"; and

(B) in clause (ii), by striking "through 2022 and the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 23, 2022'" and inserting "through 2024".

42 USC 1395ww note.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, including the amendments made by, this section by program instruction or otherwise.

SEC. 4102. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL PROGRAM.

(a) IN GENERAL.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking "December 24, 2022" and inserting "October 1, 2024"; and

(2) in clause (ii)(II), by striking "December 24, 2022" and inserting "October 1, 2024".

(b) CONFORMING AMENDMENTS.—

(1) EXTENSION OF TARGET AMOUNTS.—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking "December 24, 2022" and inserting "October 1, 2024"; and

(B) in clause (iv), by striking "fiscal year 2022 and the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 23, 2022," and inserting "fiscal year 2024".

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking "fiscal year 2000 through fiscal year 2022, or the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 23, 2022" and inserting "or fiscal year 2000 through fiscal year 2024".

SEC. 4103. EXTENSION OF ADD-ON PAYMENTS FOR AMBULANCE SERVICES.

Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is amended—

(1) in paragraph (12)(A), by striking "January 1, 2023" and inserting "January 1, 2025"; and

(2) in paragraph (13), by striking "January 1, 2023" in each place it appears and inserting "January 1, 2025" in each such place.

Subtitle B—Other Expiring Medicare Provisions

SEC. 4111. EXTENDING INCENTIVE PAYMENTS FOR PARTICIPATION IN ELIGIBLE ALTERNATIVE PAYMENT MODELS.

(a) IN GENERAL.—Section 1833(z) of the Social Security Act (42 U.S.C. 1395l(z)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "2024" and inserting "2025"; and

(B) by inserting "(or, with respect to 2025, 3.5 percent)" after "5 percent";

(2) in paragraph (2)—

(A) in subparagraph (B)—

(i) in the header, by striking "2024" and inserting "2025"; and

(ii) in the matter preceding clause (i), by striking "2024" and inserting "2025";

(B) in subparagraph (C)—

(i) in the header, by striking "2025" and inserting "2026"; and

(ii) in the matter preceding clause (i), by striking "2025" and inserting "2026"; and

(C) in subparagraph (D), by striking "2023 and 2024" and inserting "2023, 2024, and 2025"; and

(3) in paragraph (4)(B), by inserting "(or, with respect to 2025, 3.5 percent)" after "5 percent".

(b) CONFORMING AMENDMENTS.—Section 1848(q)(1)(C)(iii) of the Social Security Act (42 U.S.C. 1395w–4(q)(1)(C)(iii)) is amended—

(1) in subclause (II), by striking "2024" and inserting "2025"; and

(2) in subclause (III), by striking "2025" and inserting "2026".

SEC. 4112. EXTENSION OF SUPPORT FOR PHYSICIANS AND OTHER PROFESSIONALS IN ADJUSTING TO MEDICARE PAYMENT CHANGES.

Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (c)(2)(B)(iv)(V), by striking "2021 or 2022" and inserting "2021, 2022, 2023, or 2024"; and

(2) in subsection (t)—

(A) in the subsection header, by striking "2021 AND 2022" and inserting "2021 THROUGH 2024";

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "during 2021 and 2022" and inserting "during 2021, 2022, 2023, and 2024"; and

(ii) in subparagraph (A), by striking at the end "and";

(iii) in subparagraph (B), by striking at the end the period and inserting a semicolon; and

(iv) by adding at the end the following new subparagraphs:

"(C) such services furnished on or after January 1, 2023, and before January 1, 2024, by 2.5 percent; and

"(D) such services furnished on or after January, 1, 2024, and before January 1, 2025, by 1.25 percent."; and

(C) in paragraph (2)(C)—

(i) in the subparagraph header, by striking "2021 AND 2022" and inserting "2021 THROUGH 2024";

(ii) by striking "for services furnished in 2021 or 2022" and inserting "for services furnished in 2021, 2022, 2023, or 2024"; and

(iii) by striking "or 2022, respectively" and inserting ", 2022, 2023, or 2024, respectively".

Time periods.

SEC. 4113. ADVANCING TELEHEALTH BEYOND COVID–19.

(a) REMOVING GEOGRAPHIC REQUIREMENTS AND EXPANDING ORIGINATING SITES FOR TELEHEALTH SERVICES.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (2)(B)(iii)—

(A) by striking "With" and inserting "In the case that the emergency period described in section 1135(g)(1)(B) ends before December 31, 2024, with"; and

(B) by striking "that are furnished during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)" and inserting "that are furnished during the period beginning on the first day after the end of such emergency period and ending December 31, 2024"; and

(2) in paragraph (4)(C)(iii)—

(A) by striking "With" and inserting "In the case that the emergency period described in section 1135(g)(1)(B) ends before December 31, 2024, with"; and

(B) by striking "that are furnished during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)" and inserting "that are furnished during the period beginning on the first day after the end of such emergency period and ending on December 31, 2024".

(b) EXPANDING PRACTITIONERS ELIGIBLE TO FURNISH TELEHEALTH SERVICES.—Section 1834(m)(4)(E) of the Social Security Act (42 U.S.C. 1395m(m)(4)(E)) is amended by striking "and, for the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)" and inserting "and, in the case that the emergency period described in section 1135(g)(1)(B) ends before December 31, 2024, for the period beginning on the first day after the end of such emergency period and ending on December 31, 2024".

(c) EXTENDING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.—Section 1834(m)(8)(A) of the Social Security Act (42 U.S.C. 1395m(m)(8)(A)) is amended by striking "during the 151-day period beginning on the first day after the end of such emergency period" and inserting "in the case that such emergency period ends before December 31, 2024, during the period beginning on the first day after the end of such emergency period and ending on December 31, 2024".

(d) DELAYING THE IN-PERSON REQUIREMENTS UNDER MEDICARE FOR MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH AND TELECOMMUNICATIONS TECHNOLOGY.—

(1) DELAY IN REQUIREMENTS FOR MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH.—Section 1834(m)(7)(B)(i) of

the Social Security Act (42 U.S.C. 1395m(m)(7)(B)(i)) is amended, in the matter preceding subclause (I), by striking "on or after the day that is the 152nd day after the end of the period at the end of the emergency sentence described in section 1135(g)(1)(B))" and inserting "on or after January 1, 2025 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B))".

(2) MENTAL HEALTH VISITS FURNISHED BY RURAL HEALTH CLINICS.—Section 1834(y) of the Social Security Act (42 U.S.C. 1395m(y)) is amended—

(A) in the heading, by striking "TO HOSPICE PATIENTS"; and

(B) in paragraph (2), by striking "prior to the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B))" and inserting "prior to January 1, 2025 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B))".

(3) MENTAL HEALTH VISITS FURNISHED BY FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1834(o)(4) of the Social Security Act (42 U.S.C. 1395m(o)(4) is amended—

(A) in the heading, by striking "TO HOSPICE PATIENTS"; and

(B) in subparagraph (B), by striking "prior to the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B))" and inserting "prior to January 1, 2025 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B))".

(e) ALLOWING FOR THE FURNISHING OF AUDIO-ONLY TELEHEALTH SERVICES.—Section 1834(m)(9) of the Social Security Act (42 U.S.C. 1395m(m)(9)) is amended by striking "The Secretary shall continue to provide coverage and payment under this part for telehealth services identified in paragraph (4)(F)(i) as of the date of the enactment of this paragraph that are furnished via an audio-only telecommunications system during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)" and inserting "In the case that the emergency period described in section 1135(g)(1)(B) ends before December 31, 2024, the Secretary shall continue to provide coverage and payment under this part for telehealth services identified in paragraph (4)(F)(i) as of the date of the enactment of this paragraph that are furnished via an audio-only communications system during the period beginning on the first day after the end of such emergency period and ending on December 31, 2024". Continuations.

(f) USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE ENCOUNTER PRIOR TO RECERTIFICATION OF ELIGIBILITY FOR HOSPICE CARE DURING EMERGENCY PERIOD.—Section 1814(a)(7)(D)(i)(II) of the Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by striking "and during the 151-day period beginning on the first day after the end of such emergency period" and inserting "and, in the case that such emergency period ends before December 31, 2024, during the period beginning on the first day after the end of such emergency period described in such section 1135(g)(1)(B) and ending on December 31, 2024".

(g) STUDY ON TELEHEALTH AND MEDICARE PROGRAM INTEGRITY.—

Reviews.

(1) IN GENERAL.—

(A) STUDY.—The Secretary shall conduct a study using medical record review, as described in subparagraph (C), on program integrity related to telehealth services under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.).

Analysis.

(B) SCOPE OF STUDY.—In conducting the study under subparagraph (A), the Secretary shall review and analyze information (to the extent that such information is available) on the duration of telehealth services furnished, the types of telehealth services furnished, and, to the extent feasible, the impact of the telehealth services furnished on future utilization of health care services by Medicare beneficiaries, such as the utilization of additional telehealth services or in-person services, including hospitalizations and emergency department visits. The Secretary may also review and analyze information on—

(i) any geographic differences in utilization of telehealth services;

(ii) documentation of the care and methods of delivery associated with telehealth services; and

(iii) other areas, as determined appropriate by the Secretary.

(C) MEDICAL RECORD REVIEW.—In conducting the study under subparagraph (A), the Secretary shall conduct medical record review of a sample of claims for telehealth services with dates of service during the period beginning on January 1, 2022, and ending on December 31, 2024. For such claims with a date of service during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary shall only conduct medical record review of those claims that have undergone standard program integrity review (as defined in paragraph (2)(B)), as determined appropriate by the Secretary.

(D) REPORTS.—

(i) INTERIM REPORT.—Not later than October 1, 2024, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives an interim report on the study conducted under subparagraph (A).

(ii) FINAL REPORT.—Not later than April 1, 2026, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a final report on the study conducted under subparagraph (A).

(2) DEFINITIONS.—In this subsection:

(A) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(B) STANDARD PROGRAM INTEGRITY REVIEW.—The term "standard program integrity review" refers to the review of any claim that requires a review of the associated medical record by the Secretary to determine the medical necessity of the services furnished or to identify potential fraud.

(C) TELEHEALTH SERVICE.—The term "telehealth service" has the meaning given that term in section 1834(m)(4)(F) of the Social Security Act (42 U.S.C. 1395(m)(4)(F)).

(3) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2023, out of any amounts in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, for purposes of carrying out this subsection.

(h) PROGRAM INSTRUCTION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, including amendments made by, this section through program instruction or otherwise.

42 USC 1395f note.

SEC. 4114. REVISED PHASE-IN OF MEDICARE CLINICAL LABORATORY TEST PAYMENT CHANGES.

(a) REVISED PHASE-IN OF REDUCTIONS FROM PRIVATE PAYOR RATE IMPLEMENTATION.—Section 1834A(b)(3) of the Social Security Act (42 U.S.C. 1395m–1(b)(3)) is amended—

(1) in subparagraph (A), by striking "through 2025" and inserting "through 2026"; and

(2) in subparagraph (B)—

(A) in clause (ii), by striking "and 2022" and inserting "through 2023"; and

(B) in clause (iii), by striking "2023 through 2025" and inserting "2024 through 2026".

(b) REVISED REPORTING PERIOD FOR REPORTING OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISHMENT OF MEDICARE PAYMENT RATES.—Section 1834A(a)(1)(B) of the Social Security Act (42 U.S.C. 1395m–1(a)(1)(B)) is amended—

(1) in clause (i), by striking "December 31, 2022" and inserting "December 31, 2023"; and

(2) in clause (ii)—

(A) by striking "January 1, 2023" and inserting "January 1, 2024"; and

(B) by striking "March 31, 2023" and inserting "March 31, 2024".

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.

(a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(A) in subparagraph (GG), by striking "and" after the semicolon at the end;

(B) in subparagraph (HH), by striking the period at the end and inserting "; and"; and

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

"(II) marriage and family therapist services (as defined in subsection (lll)(1)) and mental health counselor services (as defined in subsection (lll)(3));".

(2) DEFINITIONS.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"(lll) MARRIAGE AND FAMILY THERAPIST SERVICES; MARRIAGE AND FAMILY THERAPIST; MENTAL HEALTH COUNSELOR SERVICES; MENTAL HEALTH COUNSELOR.—

"(1) MARRIAGE AND FAMILY THERAPIST SERVICES.—The term 'marriage and family therapist services' means services furnished by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses (other than services furnished to an inpatient of a hospital), which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are furnished, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service.

"(2) MARRIAGE AND FAMILY THERAPIST.—The term 'marriage and family therapist' means an individual who—

"(A) possesses a master's or doctor's degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law of the State in which such individual furnishes the services described in paragraph (1);

"(B) is licensed or certified as a marriage and family therapist by the State in which such individual furnishes such services;

"(C) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

"(D) meets such other requirements as specified by the Secretary.

"(3) MENTAL HEALTH COUNSELOR SERVICES.—The term 'mental health counselor services' means services furnished by a mental health counselor (as defined in paragraph (4)) for the diagnosis and treatment of mental illnesses (other than services furnished to an inpatient of a hospital), which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are furnished, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service.

"(4) MENTAL HEALTH COUNSELOR.—The term 'mental health counselor' means an individual who—

"(A) possesses a master's or doctor's degree which qualifies for licensure or certification as a mental health counselor, clinical professional counselor, or professional counselor under the State law of the State in which such individual furnishes the services described in paragraph (3);

"(B) is licensed or certified as a mental health counselor, clinical professional counselor, or professional counselor by the State in which the services are furnished;

"(C) after obtaining such a degree has performed at least 2 years of clinical supervised experience in mental health counseling; and

"(D) meets such other requirements as specified by the Secretary.".

(3) AMOUNT OF PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395*l*(a)(1)), as amended by section 11101(b) of Public Law 117–169, is further amended—

(A) by striking ", and (EE)" and inserting "(EE)"; and

(B) by inserting before the semicolon at the end the following: "and (FF) with respect to marriage and family therapist services and mental health counselor services under section 1861(s)(2)(II), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under subparagraph (L)".

(4) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "marriage and family therapist services (as defined in section 1861(lll)(1)), mental health counselor services (as defined in section 1861(lll)(3))," after "qualified psychologist services,".

(5) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

"(vii) A marriage and family therapist (as defined in section 1861(lll)(2)).

"(viii) A mental health counselor (as defined in section 1861(lll)(4)).".

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "or by a clinical social worker (as defined in subsection (hh)(1))" and inserting ", by a clinical social worker (as defined in subsection (hh)(1)), by a marriage and family therapist (as defined in subsection (lll)(2)), or by a mental health counselor (as defined in subsection (lll)(4))".

(2) HOSPICE PROGRAMS.—Section 1861(dd)(2)(B)(i)(III) of the Social Security Act (42 U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by inserting ", marriage and family therapist, or mental health counselor" after "social worker".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2024.

42 USC 1395*l* note.

SEC. 4122. ADDITIONAL RESIDENCY POSITIONS.

(a) IN GENERAL.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (4)(F)(i), by striking "and (9)" and inserting "(9), and (10)";

(2) in paragraph (4)(H)(i), by striking "and (9)" and inserting "(9), and (10)"; and

(3) by adding at the end the following new paragraph:

"(10) DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS IN PSYCHIATRY AND PSYCHIATRY SUBSPECIALTIES.—

"(A) ADDITIONAL RESIDENCY POSITIONS.—

Effective date.

"(i) IN GENERAL.—For fiscal year 2026, the Secretary shall, subject to the succeeding provisions of this paragraph, increase the otherwise applicable resident limit for each qualifying hospital (as defined in subparagraph (F)) that submits a timely application under this subparagraph by such number as the Secretary may approve effective beginning July 1 of the fiscal year of the increase.

"(ii) NUMBER AVAILABLE FOR DISTRIBUTION.—The aggregate number of such positions made available under this paragraph shall be equal to 200.

"(iii) DISTRIBUTION FOR PSYCHIATRY OR PSYCHIATRY SUBSPECIALTY RESIDENCIES.—At least 100 of the positions made available under this paragraph shall be distributed for a psychiatry or psychiatry subspecialty residency (as defined in subparagraph (F)).

Notification.
Deadline.

"(iv) TIMING.—The Secretary shall notify hospitals of the number of positions distributed to the hospital under this paragraph as a result of an increase in the otherwise applicable resident limit by January 31 of the fiscal year of the increase. Such increase shall be effective beginning July 1 of such fiscal year.

Effective date.

Applicability.

"(B) DISTRIBUTION.—For purposes of providing an increase in the otherwise applicable resident limit under subparagraph (A), the following shall apply:

Determinations.

"(i) CONSIDERATIONS IN DISTRIBUTION.—In determining for which qualifying hospitals such an increase is provided under subparagraph (A), the Secretary shall take into account the demonstrated likelihood of the hospital filling the positions made available under this paragraph within the first 5 training years beginning after the date the increase would be effective, as determined by the Secretary.

"(ii) MINIMUM DISTRIBUTION FOR CERTAIN CATEGORIES OF HOSPITALS.—With respect to the aggregate number of such positions available for distribution under this paragraph, the Secretary shall distribute not less than 10 percent of such aggregate number to each of the following categories of hospitals:

"(I) Hospitals that are located in a rural area (as defined in section 1886(d)(2)(D)) or are treated as being located in a rural area pursuant to section 1886(d)(8)(E).

"(II) Hospitals in which the reference resident level of the hospital (as specified in subparagraph (F)(iii)) is greater than the otherwise applicable resident limit.

"(III) Hospitals in States with—

"(aa) new medical schools that received 'Candidate School' status from the Liaison Committee on Medical Education or that

received 'Pre-Accreditation' status from the American Osteopathic Association Commission on Osteopathic College Accreditation on or after January 1, 2000, and that have achieved or continue to progress toward 'Full Accreditation' status (as such term is defined by the Liaison Committee on Medical Education) or toward 'Accreditation' status (as such term is defined by the American Osteopathic Association Commission on Osteopathic College Accreditation); or

"(bb) additional locations and branch campuses established on or after January 1, 2000, by medical schools with 'Full Accreditation' status (as such term is defined by the Liaison Committee on Medical Education) or 'Accreditation' status (as such term is defined by the American Osteopathic Association Commission on Osteopathic College Accreditation).

"(IV) Hospitals that serve areas designated as health professional shortage areas under section 332(a)(1)(A) of the Public Health Service Act, as determined by the Secretary.

"(iii) PRO RATA APPLICATION.—The Secretary shall ensure that each qualifying hospital that submits a timely application under subparagraph (A) receives at least 1 (or a fraction of 1) of the positions made available under this paragraph before any qualifying hospital receives more than 1 of such positions.

"(C) REQUIREMENTS.—

"(i) LIMITATION.—A hospital may not receive more than 10 additional full-time equivalent residency positions under this paragraph.

"(ii) PROHIBITION ON DISTRIBUTION TO HOSPITALS WITHOUT AN INCREASE AGREEMENT.—No increase in the otherwise applicable resident limit of a hospital may be made under this paragraph unless such hospital agrees to increase the total number of full-time equivalent residency positions under the approved medical residency training program of such hospital by the number of such positions made available by such increase under this paragraph.

"(iii) REQUIREMENT FOR HOSPITALS TO EXPAND PROGRAMS.—If a hospital that receives an increase in the otherwise applicable resident limit under this paragraph would be eligible for an adjustment to the otherwise applicable resident limit for participation in a new medical residency training program under section 413.79(e)(3) of title 42, Code of Federal Regulations (or any successor regulation), the hospital shall ensure that any positions made available under this paragraph are used to expand an existing program of the hospital, and not for participation in a new medical residency training program.

"(D) APPLICATION OF PER RESIDENT AMOUNTS FOR NON-PRIMARY CARE.—With respect to additional residency positions in a hospital attributable to the increase provided

under this paragraph, the approved FTE per resident amounts are deemed to be equal to the hospital per resident amounts for nonprimary care computed under paragraph (2)(D) for that hospital.

"(E) PERMITTING FACILITIES TO APPLY AGGREGATION RULES.—The Secretary shall permit hospitals receiving additional residency positions attributable to the increase provided under this paragraph to, beginning in the fifth year after the effective date of such increase, apply such positions to the limitation amount under paragraph (4)(F) that may be aggregated pursuant to paragraph (4)(H) among members of the same affiliated group.

"(F) DEFINITIONS.—In this paragraph:

"(i) OTHERWISE APPLICABLE RESIDENT LIMIT.—The term 'otherwise applicable resident limit' means, with respect to a hospital, the limit otherwise applicable under subparagraphs (F)(i) and (H) of paragraph (4) on the resident level for the hospital determined without regard to this paragraph but taking into account paragraphs (7)(A), (7)(B), (8)(A), (8)(B), and (9)(A).

"(ii) PSYCHIATRY OR PSYCHIATRY SUBSPECIALTY RESIDENCY.—The term 'psychiatry or psychiatry subspecialty residency' means a residency in psychiatry as accredited by the Accreditation Council for Graduate Medical Education for the purpose of preventing, diagnosing, and treating mental health disorders.

"(iii) QUALIFYING HOSPITAL.—The term 'qualifying hospital' means a hospital described in any of subclauses (I) through (IV) of subparagraph (B)(ii).

"(iv) REFERENCE RESIDENT LEVEL.—The term 'reference resident level' means, with respect to a hospital, the resident level for the most recent cost reporting period of the hospital ending on or before the date of enactment of this paragraph, for which a cost report has been settled (or, if not, submitted (subject to audit)), as determined by the Secretary.

"(v) RESIDENT LEVEL.—The term 'resident level' has the meaning given such term in paragraph (7)(C)(i).".

(b) IME.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

(1) in clause (v), in the third sentence, by striking "and (h)(9)" and inserting "(h)(9), and (h)(10)";

(2) by moving clause (xii) 4 ems to the left; and

(3) by adding at the end the following new clause:

Effective date.

"(xiii) For discharges occurring on or after July 1, 2026, insofar as an additional payment amount under this subparagraph is attributable to resident positions distributed to a hospital under subsection (h)(10), the indirect teaching adjustment factor shall be computed in the same manner as provided under clause (ii) with respect to such resident positions.".

(c) PROHIBITION ON JUDICIAL REVIEW.—Section 1886(h)(7)(E) of the Social Security Act (42 U.S.C. 1395ww—4(h)(7)(E)) is amended by inserting "paragraph (10)," after "paragraph (8),".

SEC. 4123. IMPROVING MOBILE CRISIS CARE IN MEDICARE.

Deadlines.

(a) PAYMENT FOR PSYCHOTHERAPY FOR CRISIS SERVICES FURNISHED IN AN APPLICABLE SITE OF SERVICE.—

(1) IN GENERAL.—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w–4(b)) is amended by adding at the end the following new paragraph:

"(12) PAYMENT FOR PSYCHOTHERAPY FOR CRISIS SERVICES FURNISHED IN AN APPLICABLE SITE OF SERVICE.—

Effective dates.

"(A) IN GENERAL.—The Secretary shall establish new HCPCS codes under the fee schedule established under this subsection for services described in subparagraph (B) that are furnished on or after January 1, 2024.

"(B) SERVICES DESCRIBED.—The services described in this subparagraph are psychotherapy for crisis services that are a furnished in an applicable site of service.

"(C) AMOUNT OF PAYMENT.—For services described in subparagraph (B) that are furnished to an individual in a year (beginning with 2024), in lieu of the fee schedule amount that would otherwise be determined under this subsection for such year, the fee schedule amount for such services for such year shall be equal to 150 percent of the fee schedule amount for non-facility sites of service for such year determined for services identified, as of January 1, 2022, by HCPCS codes 90839 and 90840 (and any succeeding codes).

"(D) DEFINITIONS.—In this paragraph:

"(i) APPLICABLE SITE OF SERVICE.—The term 'applicable site of service' means a site of service other than a site where the facility rate under the fee schedule under this subsection applies and other than an office setting.

"(ii) PSYCHOTHERAPY FOR CRISIS SERVICES.—The code descriptions for services described in subparagraph (B) shall be the same as the code descriptions for services identified, as of January 1, 2022, by HCPCS codes 90839 and 90840 (and any succeeding codes), except that such new codes shall be limited to services furnished in an applicable site of service.".

(2) WAIVER OF BUDGET NEUTRALITY.—Section 1848(c)(2)(B)(iv) of such Act (42 U.S.C. 1395w–4(c)(2)(B)(iv)) is amended—

(A) in subclause (IV), by striking "and" at the end;

(B) in subclause (V), by striking the period at the end and inserting "; and" and

(C) by adding at the end the following new subclause:

"(VI) subsection (b)(12) shall not be taken into account in applying clause (ii)(II) for 2024.".

42 USC 1395w–4 note.

(b) EDUCATION AND OUTREACH.—Not later than January 1, 2024, the Secretary shall use existing communications mechanisms to provide education and outreach to stakeholders with respect to the ability of health professionals to bill for psychotherapy for crisis services under the Medicare physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) when such services are furnished in an applicable site of service to a Medicare beneficiary who is experiencing a mental or behavioral health crisis.

42 USC 1395w–4 note.

(c) OPEN DOOR FORUM.—Not later than January 1, 2024, the Secretary shall convene stakeholders and experts for an open door forum or other appropriate mechanism to discuss current Medicare program coverage and payment policies for services that can be furnished to provide care to a Medicare beneficiary who is experiencing a mental or behavioral health crisis.

42 USC 1395w–4 note.

(d) EDUCATION AND OUTREACH ON THE USE OF PEER SUPPORT SPECIALISTS AND OTHER AUXILIARY PERSONNEL IN FURNISHING OF PSYCHOTHERAPY FOR CRISIS SERVICES AND BEHAVIORAL HEALTH INTEGRATION SERVICES.—Not later than January 1, 2024, the Secretary shall use existing communication mechanisms to provide education and outreach to providers of services, physicians, and practitioners with respect to the ability of auxiliary personnel, including peer support specialists, to participate, consistent with applicable requirements for auxiliary personnel, in the furnishing of—

(1) psychotherapy for crisis services billed under the Medicare physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4), as well as other services that can be furnished to a Medicare beneficiary experiencing a mental or behavioral health crisis; and

(2) behavioral health integration services.

42 USC 1395w–4 note.

(e) DEFINITIONS.—In this section:

(1) APPLICABLE SITE OF SERVICE.—The term "applicable site of service" has the meaning given that term in section 1848(b)(12)(D)(i) of the Social Security Act, as added by subsection (a).

(2) BEHAVIORAL HEALTH INTEGRATION SERVICES.—The term "behavioral health integration services" means services identified, as of January 1, 2022, by HCPCS codes 99484, 99492, 99493, 99494, and G2214 (and any successor or similar codes as determined appropriate by the Secretary).

(3) PSYCHOTHERAPY FOR CRISIS SERVICES.—The term "psychotherapy for crisis services" means services described in 1848(b)(12)(D)(ii) of the Social Security Act, as added by subsection (a).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 4124. ENSURING ADEQUATE COVERAGE OF OUTPATIENT MENTAL HEALTH SERVICES UNDER THE MEDICARE PROGRAM.

(a) MODIFICATION OF DEFINITION OF PARTIAL HOSPITALIZATION SERVICES.—Section 1861(ff)(1) of the Social Security Act (42 U.S.C. 1395x(ff)(1)) is amended by inserting "for an individual determined (not less frequently than monthly) by a physician to have a need for such services for a minimum of 20 hours per week" after "prescribed by a physician".

(b) COVERAGE OF INTENSIVE OUTPATIENT SERVICES.—

(1) SCOPE OF BENEFITS.—

(A) COMMUNITY MENTAL HEALTH CENTERS.—Section 1832(a)(2)(J) of the Social Security Act (42 U.S.C. 1395k(a)(2)(J)) is amended by inserting "and intensive outpatient services" after "partial hospitalization services".

(B) INCIDENT-TO SERVICES.—Section 1861(s)(2)(B) is amended by inserting "or intensive outpatient services" after "partial hospitalization services".

(2) DEFINITION.—Section 1861(ff) of the Social Security Act (42 U.S.C. 1395x(ff)) is amended—

(A) in the header, by inserting "; Intensive Outpatient Services" after "Partial Hospitalization Services"; and

(B) by adding at the end the following new paragraph:

"(4) The term 'intensive outpatient services' has the meaning given the term 'partial hospitalization services' in paragraph (1), except that—

"(A) section 1835(a)(2)(F)(i) shall not apply;

"(B) the reference in such paragraph to an individual 'determined (not less frequently than monthly) by a physician to have a need for such services for a minimum of 20 hours per week' shall be treated as a reference to an individual 'determined (not less frequently than once every other month) by a physician to have a need for such services for a minimum of 9 hours per week'; and

"(C) the reference to 'a community mental health center (as defined in subparagraph (B))' in paragraph (3) shall be treated as a reference to 'a community mental health center (as defined in subparagraph (B)), a Federally qualified health center, or a rural health clinic'.".

(3) EXCLUSION FROM CALCULATION OF CERTAIN TREATMENT COSTS.—Section 1833(c)(2) of the Social Security Act (42 U.S.C. 1395l(c)(2)) is amended by inserting "or intensive outpatient services" after "partial hospitalization services".

(4) CONFORMING AMENDMENTS.—

(A) INTENSIVE OUTPATIENT SERVICES.—Section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)) is amended—

(i) in paragraph (1)—

(I) in subparagraph (B), by striking "and" at the end;

(II) in subparagraph (C), by adding "and" at the end; and

(III) by inserting after subparagraph (C) the following new subparagraph:

"(D) intensive outpatient services (as defined in section 1861(ff)(4)),"; and

(ii) in paragraph (3), by striking "through (C)" and inserting "through (D)".

(B) PROVIDER OF SERVICES.—Section 1866(e)(2) of the Social Security Act (42 U.S.C. 1395cc(e)(2)) is amended by inserting ", or intensive outpatient services (as described in section 1861(ff)(4))" after "partial hospitalization services (as described in section 1861(ff)(1))".

(c) SPECIAL PAYMENT RULE FOR FQHCS AND RHCS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended—

(1) in subsection (o), by adding at the end the following new paragraph:

"(5) SPECIAL PAYMENT RULE FOR INTENSIVE OUTPATIENT SERVICES.—

"(A) IN GENERAL.—In the case of intensive outpatient services furnished by a Federally qualified health center, the payment amount for such services shall be equal to the amount that would have been paid under this title for such services had such services been covered OPD services furnished by a hospital.

"(B) EXCLUSION.—Costs associated with intensive outpatient services shall not be used to determine the amount of payment for Federally qualified health center services under the prospective payment system under this subsection."; and

(2) in subsection (y)—

(A) in the header, by striking "TO HOSPICE PATIENTS"; and

(B) by adding at the end the following new paragraph:

"(3) SPECIAL PAYMENT RULE FOR INTENSIVE OUTPATIENT SERVICES.—

"(A) IN GENERAL.—In the case of intensive outpatient services furnished by a rural health clinic, the payment amount for such services shall be equal to the amount that would have been paid under this title for such services had such services been covered OPD services furnished by a hospital.

"(B) EXCLUSION.—Costs associated with intensive outpatient services shall not be used to determine the amount of payment for rural health clinic services under the methodology for all-inclusive rates (established by the Secretary) under section 1833(a)(3).".

42 USC 1395k note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to items and services furnished on or after January 1, 2024.

SEC. 4125. IMPROVEMENTS TO MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR PSYCHIATRIC HOSPITALS AND PSYCHIATRIC UNITS.

(a) IMPROVEMENTS THROUGH ADDITIONAL CLAIMS DATA.—Section 1886(s) of the Social Security Act (42 U.S.C. 1395ww(s)) is amended by adding at the end the following new paragraph:

"(5) ADDITIONAL DATA AND INFORMATION.—

Revisions.

"(A) IN GENERAL.—The Secretary shall collect data and information as the Secretary determines appropriate to revise payments under the system described in paragraph (1) for psychiatric hospitals and psychiatric units pursuant to subparagraph (D) and for other purposes as determined appropriate by the Secretary. The Secretary shall begin to collect such data by not later than October 1, 2023.

Deadline.

"(B) DATA AND INFORMATION.—The data and information to be collected under subparagraph (A) may include—

"(i) charges, including those related to ancillary services;

"(ii) the required intensity of behavioral monitoring, such as cognitive deficit, suicide ideations, violent behavior, and need for physical restraint; and

"(iii) interventions, such as detoxification services for substance abuse, dependence on respirator, total parenteral nutritional support, dependence on renal dialysis, and burn care.

"(C) METHOD OF COLLECTION.—The Secretary may collect the additional data and information under subparagraph (A) on cost reports, on claims, or otherwise.

"(D) REVISIONS TO PAYMENT RATES.—

Regulations.

"(i) IN GENERAL.—Notwithstanding the preceding paragraphs of this subsection or section 124 of the

Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, for rate year 2025 (and for any subsequent rate year, if determined appropriate by the Secretary), the Secretary shall, by regulation, implement revisions to the methodology for determining the payment rates under the system described in paragraph (1) for psychiatric hospitals and psychiatric units, as the Secretary determines to be appropriate. Such revisions may be based on a review of data and information collected under subparagraph (A).

"(ii) REVIEW.—The Secretary may make revisions to the diagnosis-related group classifications, in accordance with subsection (d)(4)(C), to reflect nursing and staff resource use and costs involved in furnishing services at such hospitals and units, including considerations for patient complexity and prior admission to an inpatient psychiatric facility, which may be based on review of data and information collected under subparagraph (A), as the Secretary determines to be appropriate.

"(iii) BUDGET NEUTRALITY.—Revisions in payment implemented pursuant to clause (i) for a rate year shall result in the same estimated amount of aggregate expenditures under this title for psychiatric hospitals and psychiatric units furnished in the rate year as would have been made under this title for such care in such rate year if such revisions had not been implemented.".

(b) IMPROVEMENTS THROUGH STANDARDIZED PATIENT ASSESSMENT DATA.—Section 1886(s) of the Social Security Act (42 U.S.C. 1395ww(s)), as amended by subsection (a), is further amended—

(1) in paragraph (4)—

(A) in subparagraph (A)(i), by striking "subparagraph (C)" and inserting "subparagraphs (C) and (E)";

(B) by redesignating subparagraph (E) as subparagraph (F);

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) STANDARDIZED PATIENT ASSESSMENT DATA.—

"(i) IN GENERAL.—For rate year 2028 and each subsequent rate year, in addition to such data on the quality measures described in subparagraph (C), each psychiatric hospital and psychiatric unit shall submit to the Secretary, through the use of a standardized assessment instrument implemented under clause (iii), the standardized patient assessment data described in clause (ii). Such data shall be submitted with respect to admission and discharge of an individual (and may be submitted more frequently as the Secretary determines appropriate).

"(ii) STANDARDIZED PATIENT ASSESSMENT DATA DESCRIBED.—For purposes of clause (i), the standardized patient assessment data described in this clause, with respect to a psychiatric hospital or psychiatric unit, is data with respect to the following categories:

"(I) Functional status, such as mobility and self-care at admission to a psychiatric hospital or

unit and before discharge from a psychiatric hospital or unit.

"(II) Cognitive function, such as ability to express ideas and to understand, and mental status, such as depression and dementia.

"(III) Special services, treatments, and interventions for psychiatric conditions.

"(IV) Medical conditions and co-morbidities, such as diabetes, congestive heart failure, and pressure ulcers.

"(V) Impairments, such as incontinence and an impaired ability to hear, see, or swallow.

"(VI) Other categories as determined appropriate by the Secretary.

"(iii) STANDARDIZED ASSESSMENT INSTRUMENT.—

"(I) IN GENERAL.—For purposes of clause (i), the Secretary shall implement a standardized assessment instrument that provides for the submission of standardized patient assessment data under this title with respect to psychiatric hospitals and psychiatric units which enables comparison of such assessment data across all such hospitals and units to which such data are applicable.

"(II) FUNDING.—The Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 to the Centers for Medicare & Medicaid Services Program Management Account, of $10,000,000 for purposes of carrying out subclause (I).”; and

(D) in subparagraph (F), as redesignated by subparagraph (B) of this paragraph, by striking "subparagraph (C)" and inserting "subparagraphs (C) and (F)"; and

(2) by adding at the end the following new paragraph:

"(6) ADDITIONAL CONSIDERATIONS FOR DIAGNOSIS-RELATED GROUP CLASSIFICATIONS.—

Deadline.
Regulations.
Revisions.

"(A) IN GENERAL.—Notwithstanding the preceding paragraphs of this subsection (other than paragraph (5)) or section 124 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, beginning not later than rate year 2031, in addition to any revisions pursuant to paragraph (5), the Secretary shall, by regulation, implement revisions to the methodology for determining the payment rates under the system described in paragraph (1) for psychiatric hospitals and psychiatric units, as the Secretary determines to be appropriate, to take into account the patient assessment data described in paragraph (4)(E)(ii).

"(B) BUDGET NEUTRALITY.—Revisions in payment implemented pursuant to subparagraph (A) for a rate year shall result in the same estimated amount of aggregate expenditures under this title for psychiatric hospitals and psychiatric units furnished in the rate year as would have been made under this title for such care in such rate year if such revisions had not been implemented.”.

(c) IMPROVEMENTS THROUGH INCLUSION OF PATIENTS' PERSPECTIVE ON CARE QUALITY MEASURE.—Section 1886(s)(4) of the Social Security Act (42 U.S.C. 1395ww(s)(4)) is amended—

(1) in subparagraph (D), by adding at the end the following new clause:

"(iv) PATIENTS' PERSPECTIVE ON CARE.—Not later than for rate year 2031, the quality measures specified under this subparagraph shall include a quality measure of patients' perspective on care."; and

Deadline.

(2) in subparagraph (E), by inserting ", including the quality measure of patients' perspective on care described in subparagraph (D)(iv)," after "shall report quality measures".

SEC. 4126. EXCEPTION FOR PHYSICIAN WELLNESS PROGRAMS.

(a) IN GENERAL.—Section 1877(e) of the Social Security Act (42 U.S.C. 1395nn(e)) is amended by adding at the end the following:

"(9) PHYSICIAN WELLNESS PROGRAMS.—A bona fide mental health or behavioral health improvement or maintenance program offered to a physician by an entity, if—

"(A) such program—

"(i) consists of counseling, mental health services, a suicide prevention program, or a substance use disorder prevention and treatment program;

"(ii) is made available to a physician for the primary purpose of preventing suicide, improving mental health and resiliency, or providing training in appropriate strategies to promote the mental health and resiliency of such physician;

"(iii) is set out in a written policy, approved in advance of the operation of the program by the governing body of the entity providing such program (and which shall be updated accordingly in advance to substantial changes to the operation of such program), that includes—

"(I) a description of the content and duration of the program;

"(II) a description of the evidence-based support for the design of the program;

"(III) the estimated cost of the program;

Cost estimate.

"(IV) the personnel (including the qualifications of such personnel) conducting the program; and

"(V) the method by which such entity will evaluate the use and success of the program;

"(iv) is offered by an entity described in subparagraph (B) with a formal medical staff to all physicians who practice in the geographic area served by such entity, including physicians who hold bona fide appointments to the medical staff of such entity or otherwise have clinical privileges at such entity;

"(v) is offered to all such physicians on the same terms and conditions and without regard to the volume or value of referrals or other business generated by a physician for such entity;

"(vi) is evidence-based and conducted by a qualified health professional; and

Requirements.
Regulations.

"(vii) meets such other requirements the Secretary may impose by regulation as needed to protect against program or patient abuse;

"(B) such entity is—

"(i) a hospital;

"(ii) an ambulatory surgical center;

"(iii) a community health center;

"(iv) a rural emergency hospital;

"(v) a rural health clinic;

"(vi) a skilled nursing facility; or

"(vii) a similar entity, as determined by the Secretary; and

"(C) neither the provision of such program, nor the value of such program, are contingent upon the number or value of referrals made by a physician to such entity or the amount or value of other business generated by such physician for the entity.".

(b) EXCEPTION UNDER THE ANTI-KICKBACK STATUTE.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) in subparagraph (J), by striking "and" at the end;

(2) in subparagraph (K), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(L) a bona fide mental health or behavioral health improvement or maintenance program, if—

"(i) such program—

"(I) consists of counseling, mental health services, a suicide prevention program, or a substance use disorder prevention and treatment program;

"(II) is made available to a physician or other clinician for the primary purpose of preventing suicide, improving mental health and resiliency, or providing training in appropriate strategies to promote the mental health and resiliency of such physician or other clinician;

"(III) is set out in a written policy, approved in advance of the operation of the program by the governing body of the entity providing such program (and which shall be updated accordingly in advance to substantial changes to the operation of such program), that includes—

"(aa) a description of the content and duration of the program;

"(bb) a description of the evidence-based support for the design of the program;

Cost estimate.

"(cc) the estimated cost of the program;

"(dd) the personnel (including the qualifications of such personnel) implementing the program; and

"(ee) the method by which such entity will evaluate the use and success of the program;

"(IV) is offered by an entity described in clause (ii) with a formal medical staff to all physicians and other clinicians who practice in the geographic area served by such entity, including physicians who hold bona fide appointments to the medical staff of such

entity or otherwise have clinical privileges at such entity;

"(V) is offered to all such physicians and clinicians on the same terms and conditions and without regard to the volume or value of referrals or other business generated by a physician or clinician for such entity;

"(VI) is evidence-based and conducted by a qualified health professional; and

"(VII) meets such other requirements the Secretary may impose by regulation as needed to protect against program or patient abuse;

Requirements.
Regulations.

"(ii) such entity is—

"(I) a hospital;

"(II) an ambulatory surgical center;

"(III) a community health center;

"(IV) a rural emergency hospital;

"(V) a skilled nursing facility; or

"(VI) any similar entity, as determined by the Secretary; and

"(iii) neither the provision of such program, nor the value of such program, are contingent upon the number or value of referrals made by a physician or other clinician to such entity or the amount or value of other business generated by such physician for the entity.".

SEC. 4127. CONSIDERATION OF SAFE HARBOR UNDER THE ANTI-KICKBACK STATUTE FOR CERTAIN CONTINGENCY MANAGEMENT INTERVENTIONS.

Section 1128D(a) of the Social Security Act (42 U.S.C. 1320a–7d(a)) is amended by adding at the end the following new paragraph:

"(3) CONSIDERATION OF SAFE HARBOR FOR CERTAIN CONTINGENCY MANAGEMENT INTERVENTIONS.—

"(A) IN GENERAL.—Not later than one year after the date of the enactment of this paragraph, the Inspector General shall conduct a review on whether to establish a safe harbor described in paragraph (1)(A)(ii) for evidence-based contingency management incentives and the parameters for such a safe harbor. In conducting the review under the previous sentence, the Inspector General shall consider the extent to which providing such a safe harbor for evidence-based contingency management incentives may result in any of the factors described in paragraph (2).

Deadline.
Review.

"(B) REPORT.—Not later than two years after the date of the enactment of this paragraph, the Secretary and the Inspector General shall submit to Congress recommendations, including based on the review conducted under subparagraph (A), for improving access to evidence-based contingency management interventions while ensuring quality of care, ensuring fidelity to evidence-based practices, and including strong program integrity safeguards that prevent increased waste, fraud, and abuse and prevent medically unnecessary or inappropriate items or services reimbursed in whole or in part by a Federal health care program.".

Recommendations.

42 USC 1395*l* note.

SEC. 4128. PROVIDER OUTREACH AND REPORTING ON CERTAIN BEHAVIORAL HEALTH INTEGRATION SERVICES.

(a) OUTREACH.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct outreach to physicians and appropriate non-physician practitioners participating under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) with respect to behavioral health integration services described by any of HCPCS codes 99492 through 99494 or 99484 (or any successor code). Such outreach shall include a comprehensive, one-time education initiative to inform such physicians and practitioners of the inclusion of such services as a covered benefit under the Medicare program, including describing the requirements to bill for such codes and the requirements for beneficiary eligibility for such services.

(b) REPORTS TO CONGRESS.—

(1) PROVIDER OUTREACH.—Not later than 1 year after the date of the completion of the education initiative described in subsection (a), the Secretary shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the outreach conducted under such subsection. Such report shall include a description of the methods used for such outreach.

Time periods.

(2) UTILIZATION RATES.—Not later than 18 months after the date of the completion of the education initiative described in subsection (a), and two years thereafter, the Secretary shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the number of Medicare beneficiaries (including those beneficiaries accessing services in rural and underserved areas) who, during the preceding year, were furnished services described in subsection (a) for which payment was made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

42 USC 1395*l* note.

SEC. 4129. OUTREACH AND REPORTING ON OPIOID USE DISORDER TREATMENT SERVICES FURNISHED BY OPIOID TREATMENT PROGRAMS.

(a) OUTREACH.—

(1) PROVIDER OUTREACH.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct outreach to physicians and appropriate non-physician practitioners participating under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) with respect to opioid use disorder treatment services furnished by an opioid treatment program (as defined in section 1861(jjj) of the Social Security Act (42 U.S.C. 1395x(jjj))). Such outreach shall include a comprehensive, one-time education initiative to inform such physicians and practitioners of the inclusion of such services as a covered benefit under the Medicare program, including describing the requirements for billing and the requirements for beneficiary eligibility for such services.

(2) BENEFICIARY OUTREACH.—The Secretary shall conduct outreach to Medicare beneficiaries with respect to opioid use disorder treatment services furnished by an opioid treatment program (as defined in section 1861(jjj) of the Social Security Act (42 U.S.C. 1395x(jjj))), including a comprehensive, one-

time education initiative informing such beneficiaries about the eligibility requirements to receive such services.

(b) REPORTS TO CONGRESS.—

(1) OUTREACH.—Not later than 1 year after the date of the completion of the education initiatives described in subsection (a), the Secretary shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the outreach conducted under such subsection. Such report shall include a description of the methods used for such outreach.

(2) UTILIZATION RATES.—Not later than 18 months after the date of the completion of the education initiatives described in subsection (a), and two years thereafter, the Secretary shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the number of Medicare beneficiaries who, during the preceding year, were furnished opioid use disorder treatment services by an opioid treatment program (as defined in section 1861(jjj) of the Social Security Act (42 U.S.C. 1395x(jjj))) for which payment was made under title XVIII of such Act (42 U.S.C. 1395 et seq.).

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.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study that compares the mental health and substance use disorder benefits offered by Medicare Advantage plans (including specialized MA plans for special needs individuals, as defined in section 1859(b)(6) of the Social Security Act (42 U.S.C. 1395w–28(b)(6)) under part C of title XVIII of such Act with—

(A) benefits (other than mental health and substance use disorder benefits) offered by such Medicare Advantage plans; and

(B) the mental health and substance use disorder benefits under the original Medicare fee-for-service program under parts A and B of such title XVIII.

(2) ANALYSIS.—To the extent data is available and reliable, the study under paragraph (1) shall include an analysis of—

(A) out-of-pocket expenses for in-network care;

(B) the use of prior authorization and other utilization management tools;

(C) the mental health and substance use disorder benefits offered; and

(D) other items determined appropriate by the Comptroller General.

(3) PLAN AND SERVICE SPECIFIC.—To the extent practicable, the study under paragraph (1) shall examine differences by type of Medicare Advantage plan and type of item or service. Examination.

(4) BOTH REQUIRED AND SUPPLEMENTAL BENEFITS.—For purposes of the study under paragraph (1), benefits offered

by Medicare Advantage plans (including specialized MA plans for special needs individuals) under part C of title XVIII of the Social Security Act shall include both and differentiate between—

(A) benefits under the original Medicare fee-for-service program, as described in section 1852(a)(1)(B) of such Act (42 U.S.C. 1395w–22(a)(1)(B)); and

(B) supplemental health care benefits, as described in section 1852(a)(3)(A) of such Act (42 U.S.C. 1395w–22(a)(3)(A)).

(b) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a).

Subtitle D—Other Medicare Provisions

SEC. 4131. TEMPORARY INCLUSION OF AUTHORIZED ORAL ANTIVIRAL DRUGS AS COVERED PART D DRUG.

Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)) is amended—

(1) in subparagraph (A), by striking at the end "or";

(2) in subparagraph (B), by striking the comma at the end and inserting "; or"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

Time period.

"(C) for the period beginning on the date of the enactment of this subparagraph and ending on December 31, 2024, an oral antiviral drug that may be dispensed only upon a prescription and is authorized under section 564 of the Federal Food, Drug, and Cosmetic Act, on the basis of the declaration published in the Federal Register by the Secretary of Health and Human Services on April 1, 2020 (85 Fed. Reg. 18250 et seq.),".

SEC. 4132. RESTORATION OF CBO ACCESS TO CERTAIN PART D PAYMENT DATA.

Section 1860D–15(f)(2) of the Social Security Act (42 U.S.C. 1395w–115(f)(2)) is amended—

(1) in subparagraph (B), by striking at the end "and";

(2) in subparagraph (C), by striking at the end the period and inserting "; and"; and

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

"(D) by the Director of the Congressional Budget Office for the purposes of analysis of programs authorized under the Social Security Act, as applicable, and the fulfilment of such Director's duties under the Congressional Budget and Impoundment Control Act of 1974.".

SEC. 4133. MEDICARE COVERAGE OF CERTAIN LYMPHEDEMA COMPRESSION TREATMENT ITEMS.

(a) COVERAGE.—

(1) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 4121(a), is amended—

(A) in subsection (s)(2)—

(i) in subparagraph (HH), by striking "and" after the semicolon at the end;

(ii) in subparagraph (II), by striking the period at the end and inserting "; and"; and

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

"(JJ) lymphedema compression treatment items (as defined in subsection (mmm));"; and

(B) by adding at the end the following new subsection:

"(mmm) LYMPHEDEMA COMPRESSION TREATMENT ITEMS.—The term 'lymphedema compression treatment items' means standard and custom fitted gradient compression garments and other items determined by the Secretary that are— Definition.

"(1) furnished on or after January 1, 2024, to an individual with a diagnosis of lymphedema for the treatment of such condition;

"(2) primarily and customarily used to serve a medical purpose and for the treatment of lymphedema, as determined by the Secretary; and

"(3) prescribed by a physician (or a physician assistant, nurse practitioner, or a clinical nurse specialist (as those terms are defined in section 1861(aa)(5)) to the extent authorized under State law).".

(2) PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) , as amended by section 4121(a), is amended—

(i) by striking "and" before "(FF)"; and

(ii) by inserting before the semicolon at the end the following: ", and (GG) with respect to lymphedema compression treatment items (as defined in section 1861(mmm)), the amount paid shall be equal to 80 percent of the lesser of the actual charge or the amount determined under the payment basis determined under section 1834(z)".

(B) PAYMENT BASIS AND LIMITATIONS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(z) PAYMENT FOR LYMPHEDEMA COMPRESSION TREATMENT ITEMS.—

"(1) IN GENERAL.—The Secretary shall determine an appropriate payment basis for lymphedema compression treatment items (as defined in section 1861(mmm)). In making such a determination, the Secretary may take into account payment rates for such items under State plans (or waivers of such plans) under title XIX, the Veterans Health Administration, and group health plans and health insurance coverage (as such terms are defined in section 2791 of the Public Health Service Act), and such other information as the Secretary determines appropriate. Determination.

"(2) FREQUENCY LIMITATION.—No payment may be made under this part for lymphedema compression treatment items furnished other than at such frequency as the Secretary may establish.

"(3) APPLICATION OF COMPETITIVE ACQUISITION.—In the case of lymphedema compression treatment items that are included in a competitive acquisition program in a competitive acquisition area under section 1847(a)—

"(A) the payment basis under this subsection for such items furnished in such area shall be the payment basis determined under such competitive acquisition program; and

"(B) the Secretary may use information on the payment determined under such competitive acquisition programs to adjust the payment amount otherwise determined under this subsection for an area that is not a competitive acquisition area under section 1847, and in the case of such adjustment, paragraphs (8) and (9) of section 1842(b) shall not be applied.".

(3) CONFORMING AMENDMENT.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)) is amended by adding at the end the following new subparagraph:

"(D) LYMPHEDEMA COMPRESSION TREATMENT ITEMS.—Lymphedema compression treatment items (as defined in section 1861(mmm)) for which payment would otherwise be made under section 1834(z).".

(b) INCLUSION IN REQUIREMENTS FOR SUPPLIERS OF MEDICAL EQUIPMENT AND SUPPLIES.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended—

(1) in subsection (a)(20)(D), by adding at the end the following new clause:

"(iv) Lymphedema compression treatment items (as defined in section 1861(mmm)).".

(2) in subsection (j)(5)—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) lymphedema compression treatment items (as defined in section 1861(mmm));".

SEC. 4134. PERMANENT IN-HOME BENEFIT FOR IVIG SERVICES.

(a) COVERAGE.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)(Z) by inserting ", and items and services furnished on or after January 1, 2024, related to the administration of intravenous immune globulin," after "globulin"; and

(2) in subsection (zz), by inserting "furnished before January 1, 2024," after "but not including items or services".

(b) PAYMENT.—Section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o)) is amended by adding at the end the following new paragraph:

Effective date.

"(8) In the case of intravenous immune globulin described in section 1861(s)(2)(Z) that are furnished on or after January 1, 2024, to an individual by a supplier in the patient's home, the Secretary shall provide for a separate bundled payment to the supplier for all items and services related to the administration of such intravenous immune globulin to such individual in the patient's home during a calendar day in an amount that the Secretary determines to be appropriate, which may be based on the payment established pursuant to subsection (d) of section 101 of the Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012. For purposes of the preceding sentence, such separate bundled payment

shall not apply in the case of an individual receiving home health services under section 1895.".

(c) CLARIFICATION WITH RESPECT TO PAYMENT FOR THE IN-HOME ADMINISTRATION OF IVIG ITEMS AND SERVICES.—Section 1834(j)(5) of the Social Security Act (42 U.S.C. 1395m(j)(5)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) items and services related to the administration of intravenous immune globulin furnished on or after January 1, 2024, as described in section 1861(zz);".

(d) COINSURANCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1), as amended by section 4121(a) and section 4133(a), is amended—

(1) by striking "and" before "(GG)"; and

(2) by inserting before the semicolon at the end the following: ", and (HH) with respect to items and services related to the administration of intravenous immune globulin furnished on or after January 1, 2024, as described in section 1861(zz), the amounts paid shall be the lesser of the 80 percent of the actual charge or the payment amount established under section 1842(o)(8)". Effective date.

(e) ADDITIONAL FUNDING FOR MEDICARE IVIG DEMONSTRATION PROJECT.—

(1) FUNDING.—There is authorized to be appropriated, and there is hereby appropriated, out of any monies in the Treasury not otherwise appropriated, $4,300,000 for purposes of paying for items and services furnished under the demonstration project established by the Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012 (42 U.S.C. 1395l note).

(2) SUPPLEMENT, NOT SUPPLANT.—Any amounts appropriated pursuant to this subsection shall be in addition to any other amounts otherwise appropriated pursuant to any other provision of law.

SEC. 4135. ACCESS TO NON-OPIOID TREATMENTS FOR PAIN RELIEF.

(a) IN GENERAL.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended—

(1) in paragraph (2)(E), by inserting "and temporary additional payments for non-opioid treatments for pain relief under paragraph (16)(G)," after "payments under paragraph (6)"; and

(2) in paragraph (16), by adding at the end the following new subparagraph:

"(G) TEMPORARY ADDITIONAL PAYMENTS FOR NON-OPIOID TREATMENTS FOR PAIN RELIEF.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection, with respect to a non-opioid treatment for pain relief (as defined in clause (iv)) furnished on or after January 1, 2025, and before January 1, 2028, the Secretary shall not package payment for such non-opioid treatment for pain relief into a payment for a covered OPD service (or group of services), and shall make an additional payment as Time period. Payments.

specified in clause (ii) for such non-opioid treatment for pain relief.

Determinations.

"(ii) AMOUNT OF PAYMENT.—Subject to the limitation under clause (iii), the amount of the payment specified in this clause is, with respect to a non-opioid treatment for pain relief that is—

"(I) a drug or biological product, the amount of payment for such drug or biological determined under section 1847A that exceeds the portion of the otherwise applicable Medicare OPD fee schedule that the Secretary determines is associated with the drug or biological; or

"(II) a medical device, the amount of the hospital's charges for the device, adjusted to cost, that exceeds the portion of the otherwise applicable Medicare OPD fee schedule that the Secretary determines is associated with the device.

"(iii) LIMITATION.—The additional payment amount specified in clause (ii) shall not exceed the estimated average of 18 percent of the OPD fee schedule amount for the OPD service (or group of services) with which the non-opioid treatment for pain relief is furnished, as determined by the Secretary.

"(iv) DEFINITION OF NON-OPIOID TREATMENT FOR PAIN RELIEF.—In this subparagraph, the term 'non-opioid treatment for pain relief' means a drug, biological product, or medical device that—

"(I) in the case of a drug or biological product, has a label indication approved by the Food and Drug Administration to reduce postoperative pain, or produce postsurgical or regional analgesia, without acting upon the body's opioid receptors;

"(II) in case of a medical device, is used to deliver a therapy to reduce postoperative pain, or produce postsurgical or regional analgesia, and has—

"(aa) an application under section 515 of the Federal Food, Drug, and Cosmetic Act that has been approved with respect to the device, been cleared for market under section 510(k) of such Act, or is exempt from the requirements of section 510(k) of such Act pursuant to subsection (l) or (m) or section 510 of such Act or section 520(g) of such Act; and

"(bb) demonstrated the ability to replace, reduce, or avoid intraoperative or postoperative opioid use or the quantity of opioids prescribed in a clinical trial or through data published in a peer-reviewed journal;

"(III) does not receive transitional pass-through payment under paragraph (6); and

"(IV) has payment that is packaged into a payment for a covered OPD service (or group of services).".

(b) AMBULATORY SURGICAL CENTER PAYMENT SYSTEM.—Section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) is amended by adding at the end the following new paragraph:

"(10) TEMPORARY ADDITIONAL PAYMENTS FOR NON-OPIOID TREATMENTS FOR PAIN RELIEF.—

"(A) IN GENERAL.—In the case of surgical services furnished on or after January 1, 2025, and before January 1, 2028, the payment system described in paragraph (2)(D)(i) shall provide, in a budget-neutral manner, for an additional payment for a non-opioid treatment for pain relief (as defined in clause (iv) of subsection (t)(16)(G)) furnished as part of such services in the amount specified in clause (ii) of such subsection, subject to the limitation under clause (iii) of such subsection. Time period.

"(B) TRANSITION.—A drug or biological that meets the requirements of section 416.174 of title 42, Code of Federal Regulations (or any successor regulation) and is a non-opioid treatment for pain relief (as defined in clause (iv) of subsection (t)(16)(G)) shall receive additional payment in the amount specified in clause (ii) of such subsection, subject to the limitation under clause (iii) of such subsection.".

(c) EVALUATION OF COVERAGE AND PAYMENT FOR NON-OPIOID THERAPIES AND THERAPEUTIC SERVICES FOR PAIN MANAGEMENT.—

(1) REPORT TO CONGRESS.—Not later than January 1, 2028, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall submit to Congress a report—

(A) identifying limitations, gaps, barriers to access, or deficits in Medicare coverage or reimbursement for restorative therapies, behavioral approaches, and complementary and integrative health services that are identified in the Pain Management Best Practices Inter-Agency Task Force Report and that have demonstrated the ability to replace or reduce opioid consumption;

(B) recommending actions to address the limitations, gaps, barriers to access, or deficits identified under subparagraph (A) to improve Medicare coverage and reimbursement for such therapies, approaches, and services; and Recommendations.

(C) comparing, for the 12-month period following the first 6 months in which additional payment for non-opioid treatments for pain relief (as defined in clause (iv) of section 1833(t)(16)(G) of the Social Security Act, as added by subsection (a)) is made under such section 1833(t)(16)(G)— Time periods.

(i) with respect to Medicare beneficiaries who received a non-opioid treatment for pain relief (as so defined) as part of a covered OPD service, the quantity of opioids administered, dispensed, and prescribed for the same covered OPD service, including postoperative management; and

(ii) with respect to Medicare beneficiaries who did not receive a non-opioid treatment for pain relief (as so defined) as part of the same covered OPD service in clause (i)), the quantity of opioids administered, dispensed, and prescribed for the same covered OPD service, including postoperative management.

(2) REPORTING STANDARD AND PUBLIC CONSULTATION.—In developing the report described in paragraph (1), the Secretary shall compare results from nationally represented samples of

beneficiaries and consult with relevant stakeholders as determined appropriate by the Secretary.

(3) EXCLUSIVE TREATMENT.—Any drug, biological product, or medical device that is a non-opioid treatment for pain relief (as defined in section 1833(t)(16)(G)(iv) of the Social Security Act, as added by subsection (a)) shall not be considered a therapeutic service for purposes of the report under paragraph (1).

SEC. 4136. TECHNICAL AMENDMENTS TO MEDICARE SEPARATE PAYMENT FOR DISPOSABLE NEGATIVE PRESSURE WOUND THERAPY DEVICES.

(a) IN GENERAL.—Section 1834(s) of the Social Security Act (42 U.S.C. 1395m(s)) is amended—

(1) by amending paragraph (3) to read as follows:

Time periods.

"(3) PAYMENT.—

"(A) IN GENERAL.—The separate payment amount established under this paragraph for an applicable disposable device for a year shall be equal to—

"(i) for a year before 2024, the amount of the payment that would be made under section 1833(t) (relating to payment for covered OPD services) for the year for the Level I Healthcare Common Procedure Coding System (HCPCS) code for which the description for a professional service includes the furnishing of such device;

"(ii) for 2024, the supply price used to determine the relative value for the service under the fee schedule under section 1848 (as of January 1, 2022) for the applicable disposable device, updated by the specified adjustment described in subparagraph (B) for such year; and

"(iii) for 2025 and each subsequent year, the payment amount established under this paragraph for such device for the previous year, updated by the specified adjustment described in subparagraph (B) for such year.

"(B) SPECIFIED ADJUSTMENT.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the specified adjustment described in this subparagraph for a year is equal to—

"(I) the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending in June of the previous year; minus

"(II) the productivity adjustment described in section 1886(b)(3)(B)(xi)(II) for such year.

"(ii) CLARIFICATION ON APPLICATION OF THE PRODUCTIVITY ADJUSTMENT.—The application of clause (i)(II) may result in a specified adjustment of less than 0.0 for a year, and may result in the separate payment amount under this subsection for an applicable device for a year being less than such separate payment amount for such device for the preceding year.

Effective date.

"(C) EXCLUSION OF NURSING AND THERAPY SERVICES FROM SEPARATE PAYMENT.—With respect to applicable devices furnished on or after January 1, 2024, the separate

payment amount determined under this paragraph shall not include payment for nursing or therapy services described in section 1861(m). Payment for such nursing or therapy services shall be made under the prospective payment system established under section 1895 and shall not be separately billable."; and

(2) by adding at the end the following new paragraph:

"(4) IMPLEMENTATION.—As part of submitting claims for the separate payment established under this subsection, beginning with 2024, the Secretary shall accept and process claims submitted using the type of bill that is most commonly used by home health agencies to bill services under a home health plan of care.". Effective date. Claims.

SEC. 4137. EXTENSION OF CERTAIN HOME HEALTH RURAL ADD-ON PAYMENTS.

Subsection (b)(1)(B) of section 421 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2283; 42 U.S.C. 1395fff note), as amended by section 5201(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 46), section 3131(c) of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 428), section 210 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 151), and section 50208 of the Bipartisan Budget Act of 2018 (Public Law 115–123; 132 Stat. 187) is amended—

(1) in clause (iii), by striking "and" at the end; and

(2) by adding at the end the following new clause:

"(v) in the case of episodes and visits ending during 2023, by 1 percent; and".

SEC. 4138. REMEDYING ELECTION REVOCATIONS RELATING TO ADMINISTRATION OF COVID–19 VACCINES.

(a) IN GENERAL.—Section 1821(b)(5)(A) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)) is amended—

(1) in clause (i), by striking "or" or at the end;

(2) in clause (ii), by striking the period at the end and inserting ", or"; and

(3) by adding at the end the following new clause:

"(iii) effective beginning on the date of the enactment of this clause, that is a COVID–19 vaccine and its administration described in section 1861(s)(10)(A).".

(b) SPECIAL RULES FOR COVID–19 VACCINES RELATING TO REVOCATION OF ELECTION.—Notwithstanding paragraphs (3) and (4) of section 1821(b) of the Social Security Act (42 U.S.C. 1395i–5(b)), in the case of an individual with a revocation of an election under such section prior to the date of enactment of this Act by reason of receiving a COVID–19 vaccine and its administration described in section 1861(s)(10)(A) of such Act (42 U.S.C. 1395x(s)(10)(A)), the following rules shall apply: Applicability. 42 USC 1395i–5 note.

(1) Beginning on such date of enactment, such individual may make an election under such section, which shall take effect immediately upon its execution, if such individual would be eligible to make such an election if they had not received such COVID–19 vaccine and its administration. Effective dates.

(2) Such revoked election shall not be taken into account for purposes of determining the effective date for an election described in subparagraph (A) or (B) of such paragraph (4).

42 USC 1395m note.

SEC. 4139. PAYMENT RATES FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.

Applicability.

(a) AREAS OTHER THAN RURAL AND NONCONTIGUOUS AREAS.—The Secretary shall implement section 414.210(g)(9)(v) of title 42, Code of Federal Regulations (or any successor regulation), to apply the transition rule described in the first sentence of such section to all applicable items and services furnished in areas other than rural or noncontiguous areas (as such terms are defined for purposes of such section) through the remainder of the duration of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)) or December 31, 2023, whichever is later.

(b) ALL AREAS.—The Secretary shall not implement section 414.210(g)(9)(vi) of title 42, Code of Federal Regulations (or any successor regulation) until the date immediately following the last day of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), or January 1, 2024, whichever is later.

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the provisions of this section by program instruction or otherwise.

SEC. 4140. EXTENDING ACUTE HOSPITAL CARE AT HOME WAIVERS AND FLEXIBILITIES.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1866F the following new section:

42 USC 1395cc–7.

"SEC. 1866G. EXTENSION OF ACUTE HOSPITAL CARE AT HOME INITIATIVE.

"(a) IN GENERAL.—

Time period.

"(1) EXTENSION.—With respect to inpatient hospital admissions occurring during the period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B) and ending on December, 31, 2024, the Secretary of Health and Human Services shall grant waivers and flexibilities (as described in paragraph (2)) to an individual hospital that submits a request for such waivers and flexibilities and meets specified criteria (as described in paragraph (3)) in order to participate in the Acute Hospital Care at Home initiative of the Secretary.

"(2) ACUTE HOSPITAL CARE AT HOME WAIVERS AND FLEXIBILITIES.—For the purposes of paragraph (1), the waivers and flexibilities described in this paragraph are the following waivers and flexibilities that were made available to individual hospitals under the Acute Hospital Care at Home initiative of the Secretary during the emergency period described in section 1135(g)(1)(B):

"(A) Subject to paragraph (3)(D), waiver of the requirements to provide 24-hour nursing services on premises and for the immediate availability of a registered nurse under section 482.23(b) of title 42, Code of Federal Regulations (or any successor regulation), and the waivers of the physical environment and Life Safety Code requirements under section 482.41 of title 42, Code of Federal Regulations (or any successor regulation).

"(B) Flexibility to allow a hospital to furnish inpatient services, including routine services, outside the hospital under arrangements, as described in Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Organ Acquisition; Rural Emergency Hospitals: Payment Policies, Conditions of Participation, Provider Enrollment, Physician Self-Referral; New Service Category for Hospital Outpatient Department Prior Authorization Process; Overall Hospital Quality Star Rating; COVID–19 (87 Fed. Reg. 71748 et seq.).

"(C) Waiver of the telehealth requirements under clause (i) of section 1834(m)(4)(C), as amended by section 4113(a) of the Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022, such that the originating sites described in clause (ii) of such section shall include the home or temporary residence of the individual.

"(D) Other waivers and flexibilities that, as of the date of enactment of this section, were in place for such initiative during such emergency period.

"(3) SPECIFIED CRITERIA.—For purposes of paragraph (1), the specified criteria for granting such waivers and flexibilities to individual hospitals are: Determinations.

"(A) The hospital shall indicate to the Secretary the criteria it would use to ensure that hospital services be furnished only to an individual who requires an inpatient level of care, and shall require that a physician document in the medical record of each such individual that the individual meets such criteria.

"(B) The hospital and any other entities providing services under arrangements with the hospital shall ensure that the standard of care to treat an individual at home is the same as the standard of care to treat such individual as an inpatient of the hospital.

"(C) The hospital shall ensure that an individual is only eligible for services under paragraph (1) if the individual is a hospital inpatient or is a patient of the hospital's emergency department for whom the hospital determines that an inpatient level of care is required (as described in subparagraph (A)).

"(D) The hospital shall meet all patient safety standards determined appropriate by the Secretary, in addition to those that otherwise apply to the hospital, except those for which the waivers and flexibilities under this subsection apply.

"(E) The hospital shall provide to the Secretary, at a time, form and manner determined by the Secretary, any data and information the Secretary determines necessary to do the following: Data.

"(i) Monitor the quality of care furnished, and to the extent practicable, ensure the safety of individuals and analyze costs of such care.

"(ii) Undertake the study described in subsection (b).

"(F) The hospital meets such other requirements and conditions as the Secretary determines appropriate.

Determination.

"(4) TERMINATION.—The Secretary may terminate a hospital from participation in such initiative (and the waivers and flexibilities applicable to such hospital) if the Secretary determines that the hospital no longer meets the criteria described in paragraph (3).

"(b) STUDY AND REPORT.—

Analyses.

"(1) IN GENERAL.—The Secretary shall conduct a study to—

Determination.

"(A) analyze, to the extent practicable, the criteria established by hospitals under the Acute Hospital Care at Home initiative of the Secretary to determine which individuals may be furnished services under such initiative; and

"(B) analyze and compare, to the extent practicable—

"(i) quality of care furnished to individuals with similar conditions and characteristics in the inpatient setting and through the Acute Hospital Care at Home initiative, including health outcomes, hospital readmission rates, hospital mortality rates, length of stay, infection rates, and patient experience of care;

"(ii) clinical conditions treated and diagnosis-related groups of discharges from the inpatient setting and under the Acute Hospital Care at Home initiative;

Costs.

"(iii) costs incurred by furnishing care in the inpatient setting and through the Acute Hospital Care at Home initiative;

"(iv) the quantity, mix and intensity of such services (such as in-person visits and virtual contacts with patients) furnished in the Acute Hospital Care at Home initiative and furnished in the inpatient setting; and

"(v) socioeconomic information on beneficiaries treated under the initiative, including racial and ethnic data, income, and whether such beneficiaries are dually eligible for benefits under this title and title XIX.

Public information.
Web posting.

"(2) REPORT.—Not later than September 30, 2024, the Secretary of Health and Human Services shall post on a website of the Centers for Medicare & Medicaid Services a report on the study conducted under paragraph (1).

"(3) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2023, out of any amounts in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for purposes of carrying out this subsection.

"(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this section by program instruction or otherwise.

Web postings.

"(d) PUBLICLY AVAILABLE INFORMATION.—The Secretary shall, as feasible, make the information collected under subsections (a)(3)(E) and (b)(1) available on the Medicare.gov internet website (or a successor website).".

SEC. 4141. EXTENSION OF PASS-THROUGH STATUS UNDER THE MEDICARE PROGRAM FOR CERTAIN DEVICES IMPACTED BY COVID–19.

(a) IN GENERAL.—Section 1833(t)(6) of the Social Security Act (42 U.S.C. 1395l(t)(6)) is amended—

(1) in subparagraph (B)(iii), in the matter preceding subclause (I), by striking "A category" and inserting "Subject to subparagraph (K), a category"; and

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

"(K) PASS-THROUGH EXTENSION FOR CERTAIN DEVICES.— Time period.

"(i) IN GENERAL.—In the case of a device whose period of pass-through status under this paragraph will end on December 31, 2022, such pass-through status shall be extended for a 1–year period beginning on January 1, 2023.

"(ii) NO ADJUSTMENT FOR PACKAGED COSTS.—For purposes of the 1–year period described in clause (i), the Secretary shall not remove the packaged costs of such device (as determined by the Secretary) from the payment amount under this subsection for a covered OPD service (or group of services) with which it is packaged.

"(iii) NO APPLICATION OF AGGREGATE LIMIT OR BUDGET NEUTRALITY.—Notwithstanding any other provision of this subsection, this subparagraph shall not be taken into account—

"(I) in applying the limit on annual aggregate adjustments under subparagraph (E) for 2023; or

"(II) in making any budget neutrality adjustments under this subsection for 2023.".

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Service may implement the amendments made by subsection (a) by program instruction or otherwise. 42 USC 1395*l* note.

SEC. 4142. INCREASING TRANSPARENCY FOR HOME HEALTH PAYMENTS UNDER THE MEDICARE PROGRAM.

Public information. Web postings. 42 USC 1395fff note. Notice. Public comments. Regulations. Time periods.

(a) TRANSPARENCY.—In notice and comment rulemaking used to implement section 1895(b)(3)(D) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(D), the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall, on the date of the notice of proposed rulemaking, make available through the internet website of the Centers for Medicare & Medicaid Services the following:

(1) Electronic data files showing the Centers for Medicare & Medicaid Services simulation of 60-day episodes under the home health prospective payment system in effect prior to the Patient Driven Groupings Model using data from 30-day periods paid under such Model, if such data are used in determining payment adjustments under clauses (ii) or (iii) of such section 1895(b)(3)(D). Data.

(2) To the extent practicable, a description of actual behavior changes, as described in clause (i) of such section 1895(b)(3)(D), including behavior changes as a result of the implementation of sections 1895(b)(2)(B) and 1895(b)(4)(B) of the Social Security Act (42 U.S.C. 1395fff(b)(2)(B) and 1395(b)(4)(B)) that occurred in calendar years 2020 through 2026.

(b) ENGAGEMENT WITH STAKEHOLDERS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall use an open door forum, a town hall meeting, a web-based forum, or other Deadline.

appropriate mechanism to receive input from home health stakeholders and interested parties on Medicare home health payment rate development, including the items described in paragraphs (1) and (2) of subsection (a) with respect to the home health prospective payment system rate for calendar year 2023.

(2) REQUIREMENT.—At least 30 days before the forum, meeting, or other mechanism referred to in paragraph (1), the Secretary shall make available through the internet website of the Centers for Medicare & Medicaid Services the items described in paragraphs (1) and (2) of subsection (a) with respect to the home health prospective payment system rate for calendar year 2023 as finalized in the final rule entitled "Medicare Program; Calendar Year 2023 Home Health Prospective Payment System Rate Update; Home Health Quality Reporting Program Requirements; Home Health Value-Based Purchasing Expanded Model Requirements; and Home Infusion Therapy Services Requirements" published in the Federal Register on November 4, 2022 (87 Fed. Reg. 66790).

(c) CONSTRUCTION.—Nothing in this section shall be construed to require any change in the methodology used by the Secretary to implement such section 1895(b)(3)(D), to restrict the Secretary's discretion in establishing the methodology to implement such section, or to suggest that the Secretary's promulgation of the methodology implementing such Calendar Year 2023 home health final rule was inadequate under Chapter 5 of title 5, United States Code (commonly known as the "Administrative Procedures Act") or any other provision of law.

SEC. 4143. WAIVER OF CAP ON ANNUAL PAYMENTS FOR NURSING AND ALLIED HEALTH EDUCATION PAYMENTS.

(a) IN GENERAL.—Section 1886(l)(2)(B) of the Social Security Act (42 U.S.C. 1395ww(l)(2)(B)) is amended—

(1) by striking "PAYMENTS.—Such ratio" and inserting "PAYMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), such ratio"; and

(2) by adding at the end the following new clause:

"(ii) EXCEPTION TO ANNUAL LIMITATION FOR EACH OF 2010 THROUGH 2019.—For each of 2010 through 2019, the limitation under clause (i) on the total amount of additional payments for nursing and allied health education to be distributed to hospitals under this subsection for portions of cost reporting periods occurring in the year shall not apply to such payments made in such year to those hospitals that, as of the date of the enactment of this clause, are operating a school of nursing, a school of allied health, or a school of nursing and allied health.".

(b) NO AFFECT ON PAYMENTS FOR DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(3)(D)(iii) of the Social Security Act (42 U.S.C. 1395ww(h)(3)(D)(iii)) is amended by adding at the end the following sentence: "In applying the preceding sentence for each of 2010 through 2019, the Secretary shall not take into account any increase in the total amount of such additional payment amounts for such nursing and allied health education for portions

of cost reporting periods occurring in the year pursuant to the application of paragraph (2)(B)(ii) of such subsection.".

(c) RETROACTIVE APPLICATION.—The amendments made by this section shall apply to payments made for portions of cost reporting periods occurring in 2010 through 2019. 42 USC 1395ww note.

(d) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2023, out of any amounts in the Treasury not otherwise appropriated, $3,000,000, to remain available until expended, for purposes of carrying out the amendments made by this section.

Subtitle E—Health Care Tax Provisions

SEC. 4151. EXTENSION OF SAFE HARBOR FOR ABSENCE OF DEDUCTIBLE FOR TELEHEALTH.

(a) IN GENERAL.—Section 223(c)(2)(E) of the Internal Revenue Code of 1986 is amended by striking "In the case of plan years" and all that follows through "a plan" and inserting "In the case of— 26 USC 223.

"(i) months beginning after March 31, 2022, and before January 1, 2023, and

"(ii) plan years beginning on or before December 31, 2021, or after December 31, 2022, and before January 1, 2025,

a plan".

(b) CERTAIN COVERAGE DISREGARDED.—Section 223(c)(1)(B)(ii) of the Internal Revenue Code of 1986 is amended by striking "(in the case of plan years beginning on or before December 31, 2021, or in the case of months beginning after March 31, 2022, and before January 1, 2023)" and inserting "(in the case of months or plan years to which paragraph (2)(E) applies)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2022. 26 USC 223 note.

Subtitle F—Offsets

SEC. 4161. REDUCTION OF MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking "$7,278,000,000" and inserting "$180,000,000".

SEC. 4162. EXTENSION OF ADJUSTMENT TO CALCULATION OF HOSPICE CAP AMOUNT UNDER MEDICARE.

Section 1814(i)(2)(B) of the Social Security Act (42 U.S.C. 1395f(i)(2)(B)) is amended—

(1) in clause (ii), by striking "2031" and inserting "2032"; and

(2) in clause (iii), by striking "2031" and inserting "2032".

SEC. 4163. MEDICARE DIRECT SPENDING REDUCTIONS.

Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i)—

(A) by striking "On the dates OMB issues its sequestration preview reports" and inserting "On the date on which the President submits the budget under section 1105 of title 31, United States Code,"; and

(B) by striking "pursuant to section 254(c),";

(2) in subparagraph (C), by moving the margin 2 ems to the left;

(3) by striking subparagraphs (D) and (E); and

(4) by adding at the end the following:

President. Sequestration. Payments. Time periods.

"(D) On the date on which the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2032, the President shall order a sequestration of payments for the Medicare programs specified in section 256(d), effective upon issuance, such that, notwithstanding the 2 percent limit specified in subparagraph (A) for such payments—

"(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

"(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.".

TITLE V—MEDICAID AND CHIP PROVISIONS

Subtitle A—Territories

Time periods.

SEC. 5101. MEDICAID ADJUSTMENTS FOR THE TERRITORIES.

(a) REVISING ALLOTMENTS FOR PUERTO RICO.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by striking "clause (ii)" and inserting "clause (ii) or (iii)"; and

(II) by striking "and" at the end;

(ii) in clause (ii), by striking the semicolon and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iii) for fiscal year 2023 and each subsequent fiscal year, the amount specified in paragraph (11) for such fiscal year;"; and

(B) in the matter following subparagraph (E), by striking "each fiscal year after fiscal year 2021" and inserting "fiscal year 2022 (and, in the case of a territory other than Puerto Rico, for each subsequent fiscal year)"; and

(2) by adding at the end the following new paragraphs:

"(11) ALLOTMENT AMOUNTS FOR PUERTO RICO FOR FISCAL YEAR 2023 AND SUBSEQUENT FISCAL YEARS.—For purposes of paragraph (2)(A)(iii), subject to paragraphs (12) and (13), the amounts specified in this paragraph are the following:

"(A) For fiscal year 2023, $3,275,000,000.

"(B) For fiscal year 2024, $3,325,000,000.

"(C) For fiscal year 2025, $3,475,000,000.

"(D) For fiscal year 2026, $3,645,000,000.

"(E) For fiscal year 2027, $3,825,000,000.

"(F) For fiscal year 2028, the sum of the amount that would have been provided under this subsection for Puerto Rico for such fiscal year in accordance with clause (i) of paragraph (2)(A) (without regard to clause (iii) of such paragraph) had the amount provided under this subsection for Puerto Rico for each of fiscal years 2020 through 2027 been equal to the following:

"(i) For fiscal year 2020, the sum of the amount provided under this subsection for Puerto Rico for fiscal year 2019, increased by the percentage increase in the medical care component of the Consumer Price Index for all urban consumers (as published by the Bureau of Labor Statistics) for the 12-month period ending in March preceding the beginning of the fiscal year, rounded to the nearest $100,000.

"(ii) For each of fiscal years 2021 through 2027, the sum of the amount provided under this subparagraph for the preceding fiscal year, increased in accordance with the percentage increase described in clause (i), rounded to the nearest $100,000.

"(G) For fiscal year 2029 and each subsequent fiscal year, the sum of the amount specified in this paragraph for the preceding fiscal year, increased by the percentage increase in the medical care component of the Consumer Price Index for all urban consumers (as published by the Bureau of Labor Statistics) for the 12-month period ending in March preceding the beginning of the fiscal year, rounded to the nearest $100,000.

Determination.

In determining the amount specified under subparagraph (F) for fiscal year 2028 or under subparagraph (G) for fiscal year 2029 or a subsequent fiscal year, the Secretary may in no way take into account the amount that was provided under this subsection for Puerto Rico for fiscal year 2022 that was based on the Centers for Medicare & Medicaid Services' interpretation of the flush language following paragraph (2)(E) (as described in the letters sent by the Centers for Medicare & Medicaid Services to the Director of the Medicaid Program for Puerto Rico dated September 24, 2021, and November 18, 2021, respectively).

"(12) ADDITIONAL INCREASE FOR PUERTO RICO.—

Certification. Plan. Applicability.

"(A) IN GENERAL.—For fiscal year 2023 and each subsequent fiscal year through fiscal year 2027, the amount specified in paragraph (11) for the fiscal year shall be equal to the amount specified for such fiscal year under such paragraph increased by $300,000,000 if the Secretary certifies that, with respect to such fiscal year, Puerto Rico's State plan under title XIX (or waiver of such plan) establishes a reimbursement floor, implemented through a directed payment arrangement plan, for physician services that are covered under the Medicare part B fee schedule in the Puerto Rico locality established under section 1848(b) that is not less than 75 percent of the payment that would apply to such services if they were furnished under part B of title XVIII during such fiscal year.

"(B) APPLICATION TO MANAGED CARE.—In certifying whether Puerto Rico has established a reimbursement floor under a directed payment arrangement plan that satisfies the requirements of subparagraph (A)—

Payments.
Contracts.
Effective date.

"(i) for fiscal year 2023, the Secretary shall apply such requirements to payments for physician services under a managed care contract entered into or renewed after the date of enactment of this paragraph and disregard payments for physician services under any managed care contract that was entered into prior to such date; and

"(ii) for each subsequent fiscal year through fiscal year 2027—

"(I) the Secretary shall disregard payments made under subcapitated arrangements for services such as primary care case management; and

"(II) if the reimbursement floor for physician services applicable under a managed care contract satisfies the requirements of subparagraph (A) for the fiscal year in which the contract is entered into or renewed, such reimbursement floor shall be deemed to satisfy such requirements for the subsequent fiscal year.

"(C) NONAPPLICATION OF INCREASE IN DETERMINING ALLOTMENTS FOR SUBSEQUENT FISCAL YEARS.—An increase under this paragraph for a fiscal year may not be taken into account in calculating the amount specified under paragraph (11) for the succeeding fiscal year.

"(13) FURTHER INCREASE FOR PUERTO RICO.—

Determinations.

"(A) IN GENERAL.—For each of fiscal years 2023 through 2027, the amount specified in paragraph (11) for the fiscal year shall be equal to the amount specified for such fiscal year under such paragraph (increased, if applicable, in accordance with paragraph (12)) and further increased—

"(i) in the case of each of fiscal years 2023 through 2025, by $75,000,000 if the Secretary determines that Puerto Rico fully satisfies the requirements described in paragraph (7)(A)(i) for such fiscal year; and

"(ii) in the case of each of fiscal years 2026 and 2027, by $75,000,000 if the Secretary determines that Puerto Rico fully satisfies the requirements described in—

"(I) paragraph (7)(A)(i) for such fiscal year; and

"(II) paragraph (7)(A)(v) for such fiscal year.

"(B) NONAPPLICATION OF INCREASE IN DETERMINING ALLOTMENTS FOR SUBSEQUENT FISCAL YEARS.—An increase under this paragraph for a fiscal year may not be taken into account in calculating the amount specified under paragraph (11) for the succeeding fiscal year.".

(b) EXTENSION OF INCREASED FMAPS.—Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended—

(1) in the header, by striking "TEMPORARY";

(2) in paragraph (2)—

(A) by striking "subject to section 1108(g)(7)(C),"; and

(B) by striking "December 23, 2022" and inserting "September 30, 2027,"; and

(3) in paragraph (3), by striking "for the period beginning December 21, 2019, and ending December 23, 2022" and inserting "beginning December 21, 2019".

(c) APPLICATION OF ASSET VERIFICATION PROGRAM REQUIREMENTS TO PUERTO RICO.—Section 1940 of the Social Security Act (42 U.S.C. 1396w) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(A), by adding at the end the following new clause:

"(iii) IMPLEMENTATION IN PUERTO RICO.—The Secretary shall require Puerto Rico to implement an asset verification program under this subsection by January 1, 2026."; and

Deadline.

(B) in paragraph (4)—

(i) in the paragraph heading, by striking "EXEMPTION OF TERRITORIES" and inserting "EXEMPTION OF CERTAIN TERRITORIES"; and

(ii) by striking "and the District of Columbia" and inserting ", the District of Columbia, and Puerto Rico"; and

(2) in subsection (k)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(ii) in the matter preceding clause (i), as so redesignated—

(I) by striking "beginning on or after January 1, 2021"; and

(II) by striking "for a non-compliant State shall be reduced—" and inserting the following: "for—

"(A) a non-compliant State that is one of the 50 States or the District of Columbia shall be reduced—";

(iii) in clause (iv), as so redesignated, by striking the period at the end and inserting "; and"; and

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

"(B) a non-compliant State that is Puerto Rico shall be reduced—

"(i) for calendar quarters in fiscal year 2026 beginning on or after January 1, 2026, by 0.12 percentage points;

"(ii) for calendar quarters in fiscal year 2027, by 0.25 percentage points;

"(iii) for calendar quarters in fiscal year 2028, by 0.35 percentage points; and

"(iv) for calendar quarters in fiscal year 2029 and each fiscal year thereafter, by 0.5 percentage points."; and

(B) in paragraph (2)(A), by striking "or the District of Columbia" and inserting ", the District of Columbia, or Puerto Rico".

(d) EXTENSION OF REPORTING REQUIREMENT.—Section 1108(g)(9) of the Social Security Act (42 U.S.C. 1308(g)(9)) is amended—

(1) in subparagraph (A), by inserting "and for fiscal year 2023 and each subsequent fiscal year (or, in the case of Puerto Rico, and for fiscal year 2023 and each subsequent fiscal year before fiscal year 2028)" after "fiscal year 2021)"; and

(2) in subparagraph (B)(i), by inserting "or by reason of the amendments made by section 5101 of the Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022" before the period at the end.

(e) PUERTO RICO PROGRAM INTEGRITY.—Section 1108(g)(7)(A) of the Social Security Act (42 U.S.C. 1308(g)(7)(A)) is amended—

(1) in clause (iii), in the header, by inserting "REPORTING" after "REFORM"; and

(2) by adding at the end the following new clause:

Deadlines.

"(v) CONTRACTING AND PROCUREMENT OVERSIGHT LEAD REQUIREMENT.—

Designation.

"(I) IN GENERAL.—Not later than 6 months after the date of the enactment of this clause, the agency responsible for the administration of Puerto Rico's Medicaid program under title XIX shall designate an officer (other than the director of such agency) to serve as the Contracting and Procurement Oversight Lead to carry out the duties specified in subclause (II).

Certification.

"(II) DUTIES.—Not later than 60 days after the end of each fiscal quarter (beginning with the first fiscal quarter beginning on or after the date that is 1 year after the date of the enactment of this clause), the officer designated pursuant to subclause (I) shall, with respect to each contract described in clause (iii) with an annual value exceeding $150,000 entered into during such quarter, certify to the Secretary either—

"(aa) that such contract has met the procurement standards identified under any of sections 75.327, 75.328, and 75.329 of title 45, Code of Federal Regulations (or successor regulations); or

"(bb) that extenuating circumstances (including a lack of multiple entities competing for such contract) prevented the compliance of such contract with such standards.

Public information.

"(III) PUBLICATION.—The officer designated pursuant to subclause (I) shall make public each certification containing extenuating circumstances described in subclause (II)(bb) not later than 30 days after such certification is made, including a description of, and justification of, such extenuating circumstances.

Reports.

"(IV) REVIEW OF COMPLIANCE.—Not later than 2 years after the date of the enactment of this clause, the Inspector General of the Department of Health and Human Services shall submit to Congress a report on the compliance of Puerto Rico with the provisions of this clause.".

(f) MEDICAID DATA SYSTEMS IMPROVEMENT PAYMENTS.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended by adding at the end the following new subsection:

"(i) DATA SYSTEMS IMPROVEMENT PAYMENTS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall pay to each eligible territory an amount equal to 100 percent of the qualifying data system improvement expenditures incurred by such territory on or after October 1, 2023.

"(2) TREATMENT AS MEDICAID PAYMENTS.—

"(A) IN GENERAL.—Payments to eligible territories made under this paragraph shall be considered to have been made under, and are subject to the requirements of, section 1903.

"(B) NONDUPLICATION.—No payment shall be made under title XIX (other than as provided under paragraph (1)), title XXI, or any other provision of law with respect to an expenditure for which payment is made under such paragraph.

"(3) ALLOTMENTS.—The Secretary shall specify an allotment for each eligible territory for payments made under paragraph (1) in a manner such that—

"(A) the total amount of payments made under such paragraph for all eligible territories does not exceed $20,000,000; and

"(B) each eligible territory receives an equitable allotment of such payments.

"(4) NO EFFECT ON TERRITORIAL CAPS.—A payment to an eligible territory under this subsection shall not be taken into account for purposes of applying the payment limits under subsections (f) and (g).

"(5) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE TERRITORY.—The term 'eligible territory' means American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.

"(B) QUALIFYING DATA SYSTEM IMPROVEMENT EXPENDITURE.—The term 'qualifying data system improvement expenditure' means an expenditure by an eligible territory to improve, update, or enhance a data system that is used by the territory to carry out an administrative activity for which Federal financial participation is available under section 1903(a).".

(g) STRATEGIC PLAN AND EVALUATION.—

(1) IN GENERAL.—Each territory described in paragraph (2) shall— Deadlines.

(A) not later than September 30, 2023, submit to the Secretary of Health and Human Services a 4-year strategic plan that outlines the territory's goals relating to workforce development, financing, systems implementation and operation, and program integrity with respect to the territory's Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and Time period.

(B) not later than September 30, 2027, submit to the Secretary of Health and Human Services an analysis of the extent to which the territory has achieved, or is making progress toward achieving, the goals described in such strategic plan, and any policy changes relating to such goals Analysis.

that were adopted by the territory after the submission of the plan.

(2) TERRITORIES DESCRIBED.—The territories described in this paragraph are American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.

Subtitle B—Medicaid and CHIP Coverage

SEC. 5111. FUNDING EXTENSION OF THE CHILDREN'S HEALTH INSURANCE PROGRAM AND RELATED PROVISIONS.

(a) IN GENERAL.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (27), by striking "through 2026" and inserting "through 2028"; and

(2) in paragraph (28)—

(A) in the matter preceding subparagraph (A), by striking "for fiscal year 2027" and inserting "for fiscal year 2029";

(B) in subparagraph (A), by striking "beginning on October 1, 2026, and ending on March 31, 2027" and inserting "beginning on October 1, 2028, and ending on March 31, 2029"; and

(C) in subparagraph (B), by striking "beginning on April 1, 2027, and ending on September 30, 2027" and inserting "beginning on April 1, 2029, and ending on September 30, 2029".

(b) CHIP ALLOTMENTS.—

(1) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) is amended—

(A) in paragraph (2)(B)(i), by striking ", 2023, and 2027" and inserting "2023, and 2029";

(B) in paragraph (5), by striking "or 2027" and inserting "or 2029";

(C) in paragraph (7)—

(i) in subparagraph (A), by striking "fiscal year 2027," and inserting "fiscal year 2029"; and

(ii) in the flush left matter at the end, by striking "or fiscal year 2026." and inserting "fiscal year 2026, or fiscal year 2028.";

(D) in paragraph (9), by striking "or 2027" and inserting "or 2029"; and

(E) in paragraph (11)—

(i) in the paragraph header, by striking "FISCAL YEAR 2027" and inserting "FISCAL YEAR 2029"; and

(ii) in subparagraph (C)—

(I) by striking "fiscal year 2026" each place it appears and inserting "fiscal year 2028"; and

(II) by striking "fiscal year 2027" and inserting "fiscal year 2029".

(2) CONFORMING AMENDMENTS.—Section 50101(b)(2) of the Bipartisan Budget Act of 2018 (Public Law 115–123) is amended—

132 Stat. 173.

(A) in the paragraph header, by striking "FISCAL YEAR 2027" and inserting "FISCAL YEAR 2029";

(B) by striking "fiscal year 2027" each place it appears and inserting "fiscal year 2029"; and

(C) by striking "beginning on October 1, 2026, and ending on March 31, 2027" and inserting "beginning on October 1, 2028, and ending on March 31, 2029".

(c) OTHER RELATED CHIP POLICIES.—

(1) PEDIATRIC QUALITY MEASURES PROGRAM.—Section 1139A(i)(1) of the Social Security Act (42 U.S.C. 1320b–9a(i)(1)) is amended—

(A) in subparagraph (C), by striking at the end "and";

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

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

"(E) for each of fiscal years 2028 and 2029, $15,000,000 for the purpose of carrying out this section (other than subsections (e), (f), and (g)).".

(2) ASSURANCE OF ELIGIBILITY STANDARDS FOR CHILDREN.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)) is amended—

(A) in the paragraph heading, by striking "THROUGH SEPTEMBER 30, 2027" and inserting "THROUGH SEPTEMBER 30, 2029"; and

(B) in subparagraph (A) by striking "September 30, 2027" each place it appears and inserting "September 30, 2029".

(3) QUALIFYING STATES OPTION.—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)) is amended—

(A) in the paragraph heading, by striking "THROUGH 2027" and inserting "THROUGH 2029"; and

(B) in subparagraph (A), by striking "through 2027" and inserting "through 2029".

(4) OUTREACH AND ENROLLMENT PROGRAM.—Section 2113 of the Social Security Act (42 U.S.C. 1397mm) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "through 2027" and inserting "through 2029"; and

(ii) in paragraph (3), by striking "through 2027" and inserting "through 2029"; and

(B) in subsection (g)—

(i) by striking "2017,," and inserting "2017,";

(ii) by striking "and $48,000,000" and inserting "$48,000,000"; and

(iii) by inserting after "through 2027" the following: ", and $40,000,000 for the period of fiscal years 2028 and 2029".

(5) CHILD ENROLLMENT CONTINGENCY FUND.—Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)) is amended—

(A) by striking "2024 through 2026" each place it appears and inserting "2024 through 2028"; and

(B) by striking "2023, and 2027" each place it appears and inserting "2023, and 2029".

(d) EXTENSION OF CERTAIN PROVISIONS.—

(1) EXPRESS LANE ELIGIBILITY OPTION.—Section 1902(e)(13)(I) of the Social Security Act (42 U.S.C. 1396a(e)(13)(I)) is amended by striking "2027" and inserting "2029".

(2) CONFORMING AMENDMENTS FOR ASSURANCE OF AFFORDABILITY STANDARD FOR CHILDREN AND FAMILIES.—Section 1902(gg)(2) of the Social Security Act (42 U.S.C. 1396a(gg)(2)) is amended—

(A) in the paragraph heading, by striking "THROUGH SEPTEMBER 30, 2027" and inserting "THROUGH SEPTEMBER 30, 2029"; and

(B) by striking "2027" each place it appears and inserting "2029,".

SEC. 5112. CONTINUOUS ELIGIBILITY FOR CHILDREN UNDER MEDICAID AND CHIP.

(a) UNDER THE MEDICAID PROGRAM.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by striking paragraph (12) and inserting the following new paragraph:

Determination.

"(12) 1 YEAR OF CONTINUOUS ELIGIBILITY FOR CHILDREN.—The State plan (or waiver of such State plan) shall provide that an individual who is under the age of 19 and who is determined to be eligible for benefits under a State plan (or waiver of such plan) approved under this title under subsection (a)(10)(A) shall remain eligible for such benefits until the earlier of—

"(A) the end of the 12-month period beginning on the date of such determination;

"(B) the time that such individual attains the age of 19; or

"(C) the date that such individual ceases to be a resident of such State.".

(b) UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraphs (K) through (T) as subparagraphs (L) through (U), respectively; and

(2) by inserting after subparagraph (J) the following new subparagraph:

Time period.

"(K) Section 1902(e)(12) (relating to 1 year of continuous eligibility for children), except that a targeted low-income child enrolled under the State child health plan or waiver may be transferred to the Medicaid program under title XIX for the remaining duration of the 12-month continuous eligibility period, if the child becomes eligible for full benefits under title XIX during such period.".

42 USC 1396a note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal quarter that begins on or after the date that is 1 year after the date of enactment of this Act.

42 USC 1396a note.

SEC. 5113. MODIFICATIONS TO POSTPARTUM COVERAGE UNDER MEDICAID AND CHIP.

Effective as if included in the enactment of sections 9812 and 9822 of the American Rescue Plan Act of 2021 (Public Law 117–2), subsection (b) of each such section is amended by striking "during the 5-year period".

42 USC 1396a note, 1397gg note.

SEC. 5114. EXTENSION OF MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) IN GENERAL.—Subsection (h) of section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) in each of subparagraphs (F), (H), and (J), by striking "and" after the semicolon;

(B) in subparagraph (K), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(L) $450,000,000 for each of fiscal years 2024 through 2027.";

(2) in paragraph (2), by striking "September 30, 2023" and inserting "September 30 of the subsequent fiscal year"; and

(3) by adding at the end the following new paragraph:

"(3) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated for fiscal 2023 and for each subsequent 3-year period through fiscal year 2029, $5,000,000, to remain available until expended, for carrying out subsections (f) and (g).". Time periods.

(b) REDISTRIBUTION OF UNEXPENDED GRANT AWARDS.—Subsection (e)(2) of section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by adding at the end the following new sentence: "Any portion of a State grant award for a fiscal year under this section that is unexpended by the State at the end of the fourth succeeding fiscal year shall be rescinded by the Secretary and added to the appropriation for the fifth succeeding fiscal year.". Rescission.

SEC. 5115. EXTENSION OF MEDICAID PROTECTIONS AGAINST SPOUSAL IMPOVERISHMENT FOR RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES.

Section 2404 of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r–5 note) is amended by striking "September 30, 2023" and inserting "September 30, 2027".

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.

(a) MEDICAID STATE PLAN REQUIREMENT.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(84)—

(A) in subparagraph (A), by inserting ", subject to subparagraph (D)," after "but";

(B) in subparagraph (B), by striking "and" at the end;

(C) in subparagraph (C), by adding "and" at the end; and

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

"(D) in the case of an individual who is an eligible juvenile described in subsection (nn)(2) and is within 30 days of the date on which such eligible juvenile is scheduled Time periods.

to be released from a public institution following adjudication, the State shall have in place a plan, and in accordance with such plan, provide for—

Deadline.

"(i) in the 30 days prior to the release of such eligible juvenile from such public institution (or not later than one week, or as soon as practicable, after release from the public institution), and in coordination with such institution, any screening or diagnostic service which meets reasonable standards of medical and dental practice, as determined by the State, or as indicated as medically necessary, in accordance with paragraphs (1)(A) and (5) of section 1905(r), including a behavioral health screening or diagnostic service; and

"(ii) in the 30 days prior to the release of such eligible juvenile from such public institution, and for at least 30 days following the release of such eligible juvenile from such institution, targeted case management services, including referrals for such eligible juvenile to the appropriate care and services available in the geographic region of the home or residence of such eligible juvenile (where feasible) under the State plan (or waiver of such plan);"; and

(2) in subsection (nn)(3), by striking "(30)" and inserting "(31)".

(b) AUTHORIZATION OF FEDERAL FINANCIAL PARTICIPATION.—The subdivision (A) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) following paragraph (31) of such section is amended by inserting ", or in the case of an eligible juvenile described in section 1902(a)(84)(D) with respect to the screenings, diagnostic services, referrals, and targeted case management services required under such section" after "(except as a patient in a medical institution".

(c) CHIP CONFORMING AMENDMENTS.—

(1) Section 2102 of the Social Security Act (42 U.S.C. 1397bb) is amended by adding at the end the following new subsection:

"(d) TREATMENT OF CHILDREN WHO ARE INMATES OF A PUBLIC INSTITUTION.—

Determinations.

"(1) IN GENERAL.—The State child health plan shall provide that—

"(A) the State shall not terminate eligibility for child health assistance under the State child health plan for a targeted low-income child because the child is an inmate of a public institution, but may suspend coverage during the period the child is such an inmate;

"(B) in the case of a targeted low-income child who was determined eligible for child health assistance under the State child health plan (or waiver of such plan) immediately before becoming an inmate of a public institution, the State shall, prior to the child's release from such public institution, conduct a redetermination of eligibility for such child with respect to such child health assistance (without requiring a new application from the child) and, if the State determines pursuant to such redetermination that the child continues to meet the eligibility requirements for such child health assistance, the State shall restore

coverage for such child health assistance to such child upon the child's release from such public institution; and

"(C) in the case of a targeted low-income child who is determined eligible for child health assistance while an inmate of a public institution (subject to the exception to the exclusion of children who are inmates of a public institution described in section 2110(b)(7)), the State shall process any application for child health assistance submitted by, or on behalf of, the child such that the State makes a determination of eligibility for the child with respect to child health assistance upon release of the child from the public institution.

"(2) REQUIRED COVERAGE OF SCREENINGS, DIAGNOSTIC SERVICES, REFERRALS, AND CASE MANAGEMENT FOR CERTAIN INMATES PRE-RELEASE.—A State child health plan shall provide that, in the case of a targeted low-income child who is within 30 days of the date on which such child is scheduled to be released from a public institution following adjudication, the State shall have in place a plan for providing, and shall provide in accordance with such plan, screenings, diagnostic services, referrals, and case management services otherwise covered under the State child health plan (or waiver of such plan) in the same manner as described in section 1902(a)(84)(D).". Plan. Time period.

(2) Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (2)(A), by inserting "except as provided in paragraph (7)," before "a child who is an inmate of a public institution"; and

(B) by adding at the end the following new paragraph:

"(7) EXCEPTION TO EXCLUSION OF CHILDREN WHO ARE INMATES OF A PUBLIC INSTITUTION.—In the case of a child who is an inmate of a public institution, during the 30 days prior to the release of the child from such institution the child shall not be considered to be described in paragraph (2)(A) with respect to the screenings, diagnostic services, referrals, and case management services otherwise covered under the State child health plan (or waiver of such plan) that the State is required to provide under section 2102(d)(2).". Time period.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply beginning on the first day of the first calendar quarter that begins on or after the date that is 24 months after the date of enactment of this Act. 42 USC 1396a note.

SEC. 5122. REMOVAL OF LIMITATIONS ON FEDERAL FINANCIAL PARTICIPATION FOR INMATES WHO ARE ELIGIBLE JUVENILES PENDING DISPOSITION OF CHARGES.

(a) MEDICAID.—

(1) IN GENERAL.—The subdivision (A) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) following paragraph (31) of such section, as amended by section 5121(b), is further amended by inserting ", or, at the option of the State, for an individual who is an eligible juvenile (as defined in section 1902(nn)(2)), while such individual is an inmate of a public institution (as defined in section 1902(nn)(3)) pending disposition of charges" after "or in the case of an eligible juvenile described in section 1902(a)(84)(D) with respect

to the screenings, diagnostic services, referrals, and case management required under such section".

(2) CONFORMING AMENDMENT.—Section 1902(a)(84)(A) of the Social Security Act (42 U.S.C. 1396a(a)(84)(A)) is amended by inserting "(or in the case of a State electing the option described in the subdivision (A) following paragraph (31) of section 1905(a), during such period beginning after the disposition of charges with respect to such individual)" after "is such an inmate".

(b) CHIP.—Section 2110(b)(7) of the Social Security Act (42 U.S.C. 13977jj(b)(7)), as added by section 5121(c)(2)(B), is amended—

(1) in the heading, by striking "EXCEPTION" and inserting "EXCEPTIONS"; and

(2) by adding at the end the following new sentence: "At the option of the State, a child who is an inmate of a public institution shall not be considered to be described in paragraph (2)(A) during the period that the child is an inmate of such institution pending disposition of charges.".

42 USC 1396a note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the date that is 24 months after the date of enactment of this Act and shall apply to items and services furnished for periods beginning on or after such date.

SEC. 5123. REQUIRING ACCURATE, UPDATED, AND SEARCHABLE PROVIDER DIRECTORIES.

(a) APPLICATION TO MANAGED CARE.—Section 1932(a)(5) of the Social Security Act (42 U.S.C. 1396u–2(a)(5)) is amended—

(1) in subparagraph (B)(i), by inserting ", including as required by subparagraph (E)" before the period at the end; and

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

"(E) PROVIDER DIRECTORIES.—

Time period. Public information. Web postings.

"(i) IN GENERAL.—Each managed care organization, prepaid inpatient health plan (as defined by the Secretary), prepaid ambulatory health plan (as defined by the Secretary), and, when appropriate, primary care case management entity (as defined by the Secretary) with a contract with a State to enroll individuals who are eligible for medical assistance under the State plan under this title or under a waiver of such plan, shall publish (and update on at least a quarterly basis or more frequently as required by the Secretary) on a public website, a searchable directory of network providers, which shall include physicians, hospitals, pharmacies, providers of mental health services, providers of substance use disorder services, providers of long term services and supports as appropriate, and such other providers as required by the Secretary, and that includes with respect to each such provider—

"(I) the name of the provider;

"(II) the specialty of the provider;

"(III) the address at which the provider provides services;

"(IV) the telephone number of the provider; and

"(V) information regarding—

"(aa) the provider's cultural and linguistic capabilities, including languages (including American Sign Language) offered by the provider or by a skilled medical interpreter who provides interpretation services at the provider's office;

"(bb) whether the provider is accepting as new patients, individuals who receive medical assistance under this title;

"(cc) whether the provider's office or facility has accommodations for individuals with physical disabilities, including offices, exam rooms, and equipment;

"(dd) the Internet website of such provider, if applicable; and

"(ee) whether the provider offers covered services via telehealth; and

"(VI) other relevant information, as required by the Secretary.

"(ii) NETWORK PROVIDER DEFINED.—In this subparagraph, the term 'network provider' includes any provider, group of providers, or entity that has a network provider agreement with a managed care organization, a prepaid inpatient health plan (as defined by the Secretary), a prepaid ambulatory health plan (as defined by the Secretary), or a primary care case management entity (as defined by the Secretary) or a subcontractor of any such entity or plan, and receives payment under this title directly or indirectly to order, refer, or render covered services as a result of the State's contract with the entity or plan. For purposes of this subparagraph, a network provider shall not be considered to be a subcontractor by virtue of the network provider agreement.".

(b) CONFORMING AMENDMENTS TO STATE PLAN REQUIREMENTS.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) by striking paragraph (83) and inserting the following:

"(83) provide that in the case of a State plan (or waiver of the plan) that provides medical assistance on a fee-for-service basis or through a primary care case-management system described in section 1915(b)(1), the State shall publish (and update on at least a quarterly basis or more frequently as required by the Secretary) on the public website of the State agency administering the State plan, a searchable directory of the providers described in subsection (mm) that, in addition to such other requirements as the Secretary may specify, such as making paper directories available to enrollees, includes with respect to each such provider—

Time period. Public information. Web posting.

"(A) the name of the provider;

"(B) the specialty of the provider;

"(C) the address at which the provider provides services;

"(D) the telephone number of the provider;

"(E) information regarding—

"(i) the provider's cultural and linguistic capabilities, including languages (including American Sign Language) offered by the provider or by a skilled medical interpreter who provides interpretation services at the provider's office;

"(ii) whether the provider is accepting as new patients individuals who receive medical assistance under this title;

"(iii) whether the provider's office or facility has accommodations for individuals with physical disabilities, including offices, exam rooms, and equipment;

"(iv) the Internet website of such provider, if applicable; and

"(v) whether the provider offers covered services via telehealth; and

"(F) other relevant information as required by the Secretary;"; and

(2) by striking subsection (mm) and inserting the following:

"(mm) DIRECTORY PROVIDER DESCRIBED.—

Time period.

"(1) IN GENERAL.—A provider described in this subsection, at a minimum, includes physicians, hospitals, pharmacies, providers of mental health services, providers of substance use disorder services, providers of long term services and supports as appropriate, and such other providers as required by the Secretary, and—

"(A) in the case of a provider or a provider type for which the State agency, as a condition of receiving payment for items and services furnished by the provider to individuals eligible to receive medical assistance under the State plan (or a waiver of the plan), requires the enrollment of the provider with the State agency, includes a provider that—

"(i) is enrolled with the agency as of the date on which the directory is published or updated (as applicable) under subsection (a)(83); and

"(ii) received payment under the State plan in the 12-month period preceding such date; and

"(B) in the case of a provider or a provider type for which the State agency does not require such enrollment, includes a provider that received payment under the State plan (or a waiver of the plan) in the 12-month period preceding the date on which the directory is published or updated (as applicable) under subsection (a)(83).

"(2) STATE OPTION TO INCLUDE OTHER PARTICIPATING PROVIDERS.—At State option, a provider described in this subsection may include any provider who furnishes services and is participating under the State plan under this title or under a waiver of such plan.".

(c) GENERAL APPLICATION TO CHIP.—Section 2107(e)(1)(G) of the Social Security Act (42 U.S.C. 1397gg(e)(1)(G)) is amended by inserting "and subsection (a)(83) of section 1902 (relating to searchable directories of the providers described in subsection (mm) of such section)" before the period.

42 USC 1396a note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2025.

SEC. 5124. SUPPORTING ACCESS TO A CONTINUUM OF CRISIS RESPONSE SERVICES UNDER MEDICAID AND CHIP.

Deadlines.
42 USC 1396w–7.

(a) GUIDANCE.—Not later than July 1, 2025, the Secretary, in coordination with the Administrator of the Centers for Medicare & Medicaid Services and the Assistant Secretary for Mental Health and Substance Use, shall issue guidance to States regarding Medicaid and CHIP that includes the following:

Recommendations.

(1) Provides, in consultation with health care providers and stakeholders with expertise in mental health and substance use disorder crisis response services, recommendations for an effective continuum of crisis response services that—

(A) includes crisis call centers, including 988 crisis services hotlines, mobile crisis teams, crisis response services delivered in home, community, residential facility, and hospital settings, and coordination with follow-on mental health and substance use disorder services, such as intensive outpatient and partial hospitalization programs, as well as connections to social services and supports;

(B) promotes access to appropriate and timely mental health and substance use disorder crisis response services in the least restrictive setting appropriate to an individual's needs; and

(C) promotes culturally competent, trauma-informed care, and crisis de-escalation.

(2) Outlines the Federal authorities through which States may finance and enhance under Medicaid and CHIP the availability of crisis response services across each stage of the continuum of crisis response services.

(3) Addresses how States under Medicaid and CHIP may support the ongoing implementation of crisis call centers, including 988 crisis services hotlines, and how Medicaid administrative funding, including enhanced matching, and the Medicaid Information Technology Architecture 3.0 framework, may be used to establish or enhance regional or statewide crisis call centers, including 988 crisis services hotlines, that coordinate in real time.

(4) Identifies how States under Medicaid and CHIP may support access to crisis response services that are responsive to the needs of children, youth, and families, including through CHIP health services initiatives, behavioral disorder-specific crisis response, trained peer support services, and establishing or enhancing crisis call centers that are youth-focused.

(5) Identifies policies and practices to meet the need for crisis response services with respect to differing patient populations, including urban, rural, and frontier communities, differing age groups, cultural and linguistic minorities, individuals with co-occurring mental health and substance use disorder conditions, and individuals with disabilities.

(6) Identifies policies and practices to promote evidence-based suicide risk screenings and assessments.

(7) Identifies strategies to facilitate timely provision of crisis response services, including how States can enable access to crisis response services without requiring a diagnosis, the use of presumptive eligibility at different stages of the continuum of crisis response services, the use of telehealth to deliver crisis response services, strategies to make crisis response services available 24/7 in medically underserved

regions, and best practices used by States and health providers for maximizing capacity to deliver crisis response services, such as identifying and repurposing available beds, space, and staff for crisis response services.

(8) Describes best practices for coordinating Medicaid and CHIP funding with other payors and sources of Federal funding for mental health and substance use disorder crisis response services, and best practices for Medicaid and CHIP financing when the continuum of crisis response services serves individuals regardless of payor.

(9) Describes best practices for establishing effective connections with follow-on mental health and substance use disorder services, as well as with social services and supports.

(10) Describes best practices for coordinating and financing a continuum of crisis response services through Medicaid managed care organizations, prepaid inpatient health plans, prepaid ambulatory health plans, and fee-for-service delivery systems, including when States carve-out from delivery through Medicaid managed care organizations, prepaid inpatient health plans, prepaid ambulatory health plans, or fee-for-service systems, mental health or substance use disorder benefits or a subset of such services.

(11) Identifies strategies and best practices for measuring and monitoring utilization of, and outcomes related to, crisis response services.

(b) TECHNICAL ASSISTANCE CENTER.—

(1) IN GENERAL.—Not later than July 1, 2025, the Secretary, in coordination with the Administrator of the Centers for Medicare & Medicaid Services and the Assistant Secretary for Mental Health and Substance Use, shall establish a technical assistance center to help States under Medicaid and CHIP design, implement, or enhance a continuum of crisis response services for children, youth, and adults. Such technical assistance shall, at least in part, provide support to States in—

(A) leveraging the Federal authorities through which Medicaid and CHIP may finance mental health and substance use disorder crisis response services;

(B) coordinating Medicaid and CHIP funds with other sources of Federal funding for mental health and substance use disorder crisis response services; and

(C) after the guidance described in subsection (a) is issued, adopting the best practices and strategies identified in such guidance.

Public information.

(2) COMPENDIUM OF BEST PRACTICES.—The Secretary shall develop and maintain a publicly available compendium of best practices for the successful operation under Medicaid and CHIP of a continuum of crisis response services. The Secretary annually shall review the information available through the compendium and shall update such information when appropriate.

Time period. Reviews. Updates.

(c) FUNDING.—There is appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, to remain available until expended for purposes of carrying out subsections (a) and (b), $8,000,000.

(d) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(2) STATE.—The term "State" means each of the 50 States, the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Subtitle D—Transitioning From Medicaid FMAP Increase Requirements

SEC. 5131. TRANSITIONING FROM MEDICAID FMAP INCREASE REQUIREMENTS.

(a) IN GENERAL.—Section 6008 of the Families First Coronavirus Response Act (42 U.S.C. 1396d note) is amended—

(1) in subsection (a)—

(A) by striking "Subject to subsection (b)" and inserting the following:

"(1) TEMPORARY FMAP INCREASE.—Subject to subsections (b) and (f)";

(B) by striking "the last day of the calendar quarter in which the last day of such emergency period occurs" and inserting "December 31, 2023";

(C) by striking "6.2 percentage points" and inserting "the applicable number of percentage points for the quarter (as determined in paragraph (2))"; and

(D) by adding at the end the following new paragraph:

"(2) APPLICABLE NUMBER OF PERCENTAGE POINTS.—For purposes of paragraph (1), the applicable number of percentage points for a calendar quarter is the following: Time periods.

"(A) For each calendar quarter that occurs during the portion of the period described in paragraph (1) that ends on March 31, 2023, 6.2 percentage points.

"(B) For the calendar quarter that begins on April 1, 2023, and ends on June 30, 2023, 5 percentage points.

"(C) For the calendar quarter that begins on July 1, 2023, and ends on September 30, 2023, 2.5 percentage points.

"(D) For the calendar quarter that begins on October 1, 2023, and ends on December 31, 2023, 1.5 percentage points.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "subsection (a)" and inserting "subsection (a)(1)";

(B) in paragraph (2), by striking ", with respect to an individual enrolled under such plan (or waiver),"; and

(C) in paragraph (3)—

(i) by striking "as of the date of enactment of this section" and inserting "as of March 18, 2020,";

(ii) by striking "such date of enactment" and inserting "March 18, 2020,";

(iii) by striking "the last day of the month in which the emergency period described in subsection (a) ends" and inserting "March 31, 2023,"; and

(iv) by striking "the end of the month in which such emergency period ends" and inserting "March 31, 2023,";

(3) by redesignating the subsection (d) added by section 11 of division X of the Consolidated Appropriations Act, 2021 (Public Law 116–260) as subsection (e); and

(4) by adding at the end the following new subsections:

"(f) ELIGIBILITY REDETERMINATIONS DURING TRANSITION PERIOD.—

"(1) IN GENERAL.— For each calendar quarter occurring during the portion of the period described in subsection (a)(1) that begins on April 1, 2023, and ends on December 31, 2023 (such portion to be referred to in this subsection as the 'transition period'), if a State described in such subsection satisfies the conditions of subsection (b) and paragraph (2) of this subsection, the State shall receive the increase to the Federal medical assistance percentage of the State applicable under subsection (a). Nothing in this subsection shall be construed as prohibiting a State, following the expiration of the condition described in paragraph (3) of subsection (b), from initiating renewals, post-enrollment verifications, and redeterminations over a 12-month period for all individuals who are enrolled in such plan (or waiver) as of April 1, 2023.

Effective date.

"(2) CONDITIONS FOR FMAP INCREASE DURING TRANSITION PERIOD.—The conditions of this paragraph with respect to a State and the transition period are the following:

"(A) COMPLIANCE WITH FEDERAL REQUIREMENTS.—The State conducts eligibility redeterminations under title XIX of the Social Security Act in accordance with all Federal requirements applicable to such redeterminations, including renewal strategies authorized under section 1902(e)(14)(A) of the Social Security Act (42 U.S.C. 1396a(e)(14)(A)) or other alternative processes and procedures approved by the Secretary of Health and Human Services.

"(B) MAINTENANCE OF UP-TO-DATE CONTACT INFORMATION.—The State, using the National Change of Address Database Maintained by the United States Postal Service, State health and human services agencies, or other reliable sources of contact information, attempts to ensure that it has up-to-date contact information (including a mailing address, phone number, and email address) for each individual for whom the State conducts an eligibility redetermination.

"(C) REQUIREMENT TO ATTEMPT TO CONTACT BENEFICIARIES PRIOR TO DISENROLLMENT.—The State does not disenroll from the State plan or waiver any individual who is determined ineligible for medical assistance under the State plan or waiver pursuant to such a redetermination on the basis of returned mail unless the State first undertakes a good faith effort to contact the individual using more than one modality.

"(g) APPLICABLE QUARTERS.—A State that ceases to meet the requirements of subsection (b) or (f) (as applicable) shall not qualify for the increase described in subsection (a) in the Federal medical assistance percentage for such State for the calendar quarter in which the State ceases to meet such requirements.".

(b) REPORTING AND ENFORCEMENT AND CORRECTIVE ACTION.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(tt) REQUIREMENTS RELATING TO TRANSITION FROM FAMILIES FIRST CORONAVIRUS RESPONSE ACT FMAP INCREASE REQUIREMENTS; ENFORCEMENT AND CORRECTIVE ACTION.— Time periods.

"(1) REPORTING REQUIREMENTS.—For each month occurring during the period that begins on April 1, 2023, and ends on June 30, 2024, each State shall submit to the Secretary, on a timely basis, a report, that the Secretary shall make publicly available, on the activities of the State relating to eligibility redeterminations conducted during such period, and which include, with respect to the month for which the report is submitted, the following information: Public information.

"(A) The number of eligibility renewals initiated, beneficiaries renewed on a total and ex parte basis, and individuals whose coverage for medical assistance, child health assistance, or pregnancy-related assistance was terminated.

"(B) The number of individuals whose coverage for medical assistance, child health assistance, or pregnancy-related assistance was so terminated for procedural reasons.

"(C) Where applicable, the number of individuals who were enrolled in a State child health plan or waiver in the form described in paragraph (1) of section 2101(a).

"(D) Unless the Administrator of the Centers for Medicare & Medicaid Services reports such information on behalf of the State:

"(i) In a State with a Federal or State American Health Benefit Exchange established under title I of the Patient Protection and Affordable Care Act in which the systems used to determine eligibility for assistance under this title or title XXI are not integrated with the systems used to determine eligibility for coverage under a qualified health plan with advance payment under section 1412(a) of the Patient Protection and Affordable Care Act of any premium tax credit allowed under section 36B of the Internal Revenue Code of 1986—

"(I) the number of individuals whose accounts were received via secure electronic transfer by the Federal or State American Health Benefit Exchange, or a basic health program established under section 1331 of the Patient Protection and Affordable Care Act;

"(II) the number of individuals identified in subclause (I) who were determined eligible for a qualified health plan, as defined in section 1301(a)(1) of the Patient Protection and Affordable Care Act, or (if applicable) the basic health program established under section 1331 of such Act; and

"(III) the number of individuals identified in subclause (II) who made a qualified health plan selection or were enrolled in a basic health program plan (if applicable).

"(ii) In a State with a State American Health Benefit Exchange established under title I of the Patient Protection and Affordable Care Act in which the systems used to determine eligibility for assistance

under this title or title XXI are integrated with the systems used to determine eligibility for coverage under a qualified health plan with advance payment under section 1412(a) of the Patient Protection and Affordable Care Act of any premium tax credit allowed under section 36B of the Internal Revenue Code of 1986—

"(I) the number of individuals who were determined eligible for a qualified health plan, as defined in section 1301(a)(1) of the Patient Protection and Affordable Care Act, or (if applicable) the basic health program established under section 1331 of such Act; and

"(II) the number of individuals identified in subclause (I) who made a qualified health plan selection or were enrolled in a basic health program plan (if applicable).

Determination.

"(E) The total call center volume, average wait times, and average abandonment rate (as determined by the Secretary) for each call center of the State agency responsible for administering the State plan under this title (or a waiver of such plan) during such month.

"(F) Such other information related to eligibility redeterminations and renewals during the period described in paragraph (1), as identified by the Secretary.

"(2) ENFORCEMENT AND CORRECTIVE ACTION.—

Reduction.

"(A) IN GENERAL.—For each fiscal quarter that occurs during the period that begins on July 1, 2023, and ends on June 30, 2024, if a State does not satisfy the requirements of paragraph (1), the Federal medical assistance percentage determined for the State for the quarter under section 1905(b) shall be reduced by the number of percentage points (not to exceed 1 percentage point) equal to the product of 0.25 percentage points and the number of fiscal quarters during such period for which the State has failed to satisfy such requirements.

"(B) CORRECTIVE ACTION PLAN; ADDITIONAL AUTHORITY.—

Assessment.
Compliance.
Determination.

"(i) IN GENERAL.—The Secretary may assess a State's compliance with all Federal requirements applicable to eligibility redeterminations and the reporting requirements described in paragraph (1), and, if the Secretary determines that a State did not comply with any such requirements during the period that begins on April 1, 2023, and ends on June 30, 2024, the Secretary may require the State to submit and implement a corrective action plan in accordance with clause (ii).

Deadlines.

"(ii) CORRECTIVE ACTION PLAN.—A State that receives a written notice from the Secretary that the Secretary has determined that the State is not in compliance with a requirement described in clause (i) shall—

"(I) not later than 14 days after receiving such notice, submit a corrective action plan to the Secretary;

"(II) not later than 21 days after the date on which such corrective action plan is submitted to the Secretary, receive approval for the plan from the Secretary; and

"(III) begin implementation of such corrective action plan not later than 14 days after such approval.

"(iii) EFFECT OF FAILURE TO SUBMIT OR IMPLEMENT A CORRECTIVE ACTION PLAN.—If a State fails to submit or implement an approved corrective action plan in accordance with clause (ii), the Secretary may, in addition to any reduction applied under subparagraph (A) to the Federal medical assistance percentage determined for the State and any other remedy available to the Secretary for the purpose of carrying out this title, require the State to suspend making all or some terminations of eligibility for medical assistance from the State plan under this title (including any waiver of such plan) that are for procedural reasons until the State takes appropriate corrective action, as determined by the Secretary, and may impose a civil money penalty of not more than $100,000 for each day a State is not in compliance.". Penalties. Determination.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on April 1, 2023. 42 USC 1396a note.

Subtitle E—Medicaid Improvement Fund

SEC. 5141. MEDICAID IMPROVEMENT FUND.

Section 1941(b)(3)(A) of the Social Security Act (42 U.S.C. 1396w–1(b)(3)(A)) is amended by striking "for fiscal year 2025 and thereafter, $0" and inserting "for fiscal year 2028 and thereafter, $7,000,000,000".

TITLE VI—HUMAN SERVICES

SEC. 6101. JACKIE WALORSKI MATERNAL AND CHILD HOME VISITING REAUTHORIZATION ACT OF 2022. Jackie Walorski Maternal and Child Home Visiting Reauthorization Act of 2022. 42 USC 1305 note.

(a) SHORT TITLE.—This section may be cited as the "Jackie Walorski Maternal and Child Home Visiting Reauthorization Act of 2022".

(b) OUTCOMES DASHBOARD.—Section 511(d)(1) of the Social Security Act (42 U.S.C. 711(d)(1)) is amended—

(1) in the paragraph heading, by striking "BENCHMARK AREAS" and inserting "BENCHMARK AREAS RELATED TO INDIVIDUAL FAMILY OUTCOMES";

(2) in subparagraph (D)(i), by striking "(B)" and inserting "(C)"; and

(3) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively, and inserting after subparagraph (A) the following:

"(B) OUTCOMES DASHBOARDS.—The Secretary shall, directly or by grant or contract, establish and operate a website accessible to the public that includes an annually updated dashboard that— Grants. Contracts. Website. Public information. Time period. Updates.

"(i) provides easy-to-understand information on the outcomes achieved by each eligible entity with respect to each of the benchmarks described in subparagraph (A) of this paragraph that apply to the eligible entity, which shall be based on only the data elements or types of data collected before the date of the enactment of this section unless administering agencies and the Secretary agree pursuant to subsection (h)(6) that additional data is required;

Template.

"(ii) includes a template provided by the Secretary that will enable comparison among eligible entities not referred to in subsection (k)(2)(A) of—

"(I) a profile of each eligible entity showing outcome indicators and how the outcomes compare to benchmarks described in subclause (II);

"(II) information on the outcome indicators and requisite outcome levels established for each eligible entity;

"(III) information on each model employed in the program operated by each eligible entity, and regarding each benchmark area described in subsection (d)(1)(A) in which the model used by the eligible entity is expected to affect participant outcomes;

"(IV) the most recently available information from the report required by subparagraph (E) of this paragraph;

"(V) an electronic link to the State needs assessment under subsection (b)(1); and

Reports.

"(VI) information regarding any penalty imposed, or other corrective action taken, by the Secretary against a State for failing to achieve a requisite outcome level or any other requirement imposed by or under this section, and an indication as to whether the eligible entity is operating under a corrective action plan under subparagraph (E)(ii) of this paragraph, and if so, a link to the plan, an explanation of the reason for the implementation of the plan, and a report on any progress made in operating under the plan;

"(iii) includes information relating to those eligible entities for which funding is reserved under subsection (k)(2)(A), with modifications as necessary to reflect tribal sovereignty, data privacy, and participant confidentiality; and

Privacy.
Confidentiality.

"(iv) protects data privacy and confidentiality of participant families.".

(c) FUNDING.—

(1) GRANT AMOUNTS.—

(A) IN GENERAL.—Section 511(c)(4) of the Social Security Act (42 U.S.C. 711(c)(4)) is amended to read as follows:

"(4) GRANT AMOUNTS.—

"(A) BASE GRANTS.—

"(i) IN GENERAL.—

Time periods.

"(I) GENERAL RULE.—With respect to each of fiscal years 2023 through 2027 for which an eligible entity not referred to in subsection (k)(2)(A)

is awarded a base grant under this section, the amount of the grant payable to the eligible entity for the fiscal year is the amount described by clause (ii) of this subparagraph with respect to the eligible entity, except as provided in subclause (II) of this clause.

"(II) SUBSTITUTION OF SUCCESSOR ELIGIBLE ENTITY FOR PREDECESSOR.—If the 1st fiscal year for which an eligible entity is awarded a base grant under this section for a program operated in a State is among fiscal years 2024 through 2027, the amount described by clause (ii) with respect to the eligible entity is the amount of the base grant for which a program operated in the State was eligible under this subparagraph for fiscal year 2023.

"(ii) AMOUNT DESCRIBED.—

"(I) GENERAL RULE.—Subject to the succeeding provisions of this clause, the amount described by this clause with respect to an eligible entity is—

"(aa) the amount made available under subsection (k) for base grants for fiscal year 2023 that remains after making the reservations required by subsection (k)(2) or any other reductions required by Federal law for fiscal year 2023; multiplied by

Determination.

"(bb) the percentage of children in all States who have not attained 5 years of age (as determined by the Secretary on the basis of the data most recently available before fiscal year 2023) that is represented by the number of such children in the State in which the eligible entity is operating a program pursuant to this section (as so determined).

"(II) ADJUSTMENTS TO ENSURE STABLE FUNDING.—If the amount otherwise payable to an eligible entity under subclause (I) for fiscal year 2023 is less than 90 percent, or greater than 110 percent, of the amount payable under this section to the eligible entity for the program for fiscal year 2021, the Secretary shall increase the amount otherwise so payable to 90 percent, or decrease the amount otherwise so payable to 110 percent, as the case may be, of the amount otherwise so payable.

"(III) ADJUSTMENT TO ENSURE ALL BASE GRANT FUNDS ARE ALLOCATED.—If the amount described by subclause (I)(aa) is different than the total of the amounts otherwise described by subclause (I) after applying subclause (II), the Secretary shall increase or decrease the amounts otherwise so described after applying subclause (II) by such equal percentage as is necessary to reduce that difference to zero.

"(IV) MINIMUM BASE GRANT AMOUNT.—Notwithstanding the preceding provisions of this

clause, the amount described by this clause with respect to an eligible entity shall be not less than $1,000,000.

"(B) MATCHING GRANTS.—

"(i) AMOUNT OF GRANT.—

Time periods.

"(I) GENERAL RULE.—With respect to each of fiscal years 2024 through 2027 for which an eligible entity not referred to in subsection (k)(2)(A) is awarded a grant under this section, the Secretary shall increase the amount of the grant payable to the eligible entity for the fiscal year under subparagraph (A) of this paragraph by the matching amount (if any) determined under subclause (II) of this clause with respect to the eligible entity for the fiscal year and the additional matching amount (if any) determined under clause (iii) of this subparagraph with respect to the eligible entity for the fiscal year.

"(II) MATCHING AMOUNT.—

"(aa) IN GENERAL.—Subject to item (bb) of this subclause, the matching amount with respect to an eligible entity for a fiscal year is 75 percent of the sum of—

"(AA) the total amount obligated by the eligible entity for home visiting services in the State for the fiscal year, from Federal funds made available for the fiscal year under this subparagraph; and

"(BB) the total amount so obligated by the eligible entity from non-Federal funds, determined under subclause (III).

"(bb) LIMITATION.—The matching amount with respect to an eligible entity for a fiscal year shall not exceed the allotment under subclause (IV) for the State in which the eligible entity is operating a program under this section for the fiscal year.

"(III) DETERMINATION OF OBLIGATIONS FROM NON-FEDERAL FUNDS.—For purposes of this clause, the total amount obligated by an eligible entity from non-Federal funds is the total of the amounts that are obligated by the eligible entity from non-Federal sources, to the extent that—

"(aa) the services are delivered in compliance with subsections (d)(2) and (d)(3);

"(bb) the eligible entity has reported the obligations to the Secretary; and

"(cc) the amount is not counted toward meeting the maintenance of effort requirement in subsection (f).

"(IV) STATE ALLOTMENTS.—The amount allotted under this subclause for a State in which an eligible entity is operating a program under this section for a fiscal year is—

"(aa) the minimum matching grant allocation amount for the fiscal year; plus

"(bb)(AA) the amount (if any) by which the amount made available under subsection (k) for matching grants for the fiscal year that remains after making the reservations required by subsection (k)(2) or any other reduction required by Federal law for the fiscal year exceeds the sum of the minimum matching grant allocation amounts for all eligible entities for the fiscal year; multiplied by

"(BB) the percentage of children in all States who have not attained 5 years of age and are members of families with income not exceeding the poverty line (as determined by the Secretary on the basis of the most recently available data) that is represented by the number of such children in the State (as so determined).

Determination.

"(V) MINIMUM MATCHING GRANT ALLOCATION AMOUNT.—Subject to subclause (VI), for purposes of subclause (IV), the minimum matching grant allocation amount for a fiscal year is—

Time periods.

"(aa) in the case of fiscal year 2024, $776,000;

"(bb) in the case of fiscal year 2025, $1,000,000;

"(cc) in the case of fiscal year 2026, $1,500,000; and

"(dd) in the case of fiscal year 2027, $2,000,000.

"(VI) SPECIAL RULE.—If, after making any reductions otherwise required by law for a fiscal year, the amount made available for matching grants under this clause for the fiscal year is insufficient to provide the minimum matching grant allocation amount to each eligible entity operating a program under this section for the fiscal year, the Secretary may make a proportionate adjustment to the minimum matching grant allocation amount for the fiscal year to accommodate the reductions.

"(ii) SUBMISSION OF STATEMENT EXPRESSING INTEREST IN ADDITIONAL MATCHING FUNDS IF AVAILABLE.—Before the beginning of a fiscal year for which an eligible entity desires a matching grant under this subparagraph for a program operated under this section, the eligible entity shall submit to the Secretary a statement as to whether the eligible entity desires additional matching grant funds that may be made available under clause (iii) for the fiscal year.

"(iii) CARRYOVER AND REALLOCATION OF UNOBLIGATED FUNDS.—

"(I) IN GENERAL.—If the Secretary determines that an amount allotted under clause (i)(IV) of this subparagraph for a fiscal year will not be awarded during the fiscal year, or that an amount made available under subsection (k)(1) for a fiscal

Determination.

year for matching grants will not be obligated by an eligible entity for the fiscal year, the amount shall be available for matching grants under this subparagraph for the succeeding fiscal year for eligible entities that have made submissions under clause (ii) of this subparagraph for additional matching grant funds from the amount.

"(II) STATE ALLOTMENTS.—The Secretary shall allot to each eligible entity that has made such a submission for a fiscal year—

"(aa) the total amount (if any) made available under subclause (I) for the fiscal year; multiplied by

Determination.

"(bb) the percentage of children who have not attained 5 years of age and are members of families with income not exceeding the poverty line (as determined by the Secretary on the basis of the most recently available data) in all of the States in which any eligible entity that has made such a submission is so operating a program, that is represented by the number of such children in the State (as so determined) in which the eligible entity is operating such a program.

"(III) ADDITIONAL MATCHING AMOUNT.—

"(aa) IN GENERAL.—Subject to item (bb) of this subclause, the additional matching amount with respect to an eligible entity for a fiscal year is 75 percent of the sum of—

"(AA) the total amount obligated by the eligible entity for home visiting services in the State for the fiscal year, from Federal funds made available for the fiscal year under this subparagraph; and

"(BB) the total amount so obligated by the eligible entity from non-Federal funds, determined under clause (i)(III),

that are not taken into account in determining the matching amount with respect to the eligible entity under clause (i).

"(bb) LIMITATION.—The additional matching amount with respect to an eligible entity for a fiscal year shall not exceed the allotment under subclause (II) for the State in which the eligible entity is operating a program under this section for the fiscal year.".

(B) MAINTENANCE OF EFFORT.—Section 511(f) of such Act (42 U.S.C. 711) is amended to read as follows:

"(f) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may not make a grant to an eligible entity under this section for a fiscal year if the total amount of non-Federal funds obligated by the eligible entity in the State in the fiscal year for a program operated pursuant to this section is less than the total amount of non-Federal funds reported to have been expended by any eligible entity for such

a program in the State in fiscal year 2019 or 2021, whichever is the lesser.

"(2) PUBLICATION OF AMOUNTS.—Not later than June 30, 2023, the Secretary shall cause to have published in the Federal Register the amount of non-Federal funds expended as described in this section that has been reported by each eligible entity not referred to in subsection (k)(2)(A) for each of fiscal years 2019 and 2021.

Deadline. Federal Register, publication. Time periods.

"(3) GRACE PERIOD.—The Secretary may, in exceptional circumstances, allow an eligible entity a period to come into compliance with this subsection. The Secretary shall provide technical assistance to any eligible entity to assist the entity in doing so.".

(2) RESERVATIONS OF FUNDS FOR CERTAIN PURPOSES.—Section 511(j)(2) of such Act (42 U.S.C. 711(j)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking "the amount" and inserting "each amount made available for base grants and each amount made available for matching grants";

(B) in subparagraph (A)—

(i) by striking "3" and inserting "6";

(ii) by inserting "and administering" before "grants"; and

(iii) by striking "and" at the end; and

(C) by striking subparagraph (B) and inserting the following:

"(B) 2 percent of such amount for purposes of providing technical assistance, directly or through grants or contracts—

"(i) for purposes as otherwise described in subsections (c)(5), (d)(1)(C)(iii), (d)(1)(E)(iii), and (d)(4)(E); and

"(ii) to entities referred to in subparagraph (A) of this paragraph;

"(C) 2 percent of such amount for purposes of the provision of workforce support, retention, and case management, including workforce-related technical assistance, to eligible entities, research and evaluation, and program administration, directly or through grants or contracts, of which the Secretary shall use not more than $1,500,000 to establish and operate the Jackie Walorski Center for Evidence-Based Case Management; and

"(D) 3 percent of such amount for purposes of research and evaluation (directly or through grants or contracts), and for administering this section (directly, through contracts, or otherwise).".

(3) APPROPRIATIONS.—

Time periods.

(A) IN GENERAL.—Section 511(j)(1) of the Social Security Act (42 U.S.C. 711(j)(1)) is amended by striking subparagraphs (A) through (H) and inserting the following:

"(A) for fiscal year 2023, $500,000,000 for base grants;

"(B) for fiscal year 2024, $550,000,000, of which $500,000,000 shall be for base grants and $50,000,000 shall be for matching grants;

"(C) for fiscal year 2025, $600,000,000, of which $500,000,000 shall be for base grants and $100,000,000 shall be for matching grants;

"(D) for fiscal year 2026, $650,000,000, of which $500,000,000 shall be for base grants and $150,000,000 shall be for matching grants; and

"(E) for fiscal year 2027, $800,000,000, of which $500,000,000 shall be for base grants and $300,000,000 shall be for matching grants.".

(B) SPECIAL RULE.—Obligations and expenditures made pursuant to section 201 of division D of the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 (Public Law 117–180) and section 201 of division C of the Further Continuing Appropriations and Extensions Act, 2023 shall be charged to the appropriation made by section 511(j)(1)(A) of the Social Security Act for fiscal year 2023 (as added by subparagraph (A) of this paragraph).

(C) REPEAL.—Section 201 of title II of division D of Public Law 117–180 and section 201 of division C of the Further Continuing Appropriations and Extensions Act, 2023 are hereby repealed.

Ante, p. 2135, 2133.

(4) DISPOSITION OF EXCESS FUNDS RESERVED FOR RESEARCH, EVALUATION, AND ADMINISTRATION.—Section 511(j) of the Social Security Act (42 U.S.C. 711(j)) is amended by adding at the end the following:

"(5) DISPOSITION OF EXCESS FUNDS RESERVED FOR RESEARCH, EVALUATION, AND ADMINISTRATION.—To the extent that the amounts reserved under paragraph (2)(D) for a fiscal year are not obligated in the fiscal year, the Secretary may use the funds for any purpose described in this section or to offset any reduction with respect to this section that is required by Federal law.".

(d) REQUIREMENT THAT HOME VISITING PROGRAMS BE TARGETED AND INTENSIVE.—Section 511(d)(3) of the Social Security Act (42 U.S.C. 711(d)(3)) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

"(B) USE OF GRANT TO PROVIDE OR SUPPORT TARGETED, INTENSIVE HOME VISITING SERVICES.—The program uses the grant to provide or support targeted, intensive home visiting services for the populations described in paragraph (5).".

(e) LIMITATION ON USE OF FUNDS FOR ADMINISTRATION.—

(1) IN GENERAL.—Section 511(d) of the Social Security Act (42 U.S.C. 711(d)) is amended by adding at the end the following:

"(5) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE COSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph, an eligible entity to which funds are provided under subsection (c) or (h)(2)(B) shall not use more than 10 percent of the funds to cover the costs of administration.

"(B) AUTHORITY TO GRANT EXCEPTIONS.—

"(i) IN GENERAL.—The Secretary may authorize an eligible entity that meets a condition of clause (ii) of this subparagraph to exceed the percentage limitation in subparagraph (A) with respect to a program conducted under this subsection by not more than 5

percentage points, subject to such terms and conditions as the Secretary deems appropriate.

"(ii) CONDITIONS.—An eligible entity meets a condition of this clause if the eligible entity—

"(I) conducts the program by directly providing home visits to eligible families and without a subrecipient;

"(II) in the fiscal year for which the grant for the program is made under this section, proposes to expand services in 1 or more communities identified in the statewide needs assessment under subsection (b) and in which home visiting services are not provided; or

"(III) has conducted the program for fewer than 3 years.".

(2) CONFORMING AMENDMENTS.—Section 511(i)(2) of such Act (42 U.S.C. 711(i)(2)) is amended by striking subparagraph (C) and redesignating subparagraphs (D) through (G) as subparagraphs (C) through (F), respectively.

(f) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 511 of the Social Security Act (42 U.S.C. 711) is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and inserting after subsection (i) the following:

"(j) ANNUAL REPORT TO CONGRESS.—By December 31, 2023, and annually thereafter, the Secretary shall submit to the Congress a written report on the grants made under this section for the then preceding fiscal year, which shall include—

"(1) an eligible entity-by-eligible entity summary of the outcomes measured by the entity with respect to each benchmark described in subsection (e)(5) that apply to the entity;

"(2) information regarding any technical assistance funded under subparagraph (B) or (C) of subsection (k)(2), including the type of any such assistance provided;

"(3) information on the demographic makeup of families served by each such entity to the extent possible while respecting participant confidentiality, including race, ethnicity, educational attainment at enrollment, household income, and other demographic markers as determined by the Secretary;

"(4) the information described in subsection (d)(1)(E);

"(5) the estimated share of the eligible population served using grants made under this section; Estimate.

"(6) a description of each service delivery model funded under this section by the eligible entities in each State, and the share (if any) of the grants expended on each model;

"(7) a description of non-Federal expenditures by eligible entities to qualify for matching funds under subsection (c)(4);

"(8) information on the uses of funds reserved under subsection (k)(2)(C);

"(9) information relating to those eligible entities for which funding is reserved under subsection (k)(2)(A), with modifications as necessary to reflect tribal data sovereignty, data privacy, and participant confidentiality; and

"(10) a list of data elements collected from eligible entities, and the purpose of each data element in measuring performance or enforcing requirements under this section.". List. Data.

(2) CONFORMING AMENDMENTS.—

(A) Section 511 of such Act (42 U.S.C. 711) is amended—

(i) in subsection (b)(1)(B)(iii), by striking "(k)(2)" and inserting "(l)(2)"; and

(ii) in subsection (h)(2)(B)—

(I) by striking "(j)" and inserting "(k)"; and

(II) by striking "(k)(1)(B)" and inserting "(l)(1)(B)".

(B) Section 511A(c) of such Act (42 U.S.C. 711a(c)) is amended in each of paragraphs (5) and (7) by striking "511(k)(2)" and inserting "511(l)(2)".

(g) REDUCTION OF ADMINISTRATIVE BURDEN.—Section 511(h) of the Social Security Act (42 U.S.C. 711(h)) is amended by adding at the end the following:

"(6) REDUCTION OF ADMINISTRATIVE BURDEN.—

Reviews.

"(A) IN GENERAL.—The Secretary shall reduce the burden, on States and public and private implementing agencies at the local level, of administering this section, by—

Revision.

"(i) reviewing and revising administrative data collection instruments and forms to eliminate duplication and streamline reporting requirements for States, eligible entities referred to in subsection (k)(2)(A), and nonprofit organizations referred to in subsection (l)(1)(B), including timelines for submitting reports;

Analysis.

"(ii) conducting an analysis of the total number of hours reported by administering agencies on complying with paperwork requirements, and exploring, in consultation with administering agencies, ways to reduce the number of hours spent by at least 15 percent;

"(iii) conducting a review of paperwork and data collection requirements for tribal grantees, and exploring, in consultation with tribes and tribal organizations, ways to reduce administrative burden, respect sovereignty, and acknowledge the different focus points for tribal grantees;

"(iv) collecting input from relevant State fiscal officials to align fiscal requirements and oversight for States and eligible entities to ensure consistency with standards and guidelines for other Federal formula grant programs; and

Consultation.

"(v) consulting with administering agencies and service delivery model representatives on needed and unneeded data elements regarding the dashboards provided for in subsection (d)(1)(B), consistent with the data requirements of such subsection.

"(B) FINDINGS ON PAPERWORK REDUCTION.—

"(i) INCLUSION IN REPORT.—In the 1st report submitted pursuant to subsection (j) more than 18 months after the date of the enactment of this Act, the Secretary shall include the findings of the Secretary with respect to the matters described in subparagraph (A).

Deadline.

"(ii) IMPLEMENTATION.—Within 2 years after complying with clause (i), the Secretary shall implement the findings referred to in clause (i).".

(h) VIRTUAL HOME VISITING AUTHORIZATION AND RESTRICTIONS.—

(1) VIRTUAL HOME VISITS.—

(A) APPLICATION REQUIREMENTS.—Section 511(e) of the Social Security Act (42 U.S.C. 711(e)) is amended by redesignating paragraph (10) as paragraph (11) and inserting after paragraph (9) the following:

"(10) At the option of the eligible entity—

"(A) a description of any limitations or constraints on virtual home visits under the program, including—

"(i) a description of the plan of the eligible entity to encourage in-person home visits; and

"(ii) a description of the considerations to be used in determining when a virtual home visit is appropriate, including client consent, client preference, geographic limitations, model fidelity, and hazardous conditions including public health emergencies, weather events, health concerns for home visitors and client families, and other local issues;

"(B) an assurance that—

"(i) the virtual home visit is implemented as a model enhancement; or

"(ii) the Secretary has identified the home visit as part of an effective model or model adaptation, based on an evidence of effectiveness review conducted using the criteria established under subsection (d)(3)(A)(iii); and

"(C) an assurance to the Secretary that at least 1 in-person home visit shall be conducted for each client family under the program during the 12-month period that begins with the entry of the client family into the program, and during each succeeding 12-month period, except that any such period in which a public health emergency declared under Federal law, or under the law of the State in which the program is conducted, is in effect shall be extended by the length of time in which the declaration is in effect.". Time period.

(B) APPLICABLE RULES.—Section 511(d) of such Act (42 U.S.C. 711(d)) is amended by redesignating paragraph (4) and paragraph (5) (as added by subsection (e)(1) of this section) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

"(4) VIRTUAL HOME VISITS.—

"(A) IN GENERAL.—A virtual home visit conducted under the program shall be considered a home visit for purposes of this section if the application for funding of the program submitted pursuant to this section most recently after the effective date of this paragraph includes the material described in subsection (e)(10).

"(B) STANDARDS FOR TRAINING APPLICABLE TO VIRTUAL SERVICE DELIVERY.—The standards for training requirements applicable to virtual service delivery under a home visiting model shall be equivalent to those that apply to in-person service delivery under the model.

"(C) REPORTING REQUIREMENT.—A grant made under this section for the program may not be used for any virtual home visit during a year, unless the eligible entity to which the grant is made submits the report described in subsection (e)(8)(A) for the year.

"(D) VIRTUAL HOME VISIT DEFINED.—In this section, the term 'virtual home visit' means a visit conducted solely by use of electronic information and telecommunications technologies.

Grants.
Contracts.

"(E) TECHNICAL ASSISTANCE.—If the Secretary finds that an eligible entity has not complied with the assurance described in subsection (e)(10)(C), the Secretary shall, directly or through grants, contracts, or cooperative agreements, provide the eligible entity with such technical assistance as is necessary to assist the eligible entity in doing so.".

(C) PROGRAM REQUIREMENT.—Section 511(d)(3)(C) of such Act (42 U.S.C. 711(d)(3)(C)), as so redesignated by subsection (d) of this section, is amended by adding at the end the following:

"(vii) If the application submitted by the eligible entity includes the assurance described in subsection (e)(10)(C) with respect to the program, the program provides in-person service consistent with the assurances.".

(D) REPORTS.—Section 511(e)(8)(A) of such Act (42 U.S.C. 711(e)(8)(A)) is amended by inserting ", including the number of virtual home visits conducted under the program in the year covered by the report, disaggregated with respect to each home visiting model under which the virtual home visits are conducted" before the semicolon.

42 USC 711 note.

(2) TRANSITION RULE.—

(A) IN GENERAL.—A virtual home visit conducted before the effective date of the amendments made by this subsection under an early childhood home visitation program funded under section 511 of the Social Security Act shall be considered a home visit for purposes of such section.

(B) VIRTUAL HOME VISIT DEFINED.—In subparagraph (A), the term "virtual home visit" means a visit conducted solely by use of electronic information and telecommunications technologies.

42 USC 711 note.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on October 1, 2022.

(2) VIRTUAL HOME VISITING PROVISIONS.—The amendments made by subsection (h) shall take effect on October 1, 2023.

SEC. 6102. EXTENSION OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through September 30, 2023, in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 6103. 1-YEAR EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

(a) The following provisions of the Social Security Act are each amended by striking "2022" and inserting "2023":

(1) Section 436(a) (42 U.S.C. 629f(a)).

(2) Section 436(b)(4)(A) (42 U.S.C. 629f(b)(4)(A)).
(3) Section 436(b)(5) (42 U.S.C. 629f(b)(5)).
(4) Section 438(d) (42 U.S.C. 629h(d)).

(b) The following provisions of the Social Security Act are each amended by striking "2021" and inserting "2023":
(1) Section 425 (42 U.S.C. 625).
(2) Section 437(a) (42 U.S.C. 629g(a)).
(3) Section 437(f)(3)(A) (42 U.S.C. 629g(f)(3)(A)).
(4) Section 437(f)(10) (42 U.S.C. 629g(f)(10)).

TITLE VII—SUPPLEMENTAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM

SEC. 7701. SUPPLEMENTAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.

(a) IN GENERAL.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended by adding at the end the following:

"SEC. 3352. SUPPLEMENTAL FUND.

42 USC 300mm–62.

"(a) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Supplemental Fund (referred to in this section as the 'Supplemental Fund'), consisting of amounts deposited into the Fund under subsection (b).

"(b) AMOUNT.—Out of any money in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2023 $1,000,000,000, for deposit into the Supplemental Fund, which amounts shall remain available through fiscal year 2032.

"(c) USES OF FUNDS.—Amounts deposited into the Supplemental Fund under subsection (b) shall be available, without further appropriation and without regard to any spending limitation under section 3351(c), to the WTC Program Administrator as needed at the discretion of such Administrator, for carrying out any provision in this title, including sections 3303 and 3341(c).

"(d) RETURN OF FUNDS.—Any amounts that remain in the Supplemental Fund on September 30, 2032, shall be deposited into the Treasury as miscellaneous receipts.".

(b) CONFORMING AMENDMENTS.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended—

(1) in section 3311(a)(4)(B)(i)(II) (42 U.S.C. 300mm–21(a)(4)(B)(i)(II)), by striking "section 3351" and inserting "sections 3351 and 3352";

(2) in section 3321(a)(3)(B)(i)(II) (42 U.S.C. 300mm–31(a)(3)(B)(i)(II)), by striking "section 3351" and inserting "sections 3351 and 3352";

(3) in section 3331 (42 U.S.C. 300mm–41)—

(A) in subsection (a), by inserting "and the World Trade Center Health Program Supplemental Fund" before the period at the end; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by inserting "(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under section 3352)" before the period at the end; and

(ii) in paragraph (2), in the flush text following subparagraph (C), by inserting "(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under section 3352)" before the period at the end; and

(4) in section 3351(b) (42 U.S.C. 300mm–61(b))—

(A) in paragraph (2), by inserting "or as available from the World Trade Center Health Program Supplemental Fund under section 3352" before the period at the end; and

(B) in paragraph (3), by inserting "or as available from the World Trade Center Health Program Supplemental Fund under section 3352" before the period at the end.

(c) PREVENTION AND PUBLIC HEALTH FUND.—Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11(b)) is amended—

(1) in paragraph (8), by striking "$1,800,000,000; and" and inserting "$1,525,000,000;";

(2) by striking paragraph (9) and inserting the following:

"(9) for each of fiscal years 2028 and 2029, $1,725,000,000; and"; and

(3) by adding at the end the following:

"(10) for fiscal year 2030 and each fiscal year thereafter, $2,000,000,000.".

SEC. 7702. RESEARCH COHORT FOR EMERGING HEALTH IMPACTS ON YOUTH.

(a) IN GENERAL.—Section 3341 of the Public Health Service Act (42 U.S.C. 300mm–51) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "With respect" through "subtitle B, the" and inserting "The"; and

(B) by striking "of such individuals" each place it appears;

(2) in subsection (b)(1), by inserting "and individuals who were exposed within a geographic area related to the September 11, 2001, terrorist attacks in a manner similar to the exposure within such geographic area experienced by individuals meeting the eligibility criteria under section 3311(a)(2) or 3321(a)(1)(B)" after "treatment";

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b) the following:

"(c) RESEARCH COHORT FOR EMERGING HEALTH IMPACTS ON YOUTH.—

"(1) IN GENERAL.—The WTC Program Administrator, in consultation with the Secretary of Education, shall establish a research cohort of sufficient size to conduct future research studies on the health and educational impacts of exposure to airborne toxins, or any other hazard or adverse condition, resulting from the September 11, 2001, terrorist attacks, including on the population of individuals who were 21 years of age or younger at the time of exposure, including such individuals who are screening-eligible WTC survivors or certified-eligible WTC survivors.

"(2) POPULATIONS STUDIED.—The research cohort under paragraph (1) may include—

"(A) individuals who, on September 11, 2001, were 21 years of age or younger and were—

"(i) outside the New York City disaster area; and

"(ii) in—

"(I) the area of Manhattan not further north than 14th Street; or

"(II) Brooklyn; and

"(B) control populations, including populations of individuals who, on September 11, 2001, were 21 years of age or younger.".

(b) FUNDING.—Section 3351(b) of such Act (42 U.S.C. 300mm–61(b)) is amended by inserting after paragraph (3) the following:

"(4) LIMITATION FOR RESEARCH COHORT FOR EMERGING HEALTH IMPACTS ON YOUTH.—Notwithstanding paragraph (1), the amounts made available under such paragraph may not be used for fiscal years 2023 through 2032 to carry out subsection (c) of section 3341.".

(c) CONFORMING AMENDMENT.—Section 3301(f)(2)(E) of such Act (42 U.S.C. 300mm(f)(2)(E)) is amended by striking "section 3341(a)" and inserting "subsection (a) or (c) of section 3341".

DIVISION GG—MERGER FILING FEE MODERNIZATION

Merger Filing Fee Modernization Act of 2022.

SEC. 101. SHORT TITLE.

15 USC 1 note.

This division may be cited as the "Merger Filing Fee Modernization Act of 2022".

TITLE I—MODERNIZING MERGER FILING FEE COLLECTIONS; ACCOUNTABILITY REQUIREMENTS; LIMITATION ON FUNDING

SEC. 101. MODIFICATION OF PREMERGER NOTIFICATION FILING FEES.

Section 605 of Public Law 101–162 (15 U.S.C. 18a note) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "$45,000" and inserting "$30,000";

(ii) by striking "$100,000,000" and inserting "$161,500,000";

(iii) by striking "2004" and inserting "2023"; and

(iv) by striking "2003" and inserting "2022";

(B) in paragraph (2)—

(i) by striking "$125,000" and inserting "$100,000";

(ii) by striking "$100,000,000" and inserting "$161,500,000";

(iii) by striking "but less" and inserting "but is less"; and

(iv) by striking "and" at the end;

(C) in paragraph (3)—

(i) by striking "$280,000" and inserting "$250,000"; and

(ii) by striking the period at the end and inserting "but is less than $1,000,000,000 (as so adjusted and published);"; and

(D) by adding at the end the following:

"(4) $400,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $1,000,000,000 (as so adjusted and published) but is less than $2,000,000,000 (as so adjusted and published);

"(5) $800,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $2,000,000,000 (as so adjusted and published) but is less than $5,000,000,000 (as so adjusted and published); and

"(6) $2,250,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $5,000,000,000 (as so adjusted and published).."; and

(2) by adding at the end the following:

Time periods. Effective date. Determination.

"(c)(1) For each fiscal year commencing after September 30, 2023, the filing fees in this section shall be increased by an amount equal to the percentage increase, if any, in the Consumer Price Index, as determined by the Department of Labor or its successor, for the year then ended over the level so established for the year ending September 30, 2022.

Deadline. Publication.

"(2) As soon as practicable, but not later than January 31 of each year, the Federal Trade Commission shall publish the adjusted amounts required by paragraph (1).

"(3) The Federal Trade Commission shall not adjust amounts required by paragraph (1) if the percentage increase described in paragraph (1) is less than 1 percent.

"(4) An amount adjusted under this section shall be rounded to the nearest multiple of $5,000.".

Time periods.

SEC. 102. REPORTING REQUIREMENTS FOR MERGER FEE COLLECTIONS.

(a) FTC AND DOJ JOINT REPORT.—For each of fiscal years 2023 through 2027, the Federal Trade Commission and Department of Justice shall jointly and annually report to the Congress on the operation of section 7A of the Clayton Act (15 U.S.C. 18a) and shall include in such report the following:

(1) The amount of funds made available to the Federal Trade Commission and the Department of Justice, respectively, from the premerger notification filing fees under this section, as adjusted by the Merger Filing Fee Modernization Act of 2022, as compared to the funds made available to the Federal Trade Commission and the Department of Justice, respectively, from premerger notification filing fees as the fees were determined in fiscal year 2022.

(2) The total revenue derived from premerger notification filing fees, by tier, by the Federal Trade Commission and the Department of Justice, respectively.

(3) The gross cost of operations of the Federal Trade Commission, by Budget Activity, and the Antitrust Division of the Department of Justice, respectively.

(b) FTC REPORT.—The Federal Trade Commission shall include in the report required under subsection (a), in addition to the requirements under subsection (a), for the previous fiscal year—

(1) for actions with respect to which the record of the vote of each member of the Federal Trade Commission is on the public record of the Federal Trade Commission, a list of each action with respect to which the Federal Trade Commission took or declined to take action on a 3 to 2 vote; and List.

(2) for all actions for which the Federal Trade Commission took a vote, the percentage of such actions that were decided on a 3 to 2 vote.

(c) SUMMARY.—The Federal Trade Commission and the Department of Justice shall make the report required under subsection (a) available to the Committees on the Judiciary of the House of Representatives and of the Senate, and shall, for fiscal years 2023 through 2027, no later than July 1, present a summary of the joint annual report for the preceding fiscal year, including the information required in subsections (a) and (b) of this section, to the Committees on the Judiciary of the House of Representatives and of the Senate.

TITLE II—DISCLOSURE OF SUBSIDIES BY FOREIGN ADVERSARIES

SEC. 201. FINDINGS AND PURPOSE. 15 USC 18b note.

(a) FINDINGS.—Congress finds the following:

(1) Foreign subsidies, which can take the form of direct subsidies, grants, loans (including below-market loans), loan guarantees, tax concessions, preferential government procurement policies, or government ownership or control, can distort the competitive process by enabling the subsidized firm to submit a bid higher than other firms in the market, or otherwise change the incentives of the firm in ways that undermine competition following an acquisition.

(2) Foreign subsidies are particularly problematic when granted by countries or entities that constitute a strategic or economic threat to United States interests.

(3) The Made in China 2025 plan, states that the Chinese Communist Party will "support enterprises to carry out mergers and acquisitions (M&A), equity investment, and venture capital overseas".

(4) The 2020 report to Congress from the bipartisan U.S.-China Economic and Security Review Commission concluded that the Chinese Government subsidizes companies with a goal of their expanding into the United States and other countries, finding that "[t]his process assists Chinese national champions in surpassing and supplanting global market leaders". The report warns that the risk is particularly acute when it comes to emerging technologies, where China seeks to "surpass and displace the United States altogether [and that] [f]ailure to appreciate the gravity of this challenge and defend U.S. competitiveness would be dire . . . [and] risks setting back U.S. economic and technological progress for decades".

(5) In remarks before the Hudson Institute on December 8, 2020, FTC Commissioner Noah Phillips stated, "[O]ne area where antitrust needs to reckon with the strategic interests

of other nations is when we scrutinize mergers or conduct involving state-owned entities . . . companies that are controlled, to varying degrees, by the state . . . [and] often are a government tool for implementing industrial policies or to protect national security".

Requirements.

(b) PURPOSE.—The purpose of this section is to require parties providing pre-merger notifications to include in the notification required under section 7A of the Clayton Act (15 U.S.C. 18a) information concerning subsidies they receive from countries or entities that are strategic or economic threats to the United States.

15 USC 18b.

SEC. 202. MERGERS INVOLVING FOREIGN GOVERNMENT SUBSIDIES.

(a) DEFINITION.—In this section, the term "foreign entity of concern" has the meaning given the term in section 40207 of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)).

Notification.

(b) ACCOUNTING FOR FOREIGN GOVERNMENT SUBSIDIES.—A person required to file a notification under section 7A of the Clayton Act (15 U.S.C. 18a) that received a subsidy from a foreign entity of concern shall include in such notification content regarding such subsidy.

Requirements.

(c) AUTHORITY OF ANTITRUST REGULATORS.—The Federal Trade Commission, with the concurrence of the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, and in consultation with the Chairperson of the Committee on Foreign Investment in the United States, the Secretary of Commerce, the Chair of the United States International Trade Commission, the United States Trade Representative, and the heads of other appropriate agencies, and by rule in accordance with section 553 of title 5, United States Code, shall require that the notification required under subsection (b) be in such form and contain such documentary material and information relevant to a proposed acquisition as is necessary and appropriate to enable the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice to determine whether such acquisition may, if consummated, violate the antitrust laws.

(d) EFFECTIVE DATE.—Subsection (b) shall take effect on the date on which the rule described in subsection (c) takes effect.

TITLE III—VENUE FOR STATE ANTITRUST ENFORCEMENT

SEC. 301. VENUE FOR STATE ANTITRUST ENFORCEMENT.

Section 1407 of title 28, United States Code, is amended—

(1) in subsection (g) by inserting "or a State" after "United States" and striking "; but shall not include section 4A of the Act of October 15, 1914, as added July 7, 1955 (69 Stat. 282; 15 U.S.C. 15a)"; and

(2) by striking subsection (h).

DIVISION HH—AGRICULTURE

7 USC 2016a note.

SEC. 101. DEFINITION.

In this division, the term "Secretary" means the Secretary of Agriculture.

TITLE I—CONSERVATION

SEC. 201. GREENHOUSE GAS TECHNICAL ASSISTANCE PROVIDER AND THIRD-PARTY VERIFIER PROGRAM. 7 USC 6712.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COUNCIL.—The term "Advisory Council" means the Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program Advisory Council established under subsection (f)(1).

(2) AGRICULTURE OR FORESTRY CREDIT.—The term "agriculture or forestry credit" means a credit representing an amount of greenhouse gas emissions from an agricultural or forestry activity that are prevented, reduced, or mitigated (including through the sequestration of carbon) as a result of an agricultural or forestry activity.

(3) BEGINNING, SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR VETERAN FARMER, RANCHER, OR PRIVATE FOREST LANDOWNER.—The term "beginning, socially disadvantaged, limited resource, or veteran farmer, rancher, or private forest landowner" means a farmer, rancher, or private forest landowner who is—

(A) a beginning farmer or rancher (as defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)));

(B) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)));

(C) a limited resource farmer or rancher (as defined in section 1470.3 of title 7, Code of Federal Regulations (or successor regulations)); or

(D) a veteran farmer (as defined in section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)).

(4) COVERED ENTITY.—The term "covered entity" means a person or entity, including a private business, non-profit organization, or public agency, that either—

(A) is a provider of technical assistance to farmers, ranchers, or private forest landowners in carrying out sustainable land use management practices that prevent, reduce, or mitigate greenhouse gas emissions (including through the sequestration of carbon); or

(B) is a third-party verifier entity that conducts the verification of the processes described in protocols for voluntary environmental credit markets.

(5) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide; and

(D) any other gas that the Secretary, in consultation with the Advisory Council, determines has been identified to have heat trapping qualities.

(6) PROGRAM.—The term "Program" means the Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program established under subsection (b).

(7) PROTOCOL.—The term "protocol" means a systematic approach for generating an agriculture or forestry credit, which

follows a transparent and thorough science-based methodology (including 1 or more baseline scenarios)—

(A) for the development of projects to prevent, reduce, or mitigate greenhouse gas emissions (including projects to sequester carbon); and

(B) for demonstrating how to quantify, monitor, report, and verify the prevention, reduction, or mitigation of greenhouse gas emissions by projects described in subparagraph (A).

(8) SOCIALLY DISADVANTAGED GROUP.—The term "socially disadvantaged group" has the meaning given that term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

(9) TECHNICAL ASSISTANCE.—The term "technical assistance" means technical expertise, information, and tools to assist a farmer, rancher, or private forest landowner, who is engaged in or wants to engage in a project to prevent, reduce, or mitigate greenhouse gas emissions (including a project to sequester carbon), as necessary to meet a protocol.

(10) VOLUNTARY ENVIRONMENTAL CREDIT MARKET.—The term "voluntary environmental credit market" means a voluntary market through which agriculture or forestry credits may be bought or sold.

(b) ESTABLISHMENT OF PROGRAM.—

(1) DETERMINATION.—

Deadline.

(A) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall make a determination of whether establishing a voluntary program to register covered entities that carry out activities described in subsection (c)(2) will further each of the following purposes:

(i) Facilitating the participation of farmers, ranchers, and private forest landowners in voluntary environmental credit markets.

(ii) Facilitating the provision of technical assistance, through covered entities, to farmers, ranchers, and private forest landowners to help overcome barriers to entry into voluntary environmental credit markets.

(iii) Ensuring that participating farmers, ranchers, and private forest landowners receive fair distribution of revenues derived from the sale of an agriculture or forestry credit.

(iv) Increasing access for farmers, ranchers, and private forest landowners to resources relating to existing voluntary environmental credit markets, including information relating to the basic market structure and the various roles and qualifications of different parties.

(B) CONSIDERATIONS.—In making the determination under this paragraph, the Secretary shall consider the results of the assessment conducted under subsection (g)(2)(A) and any other relevant information.

(2) ESTABLISHMENT.—If the Secretary determines under paragraph (1) that establishing such a program will further

such purposes, the Secretary shall establish a voluntary program, to be known as the "Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program", to register covered entities that carry out activities described in subsection (c).

(3) REPORT.—Not later than 90 days after making the determination under paragraph (1), the Secretary shall publish a report describing the reasons for such determination, including how establishing a program under this subsection would or would not further each of the purposes described in paragraph (1)(A).

(c) PROTOCOLS, QUALIFICATIONS, AND ACTIVITIES.—

(1) WIDELY ACCEPTED PROTOCOLS AND QUALIFICATIONS.—After providing public notice and at least a 60-day period for public comment, but not later than 90 days after the date on which the Program is established, the Secretary shall publish—

Notification.
Time period.
Deadline.
Publication.

(A) a list of, and documents relating to, widely accepted protocols that are designed to ensure consistency, reliability, effectiveness, efficiency, and transparency of voluntary environmental credit markets, including protocol documents and details relating to—

List.

(i) calculations;

(ii) sampling methodologies;

(iii) voluntary environmental credit accounting principles;

(iv) systems for verification, monitoring, measurement, and reporting; and

(v) methods to account for additionality, permanence, leakage, and, where appropriate, avoidance of double counting; and

(B) descriptions of widely accepted qualifications possessed by covered entities that provide technical assistance to farmers, ranchers, and private forest landowners.

(2) ACTIVITIES.—A covered entity may register under the Program with respect to technical assistance or process verification the covered entity carries out for activities that prevent, reduce, or mitigate greenhouse gas emissions, including—

(A) land or soil carbon sequestration;

(B) emissions reductions derived from fuel choice or reduced fuel use;

(C) livestock emissions reductions, including emissions reductions achieved through—

(i) feeds, feed additives, and the use of byproducts as feed sources; or

(ii) manure management practices;

(D) on-farm energy generation;

(E) energy feedstock production;

(F) fertilizer or nutrient use emissions reductions;

(G) reforestation;

(H) forest management, including improving harvesting practices and thinning diseased trees;

(I) prevention of the conversion of forests, grasslands, and wetlands;

(J) restoration of wetlands or grasslands;

(K) grassland management, including prescribed grazing;

(L) current practices associated with private land conservation programs administered by the Secretary; and

(M) such other activities, or combinations of activities, that the Secretary, in consultation with the Advisory Council, determines to be appropriate.

(3) INCLUSIONS.—In publishing the list of widely accepted protocols and the descriptions of widely accepted qualifications under paragraph (1), the Secretary, in consultation with the Advisory Council, shall include all relevant information relating to market-based protocols, as appropriate, with regard to—

(A) quantification;

(B) verification;

(C) additionality;

(D) permanence;

(E) reporting; and

(F) other expertise, as determined by the Secretary.

Revision.

(4) PERIODIC REVIEW.—As appropriate, the Secretary shall periodically review and revise the list and descriptions published under paragraph (1) to include any additional protocols or qualifications described in paragraph (3).

(d) REGISTRATION, WEBSITE, AND PUBLICATION OF LISTS.—

(1) REGISTRATION LIST.—

Deadline.

(A) IN GENERAL.—Not later than 1 year after establishing the Program, the Secretary shall publish, through a website maintained by the Secretary, a registration list consisting of a list of covered entities that have submitted information to the Secretary, which list the Secretary shall regularly update.

(B) REGISTRATION.—A covered entity may register under the Program to be included on the registration list by submitting to the Secretary, through a website maintained by the Secretary, information that—

(i) shall include—

(I) the region in which the covered entity provides its services;

(II) whether the covered entity is a technical assistance provider or a verifier; and

(III) the protocols in which the covered entity has proficiency; and

(ii) may include additional information that—

(I) has been identified by the Advisory Council in its initial assessment under subsection (g)(1) to ensure certainty for producers in the marketplace for agriculture or forestry credits; and

(II) the Secretary determines is appropriate for inclusion.

Time period.
Effective date.

(2) WEBSITE AND SOLICITATION.—During the 180-day period beginning on the date on which the Program is established, the Secretary shall publish, through an existing website maintained by the Secretary—

(A) information describing how covered entities may register under the Program in accordance with paragraph (1);

(B) a list of the widely accepted protocols and qualifications published by the Secretary under subsection (c)(1); and List.

(C) instructions and suggestions to assist farmers, ranchers, and private forest landowners in facilitating the development of agriculture or forestry credits and accessing voluntary environmental credit markets, including—

(i) through working with covered entities registered under the Program; and

(ii) by providing information relating to programs, registries, and protocols of programs and registries that provide market-based participation opportunities for working and conservation agricultural and forestry lands.

(3) PROGRAMMATIC INTEGRITY.—The Secretary shall ensure, to the maximum extent practicable, that covered entities registered under the Program—

(A) act in good faith to provide realistic estimates of costs and revenues relating to activities and verification of processes described in subsection (c)(2), as applicable to the covered entity; and

(B) demonstrate expertise in, and are able to perform in accordance with, best management practices for agricultural and forestry activities that prevent, reduce, or mitigate greenhouse gas emissions (including through the sequestration of carbon).

(4) REMOVAL FROM REGISTRATION LIST.—

(A) IN GENERAL.—

(i) REMOVAL.—The Secretary shall remove a covered entity from the registration list under the Program if the Secretary determines that the covered entity has not acted in accordance with— Determination.

(I) the information provided by the entity under paragraph (1)(B); or

(II) best management practices for agricultural and forestry activities that prevent, reduce, or mitigate greenhouse gas emissions (including through the sequestration of carbon).

(ii) DETERMINATION.—The Secretary may make a determination under clause (i)—

(I) based on a periodic review of a representative sample of covered entities, which shall occur not less frequently than once each year; or

(II) as necessary.

(B) APPEAL OF REMOVAL.—

(i) IN GENERAL.—A covered entity that has been removed from the registration list pursuant to subparagraph (A) may appeal the determination to the Secretary.

(ii) RE-REGISTRATION.—A covered entity that appeals a determination under clause (i) may re-register under the Program if the covered entity successfully proves, as determined by the Secretary, that the covered entity has acted in accordance with, as applicable— Determination.

(I) the information provided by the entity under paragraph (1)(B); and

(II) best management practices for agricultural and forestry activities that prevent, reduce, or mitigate greenhouse gas emissions (including through the sequestration of carbon).

(C) NOTIFICATION.—If the Secretary removes a covered entity from the registration list pursuant to subparagraph (A), to the extent practicable, the Secretary shall—

(i) request from that covered entity contact information for all farmers, ranchers, and private forest landowners to which the covered entity provided technical assistance or the verification of the processes described in protocols of voluntary environmental credit markets; and

(ii) notify those farmers, ranchers, and private forest landowners of the removal.

(5) SAVINGS CLAUSE.—Nothing in this section authorizes the Secretary to compel a farmer, rancher, or private forest landowner to participate in a transaction or project facilitated by a covered entity certified under paragraph (1).

(e) SUBMISSION OF FRAUDULENT INFORMATION OR CLAIMS.—

(1) IN GENERAL.—A person or entity, regardless of whether the person or entity is registered under the Program, shall not make a fraudulent submission under subsection (d) or make a fraudulent claim regarding the presence of that person or entity on the registration list published under such subsection.

(2) PENALTY.—Any person or entity that violates paragraph (1) shall be—

(A) subject to a civil penalty equal to such amount as the Secretary determines to be appropriate, not to exceed $1,000 per violation; and

Time period.

(B) ineligible to register under the Program for the 5-year period beginning on the date of the violation.

(f) GREENHOUSE GAS TECHNICAL ASSISTANCE PROVIDER AND THIRD-PARTY VERIFIER PROGRAM ADVISORY COUNCIL.—

Time period.
Effective date.
Establishment.

(1) IN GENERAL.—During the 90-day period beginning on the date on which the Program is established, the Secretary shall establish an advisory council, to be known as the "Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program Advisory Council".

(2) MEMBERSHIP.—

Appointment.

(A) IN GENERAL.—The Advisory Council shall be composed of members appointed by the Secretary in accordance with this paragraph.

(B) GENERAL REPRESENTATION.—The Advisory Council shall—

(i) be broadly representative of the agriculture and private forest sectors;

(ii) include beginning, socially disadvantaged, limited resource, and veteran farmers, ranchers, and private forest landowners; and

(iii) be composed of not less than 51 percent farmers, ranchers, or private forest landowners.

(C) MEMBERS.—Members appointed under subparagraph (A) shall include—

(i) not more than 2 representatives of the Department of Agriculture, as determined by the Secretary;

(ii) not more than 1 representative of the Environmental Protection Agency, as determined by the Administrator of the Environmental Protection Agency;

(iii) not more than 1 representative of the National Institute of Standards and Technology;

(iv) not fewer than 12 representatives of the agriculture industry, appointed in a manner that is broadly representative of the agriculture sector, including not fewer than 6 active farmers and ranchers;

(v) not fewer than 4 representatives of private forest landowners or the forestry and forest products industry appointed in a manner that is broadly representative of the private forest sector;

(vi) not more than 4 representatives of the relevant scientific research community, including not fewer than 2 representatives from land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), of which 1 shall be a representative of a college or university eligible to receive funds under the Act of August 30, 1890 (commonly known as the "Second Morrill Act") (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University;

(vii) not more than 2 experts or professionals familiar with voluntary environmental credit markets and the verification requirements in those markets;

(viii) not more than 3 members of nongovernmental or civil society organizations with relevant expertise, of which not fewer than 1 shall represent the interests of socially disadvantaged groups;

(ix) not more than 3 members of private sector entities or organizations that participate in voluntary environmental credit markets; and

Determination.

(x) any other individual whom the Secretary determines to be necessary to ensure that the Advisory Council is composed of a diverse group of representatives of industry, academia, independent researchers, and public and private entities.

(D) CHAIR.—The Secretary shall designate a member of the Advisory Council to serve as the Chair.

(E) TERMS.—

(i) IN GENERAL.—The term of a member of the Advisory Council shall be 2 years, except that, of the members first appointed—

(I) not fewer than 8 members shall serve for a term of 1 year;

(II) not fewer than 12 members shall serve for a term of 2 years; and

(III) not fewer than 12 members shall serve for a term of 3 years.

(ii) ADDITIONAL TERMS.—After the initial term of a member of the Advisory Council, including the members first appointed, the member may serve not more than 4 additional 2-year terms.

(3) MEETINGS.—

Time period.
Effective date.

(A) FREQUENCY.—The Advisory Council shall meet not less frequently than annually, at the call of the Chair.

(B) INITIAL MEETING.—During the 90-day period beginning on the date on which the members are appointed under paragraph (2)(A), the Advisory Council shall hold an initial meeting.

(4) GENERAL DUTIES.—The Advisory Council shall—

(A) periodically review and recommend any appropriate changes to—

(i) the list of protocols and description of qualifications published by the Secretary under subsection (c)(1); and

(ii) the activities described in subsection (c)(1)(B);

(B) make recommendations to the Secretary regarding the best practices that should be included in the protocols, description of qualifications, and activities described in subparagraph (A); and

(C) advise the Secretary regarding—

(i) the current methods used by voluntary environmental credit markets to quantify and verify the prevention, reduction, or mitigation of greenhouse gas emissions (including the sequestration of carbon);

(ii) means to reduce barriers to entry in the business of providing technical assistance or the verification of the processes described in protocols of voluntary environmental credit markets for covered entities, including by improving technical assistance provided by the Secretary;

(iii) means to reduce compliance and verification costs for farmers, ranchers, and private forest landowners in entering voluntary environmental credit markets, including through mechanisms and processes to aggregate the value of activities across land ownership;

(iv) issues relating to land and asset ownership in light of evolving voluntary environmental credit markets; and

(v) additional means to reduce barriers to entry in voluntary environmental credit markets for farmers, ranchers, and private forest landowners, particularly for beginning, socially disadvantaged, limited resource, and veteran farmers, ranchers, and private forest landowners.

(5) COMPENSATION.—The members of the Advisory Council shall serve without compensation.

(6) CONFLICT OF INTEREST.—The Secretary shall prohibit any member of the Advisory Council from—

(A) engaging in any determinations or activities of the Advisory Council that may result in the favoring of, or a direct and predictable effect on—

(i) the member or a family member, as determined by the Secretary;

(ii) stock owned by the member or a family member, as determined by the Secretary; or

(iii) the employer of, or a business owned in whole or in part by, the member or a family member, as determined by the Secretary; or

(B) providing advice or recommendations regarding, or otherwise participating in, matters of the Advisory Council that—

(i) constitute a conflict of interest under section 208 of title 18, United States Code; or

(ii) may call into question the integrity of the Advisory Council, the Program, or the technical assistance or verification activities described under subsection (c)(2).

(7) FACA APPLICABILITY.—The Advisory Council shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.), except that section 14(a)(2) of that Act shall not apply.

(g) ASSESSMENT.—

(1) INITIAL ASSESSMENT.—Not later than 90 days after the Advisory Council holds an initial meeting, the Advisory Council shall submit to the Secretary, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate an initial assessment that examines ways to ensure certainty for farmers, ranchers, or private forest landowners in the marketplace for agriculture or forestry credits, including identification of any information that may be appropriate for entities to provide when registering under subsection (d)(1)(B). Deadline.

(2) GENERAL ASSESSMENT.—Not later than 240 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall— Deadline.

(A) conduct an assessment, which incorporates information from existing publications and reports of the Department of Agriculture and other entities with relevant expertise, regarding—

(i) the number and categories of non-Federal actors in the nonprofit and for-profit sectors involved in development, generation, or sale of agriculture or forestry credits in voluntary environmental credit markets;

(ii) the estimated overall domestic market demand for agriculture or forestry credits at the end of the preceding 4-calendar year period, and historically, in voluntary environmental credit markets; Estimate. Time period.

(iii) the total number of agriculture or forestry credits (measured in metric tons of carbon dioxide equivalent) that were estimated to be in development, generated, or sold in market transactions during the preceding 4-calendar year period, and historically, in voluntary environmental credit markets; Time period.

(iv) the estimated supply and demand of metric tons of carbon dioxide equivalent of offsets in the global marketplace for the next 4 years; Time period.

(v) the barriers to entry due to compliance and verification costs described in subsection (f)(4)(C)(iii);

(vi) the state of monitoring and measurement technologies needed to quantify long-term carbon sequestration in soils and from other activities to prevent, reduce, or mitigate greenhouse gas emissions in the agriculture and forestry sectors;

(vii) means to reduce barriers to entry into voluntary environmental credit markets for beginning, socially disadvantaged, limited resource, and veteran farmers, ranchers, and private forest landowners, and the extent to which existing protocols of voluntary environmental credit markets allow for aggregation of projects among farmers, ranchers, and private forest landowners;

Time period.

(viii) the extent to which the existing regimes for generating and selling agriculture or forestry credits (as the regimes exist at the end of the preceding 4-calendar year period, and historically), and existing voluntary environmental credit markets, may be impeded or constricted, or achieve greater scale and reach, if the Department of Agriculture were involved, including involvement in education described in clause (ix);

(ix) the extent to which Department of Agriculture education of stakeholders about voluntary environmental credit markets would benefit those stakeholders, including whether that education would reduce barriers to entry identified under clause (v);

(x) the extent to which existing protocols of voluntary environmental credit markets, including verification, additionality, permanence, and reporting, adequately take into consideration and account for factors encountered by the agriculture and private forest sectors in preventing, reducing, or mitigating greenhouse gas emissions (including by sequestering carbon) through agriculture and forestry practices, considering variances across regions, topography, soil types, crop or species varieties, and business models;

(xi) the extent to which existing protocols of voluntary environmental credit markets consider options to ensure the continued valuation, through discounting or other means, of agriculture and forestry credits in the case of the practices underlying those credits being disrupted due to unavoidable events, including production challenges and natural disasters; and

(xii) opportunities for other voluntary markets outside of voluntary environmental credit markets to foster the trading, buying, or selling of credits that are derived from activities that provide other ecosystem service benefits, including activities that improve water quality, water quantity, wildlife habitat enhancement, and other ecosystem services, as the Secretary determines appropriate;

Publication.

(B) publish the assessment; and

(C) submit the assessment to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

Publication.
Time period.

(3) QUADRIENNIAL ASSESSMENT.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Advisory Council, shall conduct the assessment described in paragraph (2)(A) and publish and submit such assessment in accordance with subparagraphs (B) and (C) of paragraph (2) every 4 years after the publication and

submission of the first assessment under subparagraphs (B) and (C) of paragraph (2).

(h) CONFIDENTIALITY.—

(1) PROHIBITION.—

(A) IN GENERAL.—Except as provided in paragraph (2), the Secretary, any other officer or employee of the Department of Agriculture or any agency of the Department of Agriculture, or any other person may not disclose to the public the information held by the Secretary described in subparagraph (B).

(B) INFORMATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the information prohibited from disclosure under subparagraph (A) is—

(I) personally identifiable information, including in a contract or service agreement, of a farmer, rancher, or private forest landowner, obtained by the Secretary under subsection (d)(4)(C)(i); and

(II) confidential business information in a contract or service agreement of a farmer, rancher, or private forest landowner obtained by the Secretary under subsection (d)(4)(C)(i).

(ii) AGGREGATED RELEASE.—Information described in clause (i) may be released to the public if the information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied or is the subject of the particular information.

(2) EXCEPTION.—Paragraph (1) shall not prohibit the disclosure by an officer or employee of the Federal Government of information described in paragraph (1)(B) as otherwise directed by the Secretary or the Attorney General for enforcement purposes.

(i) FUNDING.— Time periods.

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under paragraph (2), there is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2023 through 2027.

(2) DIRECT FUNDING.—

(A) RESCISSION.—There is rescinded $4,100,000 of the unobligated balance of amounts made available by section 1003 of the American Rescue Plan Act of 2021 (Public Law 117–2).

(B) APPROPRIATION.—If such unobligated amounts are available to execute the rescission under subparagraph (A), on the day after the execution of the rescission, there is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $4,100,000 to carry out this section to remain available for fiscal years 2023 through 2027.

(3) PROHIBITION.—None of the funds of the Commodity Credit Corporation shall be used to carry out this section.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide authority to the Secretary for the establishment or operation of a Federal market through which agriculture or forestry credits may be bought or sold.

SEC. 202. ACCEPTANCE AND USE OF PRIVATE FUNDS FOR PUBLIC-PRIVATE PARTNERSHIPS.

Section 1241(f) of the Food Security Act of 1985 (16 U.S.C. 3841(f)) is amended—

(1) in the subsection heading, by inserting "FOR PUBLIC-PRIVATE PARTNERSHIPS" after "CONTRIBUTIONS";

(2) by amending paragraph (1) to read as follows:

"(1) ESTABLISHMENT OF PUBLIC-PRIVATE PARTNERSHIP CONTRIBUTIONS ACCOUNTS.—The Secretary shall establish the necessary accounts and process to accept contributions of private funds for the purposes of addressing the changing climate, sequestering carbon, improving wildlife habitat, protecting sources of drinking water, and addressing other natural resource priorities identified by the Secretary.";

(3) in paragraph (2), by striking "a conservation program administered by the Secretary under subtitle D shall be deposited into the sub-account" and inserting "a covered program shall be deposited into the account"; and

(4) by adding at the end the following:

"(3) SECRETARIAL AUTHORITY.—

"(A) IN GENERAL.—The Secretary may accept under this subsection contributions of such funds as the Secretary determines appropriate, taking into consideration—

"(i) the source of the funds to be contributed;

"(ii) the natural resource concerns to be addressed through the use of the funds;

"(iii) the amount of funds to be contributed;

"(iv) whether the activities proposed to be carried out using the funds are consistent with the priorities of the Secretary; and

"(v) any other factors the Secretary determines to be relevant.

"(B) DETERMINATION.—A determination of whether to accept private funds under this subsection shall be at the sole discretion of the Secretary.

"(4) MATCH OF CONTRIBUTED FUNDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may provide matching Federal funds, and determine the level of such match, which shall not exceed 75 percent, for the private funds contributed under this subsection, subject to the availability of funding for the applicable covered program.

"(B) DISTRIBUTION OF FEDERAL FUNDING FOR STATES.—The Secretary may not provide any matching Federal funds pursuant to subparagraph (A) in a manner that would result in a substantial reduction in the historical distribution of Federal funding to any State for any covered program.

"(C) LIMITATION.—No funds made available pursuant to Public Law 117–169 may be used to provide matching Federal funds pursuant to subparagraph (A).

"(5) ROLE OF CONTRIBUTING ENTITY.—An entity contributing funds under this subsection may—

"(A) designate the covered program for which the contributed funds are intended to be used;

"(B) specify the geographic area in which the contributed funds are intended to be used;

"(C) identify a natural resource concern the contributed funds are intended to be used to address;

"(D) with respect to an activity funded pursuant to this subsection that may result in environmental services benefits to be sold through an environmental services market, subject to the approval of the Secretary, prescribe the terms for ownership of the entity's share of such environmental services benefits resulting from such activity; and

"(E) work with the Secretary to promote the activities funded pursuant to this subsection.

"(6) PRODUCER PARTICIPATION.—

"(A) NOTIFICATION.—The Secretary shall establish a process to provide notice to producers— Process.

"(i) of activities that may be carried out, through a covered program, pursuant to this section; and

"(ii) any terms prescribed by the contributing entity under paragraph (5)(D) with respect to such activities.

"(B) RETENTION OF ENVIRONMENTAL SERVICES BENEFITS.—The Secretary shall not claim or impede any action of a producer with respect to the environmental services benefits they accrue through activities funded pursuant to this subsection.

"(7) CONSISTENCY WITH PROGRAM REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall ensure that the terms and conditions of activities carried out using funds contributed under this subsection are consistent with the requirements of the applicable covered program.

"(B) ADJUSTMENTS.—

"(i) IN GENERAL.—The Secretary may, if the Secretary determines necessary, adjust a regulatory requirement of a covered program, or related guidance, as it applies to an activity carried out using funds contributed under this subsection— Determination.

"(I) to provide a simplified process; or

"(II) to better reflect unique local circumstances and to address a specific priority of the contributing entity.

"(ii) LIMITATION.—The Secretary shall not adjust the application of statutory requirements for a covered program, including requirements governing appeals, payment limits, and conservation compliance.

"(8) REPORT.—Not later than December 31, 2024, and each year thereafter through December 31, 2031, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains—

"(A) the name and a description of each entity contributing private funds under this subsection that took an action under paragraph (5), and a description of each such action;

"(B) the name and a description of each entity contributing private funds under this subsection for which the Secretary has provided matching Federal funds, and the

level of that match, including the amount of such matching Federal funds; and

"(C) the total amounts of—

"(i) private funds contributed under this subsection; and

"(ii) matching Federal funds provided by the Secretary under paragraph (4).

"(9) COVERED PROGRAM DEFINED.—In this subsection, the term 'covered program' means a program carried out by the Secretary under—

"(A) subtitle D (except for subchapter B of such subtitle), subtitle H, or subtitle I;

"(B) section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203);

"(C) title V of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571 et seq.); or

"(D) the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), except for any program established by the Secretary to carry out section 14 of such Act (16 U.S.C. 1012).

"(10) DURATION OF AUTHORITY.—The authority of the Secretary under this subsection shall expire, with respect to each covered program, on the date on which the authority of the covered program expires.".

TITLE II—COMMODITY FUTURES TRADING COMMISSION WHISTLEBLOWER PROGRAM

SEC. 301. IN GENERAL.

Section 1(b) of Public Law 117–25 (135 Stat. 297; 136 Stat. 2133) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) ADDITIONAL TRANSFERS.—In addition to amounts transferred under paragraph (1), the Commission may transfer up to $10,000,000 from the Fund into the account.";

(3) in paragraph (3) (as so redesignated)—

(A) by striking "paragraph (1)" and inserting "paragraphs (1) and (2)"; and

(B) by striking "until" and all that follows through the period at the end and inserting "until October 1, 2024."; and

(4) in paragraph (4) (as so redesignated), by striking "on" and all that follows through "shall" and inserting "on October 1, 2024, shall".

TITLE III—FORESTRY

SEC. 401. MODIFICATION OR TERMINATION OF EASEMENTS UNDER THE HEALTHY FORESTS RESERVE PROGRAM.

Section 502 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6572) is amended by adding at the end the following:

"(g) EASEMENT MODIFICATION OR TERMINATION.—

"(1) IN GENERAL.—The Secretary may modify or terminate an easement or other interest in land administered by the Secretary under this title if—

"(A) the owner of the land agrees to the modification or termination; and

"(B) the Secretary determines that the modification or termination— Determination.

"(i) will address a compelling public need for which there is no practicable alternative; and

"(ii) is in the public interest.

"(2) CONSIDERATION; CONDITIONS.— Compensation.

"(A) TERMINATION.—As consideration for termination of an easement or other interest in land under this subsection, the Secretary shall enter into a compensatory arrangement, as the Secretary determines to be appropriate.

"(B) MODIFICATION.—In the case of a modification of an easement or other interest in land under this subsection—

"(i) as a condition of the modification, the owner of the land shall enter into a compensatory arrangement, as the Secretary determines to be appropriate, to incur the costs of modification; and

"(ii) the Secretary shall ensure that—

"(I) the modification will not adversely affect the forest ecosystem functions and values for which the easement or other interest in land was acquired;

"(II) any adverse impacts will be mitigated by enrollment and restoration of other land that provides greater forest ecosystem functions and values at no additional cost to the Federal Government; and

"(III) the modification will result in equal or greater environmental and economic values to the United States.".

TITLE IV—NUTRITION

SEC. 501. EBT BENEFIT FRAUD PREVENTION. 7 USC 2016a.

(a) GUIDANCE; RULEMAKING.—The Secretary shall—

(1) issue guidance to State agencies, on an ongoing basis, as informed by the process outlined in paragraph (4), that describes security measures that—

(A) are effective, as determined by the Secretary, in detecting and preventing theft of benefits, including through card skimming, card cloning, and other similar fraudulent methods; Determination.

(B) are consistent with industry standards for detecting, identifying, and preventing debit and credit card skimming, card cloning, and other similar fraudulent methods; and

(C) consider the feasibility of cost, availability, and implementation for States;

(2) promulgate regulations through notice-and-comment rulemaking to require State agencies to take the security measures described in the guidance issued under paragraph (1);

Deadline.

(3) not later than December 1, 2023, promulgate regulations (including an interim final rule) to require State agencies to implement procedures for the replacement of benefits consistent with subsection (b);

Coordination.
Contracts.

(4) coordinate with the Administrator of the Administration for Children and Families of the Department of Health and Human Services, the Attorney General of the United States, State agencies, retail food stores, and EBT contractors—

Determination.

(A) to determine—

(i) how benefits are being stolen through card skimming, card cloning, and other similar fraudulent methods;

(ii) how those stolen benefits are used; and

(iii) to the maximum extent practicable, the locations where card skimming, card cloning, and other similar fraudulent methods are taking place;

(B) to establish measures, including equipment enhancements for retail food stores, to prevent benefits from being stolen through card skimming, card cloning, and other similar fraudulent methods; and

Standards.
Data.

(C) to establish standard reporting methods for States to collect and share data with the Secretary on the scope of benefits being stolen through card skimming, card cloning, and other similar fraudulent methods; and

Reports.

(5) not later than October 1, 2024, submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report that includes—

(A) to the maximum extent practicable, information on the frequency of theft of benefits and the location of those thefts, including benefits stolen through card skimming, card cloning, and other similar fraudulent methods;

(B) a description of the determinations made under paragraph (4)(A), the measures established under paragraph (4)(B), and methods established in paragraph (4)(C);

(C) a description of the industry standards described in paragraph (1)(B); and

Recommendations.

(D) recommendations on how to consistently detect, track, report, and prevent theft of benefits, including benefits stolen through card skimming, card cloning, and other similar fraudulent methods.

Requirement.

(b) REPLACEMENT OF BENEFITS.—The Secretary shall use funds appropriated under section 18 of the Food and Nutrition Act of 2008 (7 U.S.C. 2027) to require States to replace benefits that are determined by the State agency to have been stolen through card skimming, card cloning, or similar fraudulent methods, subject to the conditions that—

Deadline.
Plan.

(1) the State agency shall submit to the Secretary not later than 60 days after the date of the enactment of this Act for prior approval a plan for the replacement of stolen benefits that—

Procedures.
Determination.

(A) includes appropriate procedures, as determined by the Secretary, for the timely submission of claims to, timely

validation of claims by, and replacement issuance by the State agency that includes—

(i) a signed statement by the affected household on the benefit theft, consistent with the signature requirements and options provided by section 11(e)(2)(C) of the Food and Nutrition Act of 2008, as amended (7 U.S.C. 2020(e)(2)(C)); Statement.

(ii) criteria to determine if a submitted claim is valid; Criteria.

(iii) procedures for the documentation of replacement issuances, including the submitted claims and findings from the validation;

(iv) the submission of data reports on benefit theft and replacement activity to the Secretary; Reports.

(v) procedures to inform households of their right to a fair hearing, consistent with those already established by section 11(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)) and corresponding regulations concerning replacement issuances; and

(vi) the State agency's use and planned use of benefit theft prevention measures, including any additional guidance that may be issued under subsection (a)(1);

(B) includes appropriate procedures, as determined by the Secretary, for reporting the scope and frequency of card skimming affecting households within the State to the Secretary;

(C) upon approval shall be incorporated into the State plan of operation required under section 11(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)); and

(D) the Secretary may approve after the date on which guidance is issued under subsection (a)(1);

(2) the replacement of stolen benefits for a household—

(A) shall not exceed the lesser of— Time periods.

(i) the amount of benefits stolen from the household; or

(ii) the amount equal to 2 months of the monthly allotment of the household immediately prior to the date on which the benefits were stolen;

(B) shall not occur more than 2 times per Federal fiscal year per household by a single State agency; and

(C) shall only apply to benefits stolen during the period beginning on October 1, 2022, and ending on September 30, 2024; Applicability.

(3) plans approved under paragraph (1) will remain in effect until the effective date of the rule promulgated pursuant to subsection (a)(3); and

(4) replacements of benefits under this section shall not be regarded as losses for the purpose of section 7(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(e)) to the extent such replacements are made in accordance with an approved plan that complies with this subsection.

(c) DEFINITIONS.—In this section, the terms "allotment", "benefit", "household", "retail food store", and "State agency" have the meaning given those terms in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012).

(d) RESCISSION.—Of the unobligated balances made available for the Supplemental Nutrition Assistance Program as authorized by section 1101(b)(1) of the American Rescue Plan Act of 2021 (Public Law 117–2), $8,000,000 is hereby rescinded.

SEC. 502. INCREASING ACCESS TO SUMMER MEALS FOR CHILDREN THROUGH EBT AND ALTERNATIVE DELIVERY OPTIONS.

(a) AGREEMENTS.—Section 12(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(b)) is amended—

(1) by inserting "and Indian Tribal organizations" after "State agencies" each place it appears; and

(2) in paragraph (2)(B), in the matter preceding clause (i), by inserting "and Indian Tribal organization" before "budget".

(b) NONCONGREGATE MEALS.—Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended—

(1) in subsection (a), by adding at the end the following:

"(13) NONCONGREGATE MEALS.—

Deadline.
Urban and rural areas.
Determination.

"(A) IN GENERAL.—Beginning not later than summer 2023, the Secretary shall make available an option to States to provide program meals under this section for noncongregate consumption in a rural area with no congregate meal service, as determined by the Secretary.

"(B) SUMMER 2023.—Notwithstanding any other provision in this paragraph, for summer 2023, the Secretary may allow States to use implementation models developed by the Secretary for demonstration projects carried out under section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2132), to carry out subparagraph (A).

"(C) ELIGIBILITY DETERMINATION.—In administering this paragraph, the Secretary shall ensure that noncongregate meals are only available for a child—

"(i) in an area in which poor economic conditions exist; and

"(ii) in an area that is not an area in which poor economic conditions exist, if the child is determined to be eligible for a free or reduced price lunch under this Act or a free or reduced price breakfast under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

"(D) PRIORITIES.—

"(i) IN GENERAL.—States shall—

"(I) identify areas with no congregate meal service that could benefit the most from the provision of noncongregate meals; and

"(II) encourage participating service institutions in those areas to provide noncongregate meals as appropriate.

"(ii) AREAS.—Areas identified under clause (i) may include areas that are not areas in which poor economic conditions exist but that have children who are determined to be eligible for free or reduced price lunch under this Act or free or reduced price breakfast under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

"(E) ADMINISTRATION.—In administering this paragraph, the Secretary shall ensure that—

"(i) any meal served for noncongregate consumption—

"(I) meets all applicable State and local health, safety, and sanitation standards; and

"(II) meets the requirements under subsection (f)(1);

"(ii) over a 10-day calendar period, the number of reimbursable meals provided to a child does not exceed the number of meals that could be provided over a 10-day calendar period, as established under subsection (b)(2); and Time period.

"(iii) States establish a process for identifying gaps in service and barriers in reaching needy children for congregate and noncongregate models. Process.

"(F) REGULATIONS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall promulgate regulations (which shall include interim final regulations) to carry out this section, including provisions— Deadline.

"(i) to ensure the integrity of the alternative option for program delivery described in subparagraph (A); and

"(ii) to incorporate best practices and lessons learned from noncongregate demonstration projects under section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2132).."; and

(2) in subsection (n)—

(A) by striking "by January 1 of each year of its intent to administer the program and shall submit for approval by February 15" and inserting "of its intent to administer the program and shall submit for approval by April 1, 2023,";

(B) by striking "(1)" and inserting "(A)";

(C) by striking "(2)" and inserting "(B)";

(D) by striking "(3)" and inserting "(C)";

(E) by striking "(4)" and inserting "(D)";

(F) by striking "(5)" and inserting "(E)";

(G) by striking "and (6)" and inserting "(F)";

(H) by striking the period at the end and inserting "; and (G) the State's plan for using the alternative option for program delivery described in subsection (a)(13), if applicable, including plans to provide a reasonable opportunity to access meals across all areas of the State.";

(I) by striking the subsection designation and all that follows through "Each State" and inserting the following: "(n) MANAGEMENT AND ADMINISTRATION STATE PLANS.—

"(1) SUMMER 2023.—Each State"; and

(J) by adding at the end the following:

"(2) SUMMER 2024 AND BEYOND.—Beginning in 2024, each State desiring to participate in the program under this section or in the summer EBT program under section 13A shall notify the Secretary by January 1 of each year of its intent to administer the applicable program and shall submit for approval by February 15 a management and administration plan for Effective date. Notification. Deadlines.

the applicable program for the fiscal year, which shall include, as applicable—

"(A) the requirements listed in subparagraphs (A) through (G) of paragraph (1);

"(B) the administrative budget of the State for administering the summer EBT program under section 13A;

"(C) the State's plan to comply with the State requirements in section 13A(c) and any other standards prescribed by the Secretary under section 13A;

"(D) the State's plan to identify areas with no congregate meal service;

"(E) the State's plan to target priority areas identified under subsection (a)(13)(D)(i)(I); and

"(F) the State's plan to ensure that summer EBT benefits (as described in section 13A(a)) are issued to children based on their school attendance at the end of the instructional year immediately preceding such summer.".

(c) SUMMER EBT.—The Richard B. Russell National School Lunch Act is amended by inserting after section 13 (42 U.S.C. 1761) the following:

42 USC 1762.

"SEC. 13A. SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM.

Effective.

"(a) PROGRAM ESTABLISHED.—The Secretary shall establish a program under which States and covered Indian Tribal organizations electing to participate in such program shall, beginning with summer 2024 and annually for each summer thereafter, issue to each eligible household summer electronic benefit transfer benefits (referred to in this section as 'summer EBT benefits')—

"(1) in accordance with this section; and

"(2) for the purpose of providing nutrition assistance through electronic benefit transfer or methods described in clauses (ii) and (iii) of subsection (b)(2)(B) during the summer months for each eligible child, to ensure continued access to food when school is not in session for the summer.

"(b) SUMMER EBT BENEFITS REQUIREMENTS.—

"(1) PURCHASE OPTIONS.—

Territories.

"(A) BENEFITS ISSUED BY STATES.—Summer EBT benefits issued pursuant to subsection (a) by a State may only be used by the eligible household that receives such summer EBT benefits to purchase food (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) from retail food stores that have been approved for participation in the supplemental nutrition assistance program established under such Act and in accordance with section 7(b) of such Act (7 U.S.C. 2016(b)) or in the nutrition assistance program in American Samoa, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands.

"(B) BENEFITS ISSUED BY COVERED INDIAN TRIBAL ORGANIZATIONS.—Summer EBT benefits issued pursuant to subsection (a) by a covered Indian Tribal organization may only be used by the eligible household that receives such summer EBT benefits to purchase supplemental foods from vendors that have been approved for participation in the special supplemental nutrition program for women,

infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(2) AMOUNT.—Summer EBT benefits issued pursuant to subsection (a)—

"(A) shall be—

Time periods.

"(i) for calendar year 2024, in an amount equal to $40, which may be proportionately higher consistent with the adjustments established under section 12(f) for each eligible child in the eligible household per month during the summer operational period; and

"(ii) for calendar year 2025 and each year thereafter, in an amount equal to the unrounded benefit amount from the prior year, adjusted to the nearest lower dollar increment to reflect changes to the cost of the diet described in section 3(u) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(u)) for the 12-month period ending on November 30 of the preceding calendar year and rounded to the nearest lower dollar increment; and

"(B) may be issued—

"(i) in the form of an EBT card;

"(ii) through other electronic methods, as determined by the Secretary; or

"(iii) in the case of a State that does not issue nutrition assistance program benefits electronically, using the same methods by which that State issues benefits under the nutrition assistance program of that State.

"(3) ENFORCEMENT.—Summer EBT benefits issued pursuant to subsection (a) shall—

"(A) be subject to sections 12, 14, and 15 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021, 2023, 2024) and subsections (n), (o), and (p) of section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), as applicable; and

"(B) to the maximum extent practicable, incorporate technology tools consistent with industry standards that track or prevent theft of benefits, cloning, or other fraudulent activities.

"(4) TIMING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), summer EBT benefits issued pursuant to subsection (a) may only be issued for the purpose of purchasing food during the summer months, with appropriate issuance and expungement timelines as determined by the Secretary (but with an expungement timeline not to exceed 4 months).

Determination.

"(B) CONTINUOUS SCHOOL CALENDAR.—In the case of children who are under a continuous school calendar, the Secretary shall establish alternative plans for the period during which summer EBT benefits may be issued pursuant to subsection (a) and used.

"(c) ENROLLMENT IN PROGRAM.—

"(1) STATE REQUIREMENTS.—States that elect to participate in the program under this section shall—

"(A) with respect to summer, automatically enroll each eligible child who is directly certified, is an identified student (as defined in section 11(a)(1)(F)(i)), or is otherwise determined by a school food authority to be eligible to

receive free or reduced price meals in the instructional year immediately preceding the summer or during the summer operational period in the program under this section, without further application from households;

"(B) make an application available for children who do not meet the criteria described in subparagraph (A) and make eligibility determinations using the eligibility criteria for free or reduced price lunches under this Act;

Procedures.

"(C) establish procedures to carry out the enrollment described in subparagraph (A);

Procedures.

"(D) establish procedures for expunging summer EBT benefits from the account of a household, consistent with the requirements under subsection (b)(4); and

"(E) allow eligible households to opt out of participation in the program under this section and establish procedures for opting out of such participation.

"(2) COVERED INDIAN TRIBAL ORGANIZATION REQUIREMENTS.—Covered Indian Tribal organizations participating in the program under this section shall, to the maximum extent practicable, meet the requirements under paragraph (1).

Payments.

"(d) ADMINISTRATIVE EXPENSES.—The Secretary shall pay to each State agency and covered Indian Tribal organization an amount equal to 50 percent of the administrative expenses incurred by the State agency or covered Indian Tribal organization in operating the program under this section, including the administrative expenses of local educational agencies and other agencies in each State or covered Indian Tribal organization relating to the operation of the program under this section.

Effective.

"(e) SUMMER EBT AUTHORITY.—Beginning in summer 2024, the Secretary shall not allow States to use the authority in section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2132), to provide access to food through electronic benefit transfer benefits to children during the summer months when schools are not in regular session.

Deadline.

"(f) ISSUANCE OF INTERIM FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations (which shall include interim final regulations) to carry out this section, including provisions that—

"(1) incorporate best practices and lessons learned from demonstration projects under—

"(A) section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2132); and

"(B) the pandemic EBT program under section 1101 of the Families First Coronavirus Response Act (7 U.S.C. 2011 note; Public Law 116–127);

"(2) ensure timely and fair service to applicants for and recipients of benefits under this section;

"(3) establish quality assurance and program integrity procedures to ensure that States and local educational agencies have adequate processes—

"(A) to correctly determine the eligibility of children for benefits under this section; and

"(B) to reliably enroll and issue benefits to eligible children; and

"(4) allow States and covered Indian Tribal organizations to streamline program administration, including by—

"(A) automatically enrolling each eligible child who is able to be directly certified; and

"(B) establishing a single summer operational period.

"(g) ADMINISTRATIVE AND MANAGEMENT PLAN.—Beginning in 2024, each State desiring to participate in the program under this section shall comply with the requirements under section 13(n).

Effective. Compliance.

"(h) DEFINITIONS.—In this section:

"(1) COVERED INDIAN TRIBAL ORGANIZATION.—The term 'covered Indian Tribal organization' means an Indian Tribal organization that participates in the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(2) ELIGIBLE CHILD.—The term 'eligible child' means, with respect to a summer, a child who—

"(A) was, at the end of the instructional year immediately preceding such summer or during the summer operational period—

"(i) certified to receive free or reduced price lunch under the school lunch program under this Act;

"(ii) certified to receive free or reduced price breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

"(iii) able to be directly certified;

"(B) was, at the end of the instructional year immediately preceding such summer—

"(i) enrolled in a school described in subparagraph (B), (C), (D), (E), or (F) of section 11(a)(1); and

"(ii)(I) an identified student (as defined in section 11(a)(1)(F)(i)); or

"(II) a child who otherwise met the requirements to receive free or reduced price meals, as determined through an application process using the eligibility criteria for free or reduced price meals under this Act; or

"(C) has been determined to be eligible for the program under this section in accordance with subsection (c)(1)(B).

"(3) ELIGIBLE HOUSEHOLD.—The term 'eligible household' means a household that includes at least 1 eligible child.

"(4) SUPPLEMENTAL FOODS.—The term 'supplemental foods'—

"(A) means foods—

"(i) containing nutrients determined by nutritional research to be lacking in the diets of children; and

"(ii) that promote the health of the population served by the program under this section, as indicated by relevant nutrition science, public health concerns, and cultural eating patterns, as determined by the Secretary; and

"(B) includes foods not described in subparagraph (A) substituted by State agencies, with the approval of the Secretary, that—

"(i) provide the nutritional equivalent of foods described in such subparagraph; and

"(ii) allow for different cultural eating patterns than foods described in such subparagraph.".

(d) AMENDMENTS TO P-EBT FOR SUMMER 2023.—Section 1101(i) of the Families First Coronavirus Response Act (7 U.S.C. 2011 note; Public Law 116–127) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) in paragraph (1) (as so designated), by inserting "approve or" after "may"; and

(3) by adding at the end the following:

"(2) LIMITATION.—A State shall not provide benefits during a covered summer period pursuant to paragraph (1) to children who, at the end of the school year immediately preceding the covered summer period, attended a school that did not participate in the school lunch program or school breakfast program described in that paragraph.

"(3) OTHER ASSISTANCE NOT REQUIRED.—A State shall not be required to provide assistance under subsection (a) or (h) in order to provide assistance under this subsection.".

42 USC 1762 note.

(e) NO DUPLICATION OF SUMMER BENEFITS.—A State may not provide to a household summer EBT benefits (as described in section 13A(a) of the Richard B. Russell National School Lunch Act) under that section and benefits under section 1101(i) of the Families First Coronavirus Response Act (7 U.S.C. 2011 note; Public Law 116–127) for the same period.

SEC. 503. OFFSETS.

(a) SUMMER 2023.—Section 1101(i) of the Families First Coronavirus Response Act (7 U.S.C. 2011 note; Public Law 116–127) (as amended by section 502(d)) is amended by adding at the end the following:

"(4) SUMMER 2023.—Any benefits issued to households during a covered summer period pursuant to paragraph (1) in summer 2023 shall not exceed $120 per child for the covered summer period, except that benefits may be proportionately higher consistent with any adjustments established under section 12(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(f)).".

(b) ALLOTMENTS.—Section 2302 of the Families First Coronavirus Response Act (7 U.S.C. 2011 note; Public Law 116–127) is amended by adding at the end the following:

"(d) SUNSET.—The authority under subsection (a)(1) shall expire after the issuance of February 2023 benefits under that subsection.".

TITLE V—OTHER MATTERS

7 USC 2204b–2 note.

SEC. 601. SUPPORT FOR COTTON MERCHANDISERS.

(a) COTTON MERCHANDISER PANDEMIC ASSISTANCE.—

Time period.

(1) PANDEMIC ASSISTANCE PAYMENTS TO COTTON MERCHANDISERS.—The Secretary shall make pandemic assistance payments, under terms and conditions as determined by the Secretary, to cotton merchandisers that purchased cotton from a United States cotton producer or marketed cotton on behalf of a United States cotton producer during the period that begins on March 1, 2020, and ends on the date of enactment of this Act.

(2) PAYMENT DETERMINATIONS.—The Secretary shall take into consideration economic impacts of COVID–19 and other supply chain disruptions in determining payment rates under this subsection, such that the amounts made available under paragraph (4)(A) are fully expended no later than 1 year after the date of enactment of this section. Deadline.

(3) COTTON MERCHANDISER DEFINED.—In this subsection, the term "cotton merchandiser" means an entity that markets, sells, or trades cotton to end users.

(4) FUNDING LIMITATIONS.—

(A) IN GENERAL.—Of the funds made available under subsection (b), the Secretary shall make available $100,000,000 to carry out this subsection.

(B) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 1 percent of the funds under subparagraph (A) for administrative costs necessary to carry out this subsection.

(b) FUNDING.—The Secretary shall make available $100,000,000 to be derived from the unobligated balances of amounts made available under section 751 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) to carry out subsection (a).

SEC. 602. ASSISTANCE FOR RICE PRODUCERS.

(a) IN GENERAL.—The Secretary shall make a 1-time payment to each producer of rice on a farm in the United States with respect to the 2022 crop year. Payments. Time period.

(b) PAYMENT AMOUNT.—In accordance with the amount made available under subsection (e), the amount of a payment to a rice producer on a farm under subsection (a) shall be equal to the product obtained by multiplying—

(1) the payment rate per pound, as determined by the Secretary, but which shall be—

(A) the same for all varieties of rice;

(B) not less than 2 cents per pound; and

(C) notwithstanding subparagraph (B), adjusted by the Secretary such that the amount made available under subsection (e) is fully expended;

(2)(A) in the case of a producer with an average actual production history per planted acre of rice determined in accordance with subparagraphs (A), (B), and (E) of section 508(g)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)), that average actual production history; or

(B) in the case of a producer without an average actual production history described in subparagraph (A)—

(i) if an area yield for the 2022 crop year determined in accordance with subparagraphs (C) and (E) of that section is available, that area yield; or

(ii) if an area yield described in clause (i) is not available, the yield determined by the Secretary; and

(3) the sum obtained by adding, as applicable—

(A) the number of certified planted acres of rice on the farm for the 2022 crop year, as reported to the Secretary; and

(B) the number of certified acres of rice prevented from being planted on the farm for the 2022 crop year,

as reported to the Secretary, multiplied by the prevented planting coverage factor applicable to those acres.

(c) LIMITATIONS.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall impose payment limitations consistent with section 760.1507(b) of title 7, Code of Federal Regulations (as in effect on September 30, 2021).

(2) SEPARATE LIMITATIONS.—The payment limitations imposed under paragraph (1) shall be separate from annual payment limitations under any other program.

Payments.

(d) DEADLINE.—The Secretary shall make payments under this section not later than 120 days after the date of enactment of this Act.

(e) FUNDING.—

(1) RESCISSION.—Of the unobligated balance of the amounts made available by section 751 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 2105), $250,000,000 is rescinded.

(2) APPROPRIATION.—There is appropriated to the Secretary, out of any amounts in the Treasury not otherwise appropriated, $250,000,000 to carry out this section.

7 USC 8302; 16 USC 661 note, 667i and note.

SEC. 603. ENACTMENT OF CHRONIC WASTING DISEASE RESEARCH AND MANAGEMENT ACT.

The provisions of H.R. 5608 of the 117th Congress, as engrossed in the House of Representatives on December 8, 2021, are hereby enacted into law.

Pesticide Registration Improvement Act of 2022.

TITLE VI—PESTICIDES

Subtitle A—Pesticide Registration Improvement Act of 2022

7 USC 136 note.

SEC. 701. SHORT TITLE.

This title may be cited as the "Pesticide Registration Improvement Act of 2022".

SEC. 702. BILINGUAL LABELING.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

"(5) BILINGUAL LABELING.—

"(A) REQUIREMENT.—

"(i) IN GENERAL.—Subject to clause (ii), not later than the applicable deadline described in subparagraph (B), each registered pesticide product released for shipment shall include—

"(I) the translation of the parts of the labeling contained in the Spanish Translation Guide described in subparagraph (G) on the product container; or

"(II) a link to such translation via scannable technology or other electronic methods readily accessible on the product label.

"(ii) EXCEPTIONS.—Notwithstanding clause (i)—

"(I) an antimicrobial pesticide product may, in lieu of including a translation or a link under clause (i), provide a link to the safety data sheets in Spanish via scannable technology or other electronic methods readily accessible on the product label; or

"(II) a non-agricultural pesticide product that is not classified by the Administrator as restricted use under subsection (d)(1)(A) may, in lieu of including a translation or a link under clause (i), provide a link to the safety data sheets in Spanish via scannable technology or other electronic methods readily accessible on the product label.

"(B) DEADLINES FOR BILINGUAL LABELING.—

"(i) PESTICIDE PRODUCTS CLASSIFIED AS RESTRICTED USE.—In the case of pesticide products classified by the Administrator as restricted use under subsection (d)(1)(A), the deadline specified in this subparagraph is the date that is 3 years following the date of enactment of this paragraph.

"(ii) PESTICIDE PRODUCTS NOT CLASSIFIED AS RESTRICTED USE.—In the case of pesticide products not classified by the Administrator as restricted use under subsection (d)(1)(A), the deadline specified in this subparagraph shall be as follows:

"(I) AGRICULTURAL.—

"(aa) ACUTE TOXICITY CATEGORY I.—For agricultural pesticides classified as Acute Toxicity Category I, the date that is 3 years after the date of enactment of this paragraph.

"(bb) ACUTE TOXICITY CATEGORY II.—For agricultural pesticides classified as Acute Toxicity Category II, the date that is 5 years after the date of enactment of this paragraph.

"(II) ANTIMICROBIAL AND NON-AGRICULTURAL.—

"(aa) ACUTE TOXICITY CATEGORY I.—For antimicrobial and non-agricultural pesticide products classified as Acute Toxicity Category I, the date that is 4 years after the date of enactment of this paragraph.

"(bb) ACUTE TOXICITY CATEGORY II.—For antimicrobial and non-agricultural pesticide products classified as Acute Toxicity Category II, the date that is 6 years after the date of enactment of this paragraph.

"(III) OTHER PESTICIDE PRODUCTS.—With respect to pesticide products not described in subclause (I) or (II), the date that is 8 years after the date of enactment of this paragraph.

"(C) IMPLEMENTATION.—

"(i) NON-NOTIFICATION.—

"(I) IN GENERAL.—In carrying out this paragraph, the Administrator shall allow translations of the parts of the label of a pesticide contained in the Spanish Translation Guide described in subparagraph (G) and scannable technology or

other electronic methods to be added using non-notification procedures.

"(II) NON-NOTIFICATION PROCEDURE DEFINED.—In this clause, the term 'non-notification procedure' refers to a procedure under which a change may be made to a pesticide label without notifying the Administrator.

"(ii) COOPERATION AND CONSULTATION.—In carrying out this paragraph, the Administrator shall cooperate and consult with State lead agencies for pesticide regulation for the purpose of implementing bilingual labeling as provided in this paragraph as expeditiously as possible.

Applicability.

"(iii) END USE LABELING.—The labeling requirements of this paragraph shall apply to end use product labels.

Updates.
Time period.

"(iv) INCORPORATION TIMEFRAME.—After initial translation deadlines provided in subparagraph (B), updates to the Spanish Translation Guide described in subparagraph (G) shall be incorporated into labeling on the earlier of—

"(I) in the case of agricultural use pesticide labels, as determined by the Administrator—

"(aa) 1 year after the date of publication of the updated Spanish Label Translation Guide described in subparagraph (G); or

"(bb) the released for shipment date specified on the EPA Stamped Approved Label after the pesticide label is next changed or amended following the date of publication of the updated Spanish Label Translation Guide described in subparagraph (G); and

"(II) in the case of antimicrobial and non-agricultural use pesticide labels, as determined by the Administrator—

"(aa) 2 years after the date of publication of the updated Spanish Label Translation Guide described in subparagraph (G); or

"(bb) the released for shipment date specified on the EPA Stamped Approved Label after the pesticide label is next changed or amended following the date of publication of the updated Spanish Label Translation Guide described in subparagraph (G).

Deadline.

"(v) NOTIFICATION OF UPDATES TO THE SPANISH TRANSLATION GUIDE FOR PESTICIDE LABELING.—Not later than 10 days after updating the Spanish Translation Guide described in subparagraph (G), the Administrator shall notify registrants of the update to such guide.

Deadline.

"(D) ACCESSIBILITY OF BILINGUAL LABELING FOR FARM WORKERS.—Not later than 180 days after the date of enactment of this paragraph, to the maximum extent practicable, the Administrator shall seek stakeholder input on ways to make bilingual labeling required under this paragraph accessible to farm workers.

"(E) PLAN.—Not later than 3 years after the date of enactment of this paragraph, the Administrator shall implement a plan to ensure that farm workers have access to the bilingual labeling required under this paragraph. Deadline.

"(F) REPORTING.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall develop and implement, and make publicly available, a plan for tracking the adoption of the bilingual labeling required under this paragraph. Public information.

"(G) SPANISH TRANSLATION GUIDE DESCRIBED.—The Spanish Translation Guide described in this subparagraph is the Spanish Translation Guide for Pesticide Labeling issued in October 2019, as in effect on the date of enactment of the Pesticide Registration Improvement Act of 2022, and any successor guides or amendments to such guide.".

SEC. 703. EXTENSION AND MODIFICATION OF MAINTENANCE FEE AUTHORITY.

(a) EXTENSION AND MODIFICATION OF MAINTENANCE FEE AUTHORITY.—Section 4(i) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "2023" and inserting "2022, and $42,000,000 for each of fiscal years 2023 through 2027";

(B) in subparagraph (D)—

(i) in clause (i), by striking "2023" and inserting "2022, and $172,000 for each of fiscal years 2023 through 2027"; and

(ii) in clause (ii), by striking "2023" and inserting "2022, and $277,200 for each of fiscal years 2023 through 2027";

(C) in subparagraph (E)(i)—

(i) in subclause (I), by striking "2023" and inserting "2022, and $105,000 for each of fiscal years 2023 through 2027"; and

(ii) in subclause (II), by striking "2023" and inserting "2022, and $184,800 for each of fiscal years 2023 through 2027";

(D) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (L), (M), and (N);

(E) by inserting after subparagraph (F) the following:

"(G) FARM WORKER TRAINING AND EDUCATION GRANTS.—

"(i) SET-ASIDE.—In addition to amounts otherwise available, for fiscal years 2023 through 2027, the Administrator shall use not more than $7,500,000 of the amounts collected under this paragraph to provide grants to organizations described in clause (ii) for purposes of facilitating— Time periods.

"(I) training of farm workers;

"(II) education of farm workers with respect to—

"(aa) rights of farm workers relating to pesticide safety; and

"(bb) the worker protection standard under part 170 of title 40, Code of Federal Regulations (or successor regulations);

"(III) the development of new informational materials;

"(IV) the development of training modules; and

"(V) the development of innovative methods of delivery of such informational materials and training modules.

"(ii) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, an organization shall have demonstrated experience in—

"(I) providing training and education services for farm workers or handlers of pesticides; or

"(II) developing informational materials for farm workers or handlers of pesticides.

"(iii) COMMUNITY-BASED ORGANIZATIONS.—

"(I) COMMUNITY-BASED NON-PROFIT FARM WORKER ORGANIZATION GRANTS.—The Administrator shall use funds available under clause (i) to provide grants to community-based non-profit farm worker organizations.

Time periods.

"(II) APPLICATION OF FUNDS.—The Administrator shall apply the unspent balance of funds available (up to $1,800,000) under clause (i) in fiscal years 2025 through 2027 to carry out subclause (I).

Time periods.

"(iv) INTERIM FUNDING.—In addition to amounts otherwise available, the Administrator may use not more than $1,200,000 in fiscal years 2023 and 2024 to fund existing cooperative agreements that were authorized under section 33(c)(3)(B), as such section was in effect as of March 8, 2019.

"(v) PARTNERSHIPS.—Organizations described in clause (ii) may apply for a grant under this subparagraph as a partnership with another organization, provided such organizations, at the time of application, have entered into an agreement designating—

"(I) a member of the partnership that will enter into the assistance agreement with the Environmental Protection Agency for the purposes of accountability for the proper expenditure of Federal funds;

"(II) performance of the assistance agreement;

"(III) liability for claims for recovery of unallowable costs incurred under the agreement; and

"(IV) specifying roles in performing the proposed scope of work for the assistance agreement.

"(H) HEALTH CARE PROVIDER TRAINING.—

Time periods.

"(i) SET-ASIDE.—In addition to other amounts available, for the period of fiscal years 2023 through 2027, the Administrator shall use not more than $2,500,000 of the amounts collected under this paragraph to provide grants to nonprofit organizations described in clause (ii) for purposes of facilitating—

"(I) technical assistance and training of health care providers relating to the recognition, treatment, and management of pesticide-related injuries and illnesses;

"(II) the development of informational materials for technical assistance and training described in subclause (I); and

"(III) the development of outreach and delivery methods relating to the recognition, treatment, and management of pesticide-related illnesses.

"(ii) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, a nonprofit organization shall have demonstrated experience in providing technical assistance and training to health care providers who serve farm worker populations.

"(iii) PARTNERSHIPS.—Organizations described in clause (ii) may apply for a grant under this subparagraph as a partnership with another organization, provided such organizations, at the time of application, have entered into an agreement designating—

"(I) a member of the partnership that will enter into the assistance agreement with the Environmental Protection Agency for the purposes of accountability for the proper expenditure of Federal funds;

"(II) performance of the assistance agreement;

"(III) liability for claims for recovery of unallowable costs incurred under the agreement; and

"(IV) roles in performing the proposed scope of work for the assistance agreement.

"(I) PARTNERSHIP GRANTS.—In addition to funds otherwise available, for each of fiscal years 2023 through 2027, the Administrator shall use not more than $500,000 of the amounts collected under this paragraph for partnership grants. Time periods.

"(J) PESTICIDE SAFETY EDUCATION PROGRAM.—In addition to amounts otherwise available, for each of fiscal years 2023 through 2027, the Administrator shall use not more than $500,000 of the amounts collected under this paragraph to carry out the pesticide safety education program. Time periods.

"(K) TECHNICAL ASSISTANCE TO GRANTEES.— Time periods.

"(i) SET-ASIDE.—In addition to other amounts available, for fiscal years 2023 through 2027, the Administrator shall use not more than $1,750,000 of the amounts collected under this paragraph to provide grants to nonprofit organizations, subject to such conditions as the Administrator establishes to prevent conflicts of interest, to provide easily accessible technical assistance to grantees receiving, and potential grantees applying for, grants under subparagraphs (G) and (H).

"(ii) CONSIDERATIONS.—In evaluating requests for grants under this subparagraph, the Administrator shall consider, at a minimum, the extent to which—

"(I) the organization applying for the grant has experience providing technical assistance to

farm worker or clinician-training organizations; and

"(II) the proposed project would make specific technical assistance available to organizations seeking information and assistance concerning—

"(aa) the grant application process;

"(bb) the drafting of grant applications; and

"(cc) compliance with grant management and reporting requirements.

"(iii) NO SUITABLE ORGANIZATION.—If no suitable organization requests a grant under this subparagraph, the Administrator shall provide technical assistance described in clause (i) using the amounts made available by that clause.

"(iv) STAKEHOLDER INPUT.—In formulating requests for proposals for grants under subparagraphs (G) and (H) for a fiscal year, the Administrator shall solicit and consider, in an open and transparent manner that does not provide a competitive advantage to any person or persons, input from persons who conduct farm worker education and training, or technical assistance and training of clinicians, regarding the request for proposals."; and

(F) in subparagraph (N) (as so redesignated), by striking "2023" and inserting "2027"; and

(2) in paragraph (2)—

(A) by striking "section 33(b)(3)" and inserting "section 33(b)(3)(B)"; and

(B) by striking "the Pesticide Registration Improvement Extension Act of 2018 and ending on September 30, 2025" and inserting "the Pesticide Registration Improvement Act of 2022 and ending on September 30, 2029".

(b) EXTENSION OF PROHIBITION ON TOLERANCE FEES.—Section 408(m)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(3)) is amended by striking "the Pesticide Registration Improvement Renewal Act and ending on September 30, 2023" and inserting "the Pesticide Registration Improvement Act of 2022 and ending on September 30, 2027".

SEC. 704. REREGISTRATION AND EXPEDITED PROCESSING FUND.

Section 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)) is amended—

(1) in paragraph (2)(A), in the first sentence, by inserting "including, to the maximum extent practicable, during periods in which Environmental Protection Agency employees are on shutdown or emergency furlough as a result of a lapse in appropriations," after "limitation,";

(2) by striking paragraphs (3) and (4) and inserting the following:

"(3) REVIEW OF REGISTRANT SUBMISSIONS NOT COVERED BY SECTION 33(B)(3)(B).—

"(A) DEFINITION OF SUBMISSION NOT COVERED BY SECTION 33(B)(3)(B).—In this paragraph, the term 'submission not covered by section 33(b)(3)(B)' means any submission filed by a registrant with the Administrator relating to

a registration that is not covered by a fee table under section 33(b)(3)(B).

"(B) SET-ASIDE.—

"(i) IN GENERAL.—In addition to amounts otherwise available for each of fiscal years 2023 through 2027, the Administrator shall use approximately ⅛ of the amounts made available to the Administrator in the Reregistration and Expedited Processing Fund for the activities described in clause (ii). Time periods.

"(ii) ACTIVITIES.—In addition to amounts otherwise available, the Administrator shall use amounts made available under clause (i) to obtain sufficient personnel and resources to process submissions not covered by section 33(b)(3)(B) to meet the applicable deadlines described in—

"(I) the notice of the Administrator entitled 'Pesticide Registration Notice (PR) 98–10: Notifications, Non-Notifications and Minor Formulation Amendments' and dated October 22, 1998 (and any successor amendments to such notice); and

"(II) subsections (c)(3)(B) and (h) of section 3.

"(4) DEVELOPMENT OF PUBLIC HEALTH PERFORMANCE STANDARDS FOR ANTIMICROBIAL PESTICIDE DEVICES.—

"(A) SET-ASIDE.—In addition to amounts otherwise available, for each of fiscal years 2023 through 2027, the Administrator shall use not more than $500,000 of the amounts made available to the Administrator in the Reregistration and Expedited Processing Fund for the activities described in subparagraph (B). Time periods.

"(B) ANTIMICROBIAL PESTICIDE DEVICES.—The Administrator shall use amounts made available under subparagraph (A) to develop efficacy test methods for antimicrobial pesticide devices making public health claims.";

(3) in paragraph (5)(A), by striking "2018 through 2023" and inserting "2023 through 2027";

(4) by redesignating paragraphs (6) and (7) as paragraphs (9) and (10), respectively;

(5) by inserting after paragraph (5) the following:

"(6) AGENCY TRAINING AND STAFF.—

"(A) SET-ASIDE.—In addition to amounts otherwise available, for each of fiscal years 2023 through 2027, the Administrator shall use not more than $500,000 of the amounts made available to the Administrator in the Reregistration and Expedited Processing Fund for the activities described in subparagraph (B). Time periods.

"(B) ACTIVITIES.—The Administrator shall use amounts made available under subparagraph (A) to carry out the following activities:

"(i) TRAINING FOR AGENCY EMPLOYEES.—The Administrator shall administer training and education programs for employees of the Environmental Protection Agency, relating to the regulatory responsibilities and policies established by this Act, including programs—

"(I) for improving the scientific, technical, and administrative skills of officers and employees authorized to administer programs under this Act;

"(II) to align competencies identified by the Administrator for mission accomplishment;

"(III) for addressing best practices for operational performance and improvement;

"(IV) for improving administrative processes and procedures and addressing efficiency issues;

"(V) to promote consistent regulatory decision-making; and

"(VI) for educating registrants and regulated stakeholders on regulatory procedures.

Contracts.
Deadline.

"(ii) AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION.—Not later than 1 year, to the maximum extent practicable, after the date of enactment of the Pesticide Registration Improvement Act of 2022, the Administrator shall establish a competitive grant program to develop training curricula and programs in accordance with clause (i) through financial assistance agreements with 1 or more of the following institutions of higher education:

"(I) Non-land-grant colleges of agriculture (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).

"(II) Land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).

"(III) 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)).

"(7) VECTOR EXPEDITED REVIEW VOUCHERS.—

Time periods.

"(A) SET-ASIDE.—In addition to amounts otherwise available, for each of fiscal years 2023 through 2027, the Administrator shall use not more than $500,000 of the amounts made available to the Administrator in the Reregistration and Expedited Processing Fund to establish and carry out the Vector Expedited Review Voucher program in accordance with subparagraph (B).

"(B) VECTOR EXPEDITED REVIEW VOUCHER PROGRAM.—

"(i) DEFINITIONS.—In this subparagraph:

"(I) PROGRAM.—The term 'program' means the Vector Expedited Review Voucher program established under clause (ii).

"(II) VOUCHER.—The term 'voucher' means a voucher—

"(aa) issued under the program by the Administrator to a pesticide registration applicant that entitles the holder to an expedited review described under clause (vi) of a single different pesticide registration action; and

"(bb) the entitlement to which may be transferred (including by sale) by the holder

of the voucher, without limitation on the number of times the voucher may be transferred, before the voucher is redeemed.

"(ii) ESTABLISHMENT.—Not later than one year after the date of enactment of the Pesticide Registration Improvement Act of 2022, the Administrator, acting though the Office of Pesticide Programs, shall establish a program to be known as the Vector Expedited Review Voucher program. Deadline.

"(iii) PURPOSE.—The purpose of the program is to incentivize the development of new insecticides to control and prevent the spread of vector borne disease by expediting reviews by decreasing decision review times provided in section 33(b)(3)(B).

"(iv) ISSUANCE OF VOUCHERS.—

"(I) IN GENERAL.—For each of fiscal years 2023 through 2027, the Administrator shall issue a voucher to a pesticide registration applicant for a new active ingredient if the applicant submits and has successfully registered a mosquito-control product that— Time periods.

"(aa) demonstrates a proven efficacy against pyrethroid or other insecticide-resistant mosquitoes;

"(bb) prevents, mitigates, destroys, or repels pyrethroid or other insecticide-resistant mosquitoes, with a novel or unique mechanism or mode of action, different from other insecticides already registered by the Administrator for mosquito control;

"(cc) targets mosquitoes capable of spreading such diseases as Malaria, Dengue, Zika, Chikungunya, St. Louis encephalitis, Eastern encephalitis, Western encephalitis, West Nile encephalitis, Cache Valley encephalitis, LaCrosse encephalitis, and Yellow Fever;

"(dd) the registrant has submitted a global access plan that will be made publicly available for the active ingredient and that includes—

"(AA) manufacturing locations, including any licensed third-party manufacturers;

"(BB) distribution and procurement processes for malaria vector control programs in selected countries; and

"(CC) the prices for common quantities of the product;

"(ee) meets the appropriate guidelines as being effective in the primary vector control intervention areas, including insecticide-treated nets and indoor residual spray;

"(ff) is made accessible for use in—

"(AA) the United States, including territories or possessions of the United States; and

"(BB) countries where mosquito-borne diseases, such as malaria, are prevalent;

"(gg) meets registration requirements for human health and environmental effects, labeling, and presents no unreasonable adverse effects to the environment;

"(hh) broadens the adoption of integrated pest management strategies, such as insecticide resistance management, or makes those strategies more effective;

"(ii) is not contained in any pesticide product registered by the Administrator as of the date of the enactment of the Pesticide Registration Improvement Act of 2022; or

Time period.

"(jj) does not contain as attested to by the registrant, an active ingredient approved in the 2-year period preceding the date of registration by any global stringent regulatory authority for the same uses, vectors, and applications.

Time periods.

"(II) MOSQUITO VECTOR PRIORITY.—For each of fiscal years 2023 through 2027, the focus of the program shall be to incentivize the development of insecticides to control and prevent the spread of mosquitoes bearing diseases described in subclause (I)(cc).

Determination.

"(III) EXCEPTION.—If the Administrator determines that there is a significant public health benefit, an active ingredient that is registered for agricultural use that is repurposed and submitted for control of mosquitoes and that otherwise meets the requirements of subclause (I) (excluding items (bb) and (jj)) as determined necessary by the Administrator, shall be considered a mosquito control product meeting the criteria specified in such subclause.

"(IV) ELIGIBILITY CRITERIA MODIFICATIONS.—

Effective date.

"(aa) IN GENERAL.—Beginning in fiscal year 2028, the Administrator shall review the program and recommend—

"(AA) modifications to the requirements described in subclause (I); and

"(BB) additional vectors to be included in the program, prioritizing vectors that pose the most significant population health risks.

"(bb) PUBLIC INVOLVEMENT.—In carrying out item (aa), the Administrator shall solicit the involvement of registrants, nongovernmental organizations, and governmental agencies engaged in vector-borne disease mitigation and treatment.

"(v) REDEMPTION OF VOUCHERS.—To redeem a voucher, the holder shall—

"(I) notify the Administrator of the intent of the holder to submit a pesticide application with

a voucher for expedited review not less than 90 days before the submission of the application; and

"(II) pay the applicable registration service fee under section 33(b).

"(vi) EXPEDITED REVIEW.—On redemption of a voucher, in furtherance of the purpose described in clause (iii), the Administrator shall expedite decision review times as follows: Time periods.

"(I) 6 months less than the decision review time for Category R010, New Active Ingredient, Food use.

"(II) 6 months less than the decision review time for Category R020, New Active Ingredient, Food use; reduced risk.

"(III) 6 months less than the decision review time for Category R060, New Active Ingredient, Non-food use; outdoor.

"(IV) 6 months less than the decision review time for Category R110, New Active Ingredient, Non-food use; indoor.

"(V) 4 months less than the decision review time for Category R070, New Active Ingredient, Non-food use; outdoor; reduced risk.

"(VI) 2 months less than the decision review time for Category R120, New Active Ingredient, Non-food use; indoor; reduced risk.

"(vii) REPORTS.—Not later than September 30, 2025, and not later than September 30 of each year thereafter, the Administrator shall issue a report on the program, including—

"(I) the number of submissions seeking a voucher;

"(II) the total time in review for each such submission;

"(III) the number of such vouchers awarded;

"(IV) the number of such vouchers redeemed; and

"(V) with respect to each such redeemed voucher—

"(aa) the decision review time for the pesticide application for which the voucher was redeemed; and

"(bb) the average standard decision review time for the applicable pesticide category.

"(C) UNUSED AMOUNTS.—Any unused amounts made available under this paragraph at the end of each fiscal year shall be made available to the Administrator to carry out other activities for which amounts in the Reregistration and Expedited Processing Fund are authorized to be used.

"(8) PESTICIDE SURVEILLANCE PROGRAM.—In addition to amounts otherwise available, for each of fiscal years 2023 through 2027, the Administrator shall use not more than $500,000 of the amounts made available to the Administrator in the Reregistration and Expedited Processing Fund to support the interagency agreement with the National Institute for Occupational Safety and Health to support the Sentinel Event Notification System for Occupational Risk pesticides program— Time periods.

"(A) with a goal of increasing the number of participating States, prioritizing expansion in States with the highest numbers of agricultural workers; and

"(B) to improve reporting by participating States."; and

(6) in paragraph (10) (as so redesignated), in the first sentence, by striking "(2), (3), (4), and (5)" and inserting "(2) through (8)".

SEC. 705. PESTICIDE REGISTRATION SERVICE FEES.

(a) EXTENSION AND MODIFICATION OF FEE AUTHORITY.—

(1) IN GENERAL.—Section 33(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)) is amended—

(A) in paragraph (2)(E)(iii), by striking "after review" and inserting "on completion of, where appropriate, the initial screening of the contents of the application or the preliminary technical screening";

(B) by striking "paragraph (3)" each place it appears and inserting "paragraph (3)(B)";

(C) in paragraph (3), by striking "Subject to paragraph (6)," and inserting the following:

"(A) DATA EVALUATION RECORDS.—At the decision review time under a fee table specified in subparagraph (B) or as agreed upon under subsection (f)(5), for each covered application under a fee table specified in such subparagraph (B), the Administrator shall—

"(i) complete data evaluation records for studies submitted by the applicant in support of the application; and

"(ii) release those data evaluation records to the applicant, using appropriate protections for confidential business information.

"(B) SCHEDULE, ACTIONS, AND FEES.—Subject to paragraph (6),";

(D) in paragraph (6)—

Time period.

(i) by amending subparagraph (A) to read as follows: "Subject to the following sentence, effective for a covered application received during the period beginning on October 1, 2024, and ending on September 30, 2026, the Administrator may increase by 5 percent the registration service fee payable for the application under paragraph (3). No adjustment may be made under the preceding sentence until the date on which the Administrator begins to implement clauses (i) and (ii) of subsection (k)(2)(A)."; and

Effective dates.

(ii) by amending subparagraph (B) to read as follows: "Subject to the following sentence, effective for a covered application received on or after October 1, 2026, the Administrator may increase by an additional 5 percent the registration service fee in effect as of September 30, 2026. No adjustment may be made under the preceding sentence until the date on which the Administrator begins to implement any recommendations for process improvements contained in the report under subsection (c)(4), as appropriate."; and

(E) in paragraph (7)(A), by striking "(commonly referred to as a Gold Seal letter)" and inserting "(including a Gold Seal letter and a Certificate of Establishment)".

(2) CONFORMING AMENDMENT.—Section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8) is amended by striking "subsection (b)(3)" each place it appears and inserting "subsection (b)(3)(B)".

(b) PESTICIDE REGISTRATION FUND.—Section 33(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(c)) is amended—

(1) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) ENDANGERED SPECIES REVIEW OF OUTDOOR USE OF PESTICIDE PRODUCTS.—

"(i) IN GENERAL.—The Administrator shall use the amounts made available in the Fund to develop, receive comments with respect to, and finalize, guidance to registrants regarding analysis necessary to support the review of outdoor uses of pesticide products under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

"(ii) DEADLINES FOR GUIDANCE.—The Administrator shall issue final guidance required by clause (i) in accordance with the following:

"(I) With respect to new active ingredients or any registration review decision proposed for 1 or more outdoor uses, not later than 9 months after the date of enactment of the Pesticide Registration Improvement Act of 2022.

"(II) With respect to new outdoor uses of a registered pesticide, not later than 1 year after the date of enactment of the Pesticide Registration Improvement Act of 2022.

"(III) With respect to antimicrobial pesticide products, not later than 3 years after the date of enactment of the Pesticide Registration Improvement Act of 2022.

"(C) INDEPENDENT THIRD PARTY ASSESSMENTS.—

"(i) IN GENERAL.—The Administrator shall use the amounts made available in the Fund to carry out the activities described in clauses (ii) and (iii).

"(ii) WORKFORCE ASSESSMENT.—

"(I) IN GENERAL.—The Administrator shall procure a competitive contract with a qualified, independent contractor with expertise in assessing public sector workforce data analysis and reporting to conduct an assessment of current methodologies and data or metrics available to represent the workforce implementing the Pesticide Registration Improvement Act of 2022 and the amendments made by that Act, including an assessment of filled and vacant positions and full-time equivalent employees relating to that implementation. Contracts.

"(II) REPORT.—Not later than 2 years after the date of enactment of the Pesticide Registration Improvement Act of 2022—

"(aa) the contractor selected under subclause (I) shall submit to the Administrator a report describing—

"(AA) the findings from the assessment under that subclause; and

"(BB) recommendations for improved methodologies to represent full-time equivalent resources described in that subclause; and

Web posting.

"(bb) the Administrator shall publish the report submitted under item (aa) on the website of the Environmental Protection Agency.

"(iii) PROCESS ASSESSMENT.—

"(I) IN GENERAL.—

Deadline.

"(aa) CONTRACTS.—Within 1 year of the date of enactment of the Pesticide Registration Improvement Act of 2022, to the extent practicable, the Administrator shall issue a competitive contract to a private, independent consulting firm—

"(AA) to conduct the assessment described in subclause (II); and

"(BB) to submit to the Administrator a report describing the findings of the assessment and the processes and performance of the Environmental Protection Agency relating to the implementation of the Pesticide Registration Improvement Act of 2022 and the amendments made by that Act.

"(bb) ELIGIBILITY.—The firm described in item (aa) shall be capable of performing the technical analysis, management assessment, and program evaluation tasks required to address the scope of the assessment under subclause (II).

"(II) ASSESSMENT.—

"(aa) IN GENERAL.—The Administrator, applicants, and registrants shall participate in a targeted assessment of the process for the review of applications submitted under this Act.

"(bb) CONSULTATION.—The firm selected under subclause (I) shall consult with the Administrator and applicants at the start of the assessment under item (aa) and prior to submission of the report under subclause (I)(aa)(BB).

Evaluation. Recommendations.

"(cc) REQUIREMENTS.—The assessment under item (aa) shall evaluate and make recommendations regarding—

"(AA) the initial content screen;

"(BB) the preliminary technical screen;

"(CC) performance, processes, and progress toward reducing renegotiation

rates and the average length of renegotiations;

"(DD) performance, processes, and progress toward eliminating the backlog of registrant submissions not covered by subsection (b)(3);

"(EE) performance, processes, and progress toward ensuring that all registrant submissions not covered by subsection (b)(3) are completed by the applicable deadlines described in the notice of the Administrator entitled 'Pesticide Registration Notice (PR) 98–10: Notifications, Non-Notifications and Minor Formulation Amendments' and dated October 22, 1998 (and any successor amendments to that notice) and described in subsections (c)(3)(B) and (h) of section 3;

"(FF) compliance with the provisions of this Act relating to renegotiations and registrant submissions not covered by subsection (b)(3);

"(GG) information technology systems;

"(HH) recommended improvements to employee training;

"(II) performance, progress, and processes in completing registration review; and

"(JJ) other appropriate issues, such as submissions by inert suppliers and fast-track amendments under subsections (c)(3)(B) and (h) of section 3.

"(III) REPORT TO CONGRESS.—Not later than 1 year after the receipt of an assessment required under this section, the Administrator shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives— Assessment.

"(aa) a copy of each such assessment; and Records.

"(bb) the Administrator's evaluation of the findings and recommendations contained in each such assessment. Recommendations.

"(IV) RECOMMENDATIONS.—The Administrator shall include with the report submitted under subclause (III) a classification of each recommendation described in the report as—

"(aa) can be implemented through administrative action of the Administrator; or

"(bb) requires a statutory change."; and

(2) in paragraph (4)—

(A) in subparagraph (A), by striking "and" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) shall be available during periods in which Environmental Protection Agency employees are on shutdown or emergency furlough as a result of a lapse in appropriations; and".

(c) ASSESSMENT OF FEES.—Section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(d)(2)) is amended—

(1) by striking "(as in existence in fiscal year 2012)"; and

(2) by striking "the amount of appropriations for covered functions for fiscal year 2012 (excluding the amount of any fees appropriated for the fiscal year)." and inserting "$166,000,000.".

(d) REFORMS TO REDUCE DECISION TIME REVIEW PERIODS AND PREVENT DOUBLE PAYMENT OF REGISTRATION FEES.—Section 33(e) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(e)) is amended—

(1) by striking the subsection designation and heading and all that follows through "To the maximum" and inserting the following:

"(e) REFORMS TO REDUCE DECISION TIME REVIEW PERIODS AND PREVENT DOUBLE PAYMENT OF REGISTRATION FEES.—

"(1) REDUCTION OF DECISION TIME REVIEW PERIODS.—To the maximum"; and

(2) by adding at the end the following:

Process. Determination.

"(2) PREVENTION OF DOUBLE PAYMENT OF REGISTRATION SERVICE FEES.—The Administrator shall develop and implement a process to determine the appropriate fee category or categories for an application that qualifies for more than one fee category in order to assist applicants and prevent unnecessary payment of fees for multiple categories for a single application.".

(e) DECISION TIME REVIEW PERIODS.—Section 33(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(f)) is amended—

(1) in paragraph (1), by striking "Pesticide Registration Improvement Extension Act of 2018" and inserting "Pesticide Registration Improvement Act of 2022";

(2) in paragraph (4)—

(A) in subparagraph (B)—

(i) in clause (i), by adding at the end the following:

"(III) FINAL FEE CATEGORY.—The fee category of a covered application or other actions may not be changed, without providing the information to the applicant, after completion of the preliminary technical screening described in clause (iv).";

(ii) in clause (iii), in the matter preceding subclause (I), by inserting "automate the process, to the maximum extent practicable, and" before "determine"; and

(iii) in clause (iv)—

(I) in the matter preceding subclause (I), by striking "shall determine if—" and inserting "shall—";

(II) in subclause (I)—

(aa) by inserting "determine if" before "the application and"; and

(bb) by striking "and" at the end;

(III) in subclause (II)—

(aa) by inserting "determine if" before "the application, data,"; and

(bb) by striking the period at the end and inserting a semicolon; and

(IV) by adding at the end the following:

"(III) determine, if applicable, whether an application qualifies for a reduced risk determination under subsection (c)(10) or (h) of section 3; Determination.

"(IV) grant or deny any data waiver requests submitted by the applicant with the application; Waivers.

"(V) verify and validate the accuracy of the fee category selected by the applicant; and Verification.

"(VI) notify the applicant, in writing, if a new or different fee category is required and calculate the new decision review time based on the original submission date."; and Notification.

(B) by striking subparagraph (E) and inserting the following:

"(E) APPLICATIONS FOR REDUCED RISK.—

"(i) FEE.—If an application for a reduced risk new active ingredient or a reduced risk new use is determined not to qualify as reduced risk, the applicant shall pay the difference in fee for the corresponding non-reduced risk application.

"(ii) DECISION REVIEW TIME PERIOD.—After receipt by the Administrator of the original covered reduced risk application and fee, the decision time review period for the corresponding non-reduced risk application shall begin within the time periods described in subparagraph (A), based on the submission date of the original covered reduced risk application."; and

(3) by striking paragraph (5) and inserting the following:

"(5) EXTENSION OF DECISION TIME REVIEW PERIOD.—

"(A) NOTIFICATION.—If the Administrator cannot meet a decision time review period under this subsection, the Administrator shall notify the applicant, in writing, of—

"(i) the reasons why additional time is needed; and

"(ii) the number of days needed that would allow the Administrator to make a regulatory decision.

"(B) EXTENSION BY NEGOTIATION OR MUTUAL AGREEMENT.—The Administrator, acting solely through the Director of the Office of Pesticide Programs, and the applicant may mutually agree, in writing, to extend a decision time review period under this subsection if—

"(i) there is new or additional data or information from the applicant that is necessary for the Administrator to make a decision on the application that cannot be made available within the original decision time review period; or Data.

"(ii) a public comment period associated with the application generates significant comments that cannot be addressed within the original decision time review period.

"(C) PRIORITY.—Once a decision time review period for a covered action described in subsection (b)(3)(B) is

missed or extended, the Administrator shall make any action on the application a priority.".

(f) REPORTS AND INFORMATION TECHNOLOGY.—Section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8) is amended by striking subsection (k) and inserting the following:

"(k) REPORTS AND INFORMATION TECHNOLOGY.—

"(1) REPORTS.—

Time periods.

"(A) IN GENERAL.—Not later than 120 days after the last day of each of fiscal years 2023 through 2027, the Administrator shall publish an annual report describing—

"(i) actions taken under this section;

"(ii) registrant submissions not covered by subsection (b)(3)(B);

"(iii) the initial content and preliminary technical screenings required in subsection (f)(4)(B); and

"(iv) staffing relating to implementing the Pesticide Registration Improvement Act of 2022 and the amendments made by that Act.

Summary.

"(B) CONTENTS.—Each report published under subparagraph (A) shall include a summary of the following information:

Data.

"(i) ACTIONS UNDER THIS SECTION.—To the extent practicable, data for each action taken under this section that is completed during the fiscal year covered by the report or pending at the conclusion of that fiscal year, organized by registering division, including—

"(I) the Action Code;

"(II) the application receipt date;

"(III) the electronic portal tracking number assigned to the application at the time of submission to the electronic submission portal or the Environmental Protection Agency tracking number;

"(IV) the original decision due date based on the Action Code;

"(V) the dates of any renegotiations and the renegotiated due dates, if applicable;

"(VI) the reasons for each renegotiation, if applicable;

"(VII) if the submission had to be recoded, reassigned codes, if applicable;

"(VIII) the date that the submission was recoded, if applicable;

"(IX) the decision completion date, if the action has been completed;

"(X) the status of the action, which may be—

"(aa) failed initial content screen;

"(bb) failed preliminary technical screen;

"(cc) approved;

"(dd) withdrawn;

"(ee) denied;

"(ff) do not grant; or

"(gg) pending;

"(XI) the reason for any denial or do not grant decision, if applicable;

"(XII) a review of the progress made in carrying out each requirement of subsections (e) and (f), including, to the extent determined appropriate by the Administrator and consistent with the authorities of the Administrator and limitations on delegation of functions by the Administrator, recommendations for the allowance and use of summaries of acute toxicity studies; Review.

"(XIII) a review of the progress in carrying out section 3(g), including— Review.

"(aa) the number of pesticides or pesticide cases reviewed and the number of registration review decisions completed, including—

"(AA) the number of cases cancelled;

"(BB) the number of cases requiring risk mitigation measures;

"(CC) the number of cases removing risk mitigation measures;

"(DD) the number of cases with no risk mitigation needed; and

"(EE) the number of cases in which risk mitigation has been fully implemented;

"(XIV) a review of the progress made toward implementing enhancements to— Review.

"(aa) the electronic tracking of conditional registrations; and

"(bb) the endangered species database;

"(XV) a review of the progress made in updating the Pesticide Incident Data System, including progress toward making the information contained in the System available to the public (as the Administrator determines is appropriate); Review.

"(XVI) an assessment of the public availability of summary pesticide usage data; Assessment.

"(XVII) the number of the active ingredients approved, new uses, and pesticide end use products granted in connection with the Design for the Environment program (or any successor program) of the Environmental Protection Agency;

"(XVIII) with respect to funds in the Reregistration and Expedited Processing Fund described under section 4(k), a review that includes—

"(aa) a description of the amount and use of such funds—

"(AA) to carry out activities relating to worker protection under subparagraphs (G) and (H) of section 4(i)(1);

"(BB) to award partnership grants under subparagraph (I) of such section; and

"(CC) to carry out the pesticide safety education program under subparagraph (J) of such section;

"(bb) an evaluation of the appropriateness and effectiveness of the activities, grants, and Evaluation.

program under subparagraphs (G), (H), (I), and (J) of such section;

"(cc) a description of how stakeholders are engaged in the decision to fund such activities, grants, and program in accordance with the stakeholder input provided under such subparagraphs; and

"(dd) with respect to activities relating to worker protection carried out under subparagraphs (G) and (H) of section 4(i)(1), a summary of the analyses from stakeholders, including from worker community-based organizations, on the appropriateness and effectiveness of such activities.

Time period.

"(XIX) beginning two years after enactment, report on the progress of meeting the deadlines listed in paragraph (5) of section 3(f); and

Review.

"(XX) a review of progress made in implementing the pesticide surveillance program referred to in paragraph (8) of section 4(k).

"(ii) REGISTRANT SUBMISSIONS NOT COVERED BY SECTION 33(B)(3)(B).—Each registrant submission not covered by subsection (b)(3)(B), that is completed during the fiscal year covered by the report or pending at the conclusion of that fiscal year, organized by registering division, including—

"(I) the submission date;

"(II) the electronic portal tracking number assigned to the application at the time of the submission of the application to the electronic submission portal;

"(III) the type of regulatory action, as defined by statute or guidance document, and the specific label action;

"(IV) the status of the action;

"(V) the due date;

"(VI) the reason for the outcome; and

"(VII) the completion date, if applicable.

"(iii) SCREENING PROCESS.—Data for the initial content screens and preliminary technical screens that are completed during the fiscal year covered by the report or pending at the conclusion of that fiscal year, organized by registering division, including—

"(I) the number of applications successfully passing each type of screen;

"(II) the number of applications that failed the screening process for each type of screen;

"(III) the number of notifications issued by the Administrator under subsection (f)(4)(B)(ii)(II);

"(IV) the number of notifications issued by the Administrator under subsection (f)(4)(B)(ii)(I) and the number of applications resulting in a rejection; and

"(V) the number of notifications issued under section 152.105 of title 40, Code of Federal Regulations (or successor regulations), and to the extent practicable, the reasons for that issuance.

"(iv) STAFFING.—Data on the staffing relating to work covered under the Pesticide Registration Improvement Act of 2022 and the amendments made by that Act, organized by registering division, including— Data.

"(I) the number of new hires and personnel departures;

"(II) the number of full-time equivalents at the end of each fiscal year;

"(III) the number of full-time equivalents working on registration review activities; and

"(IV) the number of full-time equivalents working on registrant submissions not covered by subsection (b)(3)(B).

"(C) PUBLICATION.—The Administrator shall publish each report under subparagraph (A)—

"(i) on the website of the Environmental Protection Agency; and Web posting.

"(ii) by such other methods as the Administrator determines to be the most effective for efficiently disseminating the report. Determination.

"(2) INFORMATION TECHNOLOGY.—

"(A) SYSTEM.—Not later than 1 year after the date of enactment of the Pesticide Registration Improvement Act of 2022, the Administrator shall establish an information technology system that— Deadline.

"(i) includes all registering divisions in the Office of Pesticide Programs;

"(ii) provides a real-time, accurate, tracking system for all regulatory submissions to the Office of Pesticide Programs;

"(iii) provides a real-time, accessible information that provides each applicant confidential, online access to the status and progress of the regulatory submissions of the applicant; and

"(iv) updates the electronic submission portal— Updates.

"(I) to ensure that label reviews are limited to current label changes, to the maximum extent practicable;

"(II) to automate, to the extent practicable, minor, low risk regulatory actions; and

"(III) to allow self-certification of certain regulatory actions, as determined by the Administrator.

"(B) ACCESS TO REGISTRATION DATA AND DECISIONS.—The Administrator shall implement efforts to expand existing, and develop new, information technology tools and databases to improve access by Environmental Protection Agency employees to data used to fulfill registrations, and public access to information about regulatory decision-making tools, including opportunities for—

"(i) analysis of the impact of submitted studies on Environmental Protection Agency assessments and decisions;

"(ii) facilitation of read-across or computational model development to help fill information gaps;

"(iii) tracking and reporting submission and decision metrics relating to the use and acceptance of test methods; and

"(iv) drafting and publication of policies communicating Environmental Protection Agency acceptance of novel technologies or approaches.".

(g) TERMINATION OF EFFECTIVENESS.—Section 33(m) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(m)) is amended—

(1) by striking "2023" each place it appears and inserting "2027"; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking "2024" and inserting "2028" ; and

(ii) by striking "2024" and inserting "2028"; and

(B) in each of subparagraphs (B) and (C)—

(i) in the subparagraph heading, by striking "2025" each place it appears and inserting "2029"; and

(ii) by striking "2025" each place it appears and inserting "2029".

SEC. 706. REVISION OF TABLES REGARDING COVERED PESTICIDE REGISTRATION APPLICATIONS AND OTHER COVERED ACTIONS AND THEIR CORRESPONDING REGISTRATION SERVICE FEES.

Section 33(b)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)(3)) (as amended by section 705(a)(1)(C)) is amended by striking subparagraph (B) and inserting the following:

"(B) SCHEDULE, ACTIONS, AND FEES.—Subject to paragraph (6), the schedule of registration applications and other covered actions and their corresponding registration service fees shall be as follows:

"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

"TABLE 1. — REGISTRATION DIVISION (RD) — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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
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
R122	10	Enriched isomer(s) of registered mixed-isomer active ingredient. (2) (3)	27	454,526

"TABLE 1. — REGISTRATION DIVISION (RD) — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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
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.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"TABLE 2. — REGISTRATION DIVISION (RD) — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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
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

"TABLE 2. — REGISTRATION DIVISION (RD) — NEW USES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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
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
R251	29	Experimental Use Permit application which requires no changes to the tolerance(s); non-crop destruct basis. (3) (5)	8	28,434

"TABLE 2. — REGISTRATION DIVISION (RD) — NEW USES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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
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.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

(5) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"TABLE 3. — REGISTRATION DIVISION (RD) — IMPORT AND OTHER TOLERANCES

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	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
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

"TABLE 3. — REGISTRATION DIVISION (RD) — IMPORT AND OTHER TOLERANCES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
R295	43	Establish tolerance(s) for residues in one rotational crop in response to a specific rotational crop application; submission of corresponding label amendments which specify the necessary plant-back restrictions; applicant-initiated. (3) (4)	16	94,774
R296	44	Establish tolerances for residues in rotational crops in response to a specific rotational crop petition; 6 or more crops submitted in one application; submission of corresponding label amendments which specify the necessary plant-back restrictions; applicant-initiated. (3) (4)	16	568,632
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

"TABLE 3. — REGISTRATION DIVISION (RD) — IMPORT AND OTHER TOLERANCES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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
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.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(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.

"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% re- package of registered end-use or manufacturing-use product that requires no data submission nor data matrix. (2) (3)	4	2,270
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

"TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
R310	52	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: 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. (2) (3) (4)	7	10,466

"TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
R314	53	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: 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

"TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
R319	54	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: 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

"TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
R318	55	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: 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. (2) (3) (4)	9	18,994

"TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
R321	56	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: 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
R315	57	New end-use on-animal product, registered source of active ingredient(s) with submission of data and/or waivers for only: 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

"TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
R316	58	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: 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. (2) (3) (4)	9	16,199
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: 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

"TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
R320	60	New product; new physical form; requires data review in science divisions. (2) (3) (5)	12	18,958
R331	61	New product; repack 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
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

"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)	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: 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

"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)	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: 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
R363	67 (new)	New product; repack of identical registered manufacturing-use product as an end-use product; same registered uses only, with no additional data. (2) (3)	6	7,800

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) For the purposes of classifying proposed registration actions into PRIA categories, "pest(s) requiring efficacy" are both invertebrate and vertebrate pests. Invertebrate public health pests (e.g., ticks, mosquitoes, cockroaches, flies, etc.), structural pests (e.g., termites, carpenter ants, and wood-boring beetles) and certain invasive invertebrate species (e.g., Asian Longhorned beetle, Emerald Ashborer) are listed in the product performance rule, subpart R of part 158 of title 40, Code of Federal Regulations. This list may be updated/refined as invasive pest needs arise. All other pests (e.g., vertebrates) are listed in the Pesticide Registration Notice 2002-1. To determine the number of pests for the PRIA categories, pest groups, subgroups, and pest specific claims as listed in part 158 of title 40, Code of Federal Regulations, should be counted as follows. If seeking a label claim against a general pest group (e.g., cockroaches, mosquitoes, termites, etc.), each group will count as 1. If seeking a claim against a pest subgroup (e.g., small biting flies, filth flies, etc.) or specific pests (e.g., smokybrown cockroach, house fly, etc.) without a general claim, then each subgroup or specific pest will count as 1.

(5) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"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

"TABLE 5. — REGISTRATION DIVISION (RD) — AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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
R345	70	Amending on-animal products previously registered, with the submission of data and/or waivers for only: 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
R351	72	Amendment adding a new unregistered source of active ingredient. (2) (3)	8	18,958

"TABLE 5. — REGISTRATION DIVISION (RD) — AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) For the purposes of classifying proposed registration actions into PRIA categories, "pest(s) requiring efficacy" are both invertebrate and vertebrate pests. Invertebrate public health pests (e.g., ticks, mosquitoes, cockroaches, flies, etc.), structural pests (e.g., termites, carpenter ants, and wood-boring beetles) and certain invasive invertebrate species (e.g., Asian Longhorned beetle, Emerald Ashborer) are listed in the product performance rule, subpart R of part 158 of title 40, Code of Federal Regulations. This list may be updated/refined as invasive pest needs arise. All other pests (e.g., vertebrates) are listed in the Pesticide Registration Notice 2002-1. To determine the number of pests for the PRIA categories, pest groups, subgroups, and pest specific claims as listed in part 158 of title 40, Code of Federal Regulations, should be counted as follows. If seeking a label claim against a general pest group (e.g., cockroaches, mosquitoes, termites, etc.), each group will count as 1. If seeking a claim against a pest subgroup (e.g., small biting flies, filth flies, etc.) or specific pests (e.g., smokybrown cockroach, house fly, etc.) without a general claim, then each subgroup or specific pest will count as 1.

(5) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"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
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
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
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 resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"TABLE 8. — ANTIMICROBIAL DIVISION (AD) — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	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
A500	88	New use, non-food. (4) (5) (6)	15	45,737

"TABLE 8. — ANTIMICROBIAL DIVISION (AD) — NEW USES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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.

(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

(6) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"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

"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
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

"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
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

"TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW PRODUCTS AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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
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
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 resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under Pesticide Registration (PR) Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(5) The applicant must identify the substantially similar product if opting to use cite-all or the selective method to support acute toxicity data requirements.

(6) Once an application for an amendment or a new product with public health organisms has been submitted and classified into any of categories A460 through A465 or A470 through A475, additional organisms submitted for the same product before the first application is granted will result in combination and reclassification of both the original and subsequent submissions into the appropriate new category based on the sum of the number of organisms in both submissions. Submission of additional organisms would result in a new PRIA start date and may require additional fees to meet the fee of a new category.

(7) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"TABLE 10. — ANTIMICROBIAL DIVISION (AD) — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
A520	109	Experimental Use Permit application, non-food use. (2) (3)	9	9,151

"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 ($)
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
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

"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
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

"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 ($)
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.

(2) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

3) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"TABLE 11. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
B580	123	New active ingredient; petition to establish a tolerance. (2) (3) (4)	22	73,173
B590	124	New active ingredient; petition to establish a tolerance exemption. (2) (3) (4)	20	45,737

"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.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"TABLE 12. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
B630	128	First food use; petition to establish/amend a tolerance exemption. (2) (4) (5)	13	18,296
B640	129	First food use; petition to establish/amend a tolerance. (2) (4) (5)	19	27,443
B644	130	New use, no change to an established tolerance or tolerance exemption (includes non-food uses). (3) (4) (5)	8	18,296
B645	131	New use; Experimental Use Permit; petition to establish a permanent or temporary tolerance or tolerance exemption. (4) (5)	12	18,296
B646	132	New use; Experimental Use Permit; non-food use (includes crop destruct). (4) (5)	7	9,151

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(5) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"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
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

"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 ($)
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
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: 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.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

"TABLE 14. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	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
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

"TABLE 14. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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
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
B685	146	Amendment; add a new biochemical unregistered source of active ingredient or a new microbial production site; requires submission of analysis of samples data and source/production site-specific manufacturing process description. (3)	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 resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"TABLE 15. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — STRAIGHT-CHAIN LEPIDOPTERAN PHEROMONES (SCLP)

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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

"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
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

"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.

(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 resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(7) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"TABLE 16. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	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

"TABLE 16. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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.

"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: 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

"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
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

"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 ($)
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
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
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

"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 ($)
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
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

"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
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

"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 ($)
B903	176	Inert ingredient permanent tolerance exemption; e.g., a marker such as NPT II; reviewed in BPPD.	12	91,465
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
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

"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
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

"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

"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
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

"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
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

"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.

(5) If, during review of the application, it is determined that review by the FIFRA Scientific Advisory Panel (SAP) is needed, the applicant will submit an application for category B905, which will be processed concurrently, and the decision review time for both applications will be the longer of the two associated applications. The scientific data involved in this category are complex. EPA often seeks technical advice from the SAP on risks that pesticides pose to wildlife, farm workers, pesticide applicators, non-target species, insect resistance, and novel scientific issues surrounding new technologies. The scientists of the SAP neither make nor recommend policy decisions. They provide advice on the science used to make these decisions. Their advice is invaluable to the EPA as it strives to protect humans and the environment from risks posed by pesticides. Due to the time it takes to schedule and prepare for meetings with the SAP, additional time and costs are needed.

(6) Registered PIPs stacked through conventional breeding.

(7) Deployment of a registered PIP with a different Insecticide Resistance Management (IRM) plan (e.g., seed blend).

(8) The negotiated acreage cap will depend upon EPA's determination of the potential environmental exposure, risk(s) to non-target organisms, and the risk of targeted pest developing resistance to the pesticidal substance. The uncertainty of these risks may reduce the allowable acreage, based upon the quantity and type of non-target organism data submitted and the lack of insect resistance management data, which is usually not required for seed-increase registrations. Registrants are encouraged to consult with EPA prior to submission of a registration application in this category.

(9) Application can be submitted prior to or concurrently with an application for commercial registration.

(10) For example, IRM plan modifications that are applicant-initiated.

(11) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under Pesticide Registration (PR) Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(12) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(13) This category does not include genetic modifications in animals not intended for use as a pesticide, e.g., genetic modifications in animals intended for food use or animals intended for use as companion animals.

(14) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

"TABLE 18. — INERT INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
I001	195	Approval of new food use inert ingredient. (2) (3)	15	38,698
I002	196	Amend currently approved inert ingredient tolerance or exemption from tolerance; new data. (2)	13	10,750

"TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
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
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

"TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
I012	206	Approval of new non-food use safener. (2)	21	595,147
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
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
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

"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
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

"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(c)(1)(F)(ii).	12	7,903
M008	220	Request to grant Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(vi) for a minor use, when a FIFRA Section 2(ll)(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
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 nanoparticle 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 resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(7) Due to low fee and short time frame this category is not eligible for small business waivers.

(8) This category includes amendments the sole purpose of which is to add 'Design for the Environment' (DfE) (or equivalent terms that do not use 'safe' or derivatives of 'safe') logos to a label. DfE is a voluntary program. A label bearing a DfE logo is not considered an Agency endorsement because the ingredients in the qualifying product must meet objective, scientific criteria established and widely publicized by EPA.".

Deadline. Web posting. 7 USC 136w note.

SEC. 707. INFORMATION.

Not later than 180 days after the date of enactment of this title, the Administrator of the Environmental Protection Agency shall post on a single webpage of the website of the Environmental Protection Agency aggregated information on pesticide regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), including—

(1) all guidance relating to risk assessment, risk mitigation, benefits assessments, and cost-benefit balancing;

(2) hyperlinks to resources, including the Department of Agriculture's "national list of allowed and prohibited substances" for organic crop and livestock production;

(3) biopesticides and pesticides exempt pursuant to section 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w(b)); and

(4) integrated pest management principles developed under section 28(c) of such Act (7 U.S.C. 136w–3(c)), including technical assistance for implementation of those principles.

7 USC 136a–1 note.

SEC. 708. IMPLEMENTATION DATES WITH RESPECT TO FEES.

(a) FEE INCREASES.—

(1) REGISTRATION SERVICE FEES.—With respect to amendments made by this title to increase registration service fees specified in section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8), such increases shall

not be effective until the date that is 60 days after the date of the enactment of this title, regardless of whether such section 33 specifies (as so amended) that such increases are effective for fiscal year 2023.

(2) MAINTENANCE FEES.—With respect to amendments made by this title to increase the amount of maintenance fees to be collected under section 4(i) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)), such increases shall be effective beginning on October 1, 2022.

(b) SET-ASIDES.—With respect to any set-asides specified in subsection (i) or (k) of section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1), such set-asides shall be effective beginning on October 1, 2022.

Subtitle B—Other Matters Relating to Pesticides

SEC. 711. REGISTRATION REVIEW DEADLINE EXTENSION. 7 USC 136a note.

(a) IN GENERAL.—Notwithstanding section 3(g)(1)(A)(iii)(I) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(g)(1)(A)(iii)(I)), the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall complete the initial registration review of each pesticide or pesticide case covered by that section not later than October 1, 2026.

(b) INTERIM REGISTRATION REVIEW DECISION REQUIREMENTS.—

(1) DEFINITION OF COVERED INTERIM REGISTRATION REVIEW DECISION.—In this subsection, the term "covered interim registration review decision" means an interim registration review decision—

(A) that is associated with an initial registration review described in subsection (a);

(B) that is noticed in the Federal Register during the period beginning on the date of enactment of this Act and ending on October 1, 2026; and Time period.

(C) for which the Administrator has not, as of the date on which the decision is noticed in the Federal Register, made effects determinations or completed any necessary consultation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)).

(2) REQUIREMENTS.—Any covered interim registration review decision shall include, where applicable, measures to reduce the effects of the applicable pesticide on—

(A) species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(B) any designated critical habitat.

(3) CONSULTATION.—In developing measures described in paragraph (2), the Administrator shall take into account the input received from the Secretary of Agriculture and other members of the interagency working group established under section 3(c)(11) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(11)).

DIVISION II—PREGNANT WORKERS

Pregnant Workers Fairness Act. 42 USC 2000gg note.

SEC. 101. SHORT TITLE.

This division may be cited as the "Pregnant Workers Fairness Act".

42 USC 2000gg.

SEC. 102. DEFINITIONS.

As used in this division—

(1) the term "Commission" means the Equal Employment Opportunity Commission;

(2) the term "covered entity"—

(A) has the meaning given the term "respondent" in section 701(n) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(n)); and

(B) includes—

(i) an employer, which means a person engaged in industry affecting commerce who has 15 or more employees as defined in section 701(b) of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(ii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) and section 411(c) of title 3, United States Code;

(iii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); and

(iv) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(3) the term "employee" means—

(A) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(B) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), and an individual described in section 201(d) of that Act (2 U.S.C. 1311(d));

(C) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code;

(D) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); or

(E) an employee (including an applicant) to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(4) the term "known limitation" means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability specified in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(5) the term "person" has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a));

(6) the term "qualified employee" means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if—

(A) any inability to perform an essential function is for a temporary period;

(B) the essential function could be performed in the near future; and

(C) the inability to perform the essential function can be reasonably accommodated; and

(7) the terms "reasonable accommodation" and "undue hardship" have the meanings given such terms in section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111) and shall be construed as such terms are construed under such Act and as set forth in the regulations required by this division, including with regard to the interactive process that will typically be used to determine an appropriate reasonable accommodation.

SEC. 103. NONDISCRIMINATION WITH REGARD TO REASONABLE ACCOMMODATIONS RELATED TO PREGNANCY. 42 USC 2000gg–1.

It shall be an unlawful employment practice for a covered entity to—

(1) not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;

(2) require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in section 102(7);

(3) deny employment opportunities to a qualified employee if such denial is based on the need of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee;

(4) require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee; or

(5) take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

SEC. 104. REMEDIES AND ENFORCEMENT. 42 USC 2000gg–2.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person alleging a violation of title VII of such Act (42 U.S.C. 2000e et seq.)

shall be the powers, remedies, and procedures this division provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this division against an employee described in section 102(3)(A) except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this division provides to the Commission, the Attorney General, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this division provides to the Commission, the Attorney General, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes (42 U.S.C. 1981a(a)(1))).

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) for the purposes of addressing allegations of violations of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this division provides to address an allegation of an unlawful employment practice in violation of this division against an employee described in section 102(3)(B), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) for the purposes of addressing allegations of such a violation shall be the powers, remedies, and procedures this division provides to address allegations of such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, for purposes of addressing allegations of such a violation, shall be the powers, remedies, and procedures this division provides to address any allegation of such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes (42 U.S.C. 1981a(a)(1))).

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person alleging a violation of section 411(a)(1) of such title shall be the powers, remedies, and procedures this division provides to the President, the Commission, the Board, or any person, respectively, alleging an unlawful employment practice in violation of this division against an employee

described in section 102(3)(C), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this division provides to the President, the Commission, the Board, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this division provides to the President, the Commission, the Board, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes (42 U.S.C. 1981a(a)(1))).

(d) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b; 2000e–16c) to the Commission or any person alleging a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this division provides to the Commission or any person, respectively, alleging an unlawful employment practice in violation of this division against an employee described in section 102(3)(D), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this division provides to the Commission or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this division provides to the Commission or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes (42 U.S.C. 1981a(a)(1))).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person alleging a violation of that section shall be the powers, remedies, and procedures this division provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this division against an employee described in section 102(3)(E), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers,

remedies, and procedures this division provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this division provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes (42 U.S.C. 1981a(a)(1))).

(f) PROHIBITION AGAINST RETALIATION.—

(1) IN GENERAL.—No person shall discriminate against any employee because such employee has opposed any act or practice made unlawful by this division or because such employee made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this division.

(2) PROHIBITION AGAINST COERCION.—It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of such individual having exercised or enjoyed, or on account of such individual having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this division.

(3) REMEDY.—The remedies and procedures otherwise provided for under this section shall be available to aggrieved individuals with respect to violations of this subsection.

(g) LIMITATION.—Notwithstanding subsections (a)(3), (b)(3), (c)(3), (d)(3), and (e)(3), if an unlawful employment practice involves the provision of a reasonable accommodation pursuant to this division or regulations implementing this division, damages may not be awarded under section 1977A of the Revised Statutes (42 U.S.C. 1981a) if the covered entity demonstrates good faith efforts, in consultation with the employee with known limitations related to pregnancy, childbirth, or related medical conditions who has informed the covered entity that accommodation is needed, to identify and make a reasonable accommodation that would provide such employee with an equally effective opportunity and would not cause an undue hardship on the operation of the covered entity.

Deadlines.
42 USC
2000gg–3.

SEC. 105. RULEMAKING.

(a) EEOC RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue regulations in an accessible format in accordance with subchapter II of chapter 5 of title 5, United States Code, to carry out this division. Such regulations shall provide examples of reasonable accommodations addressing known limitations related to pregnancy, childbirth, or related medical conditions.

(b) OCWR RULEMAKING.—

Applicability.

(1) IN GENERAL.—Not later than 6 months after the Commission issues regulations under subsection (a), the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)), issue regulations to implement the provisions of this division made applicable to employees described in section 102(3)(B), under section 104(b).

(2) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations issued by the Commission under subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulations issued under paragraph (1) that a modification of such substantive regulations would be more effective for the implementation of the rights and protection under this division.

SEC. 106. WAIVER OF STATE IMMUNITY.

42 USC 2000gg–4.

A State shall not be immune under the 11th Amendment to the Constitution from an action in a Federal or State court of competent jurisdiction for a violation of this division. In any action against a State for a violation of this division, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

SEC. 107. RELATIONSHIP TO OTHER LAWS.

42 USC 2000gg–5.

(a) IN GENERAL.—Nothing in this division shall be construed—

(1) to invalidate or limit the powers, remedies, and procedures under any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for individuals affected by pregnancy, childbirth, or related medical conditions; or

(2) by regulation or otherwise, to require an employer-sponsored health plan to pay for or cover any particular item, procedure, or treatment or to affect any right or remedy available under any other Federal, State, or local law with respect to any such payment or coverage requirement.

(b) RULE OF CONSTRUCTION.—This division is subject to the applicability to religious employment set forth in section 702(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1(a)).

SEC. 108. SEVERABILITY.

42 USC 2000gg–6.

If any provision of this division or the application of that provision to particular persons or circumstances is held invalid or found to be unconstitutional, the remainder of this division and the application of that provision to other persons or circumstances shall not be affected.

SEC. 109. EFFECTIVE DATE.

42 USC 2000gg note.

This division shall take effect on the date that is 180 days after the date of enactment of this Act.

DIVISION JJ—NORTH ATLANTIC RIGHT WHALES

TITLE I—NORTH ATLANTIC RIGHT WHALES AND REGULATIONS

SEC. 101. NORTH ATLANTIC RIGHT WHALES AND REGULATIONS.

16 USC 1387 note.
Time period.

(a) IN GENERAL.—Notwithstanding any other provision of law except as provided in subsection (b), for the period beginning on the date of enactment of this Act and ending on December 31,

2028, the Final Rule amending the regulations implementing the Atlantic Large Whale Take Reduction Plan (86 Fed. Reg. 51970) shall be deemed sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). The National Marine Fisheries Service shall—

Deadline.

(1) throughout the period described in the preceding sentence, in consultation with affected States and fishing industry participants, promote the innovation and adoption of gear technologies in the fisheries described in the preceding sentence, in order to implement additional whale protection measures by December 31, 2028;

Effective date.

(2) promulgate new regulations for the American lobster and Jonah crab fisheries consistent with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that take effect by December 31, 2028, utilizing existing and innovative gear technologies, as appropriate; and

Reports.

(3) in consultation with affected States, submit an annual report to Congress on the status of North Atlantic Right Whales, the actions taken and plans to implement measures expected to not exceed Potential Biological Removal by December 31, 2028, the amount of serious injury and mortality by fishery and country, and the proportion of the American lobster and Jonah crab fisheries that have transitioned to innovative gear technologies that reduce harm to the North Atlantic Right Whale.

(b) EXCEPTION.—The provisions of subsection (a) shall not apply to an existing emergency rule, or any action taken to extend or make final an emergency rule that is in place on the date of enactment of this Act, affecting lobster and Jonah crab.

TITLE II—GRANT AUTHORITY

16 USC 1393.

SEC. 201. CONSERVATION AND MITIGATION ASSISTANCE.

Contracts.
Deadline.

(a) ASSISTANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere (in this title referred to as the "Under Secretary") shall establish a program to provide competitive financial assistance, on an annual basis, and cooperative agreements including multiyear grants and direct payment, to eligible entities for eligible uses, such as projects designed to reduce the lethal and sub-lethal effects of human activities on North Atlantic right whales.

(2) USE OF EXISTING AUTHORITIES.—Assistance provided under this section shall be carried out in a manner consistent with authorities available to the Secretary under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

(3) COOPERATIVE AGREEMENTS.—The Under Secretary may enter into cooperative agreements with the National Fish and

Wildlife Foundation established by the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) to carry out this title.

(b) ELIGIBLE ENTITIES.—An entity is an eligible entity for purposes of assistance awarded under subsection (a) if the entity is—

(1) a relevant port authority for a port;

(2) a relevant State, regional, local, or Tribal government;

(3) any other individual or entity, as determined appropriate by the Under Secretary, including—

(A) an owner or operator of a vessel, as defined under section 3 of title 1, United States Code; and

(B) participants within sectors of the maritime industry, such as boating, shipping, fishing, fishing gear and rope manufacturing, and other maritime activities;

(4) a nonprofit organization or research institution with expertise in commercial fisheries, gear innovation, and North Atlantic right whale conservation; or

(5) a consortium of entities described in paragraphs (1) through (4).

(c) ELIGIBLE USES.—Assistance awarded under subsection (a) may be used to develop, assess, and carry out activities that reduce human induced threats to North Atlantic right whales, including—

(1) funding research to identify, deploy, or test innovative gear technologies;

(2) subsidizing acquisition of innovative gear technologies to improve adoption of those technologies by fisheries participants, which may include direct payment to fisheries participants;

(3) training for fisheries participants to improve deployment, safety, and adoption of innovative gear technologies;

(4) funding for monitoring necessary to support dynamic management of fisheries, vessel traffic, or other needs; and

(5) other uses as determined by the Under Secretary in consultation with relevant eligible entities. Determination.

(d) PRIORITY.—In determining whether to fund project proposals under this section, the Under Secretary shall prioritize projects—

(1) with a substantial likelihood of reducing lethal and sub-lethal effects on North Atlantic right whales from fishing gear entanglements or vessel collisions;

(2) that include cooperation with fishing industry participants or other private sector stakeholders; and

(3) that demonstrate, or have the potential to provide, economic benefits to small businesses based in the United States.

(e) PROHIBITED USES.—

(1) IN GENERAL.—Except as provided in paragraph (2), funds awarded under this section may not be used to distribute resources to an entity or individual that is not a United States person (as defined in section 7701(a)(3) of the Internal Revenue Code of 1986).

(2) EXCEPTION.—Funds awarded under this section may be used to distribute resources to a partnership that includes an entity or individual that is not a United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1986) if the resources are distributed directly to a partner in the partnership that is a United States person (as so defined).

(f) PROJECT REPORTING.—

(1) IN GENERAL.—Each individual or entity that receives assistance under this section for a project shall submit to the Under Secretary periodic reports (at such intervals as the Under Secretary may require) that include all information that the Under Secretary, after consultation with other government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Reports under paragraph (1) shall be made available to the public in a timely manner.

16 USC 1393 note.

SEC. 202. REPORT TO CONGRESS.

Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the results and effectiveness of projects receiving assistance provided under this title.

SEC. 203. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is authorized to be appropriated to the Under Secretary to carry out this title $50,000,000 (of which not less than $40,000,000 shall be for innovative gear deployment and technology) for each of fiscal years 2023 through 2032.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts authorized to be appropriated under this subsection for a fiscal year, the Under Secretary may expend not more than 5 percent, or up to $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this title.

16 USC 1393 note.

(b) ACCEPTANCE AND USE OF DONATIONS.—The Under Secretary may accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, consistent with policy of the Department of Commerce in effect on the date of enactment of this Act, to provide assistance under section 201.

TITLE III—CONTINUOUS PLANKTON RECORDER

33 USC 883a note. Deadline.

SEC. 301. SURVEY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and on an ongoing basis thereafter, the Secretary of Commerce shall conduct a Continuous Plankton Recorder survey.

(b) REQUIRED ELEMENTS.—For the purpose of conducting the survey required under subsection (a), the Northeast Fisheries Science Center shall—

(1) to the extent possible, utilize the resources of and partner with, on a volunteer basis, research institutions, nonprofit organizations, commercial vessels, and other Federal agencies;

Public information.

(2) in as short a time as possible, ensure relevant survey samples and results are analyzed, stored, archived, and made publicly available;

(3) prioritize the collection of plankton samples and data that inform the conservation of North Atlantic right whales; and

(4) to the extent practicable, coordinate with the Government of Canada to develop a transboundary understanding of plankton abundance and distribution.

Coordination. Canada.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section there is authorized to be appropriated to the Secretary of Commerce $300,000 for each of fiscal years 2023 through 2032, which shall be derived from existing funds otherwise appropriated to the Secretary.

Time period.

DIVISION KK—PUMP FOR NURSING MOTHERS ACT

Providing Urgent Maternal Protections for Nursing Mothers Act.

SEC. 101. SHORT TITLE.

29 USC 201 note.

This division may be cited as the "Providing Urgent Maternal Protections for Nursing Mothers Act" or the "PUMP for Nursing Mothers Act".

SEC. 102. BREASTFEEDING ACCOMMODATIONS IN THE WORKPLACE.

(a) EXPANDING EMPLOYEE ACCESS TO BREAK TIME AND SPACE.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 7 (29 U.S.C. 207), by striking subsection (r); and

(2) by inserting after section 18C (29 U.S.C. 218c) the following:

"SEC. 18D. BREASTFEEDING ACCOMMODATIONS IN THE WORKPLACE.

29 USC 218d.

"(a) IN GENERAL.—An employer shall provide—

"(1) a reasonable break time for an employee to express breast milk for such employee's nursing child for 1 year after the child's birth each time such employee has need to express the milk; and

"(2) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

"(b) COMPENSATION.—

"(1) IN GENERAL.—Subject to paragraph (2), an employer shall not be required to compensate an employee receiving reasonable break time under subsection (a)(1) for any time spent during the workday for such purpose unless otherwise required by Federal or State law or municipal ordinance.

"(2) RELIEF FROM DUTIES.—Break time provided under subsection (a)(1) shall be considered hours worked if the employee is not completely relieved from duty during the entirety of such break.

"(c) EXEMPTION FOR SMALL EMPLOYERS.—An employer that employs less than 50 employees shall not be subject to the requirements of this section, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

"(d) EXEMPTION FOR CREWMEMBERS OF AIR CARRIERS.—

"(1) IN GENERAL.—An employer that is an air carrier shall not be subject to the requirements of this section with respect to an employee of such air carrier who is a crewmember

"(2) DEFINITIONS.—In this subsection:

"(A) AIR CARRIER.—The term 'air carrier' has the meaning given such term in section 40102 of title 49, United States Code.

"(B) CREWMEMBER.—The term 'crewmember' has the meaning given such term in section 1.1 of title 14, Code of Federal Regulations (or successor regulations).

"(e) APPLICABILITY TO RAIL CARRIERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an employer that is a rail carrier shall be subject to the requirements of this section.

"(2) CERTAIN EMPLOYEES.—An employer that is a rail carrier shall be subject to the requirements of this section with respect to an employee of such rail carrier who is a member of a train crew involved in the movement of a locomotive or rolling stock or who is an employee who maintains the right of way, provided that compliance with the requirements of this section does not—

"(A) require the employer to incur significant expense, such as through the addition of such a member of a train crew in response to providing a break described in subsection (a)(1) to another such member of a train crew, removal or retrofitting of seats, or the modification or retrofitting of a locomotive or rolling stock; or

"(B) result in unsafe conditions for an individual who is an employee who maintains the right of way.

"(3) SIGNIFICANT EXPENSE.—For purposes of paragraph (2)(A), it shall not be considered a significant expense to modify or retrofit a locomotive or rolling stock by installing a curtain or other screening protection.

"(4) DEFINITIONS.—In this subsection:

"(A) EMPLOYEE WHO MAINTAINS THE RIGHT OF WAY.—The term 'employee who maintains the right of way' means an employee who is a safety-related railroad employee described in section 20102(4)(C) of title 49, United States Code.

"(B) RAIL CARRIER.—The term 'rail carrier' means an employer described in section 13(b)(2).

"(C) TRAIN CREW.—The term 'train crew' has the meaning given such term as used in chapter II of subtitle B of title 49, Code of Federal Regulations (or successor regulations).

"(f) APPLICABILITY TO MOTORCOACH SERVICES OPERATORS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an employer that is a motorcoach services operator shall be subject to the requirements of this section.

"(2) EMPLOYEES WHO ARE INVOLVED IN THE MOVEMENT OF A MOTORCOACH.—An employer that is a motorcoach services operator shall be subject to the requirements of this section with respect to an employee of such motorcoach services operator who is involved in the movement of a motorcoach provided that compliance with the requirements of this section does not—

"(A) require the employer to incur significant expense, such as through the removal or retrofitting of seats, the modification or retrofitting of a motorcoach, or unscheduled stops; or

"(B) result in unsafe conditions for an employee of a motorcoach services operator or a passenger of a motorcoach.

"(3) SIGNIFICANT EXPENSE.—For purposes of paragraph (2)(A), it shall not be considered a significant expense—

"(A) to modify or retrofit a motorcoach by installing a curtain or other screening protection if an employee requests such a curtain or other screening protection; or

"(B) for an employee to use scheduled stop time to express breast milk.

"(4) DEFINITIONS.—In this subsection:

"(A) MOTORCOACH; MOTORCOACH SERVICES.—The terms 'motorcoach' and 'motorcoach services' have the meanings given the terms in section 32702 of the Motorcoach Enhanced Safety Act of 2012 (49 U.S.C. 31136 note).

"(B) MOTORCOACH SERVICES OPERATOR.—The term 'motorcoach services operator' means an entity that offers motorcoach services.

"(g) NOTIFICATION PRIOR TO COMMENCEMENT OF ACTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), before commencing an action under section 16(b) for a violation of subsection (a)(2), an employee shall—

"(A) notify the employer of such employee of the failure to provide the place described in such subsection; and

"(B) provide the employer with 10 days after such notification to come into compliance with such subsection with respect to the employee.

Time period.
Compliance.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply in a case in which—

"(A) the employee has been discharged because the employee—

"(i) has made a request for the break time or place described in subsection (a); or

"(ii) has opposed any employer conduct related to this section; or

"(B) the employer has indicated that the employer has no intention of providing the place described in subsection (a)(2).

"(h) INTERACTION WITH STATE AND FEDERAL LAW.—

"(1) LAWS PROVIDING GREATER PROTECTION.—Nothing in this section shall preempt a State law or municipal ordinance that provides greater protections to employees than the protections provided for under this section.

"(2) NO EFFECT ON TITLE 49 PREEMPTION.—This section shall have no effect on the preemption of a State law or municipal ordinance that is preempted under subtitle IV, V, or VII of title 49, United States Code.".

(b) CLARIFYING REMEDIES.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 15(a) (29 U.S.C. 215(a))—

(A) by striking the period at the end of paragraph (5) and inserting "; and"; and

(B) by adding at the end the following:

"(6) to violate any of the provisions of section 18D."; and

(2) in section 16(b) (29 U.S.C. 216(b)), by striking "15(a)(3)" each place the term appears and inserting "15(a)(3) or 18D".

(c) AUTHORIZING EMPLOYEES TO TEMPORARILY OBSCURE THE FIELD OF VIEW OF AN IMAGE RECORDING DEVICE ON A LOCOMOTIVE OR ROLLING STOCK WHILE EXPRESSING BREAST MILK.—Section 20168(f) of title 49, United States Code, is amended—

(1) by striking "A railroad carrier" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), a railroad carrier"; and

(2) by adding at the end the following:

"(2) TEMPORARILY OBSCURING FIELD OF VIEW OF AN IMAGE RECORDING DEVICE WHILE EXPRESSING BREAST MILK.—

"(A) IN GENERAL.—For purposes of expressing breast milk, an employee may temporarily obscure the field of view of an image recording device required under this section if the passenger train on which such device is installed is not in motion.

"(B) RESUMING OPERATION.—The crew of a passenger train on which an image recording device has been obscured pursuant to subparagraph (A) shall ensure that such image recording device is no longer obscured immediately after the employee has finished expressing breast milk and before resuming operation of the passenger train.".

SEC. 103. EFFECTIVE DATE.

29 USC 207 note.

(a) EXPANDING ACCESS.—The amendments made by section 102(a) shall take effect on the date of enactment of this Act.

29 USC 215 note.

(b) REMEDIES AND CLARIFICATION.—The amendments made by section 102(b) shall take effect on the date that is 120 days after the date of enactment of this Act.

49 USC 20168 note.

(c) AUTHORIZING EMPLOYEES TO TEMPORARILY OBSCURE THE FIELD OF VIEW OF AN IMAGE RECORDING DEVICE ON A LOCOMOTIVE OR ROLLING STOCK WHILE EXPRESSING BREAST MILK.—The amendments made by section 102(c) shall take effect on the date of enactment of this Act.

29 USC 218d note.

(d) APPLICATION OF LAW TO EMPLOYEES OF RAIL CARRIERS.—

(1) IN GENERAL.—Section 18D of the Fair Labor Standards Act of 1938 (as added by section 102(a)) shall not apply to employees who are members of a train crew involved in the movement of a locomotive or rolling stock or who are employees who maintain the right of way of an employer that is a rail carrier until the date that is 3 years after the date of enactment of this Act.

(2) DEFINITIONS.—In this subsection:

(A) EMPLOYEE; EMPLOYER.—The terms "employee" and "employer" have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(B) EMPLOYEES WHO MAINTAINS THE RIGHT OF WAY; RAIL CARRIER; TRAIN CREW.—The terms "employee who maintains the right of way", "rail carrier", and "train crew" have the meanings given such terms in section 18D(e)(4) of the Fair Labor Standards Act of 1938, as added by section 102(a).

(e) APPLICATION OF LAW TO EMPLOYEES OF MOTORCOACH SERVICES OPERATORS.— 29 USC 218d note.

(1) IN GENERAL.—Section 18D of the Fair Labor Standards Act of 1938 (as added by section 102(a)) shall not apply to employees who are involved in the movement of a motorcoach of an employer that is a motorcoach services operator until the date that is 3 years after the date of enactment of this Act.

(2) DEFINITIONS.—In this subsection:

(A) EMPLOYEE; EMPLOYER.—The terms "employee" and "employer" have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(B) MOTORCOACH; MOTORCOACH SERVICES OPERATOR.—The terms "motorcoach" and "motorcoach services operator" have the meanings given such terms in section 18D(f)(4) of the Fair Labor Standards Act of 1938, as added by section 102(a).

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

State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act.

SEC. 101. SHORT TITLE. 42 USC 1305 note.

This division may be cited as the "State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act".

SEC. 102. AUTHORITY TO USE CORONAVIRUS RELIEF FUNDS FOR INFRASTRUCTURE PROJECTS.

(a) IN GENERAL.—Title VI of the Social Security Act (42 U.S.C. 801 et seq.), as amended by section 40909 of the Infrastructure Investment and Jobs Act, is amended— 42 USC 802.

(1) in section 602—

(A) in subsection (a)(1), by inserting "(except as provided in subsection (c)(5))" after "December 31, 2024"; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "paragraph (3)" and inserting "paragraphs (3), (4), and (5)";

(II) by amending subparagraph (C) to read as follows:

"(C) for the provision of government services up to an amount equal to the greater of—

"(i) the amount of the reduction in revenue of such State, territory, or Tribal government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency; or

"(ii) $10,000,000;";

(III) in subparagraph (D), by striking the period at the end and inserting "; or"; and

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

"(E) to provide emergency relief from natural disasters or the negative economic impacts of natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs."; and

(ii) by adding at the end the following new paragraph:

"(5) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

"(A) IN GENERAL.—Subject to subparagraph (C), notwithstanding any other provision of law, a State, territory, or Tribal government receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B), including, to the extent consistent with guidance or rules issued by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to subparagraph (C)(iv)—

"(i) in the case of a project eligible under section 117 of title 23, United States Code, or section 5309 or 6701 of title 49, United States Code, to satisfy a non-Federal share requirement applicable to such a project; and

"(ii) in the case of a project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code—

"(I) to satisfy a non-Federal share requirement applicable to such a project; and

"(II) to repay a loan provided under such program.

"(B) PROJECTS DESCRIBED.—A project referred to in subparagraph (A) is any of the following:

"(i) A project eligible under section 117 of title 23, United States Code.

"(ii) A project eligible under section 119 of title 23, United States Code.

"(iii) A project eligible under section 124 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

"(iv) A project eligible under section 133 of title 23, United States Code.

"(v) An activity to carry out section 134 of title 23, United States Code.

"(vi) A project eligible under section 148 of title 23, United States Code.

"(vii) A project eligible under section 149 of title 23, United States Code.

"(viii) A project eligible under section 151(f) of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

"(ix) A project eligible under section 165 of title 23, United States Code.

"(x) A project eligible under section 167 of title 23, United States Code.

"(xi) A project eligible under section 173 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

"(xii) A project eligible under section 175 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

"(xiii) A project eligible under section 176 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

"(xiv) A project eligible under section 202 of title 23, United States Code.

"(xv) A project eligible under section 203 of title 23, United States Code.

"(xvi) A project eligible under section 204 of title 23, United States Code.

"(xvii) A project eligible under the program for national infrastructure investments (commonly known as the 'Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program').

"(xviii) A project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code.

"(xix) A project that furthers the completion of a designated route of the Appalachian Development Highway System under section 14501 of title 40, United States Code.

"(xx) A project eligible under section 5307 of title 49, United States Code.

"(xxi) A project eligible under section 5309 of title 49, United States Code.

"(xxii) A project eligible under section 5311 of title 49, United States Code.

"(xxiii) A project eligible under section 5337 of title 49, United States Code.

"(xxiv) A project eligible under section 5339 of title 49, United States Code.

"(xxv) A project eligible under section 6703 of title 49, United States Code, as added by the Infrastructure Investment and Jobs Act.

"(xxvi) A project eligible under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

"(xxvii) A project eligible under the bridge replacement, rehabilitation, preservation, protection, and construction program under paragraph (1) under the heading 'HIGHWAY INFRASTRUCTURE PROGRAM' under the heading 'FEDERAL HIGHWAY ADMINISTRATION' under the heading 'DEPARTMENT OF TRANSPORTATION' under title VIII of division J of the Infrastructure Investment and Jobs Act.

"(C) LIMITATIONS; APPLICATION OF REQUIREMENTS.—

"(i) LIMITATION ON AMOUNTS TO BE USED FOR INFRASTRUCTURE PROJECTS.—

"(I) IN GENERAL.—The total amount that a State, territory, or Tribal government may use from a payment made under this section for uses

described in subparagraph (A) shall not exceed the greater of—

"(aa) $10,000,000; and

"(bb) 30 percent of such payment.

"(II) RULE OF APPLICATION.—The spending limitation under subclause (I) shall not apply to any use of funds permitted under paragraph (1), and any such use of funds shall be disregarded for purposes of applying such spending limitation.

"(ii) LIMITATION ON OPERATING EXPENSES.—Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xx) through (xxiv) of subparagraph (B).

"(iii) APPLICATION OF REQUIREMENTS.—Except as otherwise determined by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to clause (iv) or provided in this section—

"(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section that are used pursuant to subparagraph (A) for a project described in clause (xxvi) of subparagraph (B) that relates to broadband infrastructure;

"(II) the requirements of titles 23, 40, and 49 of the United States Code, title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq) shall apply to funds provided under a payment made under this section that are used for projects described in subparagraph (B); and

"(III) a State government receiving a payment under this section may use funds provided under such payment for projects described in clauses (i) through (xxvii) of subparagraph (B), as applicable, that—

"(aa) demonstrate progress in achieving a state of good repair as required by the State's asset management plan under section 119(e) of title 23, United States Code; and

"(bb) support the achievement of 1 or more performance targets of the State established under section 150 of title 23, United States Code.

"(iv) OVERSIGHT.—The Secretary may delegate oversight and administration of the requirements described in clause (iii) to the appropriate Federal agency.

"(v) SUPPLEMENT, NOT SUPPLANT.—Amounts from a payment made under this section that are used by a State, territory, or Tribal government for uses described in subparagraph (A) shall supplement, and not supplant, other Federal, State, territorial, Tribal,

and local government funds (as applicable) otherwise available for such uses.

"(D) REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide periodic reports on the use of funds by States, territories, and Tribal governments under subparagraph (A).

"(E) AVAILABILITY.—Funds provided under a payment made under this section to a State, territory, or Tribal government shall remain available for obligation for a use described in subparagraph (A) through December 31, 2024, except that no amount of such funds may be expended after September 30, 2026."; and

Time period. Termination date.

(2) in subsection 603—

42 USC 803.

(A) in subsection (a), by inserting "(except as provided in subsection (c)(6))" after "December 31, 2024"; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), (5), and (6)";

(II) by amending subparagraph (C) to read as follows:

"(C) for the provision of government services up to an amount equal to the greater of—

"(i) the amount of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county to the emergency; or

"(ii) $10,000,000;";

(III) in subparagraph (D), by striking the period at the end and inserting "; or"; and

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

"(E) to provide emergency relief from natural disasters or the negative economic impacts of natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs."; and

(ii) by adding at the end the following new paragraph:

"(6) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), notwithstanding any other provision of law, a metropolitan city, nonentitlement unit of local government, or county receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B) of section 602(c)(5), including, to the extent consistent with guidance or rules issued by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to subparagraph (B)(iv)—

"(i) in the case of a project eligible under section 117 of title 23, United States Code, or section 5309

or 6701 of title 49, United States Code, to satisfy a non-Federal share requirement applicable to such a project; and

"(ii) in the case of a project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code—

"(I) to satisfy a non-Federal share requirement applicable to such a project; and

"(II) to repay a loan provided under such program.

"(B) LIMITATIONS; APPLICATION OF REQUIREMENTS.—

"(i) LIMITATION ON AMOUNTS TO BE USED FOR INFRASTRUCTURE PROJECTS.—

"(I) IN GENERAL.—The total amount that a metropolitan city, nonentitlement unit of local government, or county may use from a payment made under this section for uses described in subparagraph (A) shall not exceed the greater of—

"(aa) $10,000,000; and

"(bb) 30 percent of such payment.

"(II) RULE OF APPLICATION.—The spending limitation under subclause (I) shall not apply to any use of funds permitted under paragraph (1), and any such use of funds shall be disregarded for purposes of applying such spending limitation.

"(ii) LIMITATION ON OPERATING EXPENSES.—Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xx) through (xxiv) of section 602(c)(5)(B).

Determination.

"(iii) APPLICATION OF REQUIREMENTS.—Except as otherwise determined by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to clause (iv) or provided in this section—

"(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section that are used pursuant to subparagraph (A) for a project described in clause (xxvi) of section 602(c)(5)(B) that relates to broadband infrastructure; and

"(II) the requirements of titles 23, 40, and 49 of the United States Code, title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq) shall apply to funds provided under a payment made under this section that are used for projects described in section 602(c)(5)(B).

"(iv) OVERSIGHT.—The Secretary may delegate oversight and administration of the requirements described in clause (iii) to the appropriate Federal agency.

"(v) SUPPLEMENT, NOT SUPPLANT.—Amounts from a payment made under this section that are used by a metropolitan city, nonentitlement unit of local

government, or county for uses described in subparagraph (A) shall supplement, and not supplant, other Federal, State, territorial, Tribal, and local government funds (as applicable) otherwise available for such uses.

"(C) REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide periodic reports on the use of funds by metropolitan cities, nonentitlement units of local government, or counties under subparagraph (A).

"(D) AVAILABILITY.—Funds provided under a payment made under this section to a metropolitan city, nonentitlement unit of local government, or county shall remain available for obligation for a use described in subparagraph (A) through December 31, 2024, except that no amount of such funds may be expended after September 30, 2026.". Time period. Termination date.

(b) TECHNICAL AMENDMENTS.—Sections 602(c)(3) and 603(c)(3) of title VI of the Social Security Act (42 U.S.C. 802(c)(3), 803(c)(3)) are each amended by striking "paragraph (17) of".

(c) GUIDANCE AND EFFECTIVE DATE.— 42 USC 802 note.

(1) GUIDANCE OR RULE.—Within 60 days of the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Transportation, shall issue guidance or promulgate a rule to carry out the amendments made by this section, including updating reporting requirements on the use of funds under this section. Deadline. Updates.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the issuance of guidance or the promulgation of a rule described in paragraph (1).

(d) DEPARTMENT OF THE TREASURY ADMINISTRATIVE EXPENSES.—

(1) REDUCTION OF FUNDS AVAILABLE FOR ADMINISTRATIVE EXPENSES.—Title IV of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

(A) in section 4003(f), by striking "$100,000,000" and inserting "61,000,000"; and 15 USC 9042.

(B) in section 4112(b), by striking "$100,000,000" and inserting "$67,000,000". 15 USC 9072.

(2) AUTHORITY.—Notwithstanding any other provision of law, the unobligated balances from amounts made available to the Secretary of the Treasury (referred to in this subsection as the "Secretary") for administrative expenses pursuant to the provisions specified in paragraph (3) shall be available to the Secretary (in addition to any other appropriations provided for such purpose) for the purpose described in paragraph (4) (subject to the limitation in such paragraph) and for administrative expenses of the Department of the Treasury, except for the Internal Revenue Service, determined by the Secretary to be necessary to respond to the coronavirus emergency, including any expenses necessary to implement any provision of— Determination.

(A) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136);

(B) division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(C) the American Rescue Plan Act (Public Law 117–2); or

(D) title VI of the Social Security Act (42 U.S.C. 801 et seq.).

(3) PROVISIONS SPECIFIED.—The provisions specified in this paragraph are the following:

(A) Amounts made available under section 4027(a) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9061(a)) to pay costs and administrative expenses under section 4003(f) of such Act (15 U.S.C. 9042(f))) and amounts made available by section 4120(a) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9080) to pay costs and administrative expenses under section 4112(b) of such Act (15 U.S.C. 9072(b)) (after application of the amendments made by paragraph (1) of this subsection).

(B) Section 421(f)(2) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(C) Sections 3201(a)(2)(B), 3206(d)(1)(A), and 7301(b)(5) of the American Rescue Plan Act of 2021 (Public Law 117–2).

(D) Section 602(a)(2) of the Social Security Act (42 U.S.C. 802(a)(2)).

(4) PAYMENTS TO ELIGIBLE REVENUE SHARING CONSOLIDATED GOVERNMENTS.—Of amounts made available under paragraph (2), up to $10,600,000 shall be available to the Secretary (in addition to any other appropriations provided for such purpose) for making payments to eligible revenue sharing consolidated governments under subsection (g) of section 605 of the Social Security Act (42 U.S.C. 805), as added by section 103 of this Act.

SEC. 103. ALLOWING PAYMENTS TO ELIGIBLE REVENUE SHARING CONSOLIDATED GOVERNMENTS FROM LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND.

(a) IN GENERAL.—Section 605 of the Social Security Act (42 U.S.C. 805) is amended by adding at the end the following new subsection:

"(g) PAYMENTS TO ELIGIBLE REVENUE SHARING CONSOLIDATED GOVERNMENTS.—

Allocation.
Time periods.
Effective date.

"(1) PAYMENTS TO ELIGIBLE REVENUE SHARING CONSOLIDATED GOVERNMENTS FOR FISCAL YEARS 2023 AND 2024.—The Secretary shall allocate and pay to each eligible revenue sharing consolidated government for each of fiscal years 2023 and 2024 an amount equal to the amount that the Secretary would have allocated to such eligible revenue sharing consolidated government for fiscal year 2022 if all eligible revenue sharing consolidated governments had been treated as eligible revenue sharing counties for purposes of being eligible for payments under subsection (b)(1) for such fiscal year using the allocation methodology adopted by the Department of the Treasury for such eligible revenue sharing counties as of the date of enactment of this subsection.

"(2) FUNDING FOR PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall make the allocations and payments described in paragraph (1) from the amounts described in subparagraph (B), which shall be available to the Secretary for such purpose notwithstanding any other provision of law.

"(B) AMOUNTS DESCRIBED.—The amounts described in this subparagraph are the following:

"(i) Any amount allocated to an eligible revenue sharing county under subsection (b)(1) for fiscal year 2022 or 2023 that, as of January 31, 2023, has not been requested by such county.

"(ii) Amounts made available to the Secretary under section 102(d)(4) of the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act.".

(b) CONFORMING AMENDMENTS.—Section 605 of the Social Security Act (42 U.S.C. 805), as amended by subsection (a), is further amended—

(1) in subsection (a), by inserting ", subject to subsection (g)," after "obligated";

(2) in subsection (c), by striking "or an eligible Tribal government" and inserting ", an eligible Tribal government, or an eligible revenue sharing consolidated government";

(3) in subsections (d) and (e), by inserting "or eligible revenue sharing consolidated government" after "eligible revenue sharing county" each place it appears; and

(4) in subsection (f)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) ELIGIBLE REVENUE SHARING CONSOLIDATED GOVERNMENT.—The term 'eligible revenue sharing consolidated government' means a county, parish, or borough— Definition.

"(A) that has been classified by the Bureau of the Census as an active government consolidated with another government; and

"(B) for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such program.".

SEC. 104. EXTENSION OF AVAILABILITY OF CORONAVIRUS RELIEF FUND PAYMENTS TO TRIBAL GOVERNMENTS.

Section 601(d)(3) of the Social Security Act (42 U.S.C. 801(d)(3)) is amended by inserting "(or, in the case of costs incurred by a Tribal government, during the period that begins on March 1, 2020, and ends on December 31, 2022)" before the period.

SEC. 105. RESCISSION OF CORONAVIRUS RELIEF AND RECOVERY FUNDS DECLINED BY STATES, TERRITORIES, OR OTHER GOVERNMENTAL ENTITIES.

Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following new section:

"SEC. 606. RESCISSION OF FUNDS DECLINED BY STATES, TERRITORIES, OR OTHER GOVERNMENTAL ENTITIES. 42 USC 806.

"(a) RESCISSION.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), if a State, territory, or other governmental entity provides notice to the Secretary of the Treasury in the manner provided by the Secretary of the Treasury that the State, territory, or other governmental entity intends to decline all or a portion of the amounts that are to be awarded to the State, territory,

or other governmental entity from funds appropriated under this title, an amount equal to the unaccepted amounts or portion of such amounts allocated by the Secretary of the Treasury as of the date of such notice that would have been awarded to the State, territory, or other governmental entity shall be rescinded from the applicable appropriation account.

"(2) EXCLUSION.—Paragraph (1) shall not apply with respect to funds that are to be paid to a State under section 603 for distribution to nonentitlement units of local government.

"(3) RULES OF CONSTRUCTION.—Paragraph (1) shall not be construed as—

"(A) preventing a sub-State governmental entity, including a nonentitlement unit of local government, from notifying the Secretary of the Treasury that the sub-State governmental entity intends to decline all or a portion of the amounts that a State may distribute to the entity from funds appropriated under this title; or

"(B) allowing a State to prohibit or otherwise prevent a sub-State governmental entity from providing such a notice.

"(b) USE FOR DEFICIT REDUCTION.—Amounts rescinded under subsection (a) shall be deposited in the general fund of the Treasury for the sole purpose of deficit reduction.

"(c) STATE OR OTHER GOVERNMENTAL ENTITY DEFINED.—In this section, the term 'State, territory, or other governmental entity' means any entity to which a payment may be made directly to the entity under this title other than a Tribal government, as defined in sections 601(g), 602(g), and 604(d), and an eligible Tribal government, as defined in section 605(f).".

DIVISION MM—FAIRNESS FOR 9/11 FAMILIES ACT

Fairness for 9/11 Families Act.

SEC. 101. IMPROVEMENTS TO THE JUSTICE FOR UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM ACT.

34 USC 10101 note.

(a) SHORT TITLE.—This section may be cited as the "Fairness for 9/11 Families Act".

(b) IN GENERAL.—Section 404 of the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144) is amended—

(1) in subsection (b)—

Time period.

(A) in paragraph (1)(B), in the first sentence, by inserting "and during the 1-year period beginning on the date of enactment of the Fairness for 9/11 Families Act, the Special Master may utilize an additional 5 full-time equivalent Department of Justice personnel" before the period at the end; and

Deadline. Update. Procedures. Guidance.

(B) in paragraph (2)(A), by inserting "Not later than 30 days after the date of enactment of the Fairness for 9/11 Families Act, the Special Master shall update, as necessary as a result of the enactment of such Act, such procedures and other guidance previously issued by the Special Master." after the period at the end of the second sentence;

(2) in subsection (c)(3)(A), by striking clause (ii) and inserting the following:

"(ii) Not later than 90 days after the date of obtaining a final judgment, with regard to a final judgment obtained on or after the date of that publication, unless— Deadlines.

"(I) the final judgment was awarded to a 9/11 victim, 9/11 spouse, or 9/11 dependent before the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act, in which case such United States person shall have 90 days from the date of enactment of such Act to submit an application for payment; or

"(II) the final judgment was awarded to a 1983 Beirut barracks bombing victim or a 1996 Khobar Towers bombing victim before the date of enactment of the Fairness for 9/11 Families Act, in which case such United States person shall have 180 days from the date of enactment of such Act to submit an application for payment.";

(3) in subsection (d)—

(A) in paragraph (3)(B), by adding at the end the following:

"(iii) For the purposes of clause (i), the calculation of the total compensatory damages received or entitled or scheduled to be received by an applicant who is a 1983 Beirut barracks bombing victim or a 1996 Khobar Towers bombing victim from any source other than the Fund shall include the total amount received by the applicant as a result of or in connection with the proceedings captioned Peterson v. Islamic Republic of Iran, No. 10 Vic. 4518 (S.D.N.Y.), or the proceedings captioned In Re 650 Fifth Avenue & Related Properties, No. 08 Civ. 10934 (S.D.N.Y. filed Dec. 17, 2008), such that any such applicant who has received or is entitled or scheduled to receive 30 percent or more of such applicant's compensatory damages judgment as a result of or in connection with such proceedings shall not receive any payment from the Fund, except in accordance with the requirements of clause (i), or as part of a lump-sum catch-up payment in accordance with paragraph (4)(D)."; and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking "(B) and (C)" and inserting "(B), (C), and (D)";

(ii) in subparagraph (C), by adding at the end the following:

"(iv) AUTHORIZATION.—

"(I) IN GENERAL.—The Special Master shall authorize lump sum catch-up payments in amounts equal to the amounts described in subclauses (I), (II), and (III) of clause (iii).

"(II) APPROPRIATIONS.—

"(aa) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Fund such sums as are necessary to carry out this clause, to remain available until expended.

"(bb) LIMITATION.—Amounts appropriated pursuant to item (aa) may not be used for a purpose other than to make lump sum catch-up payments under this clause."; and

(iii) by adding at the end the following:

"(D) LUMP SUM CATCH-UP PAYMENTS FOR 1983 BEIRUT BARRACKS BOMBING VICTIMS AND 1996 KHOBAR TOWERS BOMBING VICTIMS.—

Deadline.
Audit.
Federal Register, publication.
Notice.

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Fairness for 9/11 Families Act, and in accordance with clauses (i) and (ii) of paragraph (3)(A), the Comptroller General of the United States shall conduct an audit and publish in the Federal Register a notice of proposed lump sum catch-up payments to the 1983 Beirut barracks bombing victims and the 1996 Khobar Towers bombing victims who have submitted applications in accordance with subsection (c)(3)(A)(ii)(II) on or after such date of enactment, in amounts that, after receiving the lump sum catch-up payments, would result in the percentage of the claims of such victims received from the Fund being equal to the percentage of the claims of non-9/11 victims of state sponsored terrorism received from the Fund, as of such date of enactment.

Time period.
Effective date.

"(ii) PUBLIC COMMENT.—The Comptroller General shall provide an opportunity for public comment for a 30-day period beginning on the date on which the notice is published under clause (i).

Determinations.

"(iii) REPORT.—Not later than 30 days after the expiration of the comment period in clause (ii), the Comptroller General of the United States shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate, the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, and the Special Master a report that includes the determination of the Comptroller General on—

"(I) the amount of the proposed lump sum catch-up payment for each 1983 Beirut barracks bombing victim;

"(II) the amount of the proposed lump sum catch-up payment for each 1996 Khobar Towers bombing victim; and

"(III) amount of lump sum catch-up payments described in subclauses (I) and (II).

"(iv) LUMP SUM CATCH-UP PAYMENT RESERVE FUND.—

"(I) IN GENERAL.—There is established within the Fund a lump sum catch-up payment reserve fund, to remain in reserve except in accordance with this subsection.

Deadlines.

"(II) AUTHORIZATION.—Not earlier than 90 days after the date on which the Comptroller General submits the report required under clause (iii), and not later than 1 year after such date, the Special Master shall authorize lump sum catch-up payments from the reserve fund established

under subclause (I) in amounts equal to the amounts described in subclauses (I) and (II) of clause (iii).

"(III) APPROPRIATIONS.—

"(aa) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the lump sum catch-up payment reserve fund $3,000,000,000 to carry out this clause, to remain available until expended.

"(bb) LIMITATION.—Except as provided in subclause (IV), amounts appropriated pursuant to item (aa) may not be used for a purpose other than to make lump sum catch-up payments under this clause.

"(IV) EXPIRATION.—

"(aa) IN GENERAL.—The lump sum catch-up payment reserve fund established by this clause shall be terminated not later than 1 year after the Special Master disperses all lump sum catch-up payments pursuant to subclause (II).

"(bb) REMAINING AMOUNTS.—All amounts remaining in the lump sum catch-up payment reserve fund in excess of the amounts described in subclauses (I) and (II) of clause (iii) shall be deposited into the Fund under this section.";

(4) in subsection (e)(2)(B), by adding at the end the following:

"(v) EXCEPTION FOR 1983 BEIRUT BARRACKS BOMBING VICTIMS AND 1996 KHOBAR TOWERS BOMBING VICTIMS.—Nothing in this subparagraph shall apply with respect to—

"(I) a 1983 Beirut barracks bombing victim or a 1996 Khobar Towers bombing victim who submits an application under subsection (c)(3)(A)(ii)(II) on or after the date of enactment of the Fairness for 9/11 Families Act; or

"(II) the assets, or the net proceeds of the sale of properties or related assets, attributable to a person described in subclause (I).."; and

(5) in subsection (j), by adding at the end the following:

"(15) 1983 BEIRUT BARRACKS BOMBING VICTIM.—The term '1983 Beirut barracks bombing victim'— Definition.

"(A) means a plaintiff, or estate or successor in interest thereof, who has an eligible claim under subsection (c) that arises out of the October 23, 1983, bombing of the United States Marine Corps barracks in Beirut, Lebanon; and

"(B) includes a plaintiff, estate, or successor in interest described in subparagraph (A) who is a judgment creditor in the proceedings captioned Peterson v. Islamic Republic of Iran, No. 10 Vic. 4518 (S.D.N.Y.), or a Settling Judgment Creditor as identified in the order dated May 27, 2014, in the proceedings captioned In Re 650 Fifth Avenue & Related Properties, No. 08 Vic.10934 (S.D.N.Y. filed Dec. 17, 2008).

Definition.

"(16) 1996 KHOBAR TOWERS BOMBING VICTIM.—The term '1996 Khobar Towers bombing victim'—

"(A) means a plaintiff, or estate or successor in interest thereof, who has an eligible claim under subsection (c) that arises out of the June 25, 1996 bombing of the Khobar Tower housing complex in Saudi Arabia; and

"(B) includes a plaintiff, estate, or successor in interest described in subparagraph (A) who is a judgment creditor in the proceedings captioned Peterson v. Islamic Republic of Iran, No. 10 Vic. 4518 (S.D.N.Y.), or a Settling Judgment Creditor as identified in the order dated May 27, 2014, in the proceedings captioned In Re 650 Fifth Avenue & Related Properties, No. 08 Vic.10934 (S.D.N.Y. filed Dec. 17, 2008).".

Evaluation. Assessments.

(c) GAO REPORT ON FUNDING FOR THE UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM FUND.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report evaluating ways to increase deposits into the United States Victims of State Sponsored Terrorism Fund established under paragraph (1) of section 404(e) of the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144(e)) (in this subsection referred to as the "Fund"), including assessing the advisability and effect of—

(1) expanding the scope of the criminal offenses for which funds, and the net proceeds from the sale of property, forfeited or paid to the United States are deposited in the Fund under paragraph (2)(A)(i) of such section;

(2) expanding the scope of the civil penalties or fines for which funds, and the net proceeds from the sale of property, forfeited or paid to the United States are deposited in the Fund under paragraph (2)(A)(ii) of such section to include civil penalties or fines imposed, including as part of a settlement agreement, on an entity for providing material support to an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(3) increasing to 100 percent the percentage of funds, and the net proceeds from the sale of property, forfeited or paid to the United States as a civil penalty or fine that are deposited in the Fund under paragraph (2)(A)(ii) of such section.

(d) RESCISSIONS.—

(1) BUSINESS LOANS PROGRAM ACCOUNT.—Of the unobligated balances of amounts made available under the heading "Small Business Administration—Business Loans Program Account, CARES Act", for carrying out paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), $4,954,772,000 are hereby rescinded.

(2) SHUTTERED VENUE OPERATORS GRANT.—Of the unobligated balances of amounts made available under the heading "Small Business Administration—Shuttered Venue Operators", for carrying out section 324 of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9009a), $459,000,000 are hereby rescinded.

(3) AVIATION MANUFACTURING PAYROLL SUPPORT PROGRAM.—Of the unobligated balances of amounts made available under section 7202 of the American Rescue Plan Act of 2021 (15 U.S.C. 9132), $568,228,000 are hereby rescinded.

Approved Dec. 29, 2022.

LEGISLATIVE HISTORY—H.R. 2617:

SENATE REPORTS: No. 117–164 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD:
Vol. 167 (2021): July 26, Sept. 28, considered and passed House.
Vol. 168 (2022): Nov. 15, considered and passed Senate, amended.
Dec. 14, House concurred in certain Senate amendments, and in another with an amendment pursuant to H. Res. 1518.
Dec. 20–22, Senate considered and concurred in House amendment with an amendment.
Dec. 23, House concurred in Senate amendment.

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