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## H.R.2617 - Consolidated Appropriations Act, 2023

117th Congress (2021-2022)

**Sponsor:** [Rep. Connolly, Gerald E. \[D-VA-11\]](#) (Introduced 04/16/2021)

**Committees:** House - Oversight and Reform | Senate - Homeland Security and Governmental Affairs

**Committee Meetings:** [11/03/21 10:30AM](#) [05/25/21 2:00PM](#)

**Committee Reports:** [S. Rept. 117-164](#)

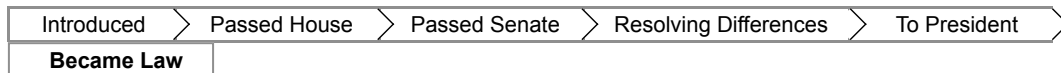
**Committee Prints:** [H.Prt. 117-73](#)

**Latest Action:** 12/29/2022 Became [Public Law No: 117-328](#). ([All Actions](#))

**Roll Call Votes:** There have been [18 roll call votes](#)

**Notes:** The Joint Explanatory Statement and text to accompany Public Law 117-328 are found within [Book 1 \(Divisions A-F\)](#), [Book 2 \(Divisions G-N\)](#).

Tracker: 



**Summary(6)** Text(9) Actions(90) Titles(9) Amendments(59) Cosponsors(2) Committees(2) Related Bills(33)



There are 6 summaries for H.R.2617.

Public Law (12/23/2022)



[Bill summaries](#) are authored by [CRS](#).

### Shown Here:

#### Public Law No: 117-328 (12/23/2022)

#### Consolidated Appropriations Act, 2023

This act provides appropriations to federal agencies for the remainder of FY2023, provides supplemental appropriations for disaster relief and to support Ukraine, extends several expiring authorities, and modifies or establishes various programs that address a wide range of policy areas.

(Sec. 3) This section provides that references to *this Act* included in any division of this act refer only to the provisions of that division unless the act expressly provides otherwise.

(Sec. 4) This section provides that the explanatory statement regarding this act that was printed in the Congressional Record has the same effect as a joint explanatory statement of a conference committee.

(Sec. 5) This section specifies that the sums in this act are appropriated for FY2023.

(Sec. 6) This section prohibits a cost-of-living adjustment for Members of Congress during FY2023.

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

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

This division provides FY2023 appropriations for the Department of Agriculture (USDA), except for the Forest Service, which is included in Division G (the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023).

The division also provides appropriations for the Food and Drug Administration (FDA) and the Farm Credit Administration.

The division includes both discretionary and mandatory funding. The mandatory funding levels are generally set by authorizing legislation such as the farm bill and are frequently limited in the agriculture appropriations bill.

#### TITLE I--AGRICULTURAL PROGRAMS

This title provides appropriations for the following agricultural programs and services

- the Office of the Secretary;
- Executive Operations;

- the Office of the Chief Information Officer;
- the Office of the Chief Financial Officer;
- the Office of the Assistant Secretary for Civil Rights;
- the Office of Civil Rights;
- Agriculture Buildings and Facilities;
- Hazardous Materials Management;
- the Office of Safety, Security, and Protection;
- the Office of Inspector General;
- the Office of the General Counsel;
- the Office of Ethics;
- the Office of the Under Secretary for Research, Education, and Economics;
- the Economic Research Service;
- the National Agricultural Statistics Service;
- the Agricultural Research Service;
- the National Institute of Food and Agriculture;
- the Office of the Under Secretary for Marketing and Regulatory Programs;
- the Animal and Plant Health Inspection Service;
- the Agricultural Marketing Service;
- the Office of the Under Secretary for Food Safety; and
- the Food Safety and Inspection Service.

#### TITLE II--FARM PRODUCTION AND CONSERVATION PROGRAMS

This title provides appropriations for farm production and conservation programs, including

- the Office of the Under Secretary for Farm Production and Conservation,
- the Farm Production and Conservation Business Center,
- the Farm Service Agency,
- the Risk Management Agency, and
- the Natural Resources Conservation Service.

The title also provides appropriations for (1) the Federal Crop Insurance Corporation Fund, and (2) the Commodity Credit Corporation Fund.

#### TITLE III--RURAL DEVELOPMENT PROGRAMS

This title provides appropriations for rural development programs, including

- Rural Development Salaries and Expenses,
- the Rural Housing Service,
- the Rural Business--Cooperative Service, and
- the Rural Utilities Service.

#### TITLE IV--DOMESTIC FOOD PROGRAMS

This title provides appropriations for the Office of the Under Secretary for Food, Nutrition, and Consumer Services.

The title also provides appropriations to the Food and Nutrition Service for

- Child Nutrition Programs;
- the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);
- the Supplemental Nutrition Assistance Program (SNAP);
- the Commodity Assistance Program; and
- Nutrition Programs Administration.

#### TITLE V--FOREIGN ASSISTANCE AND RELATED PROGRAMS

The title provides appropriations to the Office of the Under Secretary for Trade and Foreign Agricultural Affairs.

It also provides appropriations to the Foreign Agricultural Service for

- Food for Peace Title II Grants,
- the McGovern-Dole International Food for Education and Child Nutrition Program, and
- the Commodity Credit Corporation Export (Loans) Credit Guarantee Program Account.

#### TITLE VI--RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

This title provides appropriations to (1) the Food and Drug Administration (FDA), and (2) the Farm Credit Administration.

#### TITLE VII--GENERAL PROVISIONS

(Sec. 701) This section permits USDA to use funds provided by this division to purchase passenger motor vehicles and specifies requirements and restrictions for the purchases.

(Sec. 702) This section permits USDA to transfer unobligated funds to the Working Capital Fund for the acquisition of certain property, equipment, and systems related to the delivery of financial, administrative, and information technology services. It also specifies

requirements and restrictions for the transfers.

(Sec. 703) This section prohibits appropriations provided by this division from remaining available for obligation beyond the current fiscal year unless the division expressly provides otherwise.

(Sec. 704) This section limits negotiated indirect costs on cooperative agreements or similar arrangements between USDA and nonprofit institutions to 10% of the total direct cost of the agreement when the purpose of the agreement is to carry out programs of mutual interest between the two parties.

(Sec. 705) This section permits appropriations for direct and guaranteed loans to remain available until expended to disburse obligations made in the current fiscal year for (1) the Rural Development Loan Fund program account, (2) the Rural Electrification and Telecommunication Loans program account, and (3) the Rural Housing Insurance Fund program account.

(Sec. 706) This section prohibits USDA from using funds provided by this division to acquire new information technology systems or significant upgrades without approval of the Chief Information Officer (CIO) and the Executive Information Technology Investment Review Board. It also (1) prohibits the transfer of funds made available by this division to the CIO without prior approval of Congress, and (2) prohibits funds from being used for specified information technology projects without the approval of the CIO.

(Sec. 707) This section permits specified funds provided under the Federal Crop Insurance Act for the Agricultural Management Assistance Program in the current fiscal year to remain available until expended to disburse obligations made in the current fiscal year.

(Sec. 708) This section makes a former Rural Utility Service borrower who has repaid or prepaid a loan under the Rural Electrification Act of 1936 or any not-for-profit utility qualified to receive a loan under the act eligible for rural economic development and job creation assistance in the same manner as a borrower.

(Sec. 709) This section permits specified unobligated balances of appropriations provided by this division for salaries and expenses of the Farm Service Agency to remain available through FY2024 for information technology expenses.

(Sec. 710) This section prohibits funds provided by this division from being used for first-class travel by employees of agencies funded by this division in contravention of specified regulations.

(Sec. 711) This section provides that (1) Commodity Credit Corporation funds authorized or required to be used for specified programs included in the Agricultural Act of 2014 or a successor to the act shall be available for salaries and administrative expenses associated with the programs without regard to allotment and transfer limits, and (2) the use of the funds for this purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limits.

(Sec. 712) This section limits funds available for USDA advisory committees, panels, commissions, and task forces, except for panels used to comply with negotiated rulemakings or to evaluate competitively awarded grants.

(Sec. 713) This section prohibits funds provided by this division from being used for a computer network unless pornography is blocked, with the exception of law enforcement, prosecution, or adjudication activities.

(Sec. 714) This section limits the amount of Section 32 funds that may be used for certain domestic food assistance programs, including

- Child Nutrition Programs Entitlement Commodities,
- State Option Contracts,
- Removal of Defective Commodities, and
- Administration of Section 32 Commodity Purchases.

(Section 32 is a program created to assist producers of agricultural commodities not supported by other mandatory farm support programs. It is funded by a permanent appropriation of a portion of the previous year's customs receipts less certain mandatory transfers to child nutrition and other programs.)

This section also prohibits the use of Section 32 funds to reestablish farmers' purchasing power by making payments in connection with the normal production of any agricultural commodity for domestic consumption. It includes an exception for a limited amount of carryover funds.

(Sec. 715) This section prohibits funds from being used to prepare proposals for the President's budget that are for programs funded in this division and assume savings from certain user fee proposals without identifying additional spending reductions that should occur if the proposals are not enacted.

(Sec. 716) This section sets forth procedures, requirements, and restrictions for reprogramming and transferring funds provided by this division.

(Sec. 717) This section permits USDA to assess a one-time fee for any guaranteed business and industry loan and limits the fee to 3% of the guaranteed principal portion of the loan.

(Sec. 718) This section prohibits funds from being used to provide reports, questions, or responses to questions that are a result of information requested for the appropriations hearing process to anyone who is not employed by USDA, the Department of Health and Human Services, or the Farm Credit Administration.

(Sec. 719) This section prohibits any executive branch agency from using funds provided by this division to produce a prepackaged news story for U.S. broadcast or distribution unless the story includes a clear notification indicating that it was prepared or funded by the agency.

(Sec. 720) This section prohibits USDA employees from being detailed or assigned to any other USDA agency or office for more than 60 days in a fiscal year unless the individual's employing agency is reimbursed by the receiving agency for the salary and expenses of the

employee during the period of assignment.

(Sec. 721) This section directs the agencies funded by this division to submit spending plans to Congress.

(Sec. 722) This section prohibits funds provided by this division from being used for regulations to allow or require information intended for a prescribing health care professional, in the case of a drug or biological product, to be distributed to the professional electronically (in lieu of in paper form) until a federal law is enacted to allow or require electronic distribution.

(Sec. 723) This section prohibits USDA from including incarcerated prison populations to determine eligibility or the level of program assistance for Rural Development programs.

(Sec. 724) This section permits USDA to increase the program level by up to 25% for certain loans and loan guarantees that do not require budget authority and have program levels established by this division. USDA must notify Congress before implementing an increase under this section.

(Sec. 725) This section provides that certain credit card refunds or rebates transferred to the Working Capital Fund (1) shall not be available for obligation without congressional approval; and (2) shall only be available for specified purposes, including acquiring property or equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to USDA agencies.

(Sec. 726) This section prohibits funds provided by this division from be used for the variety requirements of the final USDA rule titled *Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)* until USDA amends the definition of *variety* 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.

Until the amendments are promulgated, USDA must apply the requirements regarding acceptable varieties and breadth of stock to SNAP retailers that were in effect on the day before the enactment of the Agricultural Act of 2014.

(Sec. 727) This section sets forth the authorities that apply to USDA to carry out the Single Family Housing Guaranteed Loan Program. (Under the program USDA's Rural Housing Service guarantees loans made by approved private lenders to eligible low- and moderate-income households to purchase homes to be used as principal residences.)

(Sec. 728) This section prohibits funds provided by this division from being used for regulations that establish certain new user fees.

(Sec. 729) This section rescinds specified unobligated funds from the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

(Sec. 730) This section allows the Food Safety and Inspection Service (FSIS) to charge establishments for the cost of inspection services provided outside of an establishment's approved inspection shifts and for inspection services provided on federal holidays. The section also specifies the amounts charged (1) shall be considered overtime pay or holiday pay, and (2) may be used by FSIS without further appropriations to fund all costs associated with inspections.

(Sec. 731) USDA must conduct audits in a manner that evaluates the following factors in the country or region being audited

- veterinary control and oversight,
- disease history and vaccination practices,
- livestock demographics and traceability,
- epidemiological separation from potential sources of infection,
- surveillance practices,
- diagnostic laboratory capabilities, and
- emergency preparedness and response.

This section also requires USDA to (1) make the final reports of the audits publicly available, and (2) apply these requirements in a manner that is consistent with U.S. obligations under international trade agreements.

(Sec. 732) This section prohibits USDA from using funds provided by this division to allow banks for cooperatives (e.g., CoBank) to make certain loans for water and waste disposal facilities in rural areas under the Farm Credit Act of 1971 in a manner that is inconsistent with the definition of rural area included in the Consolidated Farm and Rural Development Act (i.e., areas and towns with populations of 10,000 or less).

(Sec. 733) This section prohibits funds provided by this division from being used to issue or renew licenses under the Animal Welfare Act for certain dealers who sell Random Source dogs and cats for research, experiments, teaching, or testing.

(Sec. 734) This section prohibits funds provided for the rural water, waste water, waste disposal, and solid waste management programs authorized by the Consolidated Farm and Rural Development Act from being used 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. The section also (1) specifies exceptions and waiver procedures, and (2) allows USDA to retain specified funds for management and oversight of the requirements of this section.

(Sec. 735) This section prohibits funds provided by this division from being used to influence congressional action on any legislation or appropriations matters pending before Congress.

(Sec. 736) This section requires at least 10% of the funds provided by this division for direct loans and grants under specified programs to be allocated for assistance in persistent poverty counties. A *persistent poverty county* is a county that has had at least 20% 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 U.S. territory or possession.

(Sec. 737) This section prohibits the FDA from acknowledging applications for an exemption for investigational use of a drug or biological product in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Such a submission must be deemed to have not been received, and the exemption may not go into effect.

(Sec. 738) This section prohibits funds from being used to enforce the FDA rule titled *Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption* with respect to the regulation of entities that grow, harvest, pack, or hold wine grapes, hops, pulse crops, or almonds.

(Sec. 739) This section provides appropriations to the National Institute of Food and Agriculture for a pilot program to provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

(Sec. 740) This section prohibits funds provided by this division from being used to implement or enforce a portion of a School Breakfast Program regulation that imposes restrictions on the substitution of certain types of vegetables for fruits.

(Sec. 741) This section prohibits funds provided by this division from being used (1) in contravention of specified laws that permit certain activities regarding hemp, including the transportation or shipment of hemp or hemp products in interstate commerce if certain requirements are met; or (2) to prohibit the transportation, processing, sale, or use of industrial hemp, or seeds of such plant, that is grown or cultivated in accordance with the laws, within or outside the state in which it is grown or cultivated.

(Sec. 742) This section provides appropriations for the Emergency and Transitional Pet Shelter and Housing Assistance Grant Program, which provides funding for shelter, transitional housing, and other assistance for domestic violence survivors with pets.

(Sec. 743) This section provides appropriations for the International Agricultural Education Fellowship Program, which provides fellowships for U.S. citizens to assist developing countries in establishing school-based agricultural education and youth extension programs.

(Sec. 744) This section permits USDA to waive the matching funds requirement for the Specialty Crop Research Initiative.

(Sec. 745) This section provides appropriations for a pilot program for USDA to award grants to nonprofit organizations and public housing authorities to provide technical assistance to Rural Housing Service (RHS) multi-family housing borrowers to facilitate the acquisition of RHS multi-family housing properties in areas where there is a risk of loss of affordable housing. The grants must be used to assist acquisitions by nonprofit housing organizations and public housing authorities that commit to keeping the properties in the RHS multi-family housing program for a period of time determined by USDA.

(Sec. 746) This section provides appropriations for Healthy Fluid Milk Incentives projects, which provide funding for grantees to develop and test methods to increase the amount of milk that SNAP households purchase and consume by providing incentives for the purchase of milk at authorized stores.

(Sec. 747) This section provides appropriations for the Farming Opportunities Training and Outreach grant program, which provides education, training, and outreach for beginning, socially disadvantaged, and veteran farmers and ranchers.

(Sec. 748) This section permits USDA to respond to a community with inadequate drinking water supplies due to a natural disaster by providing potable water through the Emergency Community Water Assistance Grant Program for up to 120 days beyond the time period established in the program.

(Sec. 749) This section specifies that funds made available under Title II of the Food for Peace Act may only be used to provide assistance to recipient nations if adequate monitoring and controls 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.

(Sec. 750) This section requires certain Agricultural Research Service facilities to be inspected by the Animal and Plant Health Inspection Service for compliance with the Animal Welfare Act and its regulations and standards.

(Sec. 751) This section prohibits funds provided by this division from being used to procure raw or processed poultry products from China for the National School Lunch Program, the Child and Adult Food Care Program, the Summer Food Service Program, or the School Breakfast Program.

(Sec. 752) This section provides that, for the 2023-2024 school year, only school food authorities with a negative balance in the nonprofit school food service account as of June 30, 2022, are required to establish a price for paid lunches using the formula specified under current law (known as Paid Lunch Equity requirements).

(Sec. 753) This section provides appropriations for USDA 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.

(Sec. 754) This section permits specified funds to be made available for grants for biotechnology risk assessment research.

(Sec. 755) This section provides appropriations for activities related to coordinating honeybee and pollinator research.

(Sec. 756) This section prohibits funds from being used 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) This section provides appropriations for cotton classing activities, including facility and equipment upgrades.

(Sec. 758) This section prohibits USDA funds from being 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 USDA unless specific legislation affirming the move is enacted.

(Sec. 759) This section permits the Natural Resources Conservation Service to use funds provided for the Watershed and Flood Prevention Operations Program, the Watershed Rehabilitation Program, and the Emergency Watershed Protection Program to provide technical services for the programs using the Agriculture Conservation Experienced Services Program.

(Sec. 760) The section modifies the eligibility requirements for the ReConnect Program to allow USDA to consider providing assistance in communities that are Areas Rural in Character. Under current law, the program provides loans, grants, and loan-grant combinations to facilitate broadband deployment in rural areas that currently do not have sufficient access to broadband.

(Sec. 761) This section prohibits funds from being used to inspect horses for slaughter purposes.

(Sec. 762) This section provides appropriations to remain available until expended for implementing non-renewable agreements for wetlands preservation on eligible lands, including flooded agricultural lands, under the Water Bank Act.

(Sec. 763) This section requires the FDA to revise the advice provided in the notice of availability titled *Advice About Eating Fish, From the Environmental Protection Agency and Food and Drug Administration; Revised Fish Advice; Availability* in a manner that is consistent with nutrition science recognized by the FDA on the net effects of seafood consumption.

(Sec. 764) This section provides appropriations for the Wetland Mitigation Banking Program, which provides grants to support the establishment of wetland mitigation banks. (Under a wetland mitigation banking program, a wetland is created, enhanced, or restored, and a credit for those efforts is sold to others as compensation for the loss of impacted wetlands at other locations). USDA must prioritize the wetland compliance needs of areas with significant numbers of individual wetlands, wetland acres, and conservation compliance requests.

(Sec. 765) This section requires the acceptable market name of any engineered animal approved prior to the effective date of the National Bioengineered Food Disclosure Standard (February 19, 2019) to include the word *genetically engineered* prior to the existing acceptable market name.

(Sec. 766) This section provides appropriations to USDA for (1) testing soil, water, or agricultural products for per- and polyfluoroalkyl substances (PFAS) at the request of an agricultural producer; (2) assisting agricultural producers affected by PFAS contamination with costs to mitigate the impacts to their operation that have resulted from the contamination; and (3) indemnifying the producers for the value of unmarketable crops, livestock, and other agricultural products related to the contamination.

(Sec. 767) This section directs USDA to set aside specified additional funds for Rural Economic Area Partnership (REAP) Zones.

(Sec. 768) This section provides appropriations for a working group established by USDA, in coordination with the National Oceanic and Atmospheric Administration, to study and report to Congress on specified issues related to ocean farming practices.

(Sec. 769) This section provides appropriations to continue the Institute for Rural Partnerships. The institute must continue to dedicate resources to researching the causes and conditions of challenges facing rural areas, and develop community partnerships to address such challenges.

(Sec. 770) This section rescinds specified funds from the Farm Service Agency's Agricultural Credit Insurance Fund Program Account.

(Sec. 771) This section provides appropriations for additional reimbursements for certain administrative and operating expenses related to crop insurance contracts for specialty crops.

(Sec. 772) This section provides appropriations for USDA to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study of specified topics and scientific questions related to alcohol. The section also requires USDA to ensure that the 2025 Dietary Guidelines for Americans process includes a recommendation for alcohol that is based on the preponderance of scientific and medical knowledge.

(Sec. 773) This section establishes reporting requirements related to foreign investments in agricultural land in the United States, including the impact that foreign ownership has on family farms, rural communities, and the domestic food supply.

(Sec. 774) This section allows the common name *Kanpachi* to serve as an acceptable market name for labeling and marketing of ocean-farmed *Seriola rivoliana*.

(Sec. 775) This section requires the Department of Homeland Security to transfer to USDA the operation of and all property required to operate the National Bio- and Agro-Defense Facility in Manhattan, Kansas.

(Sec. 776) This section extends various authorities under the Livestock Mandatory Reporting Act of 1999, which requires buyers of live cattle, swine, and lamb and sellers of wholesale beef, pork, and lamb to report prices, volumes, and other marketing characteristics to USDA's Agricultural Marketing Service.

(Sec. 777) This section changes the name of the Access to Local Foods: Farm to School Program to the Access to Local Foods: Patrick Leahy Farm to School Program.

(Sec. 778) This section requires USDA to 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 the account in FY2021.

(Sec. 779) This section rescinds specified unobligated funds from the Nonrecurring Expenses Fund.

(Sec. 780) This section permits specified FY2018 funds that were provided for direct loans funded from the Rural Community Facilities Program Account to remain available through FY2028 for the liquidation of valid obligations incurred in FY2018.

(Sec. 781) This section rescinds specified unobligated funds that were provided by the Agricultural Appropriations Act of 2010 for demonstration projects to develop and test methods of providing access to food for children during the summer months when schools are not in regular session.

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

### *Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023*

This division provides FY2023 appropriations to the Department of Commerce, the Department of Justice (DOJ), science agencies, and several related agencies.

## TITLE I--DEPARTMENT OF COMMERCE

### *Department of Commerce Appropriations Act, 2023*

This title provides appropriations to the Department of Commerce for

- the International Trade Administration,
- the Bureau of Industry and Security,
- the Economic Development Administration,
- the Minority Business Development Agency,
- Economic and Statistical Analysis,
- the Bureau of the Census,
- the National Telecommunications and Information Administration, and
- the U.S. Patent and Trademark Office.

The title provides appropriations to the National Institute of Standards and Technology (NIST) for

- Scientific and Technical Research and Services,
- Industrial Technology Services, and
- Construction of Research Facilities.

The title provides appropriations to the National Oceanic and Atmospheric Administration (NOAA) for

- Operations, Research, and Facilities;
- Procurement, Acquisition, and Construction;
- Pacific Coastal Salmon Recovery;
- Fisheries Disaster Assistance;
- the Fishermen's Contingency Fund; and
- the Fisheries Finance Program Account.

The title provides appropriations for Departmental Management for

- Salaries and Expenses,
- Renovation and Modernization,
- the Nonrecurring Expenses Fund, and
- the Office of Inspector General.

(Sec. 101) This section permits funds provided by this division to be used for advanced payments (prior to the receipt of goods, services, or other assets) that are not otherwise authorized only if designated Commerce officials certify that the payments are in the public interest.

(Sec. 102) This section permits funds provided by this division to be used for hiring passenger motor vehicles, employment of temporary or intermittent experts and consultants, and the purchase of uniforms.

(Sec. 103) This section permits the transfer of funds between Commerce accounts, subject to specified limitations and requirements. It also requires Commerce to notify Congress prior to the acquisition or disposal of any capital asset not provided for in an act providing appropriations to Commerce.

(Sec. 104) This section extends various congressional notification and reporting requirements for NOAA satellite programs. It also specifies the life cycle costs for

- the Joint Polar Satellite System,
- the Polar Follow On Program,
- the Geostationary Operational Environmental Satellite R-Series Program, and
- the Space Weather Follow On Program.

(Sec. 105) This section permits Commerce to (1) furnish services to facilitate the use or occupancy of Department of Commerce buildings, and (2) credit specified reimbursements received for the services to the appropriation or fund that bears the cost of the services.

(Sec. 106) This section specifies that grant recipients may continue to deter child pornography, copyright infringement, or any other unlawful activity over their networks.

(Sec. 107) This section permits NOAA to use, with consent and reimbursement, resources of other federal, state, local, and international entities to carry out the responsibilities of any statute administered by NOAA.

(Sec. 108) This section prohibits the National Technical Information Service from charging for copies of reports or documents generated by the legislative branch unless the service has provided information on how a copy may be obtained for free online. Any charge must be limited to the service's cost.

(Sec. 109) This section permits NOAA to work with federal and nonfederal agencies and governments by entering into agreements; using land, services, equipment, personnel, and facilities provided by the entities; or receiving and expending funds made available on a consensual basis.

(Sec. 110) This section permits the Economics and Statistics Administration, the Bureau of Economic Analysis, and the Census Bureau to use funds to enter into cooperative agreements to assist in improving statistical methodology and research.

(Sec. 111) This section exempts funding provided by this division for the Hollings Manufacturing Extension Partnership from certain cost-sharing requirements.

(Sec. 112) This section allows Commerce to waive certain matching and cost-sharing requirements for funds provided by this division for specified NOAA grant programs.

## TITLE II--DEPARTMENT OF JUSTICE

### *Department of Justice Appropriations Act, 2023*

This title provides FY2023 appropriations to the Department of Justice (DOJ).

The title provides appropriations to DOJ for General Administration for (1) Salaries and Expenses, and (2) Justice Information Sharing Technology.

In addition, the title provides appropriations for

- the Executive Office for Immigration Review,
- the Office of Inspector General, and
- the U.S. Parole Commission.

The title provides appropriations for Legal Activities, including

- General Legal Activities,
- the Antitrust Division,
- the U.S. Attorneys,
- the U.S. Trustee System Fund,
- the Foreign Claims Settlement Commission,
- Fees and Expenses of Witnesses,
- the Community Relations Service, and
- the Assets Forfeiture Fund.

The title provides appropriations to the U.S. Marshals Service for

- Salaries and Expenses,
- Construction, and
- Federal Prisoner Detention.

The title provides appropriations to DOJ for

- the National Security Division;
- Interagency Law Enforcement;
- the Federal Bureau of Investigation (FBI);
- the Drug Enforcement Administration (DEA);
- the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); and
- the Federal Prison System.

The title provides appropriations to the Office On Violence Against Women for Violence Against Women Prevention and Prosecution Programs.

The title provides appropriations to the Office of Justice Programs for

- Research, Evaluation, and Statistics;
- State and Local Law Enforcement Assistance;
- Juvenile Justice Programs; and
- Public Safety Officer Benefits.

The title provides appropriations for Community Oriented Policing Services (COPS) programs.

(Sec. 201) This section provides additional funds to the Attorney General for official reception and representation expenses.

(Sec. 202) This section prohibits funds provided by this title from being used 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.

(Sec. 203) This section prohibits funds provided by this title from being used to require any person to perform or facilitate the performance of an abortion.







accounts to carry out this provision, subject to reprogramming procedures; and (2) specifies that this section applies to Commerce actions taken for the care and protection of loan collateral or grant property.

(Sec. 509) This section prohibits funds provided by this division from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, except for restrictions which are not applied equally to all products of the same type.

(Sec. 510) This section establishes obligation limits for funds from the Crime Victims Fund. It also requires specified funds to be provided to (1) the DOJ Office of Inspector General for oversight and auditing purposes, and (2) the Office for Victims of Crime for grants to Native American tribes to improve services for victims of crime.

(Sec. 511) This section prohibits DOJ from using funds provided by this division to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided, or of the parents or legal guardians of the students.

(Sec. 512) This section prohibits the transfer of funds provided by this division to a department, agency, or instrumentality of the U.S. government, unless the transfer is pursuant to an appropriations act.

(Sec. 513) This section establishes timetables and procedures for specified audits by Inspectors General of the departments and agencies funded in this division. It also requires any person who is awarded a grant or contract funded by this division to certify that no funds derived from the grant or contract will be made available to another person who has a financial interest in the person who was awarded the grant or contract.

(Sec. 514) This section prohibits Commerce, DOJ, NASA, or the NSF from using funds provided by this division to acquire certain information systems unless the agency has

- reviewed the supply chain risk for the information systems against criteria developed by NIST and the FBI,
- reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the FBI and other agencies,
- conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of the system,
- developed a mitigation strategy for any identified risks, and
- determined and reported to Congress that the acquisition is in the national interest.

(Sec. 515) This section prohibits funds provided by this division from being used to support or justify the use of torture by any official or contract employee of the U.S. government.

(Sec. 516) This section prohibits the use of funds provided by this division to include specified patent provisions from the United States-Singapore Free Trade Agreement, the United States-Australia Free Trade Agreement, or the United States-Morocco Free Trade Agreement in any new bilateral or multilateral trade agreement.

(Sec. 517) This section prohibits funds provided by this division from being used to authorize or issue a national security letter (NSL) in violation of specified laws authorizing the FBI to issue an NSL. (An NSL is a written directive, comparable to an administrative subpoena, used by law enforcement and intelligence agencies to demand certain information from third parties such as telecommunication providers, financial institutions, and consumer credit reporting agencies.)

(Sec. 518) This section requires congressional notification regarding Commerce, DOJ, NSF, or NASA projects that total more than \$75 million and are expected to have cost increases of at least 10%.

(Sec. 519) This section deems funds provided by this division for intelligence or intelligence-related activities as authorized by Congress during FY2023 until the enactment of the Intelligence Authorization Act for FY2023.

(Sec. 520) This section prohibits contracts or grant awards above \$5 million unless the prospective contractor or grantee certifies that the organization has filed all federal tax returns for the last three years, has not been convicted of a criminal offense under the Internal Revenue Code, and has no unpaid federal tax assessment.

(Sec. 521) This section rescinds specified unobligated balances from prior appropriations to DOJ and Commerce. It also establishes reporting requirements regarding the rescissions.

(Sec. 522) This section prohibits funds provided by this division from being used to purchase first class or premium airline travel in violation of specified federal travel regulations.

(Sec. 523) This section prohibits funds provided by this division from being used to pay for the attendance of more than 50 department or agency employees at any single conference outside the United States. The section includes exceptions for certain law enforcement and scientific conferences if specified requirements are met.

(Sec. 524) This section requires the Office of Management and Budget to direct departments, agencies, and instrumentalities funded by this division to track undisbursed balances in expired grant accounts and include specified details in annual performance and accountability reports.

(Sec. 525) This section specifies that, to the extent practicable, funds provided by this division should be used to purchase light bulbs that are Energy Star qualified or have the Federal Energy Management Program designation.

(Sec. 526) This section prohibits NASA, the Office of Science and Technology Policy, or the National Space Council from using funds provided by this division to (1) engage in certain bilateral activities with China or a Chinese-owned company unless the activities have been

specifically authorized by a law enacted after the enactment of this act, or (2) or host official Chinese visitors at facilities belonging to or utilized by NASA.

The limitations above do not apply if the agency certifies to Congress that the activities (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 (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.

(Sec. 527) This section prohibits funds provided by this division from being used for a computer network that does not block pornography, with an exception for carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

(Sec. 528) This section requires specified agencies funded by this division to submit spending plans to Congress.

(Sec. 529) This section prohibits funds provided by this division from being used to pay award or incentive fees for contractors with performance that is below satisfactory or does not meet the basic requirements of the contract.

(Sec. 530) This section prohibits DOJ or the DEA from using funds provided by this division in contravention of a provision of the Agricultural Act of 2014 that permits an institution of higher education or a state department of agriculture to grow or cultivate industrial hemp for research purposes in states where it is legal.

(Sec. 531) This section prohibits DOJ from using funds provided by this division to prevent specified states, the District of Columbia, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, or Puerto Rico from implementing their own laws authorizing the use, distribution, possession, or cultivation of medical marijuana.

(Sec. 532) This section requires Commerce, NASA, NSF, and the Office of Science and Technology Policy to report monthly to Congress on official travel of employees to China.

(Sec. 533) This section requires at least 10% of the funds provided by this division for specified programs to be allocated for assistance in persistent poverty counties. A *persistent poverty county* is a county that has had at least 20% 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 U.S. territory or possession.

(Sec. 534) This section prohibits funds from being used to require export licenses for exporting components, parts, accessories, or attachments for certain firearms to Canada.

(Sec. 535) This section prohibits funds from being used to deny certain import applications for firearms, parts, or ammunition that are curios or relics. (Curios or relics are firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons.)

(Sec. 536) This section prohibits funds from being used to deny or fail to act on application for the importation of any shotgun model if (1) all other requirements of law with respect to the proposed importation are met, and (2) no application for the importation of models in the same configuration had been denied by DOJ prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

(Sec. 537) This section prohibits funds provided by this division from being used to implement the Arms Trade Treaty regulating international trade in conventional arms until it is ratified by the Senate.

(Sec. 538) This section prohibits funds from being used to transfer or release certain individuals detained at U.S. Naval Station, Guantanamo Bay, Cuba (Guantanamo) to or within the United States, its territories, or possessions.

(Sec. 539) This section prohibits funding from being used to construct, acquire, or modify any U.S. facility (other than the facility at Guantanamo Bay, Cuba) to house any individual detained at Guantanamo.

(Sec. 540) The section extends the availability of specified funds provided for the Office of the U.S. Trade Representative by the United States-Mexico-Canada Agreement Implementation Act.

(Sec. 541) This section permits Commerce and the FBI to use specified funds to provide payments to certain employees, former employees, and their dependents for qualifying brain injuries that occurred during an assignment to certain duty stations.

(Sec. 542) This section withholds funding for design or construction of NASA's Mobile Launcher 2 until NASA submits a plan with specified cost and schedule information to Congress, the NASA Office of Inspector General, and the Government Accountability Office.

(Sec. 543) This section specifies requirements for allocating specified funds provided by the CHIPS ACT OF 2022, including FY2023 funding for

- the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Fund,
- the Public Wireless Supply Chain Innovation Fund, and
- the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Workforce and Education Fund

## DIVISION C--DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2023

### *Department of Defense Appropriations Act, 2023*

This division provides FY2023 appropriations to the Department of Defense (DOD) for military activities.

## TITLE I--MILITARY PERSONNEL

This title provides appropriations for active-duty and reserve personnel in the

- Army,
- Navy,
- Marine Corps,
- Air Force, and
- Space Force.

It also provides appropriations for National Guard personnel in the Army and Air Force.

#### TITLE II--OPERATION AND MAINTENANCE

This title provides appropriations for Operation and Maintenance (O&M) for the

- Army,
- Navy,
- Marine Corps,
- Air Force,
- Space Force,
- other DOD agencies,
- Reserve Components, and
- Army and Air National Guard.

It also provides appropriations for

- the Counter-Islamic State of Iraq and Syria (ISIS) Train and Equip Fund,
- the U.S. Court of Appeals for the Armed Forces;
- Environmental Restoration;
- Overseas Humanitarian, Disaster, and Civic Aid;
- the Cooperative Threat Reduction Program; and
- the Department of Defense Acquisition Workforce Development Fund.

#### TITLE III--PROCUREMENT

This title provides appropriations for procurement, including for

- Aircraft;
- Missiles;
- Weapons and Tracked Combat Vehicles;
- Ammunition;
- Spacecraft, Rockets, and Related Equipment;
- Shipbuilding and Conversion;
- Defense-Wide Procurement;
- Defense Production Act Purchases; and
- National Guard and Reserve Equipment.

#### TITLE IV--RESEARCH, DEVELOPMENT, TEST AND EVALUATION

This title provides appropriations for the Research, Development, Test, and Evaluation (RDT&E) by the

- Army,
- Navy,
- Air Force,
- Space Force, and
- other DOD agencies.

It also provides appropriations for Operational Test and Evaluation.

#### TITLE V--REVOLVING AND MANAGEMENT FUNDS

This title provides appropriations for the Defense Working Capital Funds.

#### TITLE VI--OTHER DEPARTMENT OF DEFENSE PROGRAMS

This title provides appropriations for other DOD programs, including

- the Defense Health Program,
- Chemical Agents and Munitions Destruction,
- Drug Interdiction and Counter-Drug Activities,
- the Office of the Inspector General, and
- Support for International Sporting Competitions.

#### TITLE VII--RELATED AGENCIES

This title provides appropriations for (1) the Central Intelligence Agency Retirement and Disability System Fund, and (2) the Intelligence Community Management Account.

#### TITLE VIII--GENERAL PROVISIONS

(Sec. 8001) This section prohibits funds provided by this division from being used for publicity or propaganda purposes not authorized by Congress.

(Sec. 8002) This section exempts DOD from laws prohibiting the compensation or employment of foreign nationals and specifies conditions that must be met for the exemption.

(Sec. 8003) This section prohibits funds provided by this division from remaining available for obligation beyond the current fiscal year unless this division expressly provides otherwise.

(Sec. 8004) This section limits the obligation of certain funds provided by this division during the last two months of the fiscal year. It includes exceptions for obligations for the support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(Sec. 8005) This section specifies authorities and restrictions for transferring or reprogramming specified funds provided by this division for other military functions.

(Sec. 8006) This section requires tables included in the explanatory statement accompanying this division to be treated as if they were included in the text of this division.

(Sec. 8007) This section requires DOD to submit a report to Congress to establish the baseline for the application of reprogramming and transfer authorities for FY2023. Funds provided by this division may not be reprogrammed or transferred until the report is provided or DOD certifies to Congress that the reprogramming or transfer is necessary as an emergency requirement. The section includes exceptions for (1) the Environmental Restoration accounts, and (2) Drug Interdiction and Counter-drug activities.

(Sec. 8008) This section prohibits cash balances in DOD Working Capital Funds from exceeding the level necessary for cash disbursements to be made from the funds. It also sets forth requirements and limitations for transfers of balances in the funds to specified accounts.

(Sec. 8009) This section prohibits funds provided by this division from being used to initiate a special access program without notifying Congress in advance.

(Sec. 8010) This section establishes authorities, restrictions, and requirements for using funds provided by this division to initiate or terminate certain multiyear procurement contracts.

(Sec. 8011) This section appropriates O&M funds for the costs of humanitarian and civic assistance provided in conjunction with military operations.

(Sec. 8012) This section prohibits DOD from managing civilian personnel on the basis of any end-strength or subjecting civilian personnel to any end-strength limitations.

(Sec. 8013) This section prohibits funds provided by this division from being used to directly or indirectly influence congressional action on legislation or appropriation matters pending before Congress.

(Sec. 8014) This section restricts the use of funds to reduce or prepare to reduce deployed and non-deployed strategic delivery vehicles and launchers below levels set forth in a specified report provided to Congress pursuant to the National Defense Authorization Act for Fiscal Year 2012.

(Sec. 8015) This section permits funds appropriated in Title III of this division for the DOD Pilot Mentor-Protege Program to be transferred to any other account contained in this division to implement a developmental assistance agreement under the program.

(Sec. 8016) This section prohibits DOD from purchasing certain anchor and mooring chains unless they are manufactured in the United States. It permits a waiver if adequate domestic supplies are not available to meet DOD requirements on a timely basis, and DOD certifies to Congress that the acquisition must be made for national security purposes.

(Sec. 8017) This section prohibits funds provided by this division from being used to support the procurement of malt beverages and wine with nonappropriated funds for resale on a military installation located in the United States, unless the beverages are procured within the state in which the installation is located and specified conditions are met.

(Sec. 8018) This section prohibits DOD funds from being used to demilitarize or dispose of certain surplus firearms and small arms ammunition or ammunition components. The section includes an exception for certain items that are unserviceable or unsafe for further use.

(Sec. 8019) This section limits funding for a single relocation of any DOD entity into or within the National Capital Region. It permits DOD to waive the limitation by certifying to Congress that a relocation is required in the best interest of the government.

(Sec. 8020) This section provides specified funds for incentive payments for federal contracts involving contractors, subcontractors, or suppliers that are Native American organizations or Native American-owned economic enterprises.

(Sec. 8021) This section permits the Air Force to convey to Indian tribes located in Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units currently located at Grand Forks, Malmstrom, Mountain Home,

Ellsworth, and Minot Air Force Bases that are excess to the needs of the Air Force. It also requires the Operation Walking Shield Program to resolve any housing unit conflicts arising among requests of Indian tribes for these conveyances.

(Sec. 8022) This section requires specified Defense-Wide O&M funds to be used for activities and assistance related to the mitigation of environmental impacts on Native American lands resulting from DOD activities.

(Sec. 8023) This section prohibits funds provided by this division for the Defense Media Activity from being used for national or international political or psychological activities.

(Sec. 8024) This section requires specified appropriations for the Army's Working Capital Fund account to be used to maintain competitive rates at the arsenals.

(Sec. 8025) This section provides appropriations from Air Force accounts to the Civil Air Patrol Corporation, including from

- O&M--Air Force to support Civil Air Patrol Corporation O&M, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;
- Aircraft Procurement--Air Force; and
- Other Procurement--Air Force for vehicle procurement.

It also specifies that the Air Force should waive reimbursement for funds used by the Civil Air Patrol for counter-drug activities in support of federal, state, and local government agencies.

(Sec. 8026) This section sets forth funding levels and restrictions regarding DOD federally funded research and development centers.

(Sec. 8027) This section specifies the committees that are included as congressional defense committees for the purposes of this division.

(Sec. 8028) This section specifies the committees that are included as congressional intelligence committees for the purposes of this division.

(Sec. 8029) This section permits DOD to acquire the modification, depot maintenance, and repair of aircraft, vehicles, and vessels; and production of components and other defense-related articles through competition between DOD depot maintenance activities and private firms.

(Sec. 8030) This section requires DOD to comply with the Buy American Act.

(Sec. 8031) This section prohibits DOD from using funds provided by this division to procure carbon, alloy, or armor steel plating not melted and rolled in the United States or Canada. It permits DOD to waive the prohibition if adequate domestic supplies are not available and an acquisition is necessary for national security purposes.

(Sec. 8032) This section revokes blanket waivers of the Buy American Act if DOD determines that a country has violated the terms of a specified reciprocal defense procurement memorandum of understanding by discriminating against products that are produced in the United States and covered by the agreement.

(Sec. 8033) This section prohibits funds provided by this division from being used to procure ball and roller bearings other than those produced by a domestic source and of domestic origin. It also permits DOD to waive the prohibition if adequate domestic supplies are not available and an acquisition is necessary for national security. It includes an exception for the purchase of commercial products and specifies that the restriction applies to ball or roller bearings purchased as end items.

(Sec. 8034) This section provides appropriations for the National Defense Stockpile Transaction Fund for activities pursuant to the Strategic and Critical Materials Stock Piling Act.

(Sec. 8035) This section prohibits funds provided by this division from being used to purchase any supercomputer not manufactured in the United States unless it is unavailable from U.S. manufacturers and is necessary for national security.

(Sec. 8036) This section permits DOD to waive limitations on the procurement of defense items from a foreign country if (1) the limitations would invalidate cooperative programs or reciprocal trade agreements, and (2) the country does not discriminate against the same or similar items produced in the United States for that country. This section also includes certain exceptions.

(Sec. 8037) This section prohibits funds provided by this division from being used for the purchase or manufacture of U.S. flags unless they are treated as covered items under Buy American requirements.

(Sec. 8038) This section permits funds in the Department of Defense Overseas Military Facility Investment Recovery Account to remain available until expended.

(Sec. 8039) This section permits O&M appropriations to be used to purchase items with an investment unit cost of not more than \$250,000. If DOD determines that a purchase is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in a named contingency operation overseas, the funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

(Sec. 8040) This section permits specified Navy O&M funds to be used for the Asia Pacific Regional Initiative Program for enabling the U.S. Indo-Pacific Command to execute theater security cooperation activities such as humanitarian assistance and the payments of the costs of training and exercising with foreign security forces.

(Sec. 8041) This section requires DOD to issue regulations to (1) prohibit the sale of 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; and (2)

require the prices in overseas military retail outlets to be within the range of prices established for military retail systems stores in the United States.

(Sec. 8042) This section prohibits the use of DOD Working Capital Funds to purchase specified investment items. It also specifies requirements for the FY2024 DOD budget request.

(Sec. 8043) This section prohibits funds provided for Central Intelligence Agency (CIA) programs from remaining available for obligation beyond the current fiscal year. It also specifies exceptions for funds provided for

- the Reserve for Contingencies;
- the CIA Central Services Working Capital Fund;
- advanced research and development acquisition;
- agent operations;
- covert action programs authorized by the President; and
- the construction, improvement, or alteration of facilities to be used primarily by intelligence community personnel.

(Sec. 8044) This section requires specified O&M funds to be used for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program.

(Sec. 8045) This section prohibits funds provided by this division from being used to (1) establish a field operating agency, or (2) pay a member of the Armed Forces or civilian employee transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of headquarters. The section also specifies exceptions and permits waivers that will reduce personnel or financial requirements of the department.

(Sec. 8046) This section prohibits funds provided by this division from being used to convert a function performed by DOD civilian employees to performance by a contractor unless specified requirements are met.

(Sec. 8047) This section rescinds specified funds provided by prior appropriations acts for several DOD accounts.

(Sec. 8048) This section prohibits funds provided by this division from being used to reduce authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve, and Air Force Reserve unless the reductions are a direct result of a reduction in military force structure.

(Sec. 8049) This section prohibits funds provided by this division from being used for assistance to North Korea unless the funds are specifically appropriated for that purpose. The restriction does not apply to activities incidental to the Defense POW/MIA Accounting Agency mission to recover and identify the remains of U.S. Armed Forces personnel from North Korea.

(Sec. 8050) This section permits O&M funds provided by this division to be used to reimburse the National Guard and Reserve for providing intelligence or counterintelligence support to the combatant commands, defense agencies, and joint intelligence activities.

(Sec. 8051) This section prohibits the transfer of DOD or CIA drug interdiction or counter-drug activity funds to any other department or agency except as specifically provided in an appropriations act.

(Sec. 8052) This section appropriates funds to DOD for grants to the United Service Organizations and the Red Cross.

(Sec. 8053) This section requires the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides to be taken proportionally from all programs, projects, or activities that contribute to the extramural budget.

(Sec. 8054) This section prohibits funds provided by this division from being used for contractor bonuses that are part of the restructuring costs associated with a business combination.

(Sec. 8055) This section permits the transfer of specified O&M funds to pay military personnel for support and services for eligible organizations and activities outside DOD.

(Sec. 8056) This section permits DOD to dispose of negative unliquidated or unexpended balances for expired or closed accounts by charging an obligation to a current account for the same purpose as the expired or closed account, subject to specified requirements.

(Sec. 8057) This section permits the National Guard to allow the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis.

(Sec. 8058) This section restricts the use of funds for the retirement of C-40 aircraft.

(Sec. 8059) This section prohibits the use of funds provided in Title IV of this division to procure end-items for delivery to military forces for operational training, operational use, or inventory requirements. The section also includes exceptions, specifies reporting requirements, and permits a waiver for national security purposes.

(Sec. 8060) This section prohibits funds provided by this division or other DOD appropriations acts from being used for repairs or maintenance for military family housing units.

(Sec. 8061) This section requires DOD to submit a report to Congress before obligating defense-wide RDT&E funds appropriated by this division for any new start defense innovation acceleration or rapid prototyping program demonstration project with a value of more than \$5 million. DOD may waive the restriction by certifying to Congress that it is in the national interest.

(Sec. 8062) This section requires DOD to continue to provide a classified quarterly report to Congress on matters specified in the classified annex accompanying this division.



(Sec. 8063) This section permits a Reserve who is a member of the National Guard serving on full-time duty to support ground-based elements of the National Ballistic Missile Defense System.

(Sec. 8064) This section prohibits funds provided by this division from being used to transfer specified armor-piercing ammunition to any nongovernmental entity, except for demilitarization purposes.

(Sec. 8065) This section permits the National Guard to waive payment for leases of personal property for not more than a year to certain youth, social, charitable, or fraternal nonprofit organizations.

(Sec. 8066) This section provides for the transfer of specified Army O&M funds to other activities of the federal government for classified purposes. It permits DOD 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.

(Sec. 8067) This section prohibits funds from being used to make specified modifications to the budget and appropriations process for the National Intelligence Program.

(Sec. 8068) This section provides appropriations for efforts by the U.S. Africa Command or the U.S. Southern Command to expand cooperation or improve the capabilities of U.S. allies and partners in their areas of operation.

(Sec. 8069) This section permits specified O&M funds provided in Title II of this division to be transferred by the military department concerned to its central fund established for Fisher Houses and Suites.

(Sec. 8070) This section permits the transfer of specified Navy O&M funds to the John C. Stennis Center for Public Service Training and Development Trust Fund.

(Sec. 8071) This section prohibits DOD funds from being used to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces assigned to the Pacific fleet.

It also provides that command and control relationships that existed on October 1, 2004, shall remain in effect until a written modification has been proposed to congressional appropriations committees.

The proposed modification (1) may be implemented 30 days after the committees are notified unless an objection is received from the committees, and (2) may not preclude the ability of the commander of the U.S. Indo-Pacific Command to meet operational requirements.

(Sec. 8072) This section specifies that certain congressional notifications regarding rapid acquisition and deployment procedures must be submitted concurrently to the congressional defense appropriations subcommittees, in addition to the congressional armed services and appropriations committees.

(Sec. 8073) This section provides specified Procurement and RDT&E funds for the Israeli Cooperative Programs. It also specifies funding for the Iron Dome defense system for countering short-range rocket threats, the Short Range Ballistic Missile Defense program, and related programs.

(Sec. 8074) This section permits specified Shipbuilding and Conversion--Navy funds to remain available through FY2023 to fund prior year shipbuilding cost increases for specified programs.

(Sec. 8075) This section deems funds that are provided by this division for intelligence and intelligence-related activities and are not otherwise authorized by the Intelligence Authorization Act for FY2023 to be specifically authorized by Congress for purposes of the National Security Act of 1947.

(Sec. 8076) This section prohibits funds appropriated by this division from being used for a reprogramming of funds that creates or initiates a new program, project, or activity unless it must be undertaken immediately for national security and Congress is notified in advance.

(Sec. 8077) This section provides appropriations to remain available until expended for grants for the construction and furnishing of additional Fisher Houses to meet the needs of military family members confronted with the illness or hospitalization of an eligible military beneficiary.

(Sec. 8078) This section prohibits funds provided by this division from being used for research, development, test, evaluation, procurement, or deployment of nuclear armed interceptors of a missile defense system.

(Sec. 8079) This section prohibits funds provided by the division from being used for decommissioning the USS *Fort Worth*, the USS *Wichita*, the USS *Billings*, the USS *Indianapolis*, or the USS *St. Louis*.

(Sec. 8080) This section prohibits funds provided by this division from being used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve if the action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this division. It also permits the squadron to perform other missions in support of national defense requirements during the non-hurricane season.

(Sec. 8081) This section prohibits funds provided by this division from being used for integrating foreign intelligence information unless the information has been lawfully collected and processed during authorized foreign intelligence activities.

It also requires information pertaining to U.S. persons to be handled in accordance with the Fourth Amendment of the U.S. Constitution as implemented through Executive Order No. 12333 (United States Intelligence Activities).

(Sec. 8082) This section prohibits funds provided by this division from being used to transfer research and development, acquisition, or other program authority related to current tactical unmanned aerial vehicles from the Army.

It also requires the Army to retain responsibility for and operational control of the MQ-1C Gray Eagle Unmanned Aerial Vehicle.

(Sec. 8083) This section prohibits funds provided by this division for programs of the Office of the Director of National Intelligence (ODNI) from being obligated beyond the current fiscal year. The section includes exceptions for (1) for research and technology funds, which remain available through FY2024; and (2) funds for the purchase of real property, which remain available through FY2025.

(Sec. 8084) This section specifies a limit for the Navy's Shipbuilding and Conversion appropriation.

(Sec. 8085) This section requires the ODNI to submit a report to Congress establishing the baseline for application of reprogramming and transfer authorities for FY2023. It also prohibits funds provided by this division for the National Intelligence Program from being transferred or reprogrammed until the report is submitted unless the action is necessary for an emergency.

(Sec. 8086) This section requires transfers of funds from the DOD Acquisition Workforce Development Fund to a military department or defense agency to be covered by and subject to Section 8005 of this division, which specifies procedures and requirements for transferring funds.

(Sec. 8087) This section specifies restrictions and requirements for reprogramming or transferring funds provided to the National Intelligence Program.

(Sec. 8088) This section requires agencies receiving funds in this division to post reports required to be submitted to Congress on the public website of the agency if it serves the national interest, subject to exceptions for national security or proprietary information.

(Sec. 8089) This section prohibits funds provided by this division from being used for federal contracts in excess of \$1 million unless the contractor meets specific requirements regarding the resolution of claims under Title VII of the Civil Rights Act of 1964 (discrimination based on race, color, religion, sex, or national origin). DOD may waive the requirements to avoid harm to national security.

(Sec. 8090) This section makes specified funds provided by this division for the Defense Health Program available to be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for operations of the integrated Captain James A. Lovell Federal Health Care Center and supporting facilities.

(Sec. 8091) This section prohibits funds provided by this division from being used to (1) provide certain missile defense information to the Russian Federation, subject to an exception for information regarding ballistic missile early warning; or (2) integrate a missile defense system of the Russian Federation or a missile defense system of the People's Republic of China into any missile defense system of the United States.

(Sec. 8092) This section permits DOD funds to be used to purchase armored vehicles for the physical security of personnel or force protection and limits the cost per vehicle.

(Sec. 8093) This section permits the ODNI to transfer specified funds provided by this division for the National Intelligence Program with the approval of the Office of Management and Budget, subject to certain requirements and restrictions.

(Sec. 8094) The section permits specified funds from the Navy's Shipbuilding and Conversion account to be used to purchase two used sealift vessels for the National Defense Reserve Fleet.

(Sec. 8095) This section requires DOD to post grant awards on a public website in a searchable format.

(Sec. 8096) This section prohibits the National Security Agency from using funds provided by this division for certain activities that target a U.S. person under specified authorities granted by the Foreign Intelligence Surveillance Act of 1978 (FISA), including authorities to acquire, monitor, or store the contents of an electronic communication of a U.S. person.

(Sec. 8097) This section prohibits the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this division to another federal agency not financed by this division without the express authorization of Congress. It includes an exception for transfers of funds expressly provided for in defense appropriations acts.

(Sec. 8098) This section permits specified Navy O&M funds to be used for the National Defense Reserve Fleet. The funds must be available for reimbursements to the Ready Reserve Force--Maritime Administration account of the Department of Transportation for expenses related to the National Defense Reserve Fleet.

(Sec. 8099) This section prohibits funds provided by this division from being used for Government Travel Charge Card expenses for gaming or for entertainment that includes topless or nude entertainers or participants.

(Sec. 8100) This section prohibits funds provided by this division for the T-AO Fleet Oiler program or the FFG(X) Frigate program from being used to award a new contract that provides for the acquisition of certain components unless the components are manufactured in the United States.

The section also requires the Navy to incorporate U.S. manufactured propulsion engines and propulsion reduction gears into the FFG(X) Frigate program beginning not later than with the 11th ship of the program.

(Sec. 8101) This section prohibits funds provided by this division from being used for new contracts for the development and design of certain naval ships unless the contracts specify that all auxiliary equipment, including pumps and propulsion shafts, are manufactured in the United States.

(Sec. 8102) This section prohibits funds from being transferred from the DOD Acquisition Workforce Development Account to the Rapid Prototyping Fund or credited to a military department-specific fund established to carry out an acquisition program under the rapid prototyping pathway.



(Sec. 8128) This section requires DOD to notify Congress within 30 days of receiving any contribution of funds from the government of a foreign country for any purpose relating to the stationing or operations of the U.S. Armed Forces.

(Sec. 8129) This section requires the Chairman of the Joint Chiefs to report to Congress on the use of O&M funds for unplanned activities for FY2023.

(Sec. 8130) This section requires DOD to notify Congress if a foreign base that involves the stationing or operations of the U.S. Armed Forces is opened or closed.

(Sec. 8131) This section prohibits the use of funds with respect to Iraq in contravention of the War Powers Resolution.

(Sec. 8132) This section prohibits the use of funds with respect to Syria in contravention of the War Powers Resolution.

(Sec. 8133) This section provides that nothing in the division may be construed as authorizing the use of force against Iran or North Korea.

(Sec. 8134) This section prohibits funds from being used to (1) establish any military installation or base for providing for the permanent stationing of Armed Forces in Iraq, or (2) exercise U.S. control over any oil resource of Iraq or Syria.

(Sec. 8135) This section prohibits specified funds from being used to procure or transfer man-portable air defense systems.

(Sec. 8136) This section permits specified funds provided by this division to be used to provide assistance to the government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

(Sec. 8137) This section prohibits funds provided by this division from being used to support any activity conducted by, or associated with, the Wuhan Institute of Virology.

(Sec. 8138) This section prohibits funds provided by this division from being used to provide arms, training, or other assistance to the Azov Battalion.

(Sec. 8139) This section prohibits funds from being used to transfer or release (or assist in the transfer or release) certain individuals who are detained at U.S. Naval Station, Guantanamo Bay, Cuba (Guantanamo) to or within the United States or its territories or possessions.

(Sec. 8140) This section prohibits funds provided by this division from being used to transfer individuals detained at Guantanamo to a country of origin or other foreign country or entity unless DOD makes certain certifications.

(Sec. 8141) This section prohibits funds from being used to construct, acquire, or modify any U.S. facility (other than the facility at Guantanamo Bay, Cuba) to house certain individuals detained at Guantanamo who are not U.S. citizens or members of the Armed Forces.

(Sec. 8142) This section prohibits funds provided by this division from being used to carry out the closure or realignment of Guantanamo.

(Sec. 8143) This section prohibits funds provided by this division from being used to fund work to be performed by EcoHealth Alliance, Inc. in China on research supported by China's government unless DOD determines and notifies Congress that a waiver of this prohibition is in the national security interest of the United States.

(Sec. 8144) This section specifies requirements for allocating funds from the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Defense Fund for FY2023.

(Sec. 8145) This section requires the Navy to continue to provide pay and allowances to Lieutenant Ridge Alkonis until the Navy makes a determination with respect to the separation of Lieutenant Alkonis from the Navy.

#### DIVISION D--ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

##### *Energy and Water Development and Related Agencies Appropriations Act, 2023*

This division provides FY2023 appropriations for U.S. Army Corps of Engineers civil works projects, the Department of the Interior's Bureau of Reclamation, the Department of Energy, and several independent agencies.

#### TITLE I--CORPS OF ENGINEERS--CIVIL

This title provides appropriations to the Corps of Engineers for authorized civil functions pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

Specifically, the title provides appropriations to the Corps of Engineers for

- Investigations;
- Construction;
- Mississippi River and Tributaries, including flood damage reduction projects in the Mississippi River alluvial valley below Cape Girardeau, Missouri;
- Operation and Maintenance;
- the Regulatory Program pertaining to navigable waters and wetlands;
- the Formerly Utilized Sites Remedial Action Program for clean-up of early atomic energy program contamination;
- Flood Control and Coastal Emergencies, including hurricanes, floods, and other natural disasters;
- Expenses necessary for the supervision and general administration of the civil works program;
- the Office of the Assistant Secretary of the Army for Civil Works; and
- the Water Infrastructure Finance and Innovation Program Account.

(Sec. 101) This section sets forth authorities and restrictions for reprogramming funds provided by this title.



- Nuclear Energy;
- Fossil Energy and Carbon Management;
- Energy Projects;
- Naval Petroleum and Oil Shale Reserves;
- the Strategic Petroleum Reserve (SPR);
- the SPR Petroleum Account;
- the Northeast Home Heating Oil Reserve;
- the Energy Information Administration;
- Non-Defense Environmental Cleanup;
- the Uranium Enrichment Decontamination and Decommissioning Fund;
- Science;
- Nuclear Waste Disposal;
- Technology Transitions;
- Clean Energy Demonstrations;
- the Advanced Research Projects Agency--Energy;
- the Title 17 Innovative Technology Loan Guarantee Loan Program;
- the Advanced Technology Vehicles Manufacturing Loan Program;
- the Tribal Energy Loan Guarantee Program;
- Indian Energy Policy and Programs;
- Departmental Administration; and
- the Office of the Inspector General.

The title provides appropriations for the Atomic Energy Defense Activities of the National Nuclear Security Administration (NNSA), including:

- Weapons Activities,
- Defense Nuclear Nonproliferation,
- Naval Reactors, and
- Federal Salaries and Expenses.

The title provides appropriations for Environmental and Other Defense Activities, including:

- Defense Environmental Cleanup,
- Defense Uranium Enrichment Decontamination and Decommissioning, and
- Other Defense Activities.

The title provides appropriations for the Power Marketing Administrations, including

- the Bonneville Power Administration Fund;
- Southeastern Power Administration Operation and Maintenance;
- Southwestern Power Administration Operation and Maintenance;
- Western Area Power Administration Construction, Rehabilitation, and Operation and Maintenance; and
- the Falcon and Amistad Operating and Maintenance Fund.

The title provides appropriations for the Federal Energy Regulatory Commission.

(Sec. 301) This section prohibits funds provided by this title from be used for programs, projects, or activities that have not been funded by Congress. It also includes provisions that

- prohibit specified grants, contracts, allocations, and agreements unless Congress is notified in advance;
- prohibit funds from being used for certain multiyear Department of Energy--Energy Programs activities unless specified conditions are met and Congress is notified;
- establish authorities and restrictions for the reprogramming of funds provided in this title; and
- permit unexpended balances of prior appropriations provided for activities in this division to be available to and merged with the same appropriation accounts for such activities established pursuant to this title.

(Sec. 302) This section deems funds appropriated by this division for intelligence activities to be specifically authorized by Congress during FY2023 until the enactment of the Intelligence Authorization Act for FY2023.

(Sec. 303) This section prohibits funds provided by this title from being used to construct specified high-hazard nuclear facilities unless independent oversight is conducted by the Office of Enterprise Assessments to ensure compliance with nuclear safety requirements.

(Sec. 304) This section prohibits funds provided by this title from being used to approve certain critical decisions for construction projects exceeding \$100 million until a separate independent cost estimate has been developed for the project for that critical decision.

(Sec. 305) This section authorizes DOE to draw down and sell refined petroleum product from the Strategic Petroleum Reserve (SPR) 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,
- a severe increase in the price of refined petroleum product will likely result from the shortage, and







(Sec. 118) This section prohibits the U.S. Mint from using funds to construct or operate any museum without congressional approval.

(Sec. 119) This section prohibits funds from being used to merge the U.S. Mint and the Bureau of Engraving and Printing without congressional approval.

(Sec. 120) This section deems funds provided for Treasury's intelligence or intelligence-related activities as authorized for FY2023 until the enactment of the Intelligence Authorization Act for FY2023.

(Sec. 121) This section permits up to \$5,000 to be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for official reception and representation expenses.

(Sec. 122) This section requires Treasury to submit a capital investment plan to Congress.

(Sec. 123) This section prohibits Treasury from using funds for certain regulations, revenue rulings, or other guidance related to the standard used to determine the tax-exempt status of a 501(c)(4) organization.

(Sec. 124) This section requires Treasury to report to Congress on the Franchise Fund.

(Sec. 125) This section requires the Office of Financial Stability and the Office of Financial Research to report quarterly to Congress on their activities.

(Sec. 126) This section provides appropriations to the Special Inspector General for Pandemic Recovery.

(Sec. 127) This section permits the Bureau of Engraving and Printing to use the Bureau of Engraving and Printing Fund for public improvements in the area surrounding its new facility to mitigate traffic impacts caused by the construction and occupancy of the facility.

## TITLE II--EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

### *Executive Office of the President Appropriations Act, 2023*

This title provides FY2023 appropriations to the Executive Office of the President and designated accounts, including

- the White House,
- the Executive Residence at the White House,
- White House Repair and Restoration,
- the Council of Economic Advisers,
- the National Security Council and the Homeland Security Council,
- the Office of Administration,
- the Office of Management and Budget (OMB),
- the Intellectual Property Enforcement Coordinator,
- the Office of the National Cyber Director,
- the Office of National Drug Control Policy,
- Unanticipated Needs,
- Information Technology Oversight and Reform,
- Special Assistance to the President, and
- the Official Residence of the Vice President.

(Sec. 201) This section permits certain transfers of funds between accounts within the Executive Office of the President, subject to congressional approval and specified requirements.

(Sec. 202) This section requires the OMB to include a statement of budgetary impact with certain executive orders or Presidential memoranda issued or revoked by the President during FY2023.

(Sec. 203) This section requires the OMB to issue a memorandum to all federal departments, agencies, and corporations directing compliance with Title VII of this division, which includes government-wide general provisions.

(Sec. 204) This section requires OMB to operate and maintain an automated system that makes certain documents and information regarding the apportionment of appropriations publicly available. It also specifies requirements for the system.

(Sec. 205) This section provides appropriations to the Office of National Drug Control Policy for specified initiatives related to drug and substance abuse prevention.

## TITLE III--THE JUDICIARY

### *Judiciary Appropriations Act, 2023*

This title provides FY2023 appropriations to the judiciary for

- the Supreme Court of the United States;
- the U.S. Court of Appeals for the Federal Circuit;
- the U.S. Court of International Trade;
- Courts of Appeals, District Courts, and Other Judicial Services;
- the Administrative Office of the U.S. Courts;
- the Federal Judicial Center; and
- the U.S. Sentencing Commission.

(Sec. 301) This section permits funds provided by this title for salaries and expenses to be used for the employment of temporary or intermittent experts and consultants.

(Sec. 302) This section permits certain transfers of funds between judiciary accounts if Congress is notified and other specified requirements are met.

(Sec. 303) This section permits up to \$11,000 of appropriations provided for salaries and expenses for Courts of Appeals, District Courts, and Other Judicial Services to be used for official reception and representation expenses of the Judicial Conference of the United States.

(Sec. 304) This section permits the delegation of authority to the judiciary for contracts for repairs that are under \$100,000.

(Sec. 305) This section continues a pilot program for the U.S. Marshals Service to provide perimeter security services at selected courthouses.

(Sec. 306) This section extends several temporary judgeships.

(Sec. 307) This section permits the Supreme Court to establish a recruitment and retention program for Supreme Court Police officers and other critical employees who agree to remain employed at the Supreme Court for at least two years.

(Sec. 308) This section provides statutory authority for the U.S. Sentencing Commission's participation in the Federal Employees' Retirement System.

#### TITLE IV--DISTRICT OF COLUMBIA

##### *District of Columbia Appropriations Act, 2023*

This title provides FY2023 appropriations to the District of Columbia, including federal payments for

- Resident Tuition Support,
- Emergency Planning and Security Costs in the District of Columbia,
- District of Columbia Courts,
- Defender Services in District of Columbia Courts,
- the Court Services and Offender Supervision Agency for the District of Columbia,
- the District of Columbia Public Defender Service,
- the Criminal Justice Coordinating Council,
- Judicial Commissions,
- School Improvement,
- the District of Columbia National Guard,
- Testing and Treatment of HIV/AIDS, and
- the District of Columbia Water and Sewer Authority.

The title also provides local funds for the operation of the District out of the General Fund of the District of Columbia.

#### TITLE V--INDEPENDENT AGENCIES

This title provides appropriations for independent agencies, including

- the Administrative Conference of the United States,
- the Barry Goldwater Scholarship and Excellence in Education Foundation,
- the Commodity Futures Trading Commission,
- the Consumer Product Safety Commission (CPSC),
- the Election Assistance Commission,
- the Federal Communications Commission (FCC),
- the Federal Deposit Insurance Corporation,
- the Federal Election Commission,
- the Federal Labor Relations Authority,
- the Federal Trade Commission (FTC),
- the General Services Administration (GSA),
- the Harry S. Truman Scholarship Foundation,
- the Merit Systems Protection Board,
- the Morris K. Udall and Stewart L. Udall Foundation,
- the National Archives and Records Administration,
- the National Credit Union Administration,
- the Office of Government Ethics,
- the Office of Personnel Management (OPM),
- the Office of Special Counsel,
- the Postal Regulatory Commission,
- the Privacy and Civil Liberties Oversight Board,
- the Public Buildings Reform Board,
- the Securities and Exchange Commission (SEC),
- the Selective Service System,

- the Small Business Administration (SBA),
- the U.S. Postal Service, and
- the U.S. Tax Court.

(Sec. 501) This section prohibits the CPSC from using funds provided by this division to finalize, implement, or enforce the proposed Safety Standard for Recreational Off-Highway Vehicles until the National Academy of Sciences completes a specified study and the results are submitted to Congress.

(Sec. 510) This section extends the exemption from the Antideficiency Act for the Universal Service Fund.

(Sec. 511) This section prohibits the FCC from using funds provided by this division to change the rules for universal service support payments to implement recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions.

(Sec. 520) This section permits the GSA to use funds to hire passenger motor vehicles.

(Sec. 521) This section permits funds in the Federal Buildings Fund made available for FY2023 to be transferred between activities if necessary to meet program requirements, subject to congressional approval.

(Sec. 522) This section requires the FY2024 budget request for U.S. Courthouse construction to (1) meet specified design guide standards for construction; (2) reflect the priorities of the Judicial Conference of the United States as set out in its approved Courthouse Project Priorities plan; and (3) include a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

(Sec. 523) This section prohibits funds provided by this division from being used to increase square footage, provide cleaning services or security enhancements, or provide any other service usually provided through the Federal Buildings Fund for any agency that does not pay the assessed rent.

(Sec. 524) This section permits the GSA to use specified funds to pay claims against the federal government that are under \$250,000 and arise from direct construction projects and building acquisitions if Congress is notified in advance.

(Sec. 525) This section requires the GSA, if specified congressional committees adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the GSA, to ensure that the delineated area of procurement matches the prospectus unless an explanatory statement is provided to the congressional committees prior to exercising the authority.

(Sec. 526) This section requires the GSA to submit a spending plan and explanation to Congress for each project funded with the Federal Citizens Services Fund.

(Sec. 527) This section specifies requirements regarding the selection of a site for the new Federal Bureau of Investigation headquarters.

(Sec. 530) This section provides appropriations for the National Historical Publications and Records Commission Grants Program for specified initiatives related to preserving and publishing historical records.

(Sec. 540) This section specifies authorities and restrictions for transferring specified funds provided by this division for the SBA.

(Sec. 541) This section allows the SBA to transfer specified funds to the SBA Information Technology System Modernization and Working Capital Fund authorized by the National Defense Authorization Act for Fiscal Year 2018.

(Sec. 542) This section provides appropriations to the SBA for specified initiatives related to small business development and entrepreneurship, including programmatic, construction, and acquisition activities.

#### TITLE VI--GENERAL PROVISIONS--THIS ACT

(Sec. 601) This section prohibits funds provided by this division from being used to pay the expenses of or otherwise compensate nonfederal parties intervening in regulatory or adjudicatory proceedings funded in this division.

(Sec. 602) This section prohibits funds provided by this division from being obligated beyond the current fiscal year or transferred to other appropriations unless authority is expressly provided by this division. This section includes an exception for certain transfers that are made pursuant to existing authority that allows the General Services Administration to transfer and use certain funds for major equipment acquisitions and development activity.

(Sec. 603) This section limits expenditures for consulting services to contracts where expenditures are a matter of public record, except where otherwise permitted under existing law or an executive order.

(Sec. 604) This section prohibits funds provided by this division from being transferred to any department, agency, or instrumentality of the U.S. government, except pursuant to transfer authority provided by an appropriations act.

(Sec. 605) This section requires enforcement of a Tariff Act of 1930 provision barring the importation of goods manufactured using convict labor.

(Sec. 606) This section requires entities receiving funds provided by this division to comply with the Buy American Act.

(Sec. 607) This section prohibits the use of funds provided by this division by any person or entity convicted of violating the Buy American Act.

(Sec. 608) This section provides authority, restrictions, and requirements for reprogramming. It also requires agencies funded in this division to submit to Congress a report establishing a baseline for the application of reprogramming and transfer authorities.

(Sec. 609) This section permits up to 50% of unobligated balances remaining at the end of FY2023 for salaries and expenses to remain available through FY2024, subject to reprogramming guidelines and congressional approval.

(Sec. 610) This section prohibits the Executive Office of the President from using funds provided by this division to request either a Federal Bureau of Investigation background investigation or an IRS determination of tax-exempt status under Section 501(a) of the Internal Revenue Code, except with the consent of the individual involved in an investigation or in extraordinary circumstances involving national security.

(Sec. 611) This section makes certain cost accounting standards inapplicable to contracts under the Federal Employees Health Benefits Program.

(Sec. 612) This section permits the OPM to accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an appropriations act) funds provided to resolve litigation and implement any settlement agreements regarding the nonforeign area cost-of-living allowance program.

(Sec. 613) This section prohibits funds provided by this division from being used to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal Employees Health Benefits Program that provides any benefits or coverage for abortions.

(Sec. 614) This section provides exceptions to the prohibition in Section 613 if 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) This section waives Buy American Act restrictions for commercial information technology acquired by the federal government.

(Sec. 616) This section prohibits an officer or employee of any regulatory agency or commission funded by this division from accepting payments or reimbursements for travel, subsistence, or related expenses from a person or entity regulated by the agency or commission, subject to an exception for nonprofit tax-exempt organizations.

(Sec. 617) This section requires agencies covered by this division to consult with the GSA before seeking new office space or making alterations to existing office space. It also permits any agency with authority to enter into an emergency lease to do so during any period declared by the President to require emergency leasing authority.

(Sec. 618) This section provides funds required under current law for

- compensation of the President;
- payments to the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities Fund, and the U.S. Court of Federal Claims Judges' Retirement Fund;
- payments of government contributions for health and life insurance benefits of federal retired employees;
- payments to finance the unfunded liability of annuity benefits under the Civil Service Retirement and Disability Fund; and
- payments of annuities authorized to be paid from the Civil Service Retirement and Disability Fund.

(Sec. 619) This section prohibits the FTC from using funds provided by this division to complete the draft report titled *Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts* unless the working group complies with Executive Order 13563 (Improving Regulation and Regulatory Review).

(Sec. 620) This section requires agencies funded by this division to ensure that the Chief Information Officer of the agency has the authority to participate in budgeting decisions related to information technology. It also requires funding for information technology to be allocated consistent with guidance provided by appropriations acts, OMB, and the agency's Chief Information Officer.

(Sec. 621) This section prohibits funds provided by this division from being used in contravention of the Federal Records Act.

(Sec. 622) This section prohibits funds provided by this division from being used to require providers of electronic communication or remote computing services to the public to disclose electronic communications information in a manner that violates the Fourth Amendment of the U.S. Constitution.

(Sec. 623) This section requires departments and agencies funded by this division to provide an Inspector General (IG) funded by this division with timely access to records, documents, or other materials available to the department or agency over which the IG has responsibility. It also requires each IG to comply with specified statutory limitations on disclosure of the information provided.

(Sec. 624) This section prohibits the FCC from making modifications to Universal Service Fund rules related to Mobility Fund Phase II.

(Sec. 625) This section prohibits funds provided by this division from being used to maintain or establish a computer network unless the network blocks pornography. It includes an exception for a law enforcement agency or other entity carrying out criminal investigations, prosecution, adjudication activities, or other law enforcement- or victim assistance-related activity.

(Sec. 626) This section prohibits funds provided by this division from being used to pay award or incentive fees for contractors whose performance is below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract unless specified requirements are met.

(Sec. 627) This section specifies restrictions and congressional notification requirements for spending on conferences.

(Sec. 628) This section prohibits funds provided by this division from being used for first-class or business-class travel by employees of executive branch agencies, in contravention of specified regulations.



(Sec. 717) This section prohibits funds from being used to provide any nonpublic information such as mailing, telephone, or electronic mailing lists, to any person or organization outside the federal government without the approval of Congress.

(Sec. 718) This section prohibits funds from being used for propaganda and publicity purposes within the United States not authorized by Congress.

(Sec. 719) This section directs agency employees to use official time in an honest effort to perform official duties. It also specifies that employees not under a leave system are obligated to expend an honest effort and a reasonable proportion of their time to perform official duties.

(Sec. 720) This section permits agencies that are members of the Federal Accounting Standards Advisory Board (FASAB) to use funds provided for the current fiscal year to finance an appropriate share of FASAB administrative costs.

(Sec. 721) This section permits agencies to transfer funds to the GSA to support specified government-wide and multiagency activities that meet certain requirements and are approved by the OMB.

(Sec. 722) This section permits a woman to breastfeed her child at any location in a federal building or on federal property if the woman and child are authorized to be there.

(Sec. 723) This section permits interagency funding of the National Science and Technology Council and requires the OMB to provide a report describing the budget and resources connected with the council.

(Sec. 724) This section requires any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of federal funds to comply with any relevant requirements included in specified OMB guidance regarding administrative requirements, cost principles, and audit requirements for federal awards to nonfederal entities. The section specifies that this requirement applies to direct payments, formula funds, and grants received by a state receiving federal funds.

(Sec. 725) This section restricts the use of funds to collect, review, or create any aggregation of data that includes any personally identifiable information relating to an individual's access to or use of a federal or nongovernmental website. The section also includes various exceptions.

(Sec. 726) This section prohibits the use of funds provided by this division for health plans with prescription drug coverage unless contraceptive coverage is included. It also (1) includes exemptions for certain religious plans, and (2) prohibits plans from discriminating against individuals who refuse to provide contraceptives due to religious beliefs or moral convictions.

(Sec. 727) This section specifies that 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 sports through testing, adjudication, education, and research.

(Sec. 728) This section permits federal agencies and departments to use funds appropriated for official travel to participate in the fractional aircraft ownership pilot program, if consistent with OMB Circular A-126 regarding official travel for government personnel.

(Sec. 729) This section prohibits funds from being used to implement certain OPM regulations limiting executive branch detailees to the legislative branch or to implement limitations on the Coast Guard Congressional Fellowship Program.

(Sec. 730) This section prohibits agencies from using funds for additional federal law enforcement training facilities that are not within or contiguous to existing locations without the approval of Congress. The Federal Law Enforcement Training Center may obtain the temporary use of additional facilities for training which cannot be accommodated in existing facilities.

(Sec. 731) This section prohibits agencies from using funds to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a notification that it was prepared or funded by the agency.

(Sec. 732) This section prohibits the use of funds in contravention of the Privacy Act or associated regulations.

(Sec. 733) This section prohibits the use of funds for contracts with any foreign incorporated entity that is an inverted domestic corporation. It also (1) requires a waiver if necessary for national security, and (2) includes an exemption for contracts entered into prior to enactment of this division and task orders issued pursuant to the contracts.

(Sec. 734) This section requires agencies to pay a fee to the OPM for processing retirements of employees who separate under Voluntary Early Retirement Authority or receive Voluntary Separation Incentive Payments.

(Sec. 735) This section bars the use of funds to recommend or require any entity submitting an offer for a federal contract to disclose specified political contributions as a condition of submitting the offer.

(Sec. 736) This section bars the use of funds for the painting of portraits of a federal officer or employee, including the President, the Vice President, a Member of Congress, or the head of an executive branch agency or legislative branch office.

(Sec. 737) This section limits pay increases for certain categories of prevailing rate employees.

(Sec. 738) This section requires agencies to submit annual reports to Inspectors General or senior ethics officials regarding the costs and contracting procedures for conferences that cost more than \$100,000.

(Sec. 739) This section prohibits the use of funds to increase, eliminate, or reduce funding for a program, project, or activity, unless the changes have been enacted into law or are made using transfer or reprogramming authority provided in an appropriations act.

(Sec. 740) This section prohibits funds from being used for an OPM rule revising the definition of competitive area used in reductions-in-force for federal employees.

(Sec. 741) This section prohibits funds from being used to begin or announce a study or public-private competition regarding the conversion of functions performed by federal employees to contractor performance.

(Sec. 742) This section prohibits funds from being used to require contractors or employees to sign confidentiality agreements or statements restricting or prohibiting the lawful reporting of waste, fraud, or abuse to investigative or law enforcement representatives.

(Sec. 743) This section prohibits the use of funds to implement or enforce a nondisclosure agreement unless it meets specified criteria.

(Sec. 744) This section prohibits the use of funds for specified transactions with any corporation with certain unpaid federal tax liabilities, unless an agency has considered suspension or debarment of the corporation and decided that further action is not necessary to protect the interests of the government.

(Sec. 745) This section prohibits the use of funds for specified transactions with any corporation that was convicted of a felony under any federal law within the preceding 24 months, unless an agency has considered suspension or debarment of the corporation and decided that further action is not necessary to protect the interests of the government.

(Sec. 746) This section requires the Consumer Financial Protection Bureau to notify Congress of any request for a transfer of funds from the Federal Reserve Board.

(Sec. 747) This section limits pay increases for the Vice President and certain senior political appointees.

(Sec. 748) This section requires violations of the Impoundment Control Act of 1974 to be reported to Congress.

(Sec. 749) This section requires executive branch departments and agencies to notify Congress if (1) an apportionment is not made in the required time period; (2) an approved apportionment conditions the availability of an appropriation on further action; or (3) an approved apportionment may hinder the prudent obligation of an appropriation or the execution of a program, project, or activity.

(Sec. 750) This section requires nonfederal entities that receive certain federal funds to comply with specified requirements for (1) retaining records, and (2) allowing the Government Accountability Office to access certain records.

(Sec. 751) This section permits 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) This section establishes requirements for federal agencies to assess and improve the accessibility of their electronic and information technology to individuals with disabilities.

(Sec. 753) This section allows federal agencies to transfer certain funds to GSA to support certain government-wide financial, information technology, procurement projects, including the Federal Citizen Services Fund.

(Sec. 754) This section specifies that a reference to *this Act* does not apply to Titles IV (District of Columbia) or VIII (General Provisions--District of Columbia) unless it is included in those titles or expressly provided for in this division.

#### TITLE VIII--GENERAL PROVISIONS--DISTRICT OF COLUMBIA

This title sets forth permitted and prohibited uses of funds appropriated by this division for the District of Columbia.

(Sec. 801) This section appropriates District of Columbia funds for making refunds and paying legal settlements or judgments against the District government.

(Sec. 802) This section prohibits federal funds provided by this division from being 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) This section establishes reprogramming procedures for federal and local funds.

(Sec. 804) This section prohibits the use of federal funds for the salaries and expenses of shadow U.S. Representatives or Senators.

(Sec. 805) This section requires official vehicles provided to any District officer or employee to be used only for official duties.

(Sec. 806) This section prohibits the use of federal funds for a petition drive or civil action seeking voting representation in Congress for the District.

(Sec. 807) This section prohibits the use of federal funds provided by this division to distribute needles or syringes for preventing the spread of blood borne pathogens in any location that local public health or law enforcement authorities have determined to be inappropriate for distribution.

(Sec. 808) This section specifies that nothing in this division prevents the District Council or Mayor from addressing contraceptive coverage by health insurance plans. It also expresses the intent of Congress that legislation enacted on the issue should include a conscience clause providing exceptions for religious beliefs and moral convictions.

(Sec. 809) This section prohibits the use of federal funds provided by this division to legalize or otherwise reduce penalties for the possession, use, or distribution of any schedule I substance under the Controlled Substances Act or any tetrahydrocannabinols derivative (THC, the psychoactive component of marijuana).

The section also prohibits funds available to the District government under any authority from being used to legalize or reduce penalties for possession, use, or distribution of any schedule I substance under the Controlled Substance Act or any tetrahydrocannabinols derivative (THC, the psychoactive component of marijuana) for recreational purposes.

(Sec. 810) This section prohibits funds available to the District government under any authority from being used 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 rape or incest.

(Sec. 811) This section requires the District Chief Financial Officer (CFO) to submit to Congress, the Mayor, and the Council a revised operating budget for agencies requiring a reallocation to address unanticipated changes in program requirements.

(Sec. 812) This section requires the CFO to submit to Congress, the Mayor, and the Council a revised operating budget for the District of Columbia Public Schools that aligns the school budget to actual enrollment.

(Sec. 813) This section permits the District to reprogram or transfer local funds between operating funds and capital and enterprise funds. The District may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(Sec. 814) This section prohibits federal funds from being obligated beyond the current fiscal year or transferred unless expressly permitted in this division.

(Sec. 815) This section permits up to 50% of unobligated balances available at the end of FY2023 from federal appropriations for salaries and expenses to remain available through FY2024, subject to congressional approval and reprogramming guidelines.

(Sec. 816) This section appropriates local funds to the District for FY2024 if no continuing resolution or regular appropriation for the District is in effect. It provides the funds under the same authorities, conditions, and manner as provided for FY2023.

(Sec. 817) This section exempts railroads installed pursuant to the Long Bridge Project from a District of Columbia law that prohibits further street railroads from being laid down in the District without congressional authorization. (The Long Bridge Project is a project being carried out by the District and Virginia to construct a new Long Bridge adjacent to the existing Long Bridge over the Potomac River to expand commuter and regional passenger rail service and to provide bike and pedestrian access crossings over the Potomac River.)

(Sec. 818) This section requires each federal and District of Columbia agency that is funded by this division to submit to Congress quarterly budget reports regarding obligations.

(Sec. 819) This section increases the rate of pay for attorneys and investigators who are appointed to represent indigent defendants in the District of Columbia courts.

(Sec. 820) This section provides that references to *this Act* in this title or title IV (District of Columbia) refer only to those titles, unless this act expressly provides otherwise.

#### DIVISION F--DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2023

##### *Department of Homeland Security Appropriations Act, 2023*

This division provides FY2023 appropriations for the Department of Homeland Security (DHS).

#### TITLE I--DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

This title provides appropriations to DHS for

- the Office of the Secretary and Executive Management;
- the Management Directorate;
- Intelligence, Analysis, and Situational Awareness; and
- the Office of Inspector General.

(Sec. 101) This section requires the Secretary of Homeland Security to submit a report to the DHS Office of Inspector General (OIG) listing all grants and contracts awarded during FY2022 and FY2023 without a full and open competition. The OIG must review the report for compliance with laws and regulations and submit the results to Congress.

(Sec. 102) This section requires the DHS Chief Financial Officer to submit monthly budget execution and staffing reports to Congress.

(Sec. 103) This section requires all DHS contracts that provide award fees to link the fees to successful acquisition outcomes specified in terms of cost, schedule, and performance.

(Sec. 104) This section requires DHS to notify Congress of proposed transfers from the Department of the Treasury Forfeiture Fund to any DHS agency and prohibits obligation of the funds until Congress approves the transfer.

(Sec. 105) This section requires all official costs for the use of government aircraft by DHS to support official travel of the Secretary and the Deputy Secretary to be paid from amounts made available for the Office of the Secretary.

(Sec. 106) This section requires the Under Secretary for Management to (1) provide quarterly briefings to Congress on specified acquisition programs, and (2) submit each approved Acquisition Decision Memorandum for the programs to Congress within five business days of approval.

(Sec. 107) This section prohibits funding from being used for certain new pilot or demonstration programs unless DHS provides specified information to Congress regarding the objectives, assessment methodology, and implementation plan for the program.

(Sec. 108) This section transfers specified funds to the DHS Office of Inspector General from funds that were provided to FEMA for the Disaster Relief Fund by the American Rescue Plan Act of 2021.

#### TITLE II--SECURITY, ENFORCEMENT, AND INVESTIGATIONS



This title provides appropriations to U.S. Customs and Border Protection (CBP) for (1) Operations and Support; (2) and Procurement, Construction, and Improvements.

The title provides appropriations to U.S. Immigration and Customs Enforcement (ICE) for (1) Operations and Support; (2) and Procurement, Construction, and Improvements.

The title provides appropriations to the Transportation Security Administration (TSA) for

- Operations and Support;
- Procurement, Construction, and Improvements; and
- Research and Development.

The title provides appropriations to the U.S. Coast Guard for

- Operations and Support;
- Procurement, Construction, and Improvements;
- Research and Development; and
- Retired Pay.

The title provides appropriations to the Secret Service for

- Operations and Support;
- Procurement, Construction, and Improvements; and
- Research and Development.

(Sec. 201) This section limits overtime compensation for employees of CBP, ICE, and the Secret Service except in individual cases that DHS determines to be necessary for national security purposes, to prevent excessive costs, or for immigration emergencies.

(Sec. 202) This section permits specified CBP funds to be used for customs expenses when necessary to maintain operations and prevent adverse personnel actions in Puerto Rico and the U.S. Virgin Islands.

(Sec. 203) This section provides that specified fees collected from passengers arriving from Canada, Mexico, or an adjacent island shall be available until expended.

(Sec. 204) This section permits the CBP to access certain reimbursements for preclearance activities.

(Sec. 205) This section prohibits the CBP from using funds provided by this division to prevent individuals from importing personal-use quantities of certain prescription drugs from Canada.

(Sec. 206) This section prohibits funds from being used to waive certain navigation and vessel- inspection laws for the transportation of crude oil distributed from and to the Strategic Petroleum Reserve until DHS takes adequate measures to ensure the use of U.S. flag vessels.

(Sec. 207) This section prohibits DHS from collecting new border crossing fees or conducting a study related to the imposition of a border crossing fee.

(Sec. 208) This section requires CBP to submit to Congress an expenditure plan for funds provided for the CBP Procurement, Construction, and Improvements account. The funds may not be obligated until the plan is submitted.

(Sec. 209) This section prohibits funds from being used to construct fencing

- within the Santa Ana Wildlife Refuge,
- within the Bentsen-Rio Grande Valley State Park,
- within La Lomita Historical Park,
- within the National Butterfly Center,
- within or east of the Vista del Mar Ranch tract of the Lower Rio Grande Valley National Wildlife Refuge, or
- within historic cemeteries.

(Sec. 210) This section permits funds provided by this division to be used to alter operations within the CBP's National Targeting Center. It also prohibits funds from being used to reduce anticipated or planned vetting operations at existing locations unless specifically authorized by a statute enacted after the enactment of this act.

(Sec. 211) This section permits specified funds to be provided to the FEMA Emergency Food and Shelter Program for the purposes of providing shelter and other services to families and individuals encountered by DHS. A specified portion of the funds may be used for the construction and expansion of shelter facilities.

(Sec. 212) This section allocates funds from the CBP Procurement, Construction, and Improvements account for

- the acquisition and deployment of border security technologies,
- trade and travel assets and infrastructure,
- facility construction and improvements,
- integrated operations assets and infrastructure, and
- mission support and infrastructure

(Sec. 213) This section prohibits funds provided for the ICE Operations and Support account from being used to continue a delegation of law enforcement authority under the 287(g) program if the DHS Inspector General determines that the terms of the agreement governing

the delegation of authority have been materially violated. (Under the 287(g) program, certain immigration enforcement functions may be delegated to state and local law enforcement agencies.)

(Sec. 214) This section prohibits ICE Operations and Support funds from being used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the facility are less than adequate or the equivalent median score in any subsequent performance evaluation system. This section also requires the performance evaluations to be conducted by the ICE Office of Professional Responsibility.

(Sec. 215) This section permits DHS to reprogram and transfer funds within and into the ICE Operations and Support account as necessary to ensure the detention of aliens prioritized for removal.

(Sec. 216) This section requires ICE to make available to the public reports that include specified statistics regarding individuals who have been detained by ICE.

(Sec. 217) This section prohibits DHS from using funds to place in detention or remove sponsors, potential sponsors, or members of the household of a sponsor or potential sponsor of unaccompanied alien children based on information shared by the Department of Health and Human Services except when a background check reveals specified information (e.g., certain felony convictions.)

The section also requires ICE to submit to Congress a report regarding agreements entered into under the 287(g) program, which allows ICE to delegate certain immigration enforcement functions to state and local law enforcement agencies. The report must also be made available on a public website.

(Sec. 218) This section prohibits the TSA from exempting Members of Congress and specified federal officials from federal passenger and baggage screening.

(Sec. 219) This section requires any award by the TSA to deploy explosives detection systems to 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.

(Sec. 220) This section permits the TSA to use funds from the Aviation Security Capital Fund for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements to fund certain airport security improvement projects authorized under current law.

(Sec. 221) This section requires the TSA to submit to Congress a report regarding a Capital Investment Plan, a five-year technology investment plan, and Advanced Integrated Passenger Screening Technologies.

(Sec. 222) This section extends through FY2025 the authority for TSA to conduct a pilot program to provide screening services outside of an existing primary passenger terminal screening area.

(Sec. 223) This section prohibits funds provided by this division for Coast Guard Operations and Support from being used for recreational vessel expenses, except to the extent fees are collected from owners of yachts and credited to the account.

(Sec. 224) This section allows the Coast Guard to reprogram certain Operations and Support funds (1) to or from the Military Personnel funding category, and (2) between the Field Operations funding subcategories.

(Sec. 225) This section requires the Coast Guard to submit to Congress a future-years capital investment plan.

(Sec. 226) This section permits specified Coast Guard Operations and Support funds that are used for enduring overseas missions in support of the global fight against terrorism to be reallocated by program, project, and activity.

(Sec. 227) This section prohibits funds provided by this division from being used to reduce the Coast Guard's legacy Operating Systems Center's mission or its government-employed or contract staff levels.

(Sec. 228) This section prohibits funding provided by this division from being 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) This section permits funds provided by this division to be used to alter operations within the Coast Guard's Civil Engineering Program, except that no funds may be used to reduce operations within any civil engineering unit unless specifically authorized by a statute enacted after this division is enacted.

(Sec. 230) This section permits amounts deposited into the Coast Guard Housing Fund in FY2023 to remain available until expended for the purposes of the fund (i.e., carrying out activities related to military family housing and military unaccompanied housing).

(Sec. 231) This section prohibits funds provided by this division from being used to charge a fee for an inspection of a towing vessel that uses the Towing Safety Management System option for a Certificate of Inspection until the Coast Guard complies with requirements under current law to (1) review and compare the costs of towing vessel inspections performed by the Coast Guard and such inspections performed by a third party, and (2) make any revisions that are necessary to ensure that the fees accurately reflect the government's costs for inspections.

(Sec. 232) This section permits the Secret Service to obligate funds in anticipation of reimbursements from executive agencies for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year may not exceed budgetary resources available for the Operations and Support account.

(Sec. 233) This section prohibits Secret Service funds from being used for the protection of the head of a federal agency other than the Secretary of Homeland Security. The Secret Service may enter into agreements to provide such protection on a fully reimbursable basis.

(Sec. 234) This section permits the Secret Service to reprogram specified funds within the Operations and Support account.

(Sec. 235) This section permits funds provided to the Secret Service for Operations and Support to be used for travel of employees on protective missions without regard to limitations on the expenditures if Congress is notified in advance.

(Sec. 236) This section requires specified Secret Service funds to be distributed as a grant or cooperative agreement for existing National Computer Forensics Institute facilities that are currently used by the Secret Service.

### TITLE III--PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

This title provides appropriations to the Cybersecurity and Infrastructure Security Agency (CISA) for

- Operations and Support;
- Procurement, Construction, and Improvements; and
- Research and Development.

The title also provides appropriations to the Federal Emergency Management Agency (FEMA) for

- Operations and Support;
- Procurement, Construction, and Improvements;
- Federal Assistance;
- the Disaster Relief Fund; and
- the National Flood Insurance Fund.

(Sec. 301) This section requires specified CISA funds to be used for procuring and providing access to cybersecurity feeds to specified entities, including federal agencies and state, local, and tribal entities.

(Sec. 302) This section requires CISA to provide Congress with quarterly budget and staffing briefings within specified timeframes. The section also reduces funding for specified CISA accounts if the requirements are not met.

(Sec. 303) This section limits expenses for the administration of FEMA grants.

(Sec. 304) This section modifies the requirements for calculating the minimum allocations under the State Homeland Security Grants Program to exclude funding provided by this division for the Nonprofit Security Grant Program.

(Sec. 305) This section specifies time frames for FEMA grant applications and awards.

(Sec. 306) This section requires FEMA to brief Congress in advance of announcing the intention to award certain grants. It also rescinds specified funds if the requirements are not met.

(Sec. 307) This section specifies that, for the purpose of certain FEMA grants, the installation of communications towers is not considered construction of a building or other physical facility.

(Sec. 308) This section extends and modifies reporting requirements for expenditures from FEMA's Disaster Relief Fund.

(Sec. 309) This section allows FEMA to waive specified program requirements for Staffing for Adequate Fire and Emergency Response (SAFER) grants.

(Sec. 310) This sections sets forth requirements for assessing, collecting, and spending fees for the Radiological Emergency Preparedness Program.

(Sec. 311) This section permits DHS to waive certain matching and maintenance of expenditure requirements when making Assistance to Firefighters Grants.

### TITLE IV--RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

This title provides appropriations for U.S. Citizenship and Immigration Services (USCIS) for (1) Operations and Support, and (2) Federal Assistance.

The title provides appropriations to the Federal Law Enforcement Training Centers (FLETCs) for (1) Operations and Support; and (2) Procurement, Construction, and Improvements.

The title provides appropriations for the Science and Technology Directorate for

- Operations and Support;
- Procurement, Construction, and Improvements; and
- Research and Development.

The title provides appropriations for the Countering Weapons of Mass Destruction Office for

- Operations and Support;
- Procurement, Construction, and Improvements;
- Research and Development; and
- Federal Assistance.



(Sec. 518) This section prohibits the use of funds provided by this division to employ workers who are illegal workers under the Immigration and Nationality Act.

(Sec. 519) This section prohibits funds provided by this division from being used to pay award or incentive fees for contractor performance that is below satisfactory or fails to meet the basic requirements of a contract.

(Sec. 520) This section prohibits funds provided by this division from being used for a computer network unless pornography is blocked, with exceptions for law enforcement, prosecution, or adjudication activities.

(Sec. 521) This section prohibits DHS from entering into contracts that do not meet requirements of specified contracting laws and regulations.

(Sec. 522) This section prohibits a federal law enforcement officer from using funds provided by this division to transfer a firearm to an agent of a drug cartel unless U.S. law enforcement personnel continuously monitor or control the firearm.

(Sec. 523) This section sets forth restrictions and congressional notification requirements for the use of funds provided by this division to attend international conferences.

(Sec. 524) This section prohibits funds provided by this division from being used to reimburse any federal department or agency for participation in a National Special Security Event.

(Sec. 525) This section requires DHS to notify Congress prior to implementing a structural pay reform that will affect more than 100 full-time employee positions or cost more than \$5 million in a single year. This requirement does not apply if (1) the change was included in the President's budget proposal for the fiscal year funded by this division, and (2) funds for the change have not been explicitly denied or restricted in this division.

(Sec. 526) This section requires agencies receiving funds in this division to post reports required to be submitted to Congress on the public website of the agency if it serves the national interest, subject to exceptions for homeland security, national security, or proprietary information.

(Sec. 527) This section permits funds provided by this division for Operations and Support to be used for minor procurement, construction, and improvements (end items with a unit cost of \$250,000 or less for personal property and \$2 million or less for real property).

(Sec. 528) This section permits DHS to use funds for the primary and secondary schooling (including transportation) of dependents of certain DHS personnel who are stationed outside of the continental United States in certain areas where the available schools are unable to provide adequately for the education of the dependents.

(Sec. 529) This section prohibits funds provided by this division from being used to (1) prevent a Member of Congress or certain congressional employees from entering, for the purpose of conducting oversight, any DHS facility used to detain or otherwise house aliens; or (2) make any temporary modification to such a facility that alters what is observed by a visiting Member of Congress or congressional employee, compared to what would be observed without the modification.

(Sec. 530) This section provides appropriations to FEMA to reimburse extraordinary law enforcement 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 Secret Service.

(Sec. 531) This section prohibits funds provided by this division from being used to place restraints on a woman who is in DHS custody and is pregnant or in post-delivery recuperation, except in specified circumstances.

(Sec. 532) This section prohibits funds provided by this division from being used to destroy any records pertaining to (1) the death, sexual assault, or abuse of any individual held in DHS custody; or (2) an allegation of abuse, criminal activity, or disruption committed by an individual in DHS custody.

(Sec. 533) This section prohibits funds provided by this division from being used for any position designated as a Principal Federal Official during a Stafford Act declared disaster or emergency unless certain requirements are met.

(Sec. 534) This section requires DHS to report to Congress on unfunded priorities for which appropriations would be classified as budget function 050 (national defense).

(Sec. 535) This section establishes congressional notification and reporting requirements regarding determinations to evaluate and initiate, extend, or terminate protection for a former or retired government official or employee.

(Sec. 536) This section establishes congressional notification and reporting requirements regarding the submission of initial project proposals to the Technology Modernization Fund.

(Sec. 537) This section provides that, within 60 days of submitting a budget proposal for FY2024 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, DHS must submit to Congress proposed spending reductions to offset revenues assumed in the proposals if they are not enacted.

(Sec. 538) This section prohibits funds provided by this division from being used to implement the Arms Trade Treaty regulating international trade in conventional arms until it is ratified by the Senate.

(Sec. 539) This section prohibits DHS funds from being used to provide assistance to or enter into certain agreements with an entity that the Department of Defense has identified as a Chinese military company operating in the United States or any subsidiary of such an entity.

(Sec. 540) This section makes technical corrections to provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act regarding grants for the establishment of hazard mitigation revolving funds.

(Sec. 541) This section provides appropriations for a specified Emergency Operations Center grant.

(Sec. 542) The section makes a technical correction to a congressionally directed spending item that was funded in the Department of Homeland Security Appropriations Act, 2022.

(Sec. 543) This section extends through FY2023 the authority for certain licensed health-care professionals employed by DHS to practice the health profession in any location designated by DHS, regardless of where the professional or the patient is located, as long as the practice is within the authorized federal duties of the professional.

(Sec. 544) This section prohibits funds from being used to transfer or release certain individuals detained at U.S. Naval Station, Guantanamo Bay, Cuba, to or within the United States, its territories, or its possessions.

(Sec. 545) This section requires DHS to provide bimonthly estimates of the number of noncitizens anticipated to arrive at the southwest border of the United States.

(Sec. 546) This section provides additional appropriations to CPB and ICE for border management requirements.

(Sec. 547) This section extends the authority for DHS and the Department of Justice to take actions to protect certain facilities and assets from unmanned aircraft.

(Sec. 548) This section rescinds specified unobligated funds from various DHS accounts.

(Sec. 549) This section rescinds specified unobligated funds from various DHS accounts.

#### DIVISION G--DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

##### *Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023*

This division provides FY2023 appropriations for the Department of the Interior, the Environmental Protection Agency (EPA), and related agencies.

This title provides appropriations to the Bureau of Land Management (BLM) for

- Management of Lands and Resources;
- Oregon and California Grant Lands;
- Range Improvements;
- Service Charges, Deposits, and Forfeitures; and
- Miscellaneous Trust Funds.

The title provides appropriations to the U.S. Fish and Wildlife Service (USFWS) for

- Resource Management,
- Construction,
- the Cooperative Endangered Species Conservation Fund,
- the National Wildlife Refuge Fund,
- the North American Wetlands Conservation Fund,
- Neotropical Migratory Bird Conservation,
- the Multinational Species Conservation Fund, and
- State and Tribal Wildlife Grants.

The title provides appropriations to the National Park Service (NPS) for

- Operation of the National Park System,
- National Recreation and Preservation,
- the Historic Preservation Fund,
- Construction, and
- the Centennial Challenge.

The title allows certain franchise fees to be available for expenditure without further appropriation for use at any unit within the NPS to extinguish or reduce liability for a possessory interest or leasehold surrender interest.

The NPS may retain specified funds authorized to be disbursed under the Gulf of Mexico Energy Security Act of 2006 for the costs of administration of the Land and Water Conservation Fund grants authorized by the act.

NPS funds may be transferred to the Federal Highway Administration for the Federal Lands Access Program, which was established to improve transportation facilities that provide access to, are adjacent to, or are located within federal lands.

The title provides appropriations to the U.S. Geological Survey for Surveys, Investigations, and Research.

The title provides appropriations to the Bureau of Ocean Energy Management for Ocean Energy Management.

The title provides appropriations to the Bureau of Safety and Environmental Enforcement for (1) Offshore Safety and Environmental Enforcement, and (2) Oil Spill Research.

The title provides appropriations to the Office of Surface Mining Reclamation and Enforcement for (1) Regulation and Technology, and (2) the Abandoned Mine Reclamation Fund.

The title provides appropriations to the Bureau of Indian Affairs (BIA) for

- Operation of Indian Programs,
- Indian Land Consolidation,
- Contract Support Costs,
- Payments for Tribal Leases,
- Construction,
- Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians, and
- the Indian Guaranteed Loan Program Account.

The title provides appropriations to the Bureau of Indian Education for (1) Operation of Indian Education Programs, and (2) Education Construction.

The title also includes administrative provisions that

- permit the BIA and the BIE to contract for services for the Power Division of the San Carlos Irrigation Project;
- limit the use of funds for contracts, grants, compacts, or cooperative agreements with the BIA or the BIE under the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994;
- permit tribes to return appropriated funds without diminishing the federal government's trust responsibilities, the government-to-government relationship with the tribe, or the tribe's ability to access future appropriations;
- prohibit the use of BIE funds, other than funds provided for assistance to public schools, for the operation of elementary or secondary schools in Alaska;
- restrict the establishment of new schools and the expansion of grade levels in individual schools within the BIE school system;
- specify the formula to be used to distribute indirect and administrative costs to certain tribes;
- prohibit funds provided by this division from being used to establish satellite locations of schools in the BIE school system as of September 1, 1996, with specified exceptions; and
- allow funds made available for Tribal Priority Allocations to be used to execute requested adjustments in tribal priority allocations initiated by tribes.

The title provides appropriations to the Office of the Special Trustee for American Indians.

The title provides appropriations for Departmental Offices, including

- the Office of the Secretary,
- Insular Affairs,
- the Office of the Solicitor, and
- the Office of Inspector General.

At the request of the governor of Guam, Interior may transfer certain funds that are allocated for Guam to the Department of Agriculture for the costs of certain direct and guaranteed loans authorized for construction and repair projects in Guam.

The title provides appropriations for Department-Wide Programs, including

- Wildland Fire Management,
- the Wildfire Suppression Operations Reserve Fund,
- the Central Hazardous Materials Fund,
- the Energy Community Revitalization Program,
- the Natural Resources Damage Assessment Fund,
- the Working Capital Fund, and
- the Office of Natural Resources Revenue.

The title also (1) permits the Working Capital Fund to be used to acquire aircraft by donation, purchase, or through available excess surplus property; and (2) permits the existing aircraft being replaced to be sold, with the proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

(Sec. 101) This section permits the transfer of funds within bureaus and offices for specified emergencies when all other emergency funds have been exhausted.

(Sec. 102) This section provides for the department-wide expenditure or transfer of funds by Interior in the event of specified emergencies.

(Sec. 103) This section permits Interior to use appropriations provided in this title for

- employing temporary or intermittent experts and consultants;
- purchasing and replacing motor vehicles;
- hiring, maintenance, and operation of aircraft;
- hiring of passenger motor vehicles;
- purchasing reprints;
- telephone services in private residences in the field; and
- certain library memberships.

(Sec. 104) This section permits certain funds provided to the BIA, the BIE, and the Office of the Special Trustee for American Indians to be available for expenditure or transfer for Indian trust management and reform activities, provided that total funding for historical accounting activities does not exceed funding provided by this division for that purpose.

(Sec. 105) Interior may redistribute 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 may receive a reduction in Tribal Priority Allocation funds of more than 10% in FY2023 except in the cases of dual enrollment, overlapping service areas, or inaccurate distribution methodologies.

(Sec. 106) This section authorizes the acquisition of lands and waters for the purpose of operating and maintaining facilities that support visitors to Ellis, Governors, and Liberty Islands in New Jersey and New York.

(Sec. 107) Interior must collect specified Outer Continental Shelf inspection fees.

(Sec. 108) Interior may enter into multiyear cooperative agreements and contracts with nonprofit organizations and other entities for the long-term care and maintenance of excess wild free roaming horses and burros on private land.

(Sec. 109) The USFWS, in carrying out responsibilities to protect threatened and endangered species of salmon, must implement a system of mass marking of salmonid stocks intended for harvest that are released from federally operated or financed hatcheries.

(Sec. 110) The BIA and the BIE, in carrying out work involving cooperation with state, local, and tribal governments, may record obligations against accounts receivable from the entities, provided that total obligations at the end of the fiscal year do not exceed total budgetary resources.

(Sec. 111) This section permits Interior to make grants to, or enter into cooperative agreements with, certain nonprofit organizations to use the talents of older Americans in Interior programs under the Department of the Interior Experienced Services Program. It also specifies requirements for the agreements.

(Sec. 112) This section requires funds provided to Interior by this division to be available for obligation and expenditure no later than 60 days after the enactment of this act.

(Sec. 113) This section permits Interior to transfer certain funds between offices and bureaus of the BIA and BIE in order to implement an orderly transition to separate accounts.

(Sec. 114) This section provides FY2023 funding for the Payment in Lieu of Taxes (PILT) program. (PILT provides payments that are intended to compensate local governments for losses in property tax revenue due to the presence of nontaxable federal land within their boundaries.)

(Sec. 115) This section requires the Bureau of Ocean Energy Management to post a notification on its publicly available website after it prescribes or approves a departure from or alternative to required procedures or equipment with respect to certain plans or permits.

(Sec. 116) This section authorizes the National Park Service, upon the request of Virginia or the District of Columbia, to convey specified federal land for the construction of rail and other infrastructure relating to the Long Bridge Project. (The Long Bridge Project is a project being carried out by the District and Virginia to construct a new Long Bridge adjacent to the existing Long Bridge over the Potomac River to expand commuter and regional passenger rail service and to provide bike and pedestrian access crossings over the Potomac River.)

(Sec. 117) This section allows Native American tribes that receive Tribally-Controlled School Grants to obtain interagency motor vehicles and related services in the same manner that they would for performing activities under the Indian Self Determination and Education Assistance Act.

(Sec. 118) This section increases the authorizations of appropriations for several National Heritage Areas (NHAs). It also extends the authority for several NHAs.

(Sec. 119) This section permits Interior to use funds provided for the Appraisal and Valuation Services Office to establish higher minimum rates of basic pay for certain employees who carry out appraisals of real property and appraisal reviews for Interior's realty programs.

(Sec. 120) This section prohibits funds from being used to write or issue certain rules for the sage-grouse pursuant to the Endangered Species Act of 1973.

(Sec. 121) This section allows the National Park Service to retain specified funds for the State Conservation Grants program to provide matching grants to support state program administrative costs.

(Sec. 122) This section modifies the authorization of appropriations for Lowell National Historic Park to remove a provision that establishes a maximum amount of funding for certain purposes, including acquisition and development under the park management plan.

(Sec. 123) This section extends the National Park Service's (NPS's) Visitor Experience Improvement Authority. (The authority allows the NPS to award and administer commercial services contracts and related professional services contracts for the operation and expansion of commercial visitor facilities and visitor services programs in units of the NPS.)

(Sec. 124) This section extends the authority for the NPS to allow certain commercial vehicles that serve local businesses to use Highway 209, which is a federally owned road within the boundaries of the Delaware Gap National Recreation Area.

## TITLE II--ENVIRONMENTAL PROTECTION AGENCY

This title provides appropriations to the Environmental Protection Agency (EPA) for

- Science and Technology,



- Environmental Programs and Management,
- the Office of Inspector General,
- Buildings and Facilities,
- Hazardous Substance Superfund,
- the Leaking Underground Storage Tank Trust Fund Program,
- Inland Oil Spill Programs,
- State and Tribal Assistance Grants, and
- the Water Infrastructure Finance and Innovation Program Account.

The title also permits the EPA to

- award cooperative agreements to Indian tribes or intertribal consortia to carry out the agency's function to implement federal environmental programs required or authorized by law in the absence of an acceptable tribal program;
- collect and spend pesticide registration service fees;
- collect and spend fees for the Hazardous Waste Electronic Manifest System;
- transfer funds from the Environmental Programs and Management account to other federal agencies for activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs;
- use specified funds for the construction, alteration, repair, rehabilitation, and renovation of facilities;
- use funds to make grants to Indian tribes notwithstanding certain provisions of the Federal Water Pollution Control Act (commonly known as the Clean Water Act); and
- use funds provided for Environmental Programs and Management to provide grants to implement the Southeastern New England Watershed Restoration Program.

The title allows the Office of Chemical Safety and Pollution Prevention and the Office of Water to use specified funds to contract directly with individuals or indirectly with institutions or nonprofit organizations for the temporary or intermittent personal services of students or recent graduates.

Notwithstanding certain limitations included in the Clean Water Act, the EPA must make at least \$2.5 million of the funds provided for the National Estuary Program available for certain competitive grants.

#### TITLE III--RELATED AGENCIES

This title provides appropriations to the Department of Agriculture (USDA) for the Office of the Under Secretary for Natural Resources and Environment.

The title also provides appropriations to USDA for the Forest Service, including for

- Forest Service Operations;
- Forest and Rangeland Research;
- State and Private Forestry;
- the National Forest System;
- Capital Improvement and Maintenance;
- Land Acquisition;
- the Range Betterment Fund;
- Gifts, Donations, and Bequests for Forest and Rangeland Research;
- Management of National Forest Lands for Subsistence Uses;
- Wildland Fire Management;
- the Wildfire Suppression Operations Reserve Fund; and
- Communications Site Administration.

Forest Service appropriations may be used for

- the purchase and use of motor vehicles and aircraft;
- employment of temporary or intermittent personnel;
- purchase, erection, and alteration of buildings and other public improvements;
- acquisition of land and waters;
- expenses pursuant to the Volunteers in the National Forest Act of 1972;
- uniforms; and
- debt collection contracts.

Funds provided to the Forest Service by this division may be transferred between accounts affected by a specified budget restructuring.

The title specifies authorities and requirements for transferring funds to or from the Wildland Fire Management account.

Forest Service appropriations may be used for forest and rangeland research, technical information, and related forestry and natural resources activities in foreign countries.

Forest Service appropriations may be used to enter into a cooperative agreement with the Forest Service International Foundation to assist the foundation in meeting administration, project, and other expenses.

Forest Service appropriations may be transferred to the BLM for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for surveys to designate the boundaries of the lands.

Forest Service appropriations may not be transferred using authority provided in several specified statutory provisions.

The title limits transfers to the USDA Working Capital Fund and to USDA for Department Reimbursable Programs (commonly referred to as Greenbook charges).

Specified funds shall be available for projects to be carried out by the Youth Conservation Corps under the authority of the Public Lands Corps Act of 1993.

The Chief of the Forest Service may use specified funds for official reception and representation expenses.

Specified funds may be used to provide matching funds to aid conservation projects of the National Forest Foundation and the National Fish and Wildlife Foundation.

Funds provided for the National Forest System may be used 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 nonfederal lands.

Funds may be used for interactions with and to provide technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Forest Service appropriations shall be available for payments to counties within the Columbia River Gorge National Scenic Area.

Forest Service appropriations may be used to meet the nonfederal share requirement included in a provision of the Older Americans Act of 1965 related to the Senior Community Service Employment Program.

The Forest Service may not assess funds for the purpose of performing fire, administrative, and other facilities maintenance and decommissioning.

Specified funds may be used to reimburse the USDA Office of the General Counsel for travel and related expenses incurred as a result of assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations, and similar non-litigation related matters.

The title permits an individual employed under any project funded under Title V of the Older Americans Act of 1965 to be considered a federal employee for purposes of the Federal Tort Claims Act.

Forest Service appropriations may be used to pay, from a single account, the base salary and expenses of employees who carry out functions funded by other accounts for specified programs and activities.

The title provides appropriations to the Department of Health and Human Services (HHS) for the Indian Health Service (IHS) including

- Indian Health Services,
- Contract Support Costs,
- Payments for Tribal Leases, and
- Indian Health Facilities.

It also provides appropriations to HHS for (1) the National Institute of Environmental Health Sciences, and (2) the Agency for Toxic Substances and Disease Registry.

The title provides appropriations to other related agencies, including

- the Executive Office of the President for the Council on Environmental Quality and Office of Environmental Quality;
- the Chemical Safety and Hazard Investigation Board;
- the Office of Navajo and Hopi Indian Relocation;
- the Institute of American Indian and Alaska Native Culture and Arts Development;
- the Smithsonian Institution;
- the National Gallery of Art;
- the John F. Kennedy Center for the Performing Arts;
- the Woodrow Wilson International Center for Scholars;
- the National Foundation on the Arts and the Humanities, including the National Endowment for the Arts (NEA) and the National Endowment for the Humanities;
- the Commission of Fine Arts;
- the Advisory Council on Historic Preservation;
- the National Capital Planning Commission;
- the U.S. Holocaust Memorial Museum;
- the Presidio Trust;
- the World War I Centennial Commission;
- the U.S. Semiquincentennial Commission; and
- the Alyce Spotted Bear and Walter Soboleff Commission on Native Children.

#### TITLE IV--GENERAL PROVISIONS

(Sec. 401) This section prohibits funds provided by this division from being used to promote public support or opposition to any legislative proposal before Congress, other than to communicate with Congress as permitted under current law.

(Sec. 402) This section prohibits any appropriation contained in this division from remaining available for obligation beyond the current fiscal year unless the obligation is expressly permitted in this division.

(Sec. 403) This section requires specified administrative expenses to be presented in annual budget justifications and approved by Congress.

(Sec. 404) This section prohibits funds from being used to accept or process applications for a patent for any mining or mill site claim located under the general mining laws, subject to exceptions.

Interior must report to Congress regarding actions taken by the department under the plan submitted regarding a processing schedule for certain applications for patents that were filed on or before September 30, 1994.

Upon the request of a patent applicant, Interior must allow a qualified third-party contractor to conduct a mineral examination of the mining claims or mill sites contained in a patent application. The BLM must be responsible for selecting and paying the third-party contractor.

(Sec. 405) This section extends limits on the use of FY1994-FY2013 and FY2014 funds for contract support costs on Indian contracts.

(Sec. 406) This section limits the use of FY2023 funds for contract support costs on Indian contracts.

(Sec. 407) This section permits Forest Service land management plans that are more than 15 years old if USDA is acting in good faith to update the plans.

(Sec. 408) This section prohibits funds provided by this division from being used to conduct preleasing, leasing, and related activities under either the Mineral Leasing Act or the Outer Continental Shelf Lands Act within the boundaries of a National Monument, as the boundary existed on January 20, 2001. It includes an exception for activities allowed under the presidential proclamation establishing the monument.

(Sec. 409) This section restricts land acquisition funds provided by this division from being used for the filing of declarations of taking or complaints in condemnation without the approval of Congress. It includes an exception for funds provided to implement the Everglades National Park Protection and Expansion Act of 1989, or for Florida to acquire lands for Everglades restoration.

(Sec. 410) This section prohibits no-bid contracts except under certain circumstances where a contract is authorized by federal law or was awarded prior to the date of enactment of this act.

(Sec. 411) This section requires agencies receiving funds in this division to post on their public websites any report required to be submitted by Congress if it serves the national interest. The requirement does not apply if (1) the public posting of the report comprises national security, or (2) the report contains proprietary information.

(Sec. 412) This section establishes grant guidelines for the NEA.

(Sec. 413) This section establishes priorities for programs administered by the NEA.

(Sec. 414) This section directs Interior, the EPA, the Forest Service, and the IHS to provide Congress with quarterly reports on the status of balances of appropriations.

(Sec. 415) This section extends the authority of the Forest Service to renew certain grazing permits.

(Sec. 416) This section prohibits funds provided by this division from being used to maintain or establish a computer network unless the network blocks access to pornography websites. It includes an exception for a law enforcement agency or other entity carrying out criminal investigations, prosecution, or adjudication activities.

(Sec. 417) Interior may transfer excess wild horses or burros that have been removed from public lands to other federal, state, and local agencies for use as work animals. Any animal transferred loses its status as a wild free-roaming horse or burro. Any agency receiving the animals may not (1) destroy, sell, or otherwise transfer them in a way that results in their destruction for processing into commercial products; or (2) euthanize the horses or burros except upon the recommendation of a licensed veterinarian, in cases of severe injury, illness, or advanced age.

Funds provided by this division may not be used for the destruction of healthy, unadopted, wild horses and burros in the care of the BLM or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

(Sec. 418) This section extends the authority for conveyances of certain Forest Service administrative sites.

(Sec. 419) This section prohibits any funds made available by a state water pollution control revolving fund authorized by the Safe Drinking Water Act from being 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, subject to specified exceptions and waiver procedures.

(Sec. 420) This section authorizes Interior to (1) 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; and (2) transfer title to excess Interior firefighting equipment to the organizations.

(Sec. 421) This section extends the authority of federal agencies to establish, collect, and retain fees on federal recreational lands and waters.

(Sec. 422) This section prohibits funds from being reprogrammed without the prior approval of Congress in accordance with procedures contained in the explanatory statement accompanying this division.

(Sec. 423) This section extends a provision that permits USDA and Interior, in awarding contracts for certain activities on public lands, to give consideration to certain local contractors who provide employment and training for dislocated and displaced workers in an economically disadvantaged rural community.

(Sec. 424) This section extends the authority for the Shasta-Trinity National Forest to collect and spend marina fees.

(Sec. 425) This section extends the Forest Service's Interpretive Association authority, which allows the Forest Service to enter into agreements with federal, tribal, state, or local governments or nonprofit entities for purposes such as providing educational and interpretive products or services for visitors to Forest Service facilities.

(Sec. 426) This section extends the authority for the Forest Service to use appropriations for expenses associated with primary and secondary schooling for dependents of certain agency personnel stationed in Puerto Rico if the public schools available in the locality are unable to provide adequately for the education of the dependents.

(Sec. 427) This section extends the authority of the Forest Service to collect fees for forest botanical products (e.g., flowers or seeds) harvested on National Forest System lands.

(Sec. 428) This section prohibits oil and gas leasing on specified federal land within the Chaco Culture National Historical Park until the completion of a specified cultural resources investigation.

(Sec. 429) This section requires certain federal leases of tribal facilities used for the administration and delivery of services to begin no earlier than the date of receipt of the lease proposal. It also requires Interior and the Department of Health and Human Services to consult with tribes and tribal organizations regarding the requirements for the leases.

(Sec. 430) This section extends the authority for the Forest Ecosystem Health and Recovery Fund.

(Sec. 431) This section specifies requirements for allocating FY2023 funds from (1) the National Parks and Public Land Legacy Restoration Fund and, (2) the Land and Water Conservation Fund. It also establishes reporting requirements regarding the funds.

(Sec. 432) This section requires the Department of Energy (DOE), USDA, and the EPA to jointly ensure that federal policy relating to forest bioenergy (1) is consistent across all department and agencies, and (2) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management.

It also requires DOE, USDA, and the EPA to establish clear and simple policies for the use of forest biomass as an energy solution, including policies that

- 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;
- encourage private investment throughout the forest biomass supply chain;
- encourage forest management to improve forest health; and
- recognize state initiatives to produce and use forest biomass.

(Sec. 433) This section prohibits funds provided by this division from being used to implement or enforce certain EPA regulations for commercial and industrial solid waste incineration units with respect to small remote incinerators located in Alaska.

(Sec. 434) This section sets forth requirements regarding the sale of timber from a specified region in Alaska.

(Sec. 435) This section allows certain funds provided by this division for the National Parks and Public Land Legacy Restoration Fund to be transferred to the Federal Highway Administration for transportation projects of the NPS, USFWS, Forest Service, BLM, or BIE.

(Sec. 436) This section prohibits funds from being used to promulgate or implement any regulation requiring the issuance of permits under the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

(Sec. 437) This section prohibits funds from being used to implement any provision in a rule that requires mandatory reporting of greenhouse gas emissions from manure management systems.

(Sec. 438) This section prohibits funds from being used to regulate the lead content of ammunition, ammunition components, or fishing tackle under the Toxic Substances Control Act or any other law.

(Sec. 439) This section allows the Good Neighbor Authority to be used for the reconstruction, repair, or restoration of certain roads managed by the BLM. (The Good Neighbor Authority allows the Forest Service and BLM to authorize states, counties, and federally recognized Indian tribes to conduct certain projects on federal lands in pursuit of specified land management goals.)

(Sec. 440) This section extends the authority for Interior and the Forest Service to waive the cap on premium pay for certain employees who are engaged in emergency wildland fire suppression activities.

(Sec. 441) This section establishes an interest-bearing account for certain funds received from forfeitures, judgments, compromises, or settlements regarding land administered by the Forest Service.

(Sec. 442) This section makes a technical correction to a Congressionally Directed Spending Item that was included in the Consolidated Appropriations Act, 2022.



(Sec. 104) This section prohibits certain funds available for job training grants under the American Competitiveness and Workforce Improvement Act of 1998 from being used for any purpose other than competitive grants to train individuals who are over the age of 16 and are not 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 the training.

(Sec. 105) This section prohibits a recipient of Employment and Training Administration (ETA) funds from using the funds to pay the salary and bonuses of an individual at a rate in excess of Executive Level II, with an exception for vendors providing goods and services. States may establish lower limits for salaries and bonuses.

(Sec. 106) This section allows Labor to transfer specified ETA funds to Program Administration for technical assistance and program integrity activities.

(Sec. 107) This section allows a specified portion of the funds provided by this division to be reserved for evaluation of programs and activities. It also requires the Chief Evaluation Officer to submit a plan to Congress in advance of transferring funds to be used for evaluations.

(Sec. 108) This section exempts certain personnel employed to adjust or evaluate claims resulting from or relating to a major disaster from the maximum hours provisions of the Fair Labor Standards Act of 1938 for two years after a state or federal declaration of a disaster or catastrophe.

(Sec. 109) This section provides employers in the seafood industry with flexibility with respect to bringing H-2B nonimmigrant workers into the United States. (The H-2B program allows U.S. employers or U.S. agents who meet specific regulatory requirements to bring foreign nationals to the United States to fill temporary nonagricultural jobs.)

(Sec. 110) This section sets forth requirements for determining the prevailing wage for the H-2B program.

(Sec. 111) This section prohibits the use of funds provided by this division to enforce the definition of corresponding employment or the three-fourths guarantee rule definition found in specified regulations for the H-2B program. It also specifies the definition of temporary need that applies for the purpose of regulating admission of temporary workers under the H-2B program.

(Sec. 112) This section permits Labor to furnish a limited amount of excess personal property to programs registered under the National Apprenticeship Act for the purpose of training apprentices in the programs.

(Sec. 113) This section specifies requirements and authorities for the law enforcement officers or special agents employed as a part of the Secretary of Labor's security detail.

(Sec. 114) This section authorizes Labor to dispose of or divest all or a portion of the real property on which the Treasure Island Job Corps Center is located. It also exempts the sale or disposition from federal laws and regulations relating to the disposition of federal property.

(Sec. 115) This section prohibits funds provided by this division from being used to (1) alter or terminate the Interagency Agreement between Labor and the Department of Agriculture; (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 specified requirements of the Workforce Innovation and Opportunity Act are met.

(Sec. 116) This section rescinds specified unobligated funds available from H-1B visa fees.

## TITLE II--DEPARTMENT OF HEALTH AND HUMAN SERVICES

### *Department of Health and Human Services Appropriations Act, 2023*

This title provides FY2023 appropriations for agencies and programs within the Department of Health and Human Services (HHS).

The title provides appropriations to the Health Resources and Services Administration (HRSA) for

- Primary Health Care,
- the Health Workforce,
- Maternal and Child Health,
- the Ryan White HIV/AIDS Program,
- Health Systems,
- Rural Health,
- Family Planning,
- HRSA-Wide Activities and Program Support,
- the Vaccine Injury Compensation Program Trust Fund, and
- the Covered Countermeasures Process Fund.

The title provides appropriations to the Centers for Disease Control and Prevention (CDC) for

- Immunization and Respiratory Diseases;
- HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention;
- Emerging and Zoonotic Infectious Diseases;
- Chronic Disease Prevention and Health Promotion;
- Birth Defects, Developmental Disabilities, Disabilities and Health;
- Public Health Scientific Services;
- Environmental Health;

- Injury Prevention and Control;
- the National Institute for Occupational Safety and Health;
- the Energy Employees Occupational Illness Compensation Program;
- Global Health;
- Public Health Preparedness and Response;
- Buildings and Facilities; and
- CDC-Wide Activities and Program Support.

The title provides appropriations to the National Institutes of Health (NIH) for

- the National Cancer Institute;
- the National Heart, Lung, and Blood Institute;
- the National Institute of Dental and Craniofacial Research;
- the National Institute of Diabetes and Digestive and Kidney Diseases;
- the National Institute of Neurological Disorders and Stroke;
- the National Institute of Allergy and Infectious Diseases;
- the National Institute of General Medical Sciences;
- the Eunice Kennedy Shriver National Institute of Child Health and Human Development;
- the National Eye Institute;
- the National Institute of Environmental Health Sciences;
- the National Institute on Aging;
- the National Institute of Arthritis and Musculoskeletal and Skin Diseases;
- the National Institute on Deafness and other Communication Disorders;
- the National Institute of Nursing Research;
- the National Institute on Alcohol Abuse and Alcoholism;
- the National Institute on Drug Abuse;
- the National Institute of Mental Health;
- the National Human Genome Research Institute;
- the National Institute of Biomedical Imaging and Bioengineering;
- the National Center for Complementary and Integrative Health;
- the National Institute on Minority Health and Health Disparities;
- the John E. Fogarty International Center;
- the National Library of Medicine;
- the National Center for Advancing Translational Sciences;
- the Office of the Director;
- Buildings and Facilities; and
- the NIH Innovation Account.

The title provides appropriations to the Substance Abuse and Mental Health Services Administration for

- Mental Health,
- Substance Abuse Treatment,
- Substance Abuse Prevention, and
- Health Surveillance and Program Support.

The title provides appropriations to the Agency for Healthcare Research and Quality.

The title provides appropriations to the Centers for Medicare & Medicaid Services for

- Grants to States for Medicaid,
- Payments to the Health Care Trust Funds,
- Program Management, and
- the Health Care Fraud and Abuse Control Account.

The title provides appropriations to the Administration for Children and Families for

- Payments to States for Child Support Enforcement and Family Support Programs,
- Low Income Home Energy Assistance,
- Refugee and Entrant Assistance,
- Payments to States for the Child Care and Development Block Grant,
- the Social Services Block Grant,
- Children and Families Services Programs,
- Promoting Safe and Stable Families, and
- Payments for Foster Care and Permanency.

The title provides appropriations to the Administration for Community Living for Aging and Disability Services Programs.

The title provides appropriations to the Office of the Secretary for

- General Departmental Management,
- Medicare Hearings and Appeals,
- the Office of the National Coordinator for Health Information Technology,
- the Office of Inspector General,
- the Office for Civil Rights,
- Retirement Pay and Medical Benefits for Commissioned Officers,
- the Public Health and Social Services Emergency Fund, and
- the Advanced Research Projects Agency for Health.

(Sec. 201) This section limits the funds provided by this title that may be used for official reception and representation expenses.

(Sec. 202) This section prohibits funds provided by this title from being used to pay the salary of an individual, through a grant or other extramural mechanism, in excess of Executive Level II.

(Sec. 203) This section restricts HHS's use of funds for program evaluation activities unless a report is submitted to Congress regarding the proposed use of the funds or the funds are specifically provided in this division.

(Sec. 204) This section permits up to 2.5% of the funds provided for programs authorized under the Public Health Service Act (PHS Act) to be made available for the evaluation and the implementation and effectiveness of programs funded in this title.

(Sec. 205) This section sets forth authorities and restrictions for the transfer of HHS funds between appropriations accounts.

(Sec. 206) This section permits National Health Service Corps Loan Repayment Program contracts to be cancelled up to 60 days after the execution of a contract awarded in FY2023, or at any time if the individual who has been awarded the contract has not received funds due under the contract.

(Sec. 207) This section prohibits funds provided by this division from being made available to any entity under Title X (Population Research and Voluntary Family Planning Programs) of the PHS Act unless the applicant for the award certifies that it (1) encourages family participation in the decisions of minors to seek family planning services, and (2) provides counseling to minors on resisting attempts to coerce minors into engaging in sexual activities.

(Sec. 208) This section specifies that no provider of services under Title X of the PHS Act may be exempt from any state law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

(Sec. 209) This section prohibits funds provided by this division from being used for the Medicare Advantage program if HHS denies participation to an otherwise eligible entity because it will not provide, pay for, provide coverage of, or provide referrals for abortions.

(Sec. 210) This section prohibits funds provided by this title from being used to advocate or promote gun control.

(Sec. 211) This section limits the number of Public Health Service employees that may be assigned to assist in child survival activities and to work in AIDS programs through and with funds provided by the U.S. Agency for International Development, the United Nations International Children's Emergency Fund, or the World Health Organization.

(Sec. 212) This section permits HHS to exercise specified spending authorities to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during FY2023.

(Sec. 213) This section permits the NIH, jointly with the Office of AIDS Research, to transfer specified HIV research funds among NIH institutes and centers if Congress is notified in advance.

(Sec. 214) This section makes NIH funds for HIV research available to the Office of AIDS Research.

(Sec. 215) This section permits the NIH to use specified funds authorized under the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) for research on matters that have not received significant funding relative to other matters, to respond to new issues and scientific emergencies, and to act on high priority research opportunities.

It also (1) permits the NIH to utilize the peer review procedures that it determines are appropriate to obtain assessments of scientific and technical merit, and (2) specifies that the procedures apply to the transactions in lieu of certain peer review and advisory council review procedures that would otherwise be required under the PHS Act.

(Sec. 216) This section limits the funds that the NIH may use for the alteration, repair, or improvement of facilities.

(Sec. 217) This section transfers specified funds provided to the NIH for National Research Service Awards (NRSA) to (1) the Health Resources and Services Administration to make NRSA awards for research in primary medical care, and (2) to the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

(Sec. 218) This section permits the Biomedical Advanced Research and Development Authority (BARDA) to enter into multiyear contracts of up to 10 years for the purchase of research services or of security countermeasures, subject to specified requirements.

(Sec. 219) This section requires the HHS budget justifications to include specified details regarding federal employees and contractors involved in activities related to the Patient Protection and Affordable Care Act (PPACA).

(Sec. 220) This section requires HHS to include in the FY2024 budget specified details regarding (1) the uses of funds by the Centers for Medicare & Medicaid Services for health insurance exchanges for each year since the enactment of PPACA, and (2) the proposed uses of the funds for FY2024.



(Sec. 221) This section prohibits specified funds provided by this division from being used for payments relating to the risk corridors program established by PPACA.

(Sec. 222) This section transfers mandatory funds from the Prevention and Public Health Fund created by PPACA to the accounts and for the activities specified under the heading *Prevention and Public Health Fund* in the explanatory statement accompanying this division. It also prohibits HHS from further transferring the funds and specifies that the funds shall be made available without reference to certain existing authorizations of appropriations.

(Sec. 223) This section requires HHS to use the recommendations last issued before 2009 to administer any law referring to the current recommendations of the U.S. Preventive Services Task Force for breast cancer screening, mammography, and prevention. It also specifies that the requirement applies for the period beginning on November 1, 2015, and ending January 1, 2025.

(Sec. 224) This section requires the NIH, in making federal financial assistance, to continue to apply the provisions relating to indirect costs in specified regulations, including with respect to the approval of deviations from negotiated rates, as the NIH applied the provisions in the third quarter of FY2017.

It also prohibits the NIH from using funds provided by this division to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of the deviations from negotiated rates beyond the proportional effect of the approvals in the quarter.

(Sec. 225) This section permits the NIH to transfer funds specifically appropriated 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 after Congress is notified.

(Sec. 226) This section requires HHS to report to Congress on (1) monthly enrollment figures from exchanges established under PPACA, and (2) any new or competitive grant awards authorized under Section 330 of the PHS Act. (Section 330 authorizes grants for projects to plan and develop health centers which will serve medically underserved populations.)

(Sec. 227) This section permits HHS to transfer specified funds from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to the Centers for Medicare & Medicaid Services to support program management activity related to Medicare. It also prohibits the funds from being used to support any provision of PPACA.

(Sec. 228) This section requires HHS to submit a report to Congress regarding staffing.

(Sec. 229) This section permits appropriations for HHS salaries and expenses to be used for travel and related expenses of an employee or a family member to obtain medical care if (1) the employee is assigned to duty in the United States or in a U.S. territory at a location where there is a public health emergency, and (2) the medical condition cannot be adequately addressed in that location at that time.

(Sec. 230) This section permits HHS to accept donations from the private sector, nongovernmental organizations, and other groups independent of the federal government, for the care of unaccompanied alien children in the care of the Office of Refugee Resettlement of the Administration for Children and Families.

(Sec. 231) This section prohibits funds provided by this division from being obligated to a grantee or a contractor to house unaccompanied alien children in any facility that is not state-licensed for the care of unaccompanied alien children unless (1) housing unaccompanied alien children in such a facility is necessary on a temporary basis due to an influx of such children or an emergency; and (2) specified requirements, including monitoring requirements, are met.

(Sec. 232) This section establishes notification requirements regarding the use of unlicensed facilities to house unaccompanied alien children.

(Sec. 233) This section prohibits funds provided by this division from being used to prevent a Member of Congress from entering, for the purpose of conducting oversight, any U.S. facility used for maintaining custody of or otherwise housing unaccompanied alien children.

(Sec. 234) This section requires HHS to submit to Congress, and make publicly available online, monthly reports regarding children who were separated from their parents or legal guardians by the Department of Homeland Security, subsequently classified as unaccompanied alien children, and transferred to the care and custody of the Office of Refugee Resettlement during the previous month.

(Sec. 235) This section permits funds provided for the salaries and expenses of CDC employees to be used for the primary and secondary schooling of eligible dependents of certain personnel stationed in a U.S. territory. The costs may not exceed those paid or reimbursed by the Department of Defense.

(Sec. 236) This section rescinds specified unobligated funds from the HHS Nonrecurring Expenses Fund.

(Sec. 237) This section allows HHS to waive penalties and administrative requirements for certain grants provided under the Ryan White HIV/AIDS Program (Title XXVI of the PHS Act).

### TITLE III--DEPARTMENT OF EDUCATION

#### *Department of Education Appropriations Act, 2023*

This title provides appropriations for agencies and programs within the Department of Education (ED).

The title provides appropriations to ED for

- Education for the Disadvantaged,
- Impact Aid,

- School Improvement Programs,
- Indian Education,
- Innovation and Improvement,
- Safe Schools and Citizenship Education,
- English Language Acquisition,
- Special Education, and
- Rehabilitation Services.

The title provides appropriations for Special Institutions for Persons with Disabilities, including

- the American Printing House for the Blind,
- the National Technical Institute for the Deaf, and
- Gallaudet University.

The title provides appropriations to ED for

- Career, Technical, and Adult Education;
- Student Financial Assistance;
- Student Aid Administration;
- Higher Education;
- Howard University;
- the College Housing and Academic Facilities Loans Program;
- the Historically Black College and University Capital Financing Program Account; and
- the Institute of Education Sciences.

The title provides appropriations for Departmental Management, including

- Program Administration,
- the Office for Civil Rights, and
- the Office of Inspector General.

(Sec. 301) This section prohibits funds provided by this division from being used to prevent the implementation of programs of voluntary prayer and meditation in public schools.

(Sec. 302) This section permits ED to transfer certain funds between accounts, subject to specified restrictions and requirements.

(Sec. 303) This section permits funds provided by this division and consolidated for evaluation purposes under the Elementary and Secondary Education Act (ESEA) to be obligated from July 1, 2023, through September 30, 2024.

(Sec. 304) This section permits certain institutions of higher education to continue to use endowment income for student scholarships, subject to specified limits and requirements. This section applies until Titles III and V of the Higher Education Act of 1965 (HEA) are reauthorized.

(Sec. 305) This section extends through FY2023 the authorization of the National Advisory Committee on Institutional Quality and Integrity.

(Sec. 306) This section extends through FY2023 ED's authority to provide account maintenance fees to guaranty agencies for federal student loans.

(Sec. 307) This section permits funds provided by this division for Student Aid Administration to be used for payments for student loan servicing to an institution of higher education that services outstanding Federal Perkins Loans.

(Sec. 308) This section rescinds specified FY2023 funds from the Pell Grant program.

(Sec. 309) This section requires ED to use certain funds provided for Student Aid Administration to conduct specified outreach to borrowers who may intend to qualify for loan cancellation under the Public Service Loan Forgiveness Program to ensure that borrowers are meeting the terms and conditions of the loan cancellation.

(Sec. 310) This section allows up to 0.5% of the funds provided by this division for programs authorized under the HEA (except for the Pell Grant program) to be used to carry out independent evaluations and to collect and analyze outcome data for any program authorized by the HEA.

(Sec. 311) This section provides additional appropriations for Congressionally Directed Spending Items specified in a table included in the explanatory statement accompanying this division.

(Sec. 312) This section makes specified funds available for ED to provide support services to the Institute of Education Sciences.

(Sec. 313) This section repeals a provision of the Education Amendments Act of 1972 that restricts the use of appropriations for the transportation of students or teachers to overcome a racial imbalance in any school or school system or to carry out a plan of racial desegregation

(Sec. 314) This section rescinds specified unobligated funds that were provided for Student Financial Assistance.

#### TITLE IV--RELATED AGENCIES

This title provides appropriations for the Committee for Purchase From People Who Are Blind or Severely Disabled.

The title also provides appropriations to the Corporation for National and Community Service (CNCS) for

- Operating Expenses,
- Payment to the National Service Trust,
- Salaries and Expenses, and
- the Office of Inspector General.

(Sec. 401) This section requires the CNCS to make any significant changes to program requirements, service delivery, or policy through public notice and comment rulemaking.

It also prohibits CNCS employees from disclosing specified information during a grant selection process to any person other than an officer or employee of the CNCS that is authorized by the CNCS to receive the information.

(Sec. 402) This section sets forth minimum share requirements for AmeriCorps programs receiving grants under the National Service Trust program.

(Sec. 403) This section requires certain donations made to the CNCS to be used to supplement and not supplant current programs and operations.

(Sec. 404) This section requires certain education awards at GI bill-eligible institutions to be limited to veterans.

(Sec. 405) This section allows State Commissions on National and Community Service to receive criminal history record information and conduct required background checks for applicants under the terms of the National Child Protection Act of 1993.

(Sec. 406) This section permits the CNCS to provide a specified national service education award to an individual who successfully completes a term of service of at least 1,200 hours in a year.

(Sec. 407) This section modifies the eligibility requirements for transferring national service education awards to allow additional types of awards to be transferred under specified conditions.

The title provides appropriations for other related agencies, including

- the Corporation for Public Broadcasting,
- the Federal Mediation and Conciliation Service,
- the Federal Mine Safety and Health Review Commission,
- the Institute of Museum and Library Services,
- the Medicaid and CHIP Payment and Access Commission,
- the Medicare Payment Advisory Commission,
- the National Council on Disability,
- the National Labor Relations Board,
- the National Mediation Board, and
- the Occupational Safety and Health Review Commission.

(Sec. 408) This section prohibits the National Labor Relations Board from using funds to issue any new administrative directive or regulation that would provide employees any means of using electronic voting to determine a representative for the purposes of collective bargaining.

The title provides appropriations to the Railroad Retirement Board for

- the Dual Benefits Payments Account,
- Federal Payments to the Railroad Retirement Accounts,
- Administration, and
- the Office of Inspector General.

The title provides appropriations to the Social Security Administration (SSA) for

- Payments to Social Security Trust Funds,
- the Supplemental Security Income Program,
- Administrative Expenses, and
- the Office of Inspector General.

#### TITLE V--GENERAL PROVISIONS

(Sec. 501) This section permits Labor, HHS, and ED to transfer certain unexpended balances to accounts to be used for the same purposes as the original appropriation.

(Sec. 502) This section prohibits funds provided by this division from remaining available for obligation beyond the current fiscal year unless this division expressly provides otherwise.

(Sec. 503) This section prohibits funds provided by this division from being used for lobbying and related activities.

(Sec. 504) This section limits the official reception and representation expenses for specified departments and agencies.

(Sec. 505) This section requires grantees receiving federal funds provided by this division to clearly state specified details regarding the federal funding and nongovernmental funding sources in documents related to federally funded projects or programs.

(Sec. 506) This section prohibits funds provided by this division or in any trust fund which received funds in this division from being used for (1) abortions, or (2) health benefits coverage that includes coverage of abortion.

(Sec. 507) This section provides an exception to the prohibition on funding for abortions if (1) the pregnancy is the result of rape or incest; or (2) a woman suffers from a physical disorder, injury, or illness that would place the woman in danger of death unless an abortion is performed.

This section also prohibits funds provided by this division from being made available to a federal agency or program, or to a state or local government, if the agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

(Sec. 508) This section prohibits funds provided by this division from being used for certain research involving human embryos.

(Sec. 509) This section prohibits the use of funds provided by this division for promoting the legalization of any drug or other substance included in schedule I the Controlled Substances Act.

The section includes an exception if there is significant medical evidence of a therapeutic advantage to the use of the drug or federally sponsored clinical trials are being conducted to determine therapeutic advantage.

(Sec. 510) This section prohibits funds provided by this division from being used to promulgate or adopt any final standard 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 that specifically approves the standard.

(Sec. 511) This section prohibits funds provided by this division from being used to enter into or renew a contract with a contractor that has not submitted to Labor a required annual report concerning employment of certain veterans.

(Sec. 512) This section prohibits the transfer of funds provided by this division to any federal department, agency, or instrumentality, except pursuant to an appropriations act.

(Sec. 513) This section prohibits funds provided by this division from being used for libraries unless they are in compliance with the Children's Internet Protection Act.

(Sec. 514) This section sets forth requirements, procedures, and restrictions for the reprogramming of funds.

(Sec. 515) This section prohibits funds provided by this division from being used to (1) request that candidates for federal scientific advisory committees disclose their political affiliation, voting history, or positions on political issues not directly related to and necessary for the work of the committees; or (2) disseminate information that is deliberately false or misleading.

(Sec. 516) This section requires departments and agencies funded in this division to submit operating plans that detail any FY2023 funding allocations that are different than those specified in this division, the table included in the joint explanatory statement, or the FY2023 budget request.

(Sec. 517) This section requires Labor, HHS, and ED to report to Congress on the number and amounts of certain contracts, grants, and cooperative agreements awarded on a noncompetitive basis.

(Sec. 518) This section prohibits the SSA from processing earnings for work performed under a fraudulent Social Security number if the performance of the work has formed the basis of a conviction for violating specified provisions of the Social Security Act.

(Sec. 519) This section prohibits the SSA from using funds provided by this division to establish totalization arrangements between the U.S. Social Security system and the social security system of Mexico. (A totalization agreement coordinates the payment of Social Security taxes and benefits for workers who divide their careers between two countries.)

(Sec. 520) This section requires the computer networks of agencies funded by this division to block pornography, subject to an exception for law enforcement agencies or any other entities carrying out criminal investigations, prosecution, or adjudication activities.

(Sec. 521) This section sets forth reporting requirements for spending on conferences.

(Sec. 522) This section requires agencies funded by this division to clearly state within the text, audio, or video used for advertising or educational purposes, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense.

(Sec. 523) This section permits funds provided by this division to be used to carry out up to 10 Performance Partnership Pilots that are designed to improve outcomes for disconnected youth.

(Sec. 524) This section requires Labor, HHS, ED, and SSA to submit specified reports to Congress on the status of balances of appropriations.

(Sec. 525) This section requires Labor, HHS, and ED to submit to Congress a list of any new or competitive grant award notifications issued at the discretion of such departments at least three full business days before the recipient of the grant is announced. The section includes exceptions for (1) emergency response grants at any time of the year, and (2) grant awards made during the last 10 business days of the fiscal year or program year.

(Sec. 526) This section restricts the use of funds provided by this division to purchase sterile needles or syringes for the hypodermic injection of any illegal drug.

(Sec. 527) This section requires departments and agencies funded by this division to provide answers to questions submitted for the record by members of the congressional appropriations committees within 45 business days of receiving the questions.

(Sec. 528) This section prohibits specified amounts deposited in the CHIP Child Enrollment Contingency Fund and income derived from the investment of the funds from being obligated during the current fiscal year.

(Sec. 529) This section allows specified funds that are provided by this division for research, evaluation, or statistical purposes to remain available for obligation through FY2027.

#### DIVISION I--LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2023

##### *Legislative Branch Appropriations Act, 2023*

This division provides FY2023 appropriations for Congress and the agencies that serve Congress.

#### TITLE I--LEGISLATIVE BRANCH

This title provides appropriations to the Senate for

- Expense Allowances;
- Salaries for Officers and Employees;
- the Office of the Legislative Counsel of the Senate;
- the Office of Senate Legal Counsel;
- 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; and
- Contingent Expenses of the Senate.

(Sec. 101) This section requires amounts remaining in the Senators' Official Personnel and Office Expense Account to be used for deficit or debt reduction.

(Sec. 102) This section establishes the Sergeant at Arms Fellowships Fund and authorizes appropriations for congressional fellowship programs. The fund may be used to compensate fellows under (1) 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), and (2) the McCain-Mansfield Fellowship Program.

(Sec. 103) This section revises and extends funding authorities for certain Senate Democratic leadership offices.

This title provides appropriations to the House of Representatives for

- Salaries and Expenses,
- House Leadership Offices,
- Members' Representational Allowances,
- the Allowances for the Compensation of Interns,
- Committee Employees,
- Salaries for Officers and Employees,
- Allowances and Expenses, and
- the House of Representatives Modernization Initiatives Account.

(Sec. 110) This section requires amounts remaining in Members' Representational Allowances after all payments are made for FY2023 to be used for deficit or debt reduction.

(Sec. 111) This section prohibits funds provided by this division from being used to make payments from any Members' Representational Allowance to lease a vehicle, excluding mobile district offices, in an aggregate amount that exceeds \$1,000 for the vehicle in any month.

(Sec. 112) This section requires any federal entity that provides cybersecurity assistance to the House of Representatives to 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.

(Sec. 113) This section establishes the House Intern Resource Office. The duties of the office include (1) providing support services to House interns, (2) serving as a center for resources and best practices for the recruitment, hiring, training, and use of House interns; and (3) gathering demographic and other data about House interns.

The office must also consider (1) inequities in access to internships in offices of the House of Representatives, and (2) the viability of establishing an intern stipend program for interns from underrepresented backgrounds.

(Sec. 114) This section expands the House Student Loan Repayment program to include the payment of expenses for an employee's educational and professional development, including professional licensure and credentialing fees.

(Sec. 115) This section expands the House Services Revolving Fund to include funds received from (1) the operation of the House Dry Cleaning and Laundry Service; and (2) other activities related to the operation of services offered by the House of Representatives, as approved by the House Appropriations Committee.

The section also permits the Chief Administrative Officer to use the amounts in the fund upon notifying the House Appropriations Committee.

(Sec. 116) This section addresses the use of the House Child Care Center Revolving fund to pay the costs of training classes and conferences for individuals employed by the center.

(Sec. 117) This section permits certain House of Representatives appropriations for salaries and expenses to be used to provide child care services to improve the affordability of child care for lower income employees. The authority is subject to regulations promulgated by the House Administration Committee.

The title provides appropriations for Joint Items, including

- the Joint Economic Committee,
- the Joint Committee on Taxation,
- the Office of the Attending Physician, and
- the Office of Congressional Accessibility Services.

The title provides appropriations for

- the U.S. Capitol Police (USCP),
- the Office of Congressional Workplace Rights, and
- the Congressional Budget Office (CBO).

(Sec. 120) This section allows the USCP to accept unpaid religious chaplain services.

(Sec. 121) This section requires the USCP to (1) perform threat assessments for former Speakers of the House of Representatives, and (2) provide a protective detail to a former Speaker if it is warranted. The USCP may enter into a Memorandum of Understanding with relevant state and local law enforcement agencies, as needed, to carry out this section.

The title provides appropriations to the Architect of the Capitol (AOC) for

- Capital Construction and Operations;
- the Capitol Building;
- the Capitol Grounds;
- the Senate Office Buildings;
- the House Office Buildings;
- the Capitol Power Plant;
- the Library Buildings and Grounds;
- the Capitol Police Buildings, Grounds and Security;
- the Botanic Garden; and
- the Capitol Visitor Center.

(Sec. 130) This section prohibits funds provided by this division for the AOC from being used to make incentive or award payments to contractors for work that is behind schedule or over budget, unless the deviations are due to unforeseeable events, government-driven scope changes, or are insignificant within the overall scope of the project or program.

(Sec. 131) This section reauthorizes through FY2028 a program through which a Member of Congress may provide, at no cost, a Capitol-flown flag to commemorate a firefighter, law enforcement officer, or other public safety officer who died in the line of duty if an immediate family member of the deceased requests such a flag.

The title provides appropriations to the Library of Congress (LOC) for

- Salaries and Expenses,
- the Copyright Office,
- the Congressional Research Service, and
- the National Library Service for the Blind and Print Disabled.

(Sec. 140) This section limits the FY2023 obligational authority of the LOC for reimbursable and revolving fund activities funded from sources other than appropriations acts for the legislative branch.

(Sec. 141) This section permits the LOC to use appropriations for salaries and expenses to reimburse the Little Scholars Child Development Center for the salaries of the Executive Director and the Deputy Director of the center.

The title provides appropriations to the Government Publishing Office for

- Congressional Publishing,
- Public Information Programs of the Superintendent of Documents, and
- the Government Publishing Office Business Operations Revolving Fund.

The title provides appropriations to

- the Government Accountability Office,
- the Congressional Office for International Leadership Fund, and
- the John C. Stennis Center for Public Service Training and Development.

## TITLE II--GENERAL PROVISIONS

(Sec. 201) This section prohibits funds provided by this division from being used for the maintenance or care of private vehicles, except for emergency assistance and cleaning, as provided under regulations for the House and Senate parking facilities.

(Sec. 202) This section prohibits funds provided by this division from remaining available for obligation beyond FY2023 unless the authority is expressly provided in this division.

(Sec. 203) This section provides that (1) rates of compensation or designations of offices or positions included in this division that are either not established by the Legislative Pay Act of 1929 or are contrary to that act are considered permanent law, and (2) provisions in this

division for official congressional expenses and clerk hire for Senators and Members of the House of Representatives are permanent law.

(Sec. 204) This section limits contracts for certain consulting services to those where expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law or under an executive order issued under existing law.

(Sec. 205) This section permits legislative branch entities participating in the Legislative Branch Financial Managers Council to use funds provided for administrative expenses to pay a share of the cost of the council if the total cost shared among all participating entities does not exceed \$2,000.

(Sec. 206) This section prohibits funds provided by this division from being transferred to any department, agency, or instrumentality of the U.S. government unless the transfer is pursuant to authority provided by an appropriations act.

(Sec. 207) This section prohibits the AOC from using funds provided by this division to eliminate or restrict guided Capitol tours led by congressional employees and interns other than through regulations authorized by the Capitol Visitor Center Act of 2008, subject to an exception permitting tours to be suspended for security or related reasons.

(Sec. 208) This section prohibits funds provided by this division from being used to acquire telecommunications equipment produced by Huawei Technologies Company, ZTE Corporation for a high-impact or moderate-impact information system unless the agency, office, or entity acquiring the system meets certain requirements for reviews, assessments, reports, and mitigation strategies for risks.

(Sec. 209) This section prohibits funds provided by this division from being used for a computer network unless pornography is blocked, with the exception of law enforcement, prosecution, or adjudication activities.

(Sec. 210) This section requires agencies and offices funded by this division to confer and coordinate with their food service 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.

(Sec. 211) This section provides additional appropriations to the Office of the Attending Physician for the response to COVID-19, including testing.

#### DIVISION J--MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

##### *Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023*

This division provides FY2023 appropriations for military construction, the Department of Veterans Affairs, and related agencies.

#### TITLE I--DEPARTMENT OF DEFENSE

This title provides appropriations to the Department of Defense (DOD) for Military Construction for

- the Army;
- the Navy and Marine Corps;
- the Air Force;
- Defense-Wide agencies and activities (other than military departments);
- the Army and Air National Guard; and
- the Army, Navy, and Air Force Reserves.

The title also provides appropriations to DOD for the (1) North Atlantic Treaty Organization (NATO) Security Investment Program, and (2) the DOD Base Closure Account.

The title provides appropriations to DOD for Construction and Operation and Maintenance of Family Housing for

- the Army,
- the Navy and Marine Corps,
- the Air Force, and
- Defense-Wide agencies and activities (other than military departments).

The title provides appropriations to DOD for (1) the Family Housing Improvement Fund, and (2) the Military Unaccompanied Housing Improvement Fund.

(Sec. 101) This section prohibits funds provided by this title from being used for payments exceeding \$25,000 under a cost-plus-a-fixed-fee contract for construction in the United States without a specific DOD approval in writing. The section includes an exception for work that is to be performed in Alaska.

(Sec. 102) This section permits construction funds provided by this title to be used for hiring passenger motor vehicles.

(Sec. 103) This section permits construction funds provided by this title to be used for advances to the Federal Highway Administration for the construction of access roads DOD has certified as important to national defense.

(Sec. 104) This section prohibits funds provided by this title from being used to begin construction of new bases in the United States without a specific appropriation.

(Sec. 105) This section prohibits funds provided by this title from being used to purchase land or land easements in excess of 100% of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command. The section includes exceptions for (1) determinations of value by a federal court, (2) purchases negotiated by the Department of Justice, (3) values less than \$25,000, and (4) purchases that are otherwise determined by DOD to be in the public interest.

(Sec. 106) This section prohibits funds provided by this title from being used to acquire land, provide for site preparation, or install utilities for family housing, except housing for which appropriations have been provided.

(Sec. 107) This section prohibits funds provided by this title for minor construction from being used to transfer or relocate any activity from one base or installation to another without notifying Congress in advance.

(Sec. 108) This section prohibits funds provided by this title from being used to procure steel for construction unless American producers, fabricators, and manufacturers have been allowed to compete for the procurement.

(Sec. 109) This section prohibits funds provided to DOD for military construction or family housing during the current fiscal year from being used to pay real property taxes in any foreign nation.

(Sec. 110) This section prohibits funds provided by this title from being used to initiate a new installation overseas without notifying Congress in advance.

(Sec. 111) This section prohibits funds provided by this title from being used for architect and engineer contracts estimated to exceed \$500,000 for projects in Japan, NATO member countries, or countries bordering the Arabian Gulf unless the contracts are awarded to U.S. firms or U.S. firms in joint ventures with host nation firms.

(Sec. 112) This section prohibits funds provided by this title for military construction in U.S. territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, from being used to award a contract over \$1 million to a foreign contractor. The section also includes exceptions.

(Sec. 113) This section requires DOD to notify Congress in advance of the plans and scope of any proposed military exercise involving U.S. personnel if the construction costs are anticipated to exceed \$100,000.

(Sec. 114) This section permits funds appropriated to DOD for construction in prior years to be used for construction projects authorized during the current session of Congress.

(Sec. 115) This section permits expired or lapsed funds to be used to pay for supervision, inspection, overhead, engineering, and design costs for military construction or family housing projects being completed with lapsed or expired funds.

(Sec. 116) This section permits funds provided for the construction of military projects to be available for five years if the funds for the project (1) are obligated from funds available for military construction, and (2) do not exceed the amount appropriated or permitted by law for the project.

(Sec. 117) This section permits the following transfers if Congress is notified and specified conditions are met

- to the DOD Family Housing Improvement Fund from appropriations for construction in Family Housing accounts, and
- to the DOD Military Unaccompanied Housing Improvement Fund from appropriations for construction of military unaccompanied housing in Military Construction accounts.

The section also specifies that the transferred funds shall be available for DOD loans or loan guarantees pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(Sec. 118) This section permits the transfer of funds from the DOD Base Closure Account to the fund established to pay expenses associated with the Homeowners Assistance Program under the Demonstration Cities and Metropolitan Development Act of 1966.

(Sec. 119) This section specifies that funds for operation and maintenance of family housing in this title shall be the only source of funds for repair and maintenance of all family housing units, including general or flag officer quarters. It also sets forth limitations and requirements for expenditures for maintenance and repair of general or flag officer quarters.

(Sec. 120) This section appropriates funds contained in the Ford Island Improvement Account to remain available until expended or transferred.

(Sec. 121) This section permits the transfer of unobligated balances of expired military construction and family housing funds into the Foreign Currency Fluctuations--Construction--Defense account.

(Sec. 122) This section permits funds provided to an account in this title to be transferred among projects and activities within the account, subject to specified DOD reprogramming guidelines for military and family housing construction.

(Sec. 123) This section prohibits funds provided by this title from being used for the planning, design, and construction of projects at Arlington National Cemetery.

(Sec. 124) This section provides specified additional funds to remain available through FY2027 for unfunded military construction priorities.

(Sec. 125) This section requires specified military construction appropriations that are appropriated pursuant to authorizations in the National Defense Authorization Act for Fiscal Year 2023 to be immediately available and allotted to contract for the full scope of authorized projects.

(Sec. 126) This section permits specified funds to be obligated before October 1, 2024, for FY2017 and FY2018 military construction projects for which the project authorizations have not lapsed or for which authorizations were extended for FY2023 by a National Defense Authorization Act.

(Sec. 127) This section defines *congressional defense committees* to include the House and Senate Armed Services Committees and Appropriations Subcommittees on Military Construction and Veterans Affairs.



(Sec. 128) This section provides additional appropriations for planning and design, unspecified minor construction, and authorized major construction projects for construction improvements to DOD laboratory facilities

(Sec. 129) This section provides additional appropriations for planning and design, and unspecified minor construction, for improving military installation resilience.

(Sec. 130) This section provides additional appropriations to the Military Construction-- Air Force account for expenses incurred as a result of natural disasters.

(Sec. 131) This section provides additional appropriations to address cost increases identified subsequent to the FY2023 budget request for certain authorized major construction projects.

(Sec. 132) This section provides additional military construction appropriations to the Army, Navy and Marine Corps, and the Air Force for the planning and design, and authorized major construction projects, for child development centers.

(Sec. 133) This section provides additional appropriations to the Navy and Marine Corps 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.

(Sec. 134) This section provides additional appropriations to various military construction accounts to address cost increases for authorized major construction projects funded by this division.

(Sec. 135) This section provides additional appropriations to the Air National Guard for planning and design for construction at future foreign military training sites.

(Sec. 136) This section prohibits funds provided by this division from being used for the closure or realignment of the U.S. Naval Station, Guantanamo Bay, Cuba.

## TITLE II--DEPARTMENT OF VETERANS AFFAIRS

This title provides appropriations to the Department of Veterans Affairs (VA). The VA budget includes both discretionary spending and mandatory spending (i.e., appropriated entitlements).

The title provides appropriations to the Veterans Benefits Administration (VBA) for

- Compensation and Pensions,
- Readjustment Benefits,
- Veterans Insurance and Indemnities,
- the Veterans Housing Benefit Program Fund,
- the Vocational Rehabilitation Loans Program Account,
- the Native American Veteran Housing Loan Program Account, and
- General Operating Expenses.

The title provides appropriations to the Veterans Health Administration (VHA) for the

- Medical Services,
- Medical Community Care,
- Medical Support and Compliance,
- Medical Facilities, and
- Medical and Prosthetic Research.

The title provides appropriations to the National Cemetery Administration.

The title provides appropriations to the VA for Departmental Administration, including

- General Administration,
- the Board of Veterans Appeals,
- Information Technology Systems,
- the Veterans Electronic Health Record,
- the Office of Inspector General,
- Construction--Major Projects,
- Construction--Minor Projects,
- Grants for Construction of State Extended Care Facilities, and
- Grants for Construction of Veterans Cemeteries.

The title provides appropriations for the Cost of War Toxic Exposures Fund.

(Sec. 201) This section specifies transfer authorities and requirements for the VBA.

(Sec. 202) This section specifies transfer authorities and requirements for the VHA.

(Sec. 203) This section permits appropriations provided by this title for salaries and expenses to be used for employment of temporary or intermittent experts and consultants, hire of passenger vehicles, lease of a facility or land or both, and uniforms.

(Sec. 204) This section prohibits appropriations in this title other than Construction--Major Projects and Construction--Minor Projects funds from being used for land acquisition for or construction of any new hospital or home.

(Sec. 205) This section requires the VA to be reimbursed for medical services it provides to any person not defined as a beneficiary under specified laws.

(Sec. 206) This section permits appropriations provided by this title for Compensation and Pensions, Readjustment Benefits, and Veterans Insurance and Indemnities to be used for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of FY2022.

(Sec. 207) This section permits appropriations provided by this title to be used to pay specified prior year obligations. Obligations from trust fund accounts may only be paid from the Compensation and Pensions account.

(Sec. 208) This section requires the VA to use surplus earnings from the National Service Life Insurance Fund, the Veterans' Special Life Insurance Fund, and the United States Government Life Insurance Fund to reimburse the General Operating Expenses--Veterans Benefits Administration and Information Technology Systems accounts for the costs to administer the insurance programs.

(Sec. 209) This section permits 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 to remain available until expended.

(Sec. 210) This section permits funds provided by this title for salaries and other administrative expenses to be used to reimburse the following offices for services provided, subject to specified limits:

- 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.

(Sec. 211) This section requires the VA to collect third-party reimbursement information prior to providing hospital care, nursing home care, or medical services for certain non-service connected disabilities. It also permits the VA to recover reasonable charges for care from anyone who has not provided the required disclosures.

(Sec. 212) This section permits enhanced-use leasing revenues to be deposited into the Construction--Major Projects and Construction--Minor Projects accounts to be used for construction, alterations, and improvements of VA medical facilities.

(Sec. 213) This section permits funds provided for Medical Services to be used for (1) furnishing recreational facilities, supplies, and equipment; and (2) funeral and burial expenses for beneficiaries receiving care from the VA.

(Sec. 214) This section permits funds deposited in the Medical Care Collections Fund to be transferred to the Medical Services and Medical Community Care accounts and remain available until expended for the purposes of those accounts.

(Sec. 215) This section permits the VA to enter into agreements with Federally Qualified Health Centers in Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service to provide health care, including behavioral health and dental care, to veterans in rural Alaska. It defines *rural Alaska* as those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

(Sec. 216) This section permits funds deposited into the Department of Veterans Affairs Capital Asset Fund to be transferred to the Construction--Major Projects and Construction--Minor Projects accounts to remain available until expended.

(Sec. 217) This section requires the VA to report quarterly to Congress on the financial status of the VA.

(Sec. 218) This section permits specified FY2023 VA funds to be transferred to or from the Information Technology Systems account if the transfer is approved by Congress.

(Sec. 219) This section permits specified FY2023 VA funds provided for medical accounts, Construction--Minor Projects, and Information Technology Systems to be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund and used for the operation of combined federal medical facilities.

(Sec. 220) This section permits specified FY2024 VA advance funding provided for medical accounts to be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund and used for the operation of combined federal medical facilities.

(Sec. 221) This section permits transfers from the Medical Care Collections Fund to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for the operation of combined federal medical facilities.

(Sec. 222) This section requires specified funds from medical accounts to be transferred to the DOD-VA Health Care Sharing Incentive Fund to remain available until expended.

(Sec. 223) This section prohibits VA funds from being used to replace the current system that the Veterans Integrated Service Networks use to select and contract for diabetes monitoring supplies and equipment.

(Sec. 224) This section directs the VA to notify Congress of all bid savings in major construction projects that total at least \$5 million or 5% of the programmed amount of the project, whichever is less.

(Sec. 225) This section prohibits funds provided for the Construction--Major Projects account from being used to increase the scope of a project above the original budget request without congressional approval.

(Sec. 226) This section requires the VA to submit to Congress quarterly reports containing performance measures and data from each VBA regional office.

(Sec. 227) This section directs the VA to notify Congress before organizational changes that result in the transfer of 25 or more full-time equivalent staff from one organizational unit to another.

(Sec. 228) This section requires the VA to report to Congress quarterly regarding any single national outreach and awareness marketing campaign exceeding \$1 million.

(Sec. 229) This section permits the VA to transfer funds to the Medical Services account if the transfer is necessary to address the needs of the VHA, meets specified requirements, and is approved by the Office of Management and Budget and Congress.

(Sec. 230) This section permits FY2023 funds provided for the Board of Veterans Appeals and General Operating Expenses--Veterans Benefits Administration to be transferred between those accounts if Congress approves the transfer.

(Sec. 231) This section prohibits the VA from reprogramming more than \$7 million in funds among major construction projects or programs without congressional approval.

(Sec. 232) This section requires the VA to ensure that the toll-free suicide hotline authorized under current law (1) provides individuals who contact the hotline with immediate assistance from a trained professional, and (2) adheres to all requirements of the American Association of Suicidology.

It also prohibits funds provided by this division from being used to enforce or otherwise carry out any executive action that prohibits the VA from appointing an individual to occupy a vacant civil service position, or establishing a new civil service position, with respect to the hotline. Finally, the section requires the VA to study the effectiveness of the hotline based on an analysis of national suicide data and data collected from the hotline.

(Sec. 233) This section requires the VA to use the breast cancer screening guidelines issued on May 10, 2017, by the VHA National Center for Health Promotion and Disease Prevention.

(Sec. 234) This section permits VA Medical Services funds to 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. A *covered veteran* is a veteran who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(Sec. 235) This section prohibits the VA from using funds in a manner that is inconsistent with specified provisions under current law that restrict certain activities and studies related to the conversion of activities of an executive agency to contractor performance.

(Sec. 236) This section specifies that certain restrictions and requirements that apply to the use of funds to convert an activity of an executive agency to contractor performance do not apply to the conversion of an activity or function of the VHA, VBA, or National Cemetery Administration to contractor performance by a business concern that is at least 51% owned by one or more Indian Tribes or one or more Native Hawaiian Organizations.

(Sec. 237) This section requires the VA to discontinue using Social Security numbers to identify individuals in all VA information systems. The section includes an exception for Social Security numbers that are required to obtain information from an information system that is not under the jurisdiction of the VA.

(Sec. 238) This section applies to FY2023 and FY2024 VA Medical Services funds a requirement for the VA to treat a marriage and family therapist that meets specified educational and licensing requirements as qualified to serve as a VA therapist.

(Sec. 239) This section prohibits the VA from transferring funds from the Filipino Veterans Equity Compensation Fund to any other VA account.

(Sec. 240) This section permits FY2023 and FY2024 Medical Services funds to be used to carry out and expand the pilot program for providing child care assistance to veterans receiving health care.

(Sec. 241) This section prohibits the VA from using funds provided by this title to enter into an agreement related to resolving a dispute or claim with an individual that would restrict the individual from speaking to Members of Congress or their staff on any topic not otherwise prohibited from disclosure or required by federal law or required by executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

(Sec. 242) This section applies to FY2023 and FY2024 VA funds a requirement for certain details to be included in the budget justification documents submitted to Congress for the Construction--Major Projects account.

(Sec. 243) This section requires departments and agencies funded by this division to provide an Inspector General (IG) funded by this division with timely access to records, documents, or other materials available to the department or agency over which the IG has responsibility. It also requires each IG to comply with specified statutory limitations on disclosure of the information provided.

(Sec. 244) This section prohibits funds provided by this division from being used in a manner that would increase wait times for veterans seeking care at VA medical facilities.

(Sec. 245) This section prohibits VHA funds provided by this division from being used to convert any program which received specific purpose funds in FY2023 to a general purpose funded program unless Congress is notified in advance and approves the proposal.

(Sec. 246) This section applies to FY2023 and FY2024 VA funds a provision that specifies documentation that DOD may accept to verify that a coastwise merchant seaman performed active duty service under honorable conditions.

(Sec. 247) This section establishes restrictions and requirements regarding the use of VA funds for conducting certain research that uses any canine, feline, or non-human primate. Specifically, the section prohibits such research that does not meet specified requirements, establishes reporting requirements regarding the research, and requires the VA to implement a plan to reduce or eliminate the research.

(Sec. 248) This section permits the VA to use funds provided by this title to ensure that the ratio of veterans to full-time employment equivalents within any rehabilitation program does not exceed 125 veterans to one full-time employment equivalent. It also requires the VA to report to Congress on rehabilitation programs including (1) an assessment of the veteran-to-staff ratio for each program, and (2) recommendations to reduce the veteran-to-staff ratio for each program.

(Sec. 249) This section permits FY2023 and FY2024 funds provided for the Medical Community Care Account to be used for expenses that would otherwise be paid from the Veterans Choice Fund.

(Sec. 250) This section allows obligations and expenditures applicable to the Medical Services account in FY2017-FY2019 for aid to state homes to remain in the Medical Community Care account.

(Sec. 251) This section makes specified funds from the medical accounts available for gender-specific care and programmatic efforts to deliver care for women veterans.

(Sec. 252) This section allocates specified funds from the Recurring Expenses Transformational Fund for

- constructing, altering, extending, and improving VHA medical facilities;
- facilities improvements at existing VHA medical facilities; and
- deploying, upgrading, or installing infrastructure or equipment to support goals established in Executive Order 14057 (Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability).

(Sec. 253) This section requires the VA to report quarterly to Congress on the status of the Veterans Medical Care and Health Fund, which was established to implement a provision of the Americana Rescue Plan Act of 2021 that provided additional funding for VA medical and health care programs.

(Sec. 254) This section permits certain contributions from other federal agencies to VA nonprofit corporations for the purpose of carrying out an order placed with the VA to remain available for the liquidation of valid obligations incurred by the corporation during the period of performance of the order.

(Sec. 255) This section rescinds specified unobligated balances from several VA accounts.

(Sec. 256) This section prohibits funds from being used to close certain VA medical facilities, conduct an environmental assessment, or diminish services at certain existing VA medical facilities as part of a planned realignment of VA services until the VA submits a report to Congress with specified details regarding the planned realignment of services.

(Sec. 257) This section rescinds specified unobligated balances from the Recurring Expenses Transformational Fund.

(Sec. 258) This section permits unobligated balances from the VA construction accounts to be used to support construction projects under the Communities Helping Invest through Property and Improvements Needed for Veterans Act of 2016, which authorized the VA to accept donations of real property and facilities from certain nonfederal entities.

#### TITLE III--RELATED AGENCIES

This title provides appropriations for related agencies, including

- the American Battle Monuments Commission;
- the U.S. Court of Appeals for Veterans Claims;
- Cemeterial Expenses of the Army, including Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery; and
- the Armed Forces Retirement Home.

(Sec. 301) This section permits funds from concessions at Army National Military Cemeteries to be used to support activities at the cemeteries.

#### TITLE IV--GENERAL PROVISIONS

(Sec. 401) This section prohibits the obligation of funds in this division beyond the current fiscal year unless the obligation is expressly permitted in this division.

(Sec. 402) This section prohibits funds provided by this division from being used for programs, projects, or activities not in compliance with federal laws related to risk assessment, the protection of private property rights, or unfunded mandates.

(Sec. 403) This section encourages all departments and agencies funded in this division to expand their use of e-commerce technologies and procedures in the conduct of their business practices and public service activities.

(Sec. 404) This section specifies the congressional committees that are to receive all reports and notifications required by this division.

(Sec. 405) This section prohibits funds provided by this division from being transferred to any part of the U.S. government without authority provided by an appropriations act.

(Sec. 406) This section prohibits funds provided by this division from being used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the House of Representatives.

(Sec. 407) This section requires agencies to post reports submitted to Congress on the public website of the agency. Exceptions are included for national security and confidential or proprietary information.

(Sec. 408) This section prohibits the use of funds provided by this division for a computer network unless pornography is blocked, with the exception of law enforcement, prosecution, or adjudication activities.

(Sec. 409) This section prohibits the use of funds provided by this division for first-class travel by an employee of the executive branch in contravention of specified federal regulations.

(Sec. 410) This section prohibits the use of funds provided by this division for any contract where the contractor has not complied with E-Verify requirements for verification of eligibility for employment.

(Sec. 411) This section prohibits the use of funds provided by this division to construct facilities on military installations that do not meet resiliency standards.

(Sec. 412) This section prohibits the use of funds provided by this division for the renovation, expansion, or construction of any facility in the United States to house certain individuals detained at the U.S. Naval Station at Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of DOD. An exception is included for modifications to the facility at Guantanamo Bay.

#### DIVISION K--DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2023

##### *Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023*

This division provides FY2023 appropriations for diplomatic and international assistance programs, including the Department of State, the U.S. Agency for International Development, and related agencies and programs.

#### TITLE I--DEPARTMENT OF STATE AND RELATED AGENCY

This title provides appropriations to the Department of State for the Administration of Foreign Affairs, including

- Diplomatic Programs;
- the Capital Investment Fund;
- the Office of Inspector General;
- Educational and Cultural Exchange Programs;
- Representation Expenses;
- Protection of Foreign Missions and Officials;
- Embassy Security, Construction, and Maintenance;
- Emergencies in the Diplomatic and Consular Service;
- the Repatriation Loans Program Account;
- Payment to the American Institute in Taiwan;
- the International Center, Washington, District of Columbia; and
- Payment to the Foreign Service Retirement and Disability Fund.

The title provides appropriations for International Organizations for (1) Contributions to International Organizations, and (2) Contributions for International Peacekeeping Activities.

The title provides appropriations for International Commissions, including

- the International Boundary and Water Commission, United States and Mexico;
- Salaries and Expenses;
- Construction;
- American Sections, International Commissions; and
- International Fisheries Commissions.

The title provides appropriations to the U.S. Agency for Global Media for (1) International Broadcasting Operations, and (2) Broadcasting Capital Improvements.

The title provides appropriations for Related Programs, including

- the Asia Foundation,
- the U.S. Institute of Peace,
- the Center for Middle Eastern-Western Dialogue Trust Fund,
- the Eisenhower Exchange Fellowship Program,
- the Israeli Arab Scholarship Program,
- the East-West Center, and
- the National Endowment for Democracy.

The title provides appropriations for Other Commissions, including

- the Commission for the Preservation of America's Heritage Abroad,
- the U.S. Commission on International Religious Freedom,
- the Commission on Security and Cooperation in Europe,
- the Congressional-Executive Commission on the People's Republic of China, and
- the United States-China Economic and Security Review Commission.



(Sec. 7001) This section permits funds provided by Title I of this division to be used for allowances and differentials, the employment of temporary or intermittent experts and consultants, and for hire of passenger transportation.

(Sec. 7002) This section requires agencies funded by this division to submit to Congress reports on unobligated balances.

(Sec. 7003) This section limits expenditures for consulting services to contracts where the expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under an existing executive order issued pursuant to existing law.

(Sec. 7004) This section sets forth various requirements, authorities, and restrictions regarding funds provided for construction, security, and maintenance for diplomatic facilities.

(Sec. 7005) This section requires costs incurred by departments or agencies funded in Title I of this division due to personnel actions in response to funding reductions included in this division to be absorbed within the resources available under Title I. It also permits the transfer of funds between accounts to comply with this section, subject to reprogramming procedures.

(Sec. 7006) This section prohibits funds provided by this division from being used for publicity or propaganda purposes within the United States that were not authorized before the enactment of this act. It also permits the USAID to use specified funds to provide assistance to private and voluntary organizations engaged in facilitating public discussion of world hunger and other related issues.

(Sec. 7007) This section prohibits the use of funds provided by Titles III through VI of this division to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria. The prohibition includes direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents.

(Sec. 7008) This section prohibits the use of funds provided by Titles III through VI of this division to finance directly any assistance to the government of a country whose duly elected head of government is deposed by a military or military-supported coup or decree. It includes exceptions if a democratically elected government has taken office and for assistance to promote democratic elections.

(Sec. 7009) This section sets forth limitations, conditions, and reporting requirements for the transfer of funds between appropriations accounts and agencies.

(Sec. 7010) This section restricts the use of funds provided by this division for

- first- class travel by employees of agencies funded by this division,
- certain computer networks that do not block access to sexually explicit websites,
- promoting the sale or export of tobacco or tobacco products,
- email servers that are outside of the .gov domain, and
- representation and entertainment expenses.

(Sec. 7011) This section prohibits funds provided by this division from remaining available for obligation beyond the current fiscal year unless the authority is expressly provided in this division, subject to specified exceptions.

(Sec. 7012) This section prohibits funds provided by Titles III through VI of this division from being used for assistance to the government of any country in default in excess of a year on payments on a U.S. loan unless the President determines the assistance is in the U.S. national interest.

(Sec. 7013) This section prohibits funds provided by Titles III through VI of this division from being used to provide assistance to a country under a new bilateral agreement unless the assistance is exempt from taxation, or is reimbursed, by the foreign government unless the State Department makes certain determinations regarding U.S. foreign policy interests. The section includes an exception for de minimis taxes.

The section requires funds that are withheld pursuant to this section to be reprogrammed for assistance for countries that (1) do not assess taxes on U.S. assistance or that have an arrangement to provide substantial reimbursement of such taxes, and (2) can reasonably accommodate the assistance in a programmatically responsible manner.

(Sec. 7014) This section permits specifically designated appropriations provided by Titles III through VI of this division to be reprogrammed for other programs within the same account if compliance with the designation is made impossible due to a provision in this or any other act. It also extends the availability of program-specific appropriations for one fiscal year if the State Department or the USAID reports to Congress that the termination of assistance to a country or a change in circumstances makes it unlikely that funds can be used during the original period of availability.

The section provides that (1) ceilings and specific funding levels included in this division are not applicable to funds provided by subsequent bills, and (2) specific funding levels or minimum funding requirements contained in other acts are not applicable to funds provided by this division.

(Sec. 7015) This section sets forth congressional notification requirements and procedures regarding the use, reprogramming, transfer, or withholding of funds provided by this division.

(Sec. 7016) This section prohibits funds provided by Titles III through VI of this division from being made available to a nongovernmental organization, including a contractor, who fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the State Department or USAID.

This section also establishes requirements regarding the public posting of reports, federal records management, and cybersecurity protections.

(Sec. 7017) This section requires the head of the relevant agency to notify Congress if the President decides not to comply with any provision of this division based on constitutional grounds. The notification must include (1) the basis for the determination, and (2) any resulting program and policy changes.

(Sec. 7018) This section prohibits funds provided to carry out Part I of the Foreign Assistance Act of 1961 from being used for abortions and involuntary sterilization.

(Sec. 7019) This section requires funds provided by this division to be made available for programs and countries in the amounts contained in the tables in the explanatory statement regarding this division. The section permits certain deviations from the amounts and specifies requirements and restrictions for the deviations.

(Sec. 7020) This section prohibits funds provided by this division from being used to make any pledge for future year funding for multilateral or bilateral programs funded in Titles III through VI unless the pledge was justified in a congressional budget justification, the pledge was included in an appropriations act, and congressional notification or consultation requirements have been met.

(Sec. 7021) This section prohibits specified funds from being used for assistance to governments that support international terrorism.

(Sec. 7022) This section permits funds provided by this division for the U.S. Trade and Development Agency to be spent, notwithstanding specified provisions that prohibit the obligation of funds for certain foreign assistance, intelligence, and broadcasting activities without a specific authorization of appropriations.

(Sec. 7023) This section defines the terms *program*, *project*, and *activity* for the purposes of this division.

(Sec. 7024) This section provides authority for activities of the Peace Corps, the Inter-American Foundation, and the U.S. African Development Foundation that are authorized by or conducted under specified statutes.

(Sec. 7025) This section prohibits specified funds provided by this division from being used for activities related to establishing or expanding the production of any commodity for export by foreign countries if the commodity is likely to be in surplus on world markets and if the assistance will cause substantial injury to U.S. producers of the same, similar, or competing commodity, subject to specified exceptions.

Specified funds provided by this division may not be used 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. Several specified activities, such as activities related to increasing food security or research, are exempt from this restriction.

Treasury must instruct the U.S. executive directors of the international financial institutions to oppose assistance 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.

(Sec. 7026) This section directs the USAID to require countries that receive foreign assistance that results in the generation of local currencies or cash transfers to maintain the funds in separate accounts used to finance foreign assistance activities. It also sets forth conditions and restrictions for the use of the funds.

(Sec. 7027) This section specifies that restrictions on assistance for a country included in this or any other act should not be construed to restrict assistance (1) in support of certain programs of nongovernmental organizations, and (2) under the Food for Peace Act.

It also provides that this provision does not alter prohibitions against funding for abortions, involuntary sterilizations, and countries that support international terrorism or violate human rights.

(Sec. 7028) This section provides that funds provided by this division for Development Assistance shall be made available (1) for USAID program and activities to address the needs and protect and promote the rights of people with disabilities in developing countries, and (2) to support disability rights advocacy organizations in developing countries.

(Sec. 7029) This section requires the Department of the Treasury to instruct the U.S. executive director of certain international financial institutions to seek to require the institutions to meet specified requirements regarding

- evaluations and reports on the effectiveness of loans, grants, and other activities;
- human rights;
- fraud and corruption;
- beneficial ownership information;
- whistle-blower protections; and
- grievance mechanisms and procedures.

Treasury must direct the U.S. executive directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan, grant, policy, or strategy if the institution has adopted and is implementing any social or environmental safeguard relevant to the loan, grant, policy, or strategy that provides less protection than specified World Bank safeguards.

Treasury must instruct the U.S. executive directors of financial institutions to vote against loans or financing for projects unless the projects

- meet requirements for accountability and transparency;
- will be developed and carried out in accordance with best practices regarding environmental conservation, cultural protection, and empowerment of local populations;
- do not provide incentives for, or facilitate, forced displacement; and
- do not partner with or otherwise involve enterprises owned or controlled by the armed forces.



Funds provided under Title V of this division may not be used for international financial institutions while the U.S. executive director is compensated above specified levels.

Funds provided by this division may not be used to support a new capital increase for an international financial institution unless the President submits a budget request for the increase and reports to Congress 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 the challenges, 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 the institution have approved the capital increase.

(Sec. 7030) This section specifies that funds provided by this division shall be made available for specified programs related to technology security, including the Digital Connectivity and Cybersecurity Partnership.

This section also establishes requirements for allocating funds from the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America International Technology Security and Innovation Fund for FY2023.

(Sec. 7031) This section requires direct government-to-government assistance to be limited to recipient agencies and ministries that meet specified requirements regarding financial management, budget transparency, corruption, foreign terrorist organizations, and human rights violations.

The section also sets forth congressional reporting, notification, consultation requirements regarding government-to-government assistance.

The State Department or USAID must suspend direct government-to-government assistance if there is credible information of the material misuse of the assistance, unless it is in the national interest to continue the assistance or the misuse has been appropriately addressed.

None of the funds provided by this division may be used by foreign countries for debt service payments to any international financial institution.

The State Department must continue to update and strengthen the minimum requirements of fiscal transparency for each government receiving assistance provided by this division.

Officials of foreign governments and their immediate family members who have been involved in significant corruption or a gross violation of human rights are ineligible for entry into the United States, subject to specified exceptions and waivers.

Specified funds provided by this division shall be made available to

- improve budget transparency and to support civil society organizations in such countries that promote budget transparency, and
- promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources.

Treasury must inform international financial institutions of the U.S. policy of voting against assistance to countries for the extraction and export of natural resources unless certain requirements regarding public disclosures, accounting, and auditing are met.

(Sec. 7032) This section provides specified funds for democracy programs and specifies requirements for the allocation of the funds.

(Sec. 7033) This section provides appropriations for specified programs related to promoting international religious freedom.

(Sec. 7034) Specified funds provided by this division may be used for

- victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking;
- the World Food Program;
- genocide victims memorial sites;
- grants regarding the application of science and technology to foreign policy;
- innovation incentive awards to encourage solutions related to the alleviation of poverty;
- the Development Innovation Ventures program;
- an institute for transatlantic engagement (if legislation establishing such an institute is enacted);
- contracting for personal services by employing certain individuals domestically;
- providing protective services to certain former or retired senior State Department employees of officials;
- contingencies; and
- loan guarantees for Egypt, Jordan, Small Island Developing States, Tunisia, and Ukraine.

Specified funds provided by this division may not be used for modifying the Exchange Visitor Program except through a formal rulemaking process.

Specified funds provided by this division shall be used for

- forensic anthropology assistance relating to the exhumation of mass graves and identification of victims of war crimes and crimes against humanity;
- DNA forensic technology programs to combat human trafficking in Central America and Mexico;
- collecting of feedback obtained directly from beneficiaries to enhance the quality and relevance of assistance;
- the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union;
- payments to certain employees, former employees, and their dependents for qualifying brain injuries that occurred during an assignment to certain duty stations; and
- the USAID Local Works program.

The State Department must withhold specified funds 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.

The State Department must consult with Congress 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 State Department may transfer specified unobligated funds provided for Diplomatic Programs to the Protection of Foreign Missions and Officials account.

The section extends requirements for implementing provisions of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 that require the State Department to suspend the issuance of A-3 and G-5 visas to applicants seeking to work for diplomatic missions or international organizations that have not met certain requirements for resolving human trafficking claims against the employer or a family member assigned to the mission or organization.

The section extends restrictions on providing incentives or assistance for activities that have certain negative impacts on jobs in the United States or contribute to violations of internationally recognized workers' rights.

This section also extends or provides authorities related to

- the special immigrant visa program for certain Afghan nationals who worked for or on behalf of the U.S. government;
- incentives for critical posts;
- transferring certain funds to the Consular and Border Security programs account;
- certain refugee set-asides for nationals of specified countries;
- lawful permanent resident status eligibility for certain aliens from specified countries;
- limiting competition for certain USAID procurement contracts to local entities;
- competitive status for employees of the Special Inspector General for Afghanistan Reconstruction; and
- loan guarantees for Israel.

Funds available in the HIV/AIDS Working Capital Fund may be used 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.

This section allows the State Department, in consultation with the Office of the Director National Intelligence, to waive provisions that prohibit federal agencies from procuring certain telecommunications equipment or services (e.g., equipment produced by Huawei Technologies Company or ZTE Corporation).

(Sec. 7035) Funds provided by Titles III and IV of this division may be used 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.

Specified funds provided by this division shall be made available for

- combat casualty training and equipment,
- training related to international humanitarian law, and
- assistance to eliminate inhumane conditions in foreign prisons and other detention facilities.

Specified funds may be made available for programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations.

In providing assistance with funds provided under the Foreign Assistance Act of 1961, support for a nation emerging from instability includes support for a regional, district, municipal, or other sub-national entity emerging from instability.

Financing may be provided to Israel, Egypt, the North Atlantic Treaty Organization (NATO), and major non-NATO allies for commercial leasing of certain defense articles from U.S. commercial suppliers, if the President determines that there are compelling foreign policy or national security reasons for providing the articles by commercial lease rather than by government-to-government sale.

Specified funds may be obligated for the purposes of the Special Defense Acquisition Fund, including the provision of defense articles and defense services to foreign countries or international organizations.

This section specifies disclosure and reporting requirements related to

- security assistance,
- foreign military training, and
- implementation of the U.S. policy regarding anti-personnel landmines.

Funds provided by this division may not be used for

- certain crowd control items for foreign security forces that use excessive force to repress peaceful expression, association, or assembly in countries undergoing democratic transition; or
- supporting military training or operations that include child soldiers.

Demining equipment available to the State Department or the USAID and used for the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries.

No military assistance may be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology may be sold or transferred, unless specified conditions are met.

(Sec. 7036) This section provides appropriations for the Marla Ruzicka Fund for Innocent Victims of Conflict.

(Sec. 7037) This section establishes limitations on the use of funds provided under Titles III through VI of this division to support a Palestinian state.

(Sec. 7038) This section prohibits funds provided by this division from being used for assistance to the Palestinian Broadcasting Corporation.

(Sec. 7039) This section sets forth restrictions and requirements for assistance provided for the West Bank and Gaza.

(Sec. 7040) This section restricts the use of specified funds provided by this division for assistance to the Palestinian Authority or Hamas.

(Sec. 7041) This section sets forth limitations, directives, and authorities for funds provided for diplomatic and development activities in the Middle East and North Africa, including

- Egypt,
- Iran,
- Iraq,
- Israel
- Jordan,
- Lebanon,
- Libya,
- Morocco,
- Saudi Arabia,
- Syria,
- Tunisia, and
- the West Bank and Gaza.

(Sec. 7042) This section sets forth limitations, directives, and authorities for funds provided for diplomatic and development activities in Africa, including

- the African Great Lakes region,
- the Central African Republic,
- areas affected by the Lord's Resistance Army,
- Democratic Republic of the Congo,
- Ethiopia,
- Malawi,
- South Sudan,
- Sudan, and
- Zimbabwe.

(Sec. 7043) This section sets forth limitations, directives, and authorities for funds provided for diplomatic and development activities in East Asia and the Pacific, including

- Burma (Myanmar),
- Cambodia,
- the implementation of the Indo-Pacific Strategy and the Asia Reassurance Initiative Act of 2018,
- Laos,
- North Korea,
- Pacific Island Countries,
- the People's Republic of China,
- the Philippines,
- Taiwan,
- Tibet, and
- Vietnam.

(Sec. 7044) This section sets forth limitations, directives, and authorities for funds provided for diplomatic and development activities and programs in South and Central Asia, including

- Afghanistan,
- Bangladesh,
- Nepal,
- Pakistan,
- Sri Lanka, and
- Regional Programs.

(Sec. 7045) This section sets forth limitations, directives, and authorities for funds provided for diplomatic and development activities and programs in Latin America and the Caribbean, including

- Central America;
- Colombia;
- Haiti;



(Sec. 7053) This section withholds specified assistance from foreign countries with unpaid property taxes or parking fines and penalties in the District of Columbia or New York City.

(Sec. 7054) This section extends certain terms and conditions regarding International Monetary Fund (IMF) transparency, accountability, and lending to this division. It also directs Treasury to instruct the U.S. Executive Director of the IMF to ensure that any loan will be repaid to the IMF before other private or multilateral creditors.

(Sec. 7055) This section prohibits the use of certain funds provided by this division to assist the governments of certain countries that have refused to extradite to the United States any individual indicted for (1) a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole, or (2) killing a law enforcement officer. The State Department may waive this restriction based on the national interest.

(Sec. 7056) This section prohibits funds provided by Titles III through VI of this division from being used for Enterprise Funds unless Congress is notified in advance. It also establishes reporting requirements related to Enterprise Funds.

(Sec. 7057) This section provides appropriations for the U.N. Population Fund and specifies requirements and restrictions for the funds.

(Sec. 7058) Funds provided by this division for bilateral assistance for child survival activities or disease programs, including activities relating to 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.

The section also

- specifies funds that should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species;
- provides specified funds for responding to pandemics and other infectious disease outbreaks; and
- prohibits funds provided by this division from being made available to the Wuhan Institute of Virology in China.

(Sec. 7059) This section makes specified funds available for programs and activities related to

- gender equality;
- women's economic empowerment,
- women's leadership;
- gender-based violence;
- empowering women as equal partners in conflict prevention, peace building, transitional processes, and reconstruction efforts in countries affected by conflict or in political transition; and
- ensuring the equitable provision of relief and recovery assistance to women and girls.

(Sec. 7060) This section allocates specified funds for

- basic and higher education;
- development programs;
- food security and agricultural development;
- micro, small, and medium-sized enterprises;
- programs to combat trafficking in persons;
- reconciliation programs, and
- water and sanitation.

(Sec. 7061) This section establishes authorities, requirements, and restrictions regarding the use of funds provided by this division to support environment programs.

(Sec. 7062) This section sets forth requirements for operating plans, spending plans, spending reports, and congressional budget justifications for agencies funded by this division.

(Sec. 7063) This section establishes consultation and notification requirements regarding a reorganization, a redesign, and other specified plans for agencies funded by this division.

(Sec. 7064) This section specifies that funds from the Working Capital Fund that are made available for new service centers are subject to congressional notification procedures.

The section requires the State Department to certify that certain bureaus and offices are in compliance with department and federal financial and grants management policies, procedures, and regulations. If the State Department is unable to make a required certification, it must also submit a plan and time line for bringing the bureau or office into compliance.

Finally, the section prohibits specified funds from being used for a new major information technology investment without the concurrence of the State Department's Chief Information Officer.

(Sec. 7065) This section permits the USAID to use specified funds provided by this division for

- hiring individuals in the United States and overseas on a limited appointment basis, subject to specified terms and conditions;
- the costs for individuals detailed to or employed by USAID to respond to disasters;
- appointing and employing personnel in the excepted service to prevent or respond to foreign crises and contexts with growing instability; and

- hiring personal services contractors in the United States to support new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained.

The section also

- permits extensions of up to four years for limited-appointment Foreign Service personnel,
- permits the USAID to provide exceptions to the fair opportunity process for placing task orders under multiple award indefinite-quantity contracts when the order is placed with a small or small disadvantaged business, and
- continues the authority for the USAID to appoint into the Senior Foreign Service and employ up to 10 individuals for programs in Afghanistan or Pakistan.

(Sec. 7066) This section provides appropriations for program and activities related to stabilization and development in regions impacted by extremism and conflict, including

- the Prevention and Stabilization Fund;
- programs to promote accountability for genocide, crimes against humanity, and war crimes; and
- the Global Community Engagement and Resilience Fund.

(Sec. 7067) This section permits nongovernmental organizations that are USAID grantees or contractors to place local currencies that accrue to the organization as a result of economic assistance provided by Title III of this division in interest bearing accounts in order to enhance the organization's participation in debt-for-development and debt-for-nature exchanges.

(Sec. 7068) This section extends certain passport surcharges and the authority for the State Department to use passport and immigration visa surcharges for the costs of providing consular services.

The section also permits the State Department to (1) transfer certain funds provided by this division for the Administration of Foreign Affairs to the Consular and Border Security Programs account if the transfer is necessary to sustain consular operations, and (2) use fees deposited into the Fraud Prevention and Detection Account for the costs of providing consular services.

(Sec. 7069) This section allows the Environmental Protection Agency to transfer specified funds to the International Boundary and Water Commission to support the construction of treatment works to (1) protect residents in the U.S.-Mexico border region from water pollution resulting from international transboundary water flows originating in Mexico and any inadequacies or breakdowns of treatment works in Mexico; and (2) provide treatment for the flows and water pollution.

This section also (1) permits the commission to enter into an agreement with the United States and Mexico for the operation and maintenance by the commission of any new treatment works, and (2) specifies requirements for the agreement.

(Sec. 7070) This section allows the President to waive restrictions on funding U.N. agencies that allow the Palestinians or any organization that does not have the internationally recognized attributes of statehood the same standing as member states. The section permits such a waiver with respect to the United Nations Educational, Scientific and Cultural Organization if the President determines and reports to Congress that the waiver would enable the United States to counter Chinese influence or to promote other national interests of the United States.

(Sec. 7071) This section requires the State Department to instruct the U.S. representative to the Organization of American States (OAS) to use the voice and vote of the United States to

- implement budgetary reforms and efficiencies within the organization;
- eliminate arrears, increase other donor contributions, and impose penalties for successive late payment of assessments;
- prevent programmatic and organizational redundancies and consolidate duplicative activities and functions;
- prioritize areas in which the OAS has expertise; and
- implement reforms within the Office of the Inspector General.

Before obligating funds provided by this division for an assessed contribution to the OAS, the State Department must report to Congress on actions taken or planned with respect to these requirements.

(Sec. 7072) This section authorizes specified U.S. contributions to the International Development Association and the Asian Development Bank, subject to obtaining the necessary appropriations.

(Sec. 7073) This section establishes an exception to the prohibition on cooperation with the International Criminal Court for certain investigations and prosecutions of foreign persons for crimes related to the situation in Ukraine.

(Sec. 7074) This section rescinds specified unobligated funds from various State Department accounts.

**DIVISION L--TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023**

*Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023*

This division provides FY2023 appropriations for the Department of Transportation (DOT), the Department of Housing and Urban Development (HUD), and several related agencies.

The division includes both discretionary and mandatory funding. The HUD budget is primarily discretionary spending, and most of the DOT budget is mandatory spending, in the form of contract authority from the Highway Trust Fund.

**TITLE I--DEPARTMENT OF TRANSPORTATION**

*Department of Transportation Appropriations Act, 2023*

This title provides FY2023 appropriations for the Department of Transportation (DOT).

The title provides appropriations for the Office of the Secretary, including

- Salaries and Expenses;
- Research and Technology;
- National Infrastructure Investments (also known as RAISE grants);
- the Thriving Communities Initiative;
- the National Surface Transportation and Innovative Finance Bureau;
- the Railroad Rehabilitation and Improvement Financing Program;
- Financial Management Capital;
- Cyber Security Initiatives;
- the Office of Civil Rights;
- Transportation Planning, Research, and Development;
- the Working Capital Fund;
- Small and Disadvantaged Business Utilization and Outreach; and
- Payments to Air Carriers.

(Sec. 101) This section prohibits DOT from approving assessments or reimbursable agreements pertaining to funds appropriated to the operating administrations in this division except for activities underway on the date of enactment, unless the reprogramming process has been completed.

(Sec. 102) This section requires DOT to (1) post on its website the schedule and agenda for all meetings of the Council on Credit and Finance, and (2) direct the council to record the decisions and actions of each meeting.

(Sec. 103) This section permits DOT to use the Working Capital Fund to provide payments in advance and accept subsequent reimbursements from all federal agencies for transit benefit distribution services that are necessary to carry out the federal transit pass transportation fringe benefit program.

DOT must maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to government employees. The reserve may not exceed one month of benefits and may be used only for transit benefits.

(Sec. 104) This section permits certain receipts collected in the Working Capital Fund from unused transit and van pool benefits to be used to provide contractual services to support certain modifications to the transit benefit program, including setting uniform standards for developing and supporting agency transit passes and benefits.

(Sec. 105) This section prohibits funds provided by this title from being used for retention or senior executive bonuses for DOT employees without the prior written approval of the Assistant Secretary for Administration.

(Sec. 106) This section permits the Working Capital Fund to (1) transfer information technology equipment, software, and systems from departmental sources or other entities into the fund; and (2) collect and maintain a reserve at rates which will return the full cost of the transferred assets.

(Sec. 107) This section requires DOT to notify Congress prior to providing credit assistance under the Transportation Finance and Innovation Act (TIFIA) program, which provides credit to finance surface transportation projects of national and regional significance.

(Sec. 108) This section provides appropriations for the Volpe National Transportation Systems Center.

(Sec. 109) This section extends the availability of specified funds that were provided by the Continuing Appropriations Act, 2023 for the National Infrastructure Investments program (RAISE grants).

(Sec. 109A) This section permits DOT to transfer certain funds that were provided for the administrative expenses of Local and Regional Project Assistance Program Grants under the National Infrastructure Investments program. The transferred funds may be used for the necessary expenses of award, administration, or oversight of any DOT financial assistance program.

(Sec. 109B) This section requires specified National Infrastructure Investments funds to be used to complete certain port or rail infrastructure projects.

The title provides appropriations to the Federal Aviation Administration (FAA) for

- Operations;
- Facilities and Equipment;
- Research, Engineering, and Development; and
- Grants-In-Aid for Airports.

Funds provided by this division may not be used for

- new applicants for the second career training program,
- new unauthorized aviation user fees, or
- aeronautical charting and cartography activities through the Working Capital Fund.

The title prohibits funds from being used to eliminate the Contract Weather Observers program at any airport.

The title permits funds received from specified public, private, and foreign sources for expenses incurred in the provision of FAA services to be credited to the FAA Operations account.

(Sec. 110) This section limits technical staff-years under the federally funded research and development center contract between the FAA and the Center for Advanced Aviation Systems Development.

(Sec. 111) This section prohibits the FAA from requiring airport sponsors to provide the FAA without cost building construction, maintenance, utilities and expenses, or space in sponsor-owned buildings for air traffic control, air navigation, or weather reporting. The prohibition does not apply to negotiations between the FAA 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 FAA for air traffic control facilities.

(Sec. 112) This section permits the FAA to reimburse funds that were made available to carry out the Essential Air Service program from certain fees. (The program was established to ensure that small communities have a minimum level of air service.)

(Sec. 113) This section permits amounts collected by the FAA for providing technical assistance to foreign aviation authorities to be credited to the Operations account.

(Sec. 114) This section prohibits the FAA from paying Sunday premium pay except if an individual worked on a Sunday.

(Sec. 115) This section prohibits the FAA from using funds provided by this division to purchase a store gift card or gift certificate using a government-issued credit card.

(Sec. 116) This section requires the FAA, upon request of an owner or operator of a private aircraft, to block identifying information from certain publicly available flight tracking displays.

(Sec. 117) This section prohibits funds provided by this division from being used to pay the salaries and expenses of more than nine political and presidential FAA appointees.

(Sec. 118) This section prohibits funds provided by this division from being used to increase fees for navigation products until the FAA provides Congress with a justification for all fees for aeronautical navigation products and explains how the fees are consistent with Executive Order 13642 (Making Open and Machine Readable the New Default for Government Information).

(Sec. 119) This section requires the FAA to notify Congress prior to closing a regional operations center or reducing the services it provides.

(Sec. 119A) This section prohibits funds provided by this division from being used to change weight restrictions or prior permission rules at Teterboro Airport in New Jersey.

(Sec. 119B) This section prohibits funds provided by this division from being used to withhold from consideration certain applications for participation in the Contract Tower Program or for reevaluations of Cost-share Program Participants.

(Sec. 119C) This section prohibits funds provided by this division from being used to open, close, redesignate as a lesser office, or reorganize a regional office, the aeronautical center, or the technical center unless the FAA submits a request for reprogramming using procedures specified in this division.

(Sec. 119D) This section allows the FAA Administrative Services Franchise Fund to be reimbursed after performance or paid in advance from funds available to the FAA and other federal agencies for which the fund perform services.

(Sec. 119E) This section restricts the use of certain authorities to transfer certain air traffic systems or equipment to the FAA.

(Sec. 119F) This section allows the transfer of funds from the Grants-in-Aid for Airports account to reimburse certain airports and providers of general aviation ground support services impacted by temporary flight restrictions for any residence of the President that is designated or identified to be secured by the Secret Service. The funds may not be obligated or distributed until an independent audit is completed.

The title provides (1) funding from the Highway Trust Fund (HTF) to the Federal Highway Administration (FHWA) for Administrative Expenses and Federal-Aid Highways, and (2) appropriations for Highway Infrastructure Programs.

(Most of DOT's budget is mandatory budget authority rather than discretionary budget authority. The mandatory budget authority is primarily in the form of contract authority derived from the Highway Trust Fund [HTF]. Contract authority is the authority to obligate funds in advance of an appropriations act.

Spending from the HTF is determined both by authorization bills and appropriations bills. Authorization bills provide contract authority for highway programs, and appropriations bills include obligation limitations that determine how much of the contract authority may be used in a given year.)

(Sec. 120) This section specifies allocations and requirements for distributing obligation authority from the HTF among federal-aid highway programs.

(Sec. 121) This section credits funds received by the Bureau of Transportation Statistics from the sale of data products to the Federal-Aid Highways account to reimburse the bureau for expenses.

(Sec. 122) This section requires DOT to (1) provide an informal public notice and comment opportunity prior to waiving any Buy America requirement for federal-aid highway projects, and (2) post on a website any waivers granted under the Buy America requirements.

(Sec. 123) This section requires DOT to notify Congress 60 days in advance before making grants under the Nationally Significant Freight and Highway Projects Program (also known as Infrastructure for Rebuilding America (INFRA) program).

(Sec. 124) This section allows states to repurpose certain highway project funding for projects that are within 25 miles of the area for which the project was originally designated.



The title provides funding from the HTF to the Federal Motor Carrier Safety Administration (FMCSA) for (1) Motor Carrier Safety Operations and Programs, and (2) Motor Carrier Safety Grants.

(Sec. 130) This section requires the FMCSA to send notice of violations of certain safety procedures and regulations that could require expedited safety audits, compliance reviews, or corrective actions using certified mail, registered mail, or another manner of delivery that records the receipt of the notice by the persons responsible for the violation.

(Sec. 131) This section requires the FMCSA to update the annual inspection regulations for rear underride guards to comply with certain Government Accountability Office recommendations.

(Sec. 132) This section prohibits DOT from using funds to enforce certain requirements for the use of electronic logging devices with respect to operators of commercial motor vehicles transporting livestock or insects.

The title provides appropriations to the National Highway Traffic Safety Administration (NHTSA) for Operations and Research.

It also provides funding from the HTF to NHTSA for (1) Operations and Research, and (2) Highway Traffic Safety Grants.

(Sec. 140) This section provides additional funding to NHTSA to pay for (1) travel and related expenses for state management reviews, and (2) core competency development training and related expenses for highway safety staff.

(Sec. 141) This section exempts from the current fiscal year's obligation limitation for NHTSA programs any obligation authority that was made available in previous public laws and has not lapsed or been used.

(Sec. 142) This section prohibits funds from being used to enforce certain state maintenance of effort requirements.

(Sec. 143) This section adds a title (Honoring the Abbas Family Legacy to Terminate Drunk Driving Act) to a section of the Infrastructure Investment and Jobs Act.

The title provides appropriations to the Federal Railroad Administration (FRA) for

- Safety and Operations,
- Railroad Research and Development,
- the Federal-State Partnership for Intercity Passenger Rail,
- Consolidated Rail Infrastructure and Safety Improvements,
- Northeast Corridor Grants to the National Railroad Passenger Corporation (Amtrak), and
- National Network Grants to Amtrak.

(Sec. 150) This section prohibits funds provided by this division from being used by Amtrak in contravention of the Worker Adjustment and Retraining Notification Act.

(Sec. 151) This section allows the FRA to transfer certain funds to the Financial Assistance Oversight and Technical Assistance account to support the award, administration, project management oversight, and technical assistance for financial assistance administered by the FRA.

(Sec. 152) This section specifies that funds provided in prior fiscal years for the FRA's Restoration and Enhancement Grant Program are subject to certain program requirements, as in effect on the effective date of the Infrastructure Investment and Jobs Act.

(Sec. 153) This section makes a technical correction to a provision of the Infrastructure Investment and Jobs Act regarding the FRA.

(Sec. 154) This section rescinds specified unobligated funds from (1) the Rail Line Relocation and Improvement Program account, and (2) the Railroad Safety Grants account.

(Sec. 155) This section limits overtime for Amtrak employees. It also (1) permits Amtrak to waive the limit for specific employees due to safety or operational efficiency reasons, and (2) requires Amtrak to report to Congress on waivers granted and overtime payments incurred.

(Sec. 156) This section prohibits Amtrak from using funds provided by this division 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) This section expresses the sense of Congress that long-distance passenger rail routes (1) provide much-needed transportation access and are particularly important in rural areas, and (2) should be sustained to ensure connectivity throughout the National Network.

(Sec. 158) This section allows Amtrak's state-supported routes committee to hire an executive director and other employees to carry out its duties.

(Sec. 159) This section provides additional appropriations for the Consolidated Rail Infrastructure and Safety Improvements Program, which funds projects to improve the safety, efficiency, and reliability of intercity passenger and freight rail.

The title provides appropriations to the Federal Transit Administration (FTA) for

- Transit Infrastructure Grants,
- Technical Assistance and Training,
- Capital Investment Grants, and
- Grants to the Washington Metropolitan Area Transit Authority.

The title also provides funding from the HTF to the FTA for Transit Formula Grants.

(Sec. 160) This section exempts previously made transit obligations from limitations on obligations.

(Sec. 161) This section permits certain Capital Investment Grant funds that are provided for projects specified in this division and are not obligated by September 30, 2026, to be directed to projects eligible to use the funds for the purposes for which they were originally provided.

(Sec. 162) This section allows certain appropriations that were provided before October 1, 2022, for older accounts to be transferred to and administered under new accounts for similar activities.

(Sec. 163) This section restricts the use of funds to adjust or withhold apportionments pursuant to specified authorities regarding the Mass Transit Account of the HTF.

(Sec. 164) This section prohibits funds provided by this division from being used to impede or hinder project advancement or approval for any project seeking a federal contribution from the Capital Investment Grants (CIG) program of greater than 40% of project costs.

(Sec. 165) This section provides additional appropriations for the CIG program.

(Sec. 166) This section extends the availability of specified funds that were provided for the CIG program.

(Sec. 167) This section allows certain unexpended balances of funds that were appropriated for low or no emissions vehicle component assessments to be used by the facilities selected for the assessments for capital projects to build new infrastructure and enhance existing facilities in order to expand component testing capability.

The title provides appropriations to the Great Lakes Saint Lawrence Seaway Development Corporation for Operations and Maintenance.

The title provides appropriations for the Maritime Administration (MARAD) for

- the Maritime Security Program,
- the Cable Security Fleet,
- the Tanker Security Program,
- Operations and Training,
- State Maritime Academy Operations,
- Assistance to Small Shipyards,
- Ship Disposal,
- the Maritime Guaranteed Loan (Title XI) Program Account, and
- the Port Infrastructure Development Program.

(Sec. 170) This section permits MARAD to furnish utilities and services and make repairs in connection with any lease, contract, or occupancy involving government property under the control of MARAD. Rental payments received pursuant to this provision must be deposited into the Treasury as miscellaneous receipts.

The title provides appropriations to the Pipeline and Hazardous Materials Safety Administration (PHMSA) for

- Operational Expenses,
- Hazardous Materials Safety,
- Pipeline Safety, and
- Emergency Preparedness Grants.

The title provides appropriations to the Office of Inspector General.

(Sec. 180) This section permits DOT to use funds for maintenance and operation of aircraft, hire of passenger motor vehicles and aircraft, insurance for motor vehicles operating in foreign countries, and uniforms.

DOT may use funds for the purchase, maintenance, operation, and deployment of unmanned aircraft systems that advance DOT's, or its operating administrations' missions.

Any unmanned aircraft system purchased or procured by DOT prior to the enactment of this division is deemed to be authorized.

(Sec. 181) This section permits DOT to use funds provided by this division for the employment of temporary or intermittent experts and consultants if the rates do not exceed the rate for an Executive Level IV.

(Sec. 182) This section prohibits recipients of funds provided by this division from disseminating personal information obtained by a state department of motor vehicles in connection with a motor vehicle record unless the information is released for certain uses permitted under current law. It also prohibits DOT from withholding funds for any grantee if a state is not in compliance with this provision.

(Sec. 183) This section prohibits (1) funds provided by this division from being used for more than 125 DOT presidential and political appointees, and (2) any of the appointees from being assigned on temporary detail outside of DOT.

(Sec. 184) This section permits funds received by the FHWA and the FRA from states or other private or public sources for training expenses to be credited to specified agency accounts, subject to an exception for state rail safety inspectors participating in certain training required under current law.

(Sec. 185) This section prohibits funds from being used for certain loans, loan guarantee, lines of credit, letters of intent, agreements, or grants unless DOT notifies Congress at least three business days in advance of announcing competitively selected projects.

DOT must also provide Congress with a comprehensive list of all loans, loan guarantee, lines of credit, letters of intent, agreements, or grants that will be announced at least three days in advance.



The title provides appropriations to HUD for

- Policy Development and Research,
- Fair Housing and Equal Opportunity,
- the Office of Lead Hazard Control and Healthy Homes,
- the Information Technology Fund, and
- the Office of Inspector General.

(Sec. 201) This section requires 50% of the funds that are recaptured from the refinancing of state or locally financed projects under the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 to be rescinded or, in the case of cash, remitted to the Treasury.

Funds that are recaptured and are not rescinded or remitted to the Treasury must be used by state housing finance agencies or local governments for certain projects approved by HUD.

HUD may award up to 15% of the funds that are recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance projects at lower interest rates.

(Sec. 202) This section prohibits funds provided by this division from being used to investigate or prosecute under the Fair Housing Act any otherwise lawful activities, including the filing or maintaining of a nonfrivolous legal action, engaged in solely for the purposes of achieving or preventing action by a government entity or a court.

(Sec. 203) This section requires any grant, cooperative agreement, or other assistance made pursuant to this title to be made on a competitive basis and in accordance with provisions of the Department of Housing and Urban Development Reform Act of 1989 regarding HUD accountability.

(Sec. 204) This section permits specified funds to be used, without regard to limitations on administrative expenses, for (1) legal services; and (2) payment for services and facilities of the Federal National Mortgage Association (Fannie Mae), Ginnie Mae, the Federal Home Loan Mortgage Corporation (Freddie Mac), the Federal Financing Bank, Federal Reserve banks, Federal Home Loan banks, and any bank insured under the Federal Deposit Insurance Corporation Act.

(Sec. 205) This section prohibits HUD appropriations from being used for any program, project, or activity in excess of amounts included in the budget estimates submitted to Congress, unless the authority is otherwise provided by this division or through reprogramming.

(Sec. 206) This section permits HUD corporations and agencies subject to the Government Corporation Control Act to utilize funds and make contracts and commitments, without regard to fiscal year limitations and subject to specified restrictions, to implement the FY2023 budget.

(Sec. 207) This section requires HUD to provide quarterly reports to Congress regarding uncommitted, unobligated, recaptured, and excess funds for each program and activity.

(Sec. 208) This section prohibits using funds provided by this title for an audit that makes the requirements of the Federal Credit Reform Act of 1990 applicable to Ginnie Mae.

(Sec. 209) This section permits HUD to authorize the transfer of project-based assistance, debt, and low-income and very low-income use restrictions associated with a multifamily housing project from obsolete or economically nonviable housing to a viable project if no additional costs are incurred and other specified conditions are met.

(Sec. 210) This section sets forth eligibility requirements for Section 8 housing assistance vouchers.

(Sec. 211) This section requires Native American Housing Block Grant funds to be distributed to the same Native Alaskans that received funds in FY2005.

(Sec. 212) This section sets forth requirements for HUD regarding the managing and disposing of any multifamily housing property that is owned or has a mortgage held by HUD. The section also specifies requirements for maintaining 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.

(Sec. 213) This section permits certain public housing agencies (PHAs) that own and operate 400 or fewer public housing units to elect to be exempt from asset management requirements imposed by HUD in connection with the operating fund rule.

(Sec. 214) This section prohibits HUD from using public housing funds to impose any requirement or guideline relating to asset management that restricts or limits the use of capital funds for central office costs, up to the limits established under current law.

(Sec. 215) This section prohibits the designation of a HUD official or employee as an allotment holder unless the Chief Financial Officer has determined that the employee has (1) implemented an adequate system of funds control, and (2) received training in funds control procedures and directives.

The Chief Financial Officer must ensure that there is a trained allotment holder for each HUD appropriation under specified accounts.

(Sec. 216) This section establishes requirements for notifying the public regarding the issuance of a notice of the availability of assistance or notice of funding opportunity regarding competitively awarded funds.

(Sec. 217) This section requires attorney fees in program-related litigation to be paid from the individual program office and Office of General Counsel salaries and expenses appropriations.

(Sec. 218) This section sets forth authorities and requirements for transferring funds within HUD Administrative Support Office and Program Offices accounts.

(Sec. 219) This section requires HUD to take specified actions against owners who are receiving rental subsidies and do not maintain safe properties.

(Sec. 220) This section limits compensation for PHA officials and employees.

(Sec. 221) This section requires HUD to notify Congress at least three business days before announcing the recipients of grant awards.

(Sec. 222) This section prohibits the FHA, Ginnie Mae, or HUD from using funds provided by this division to finance mortgages for properties that have been subject to eminent domain condemnation or seizure by a state, municipality, or other political subdivision of a state.

(Sec. 223) This section prohibits funds provided by this division from being used to terminate the status of a unit of general local government as a metropolitan city with respect to community development grants under the Housing and Community Development Act of 1974.

(Sec. 224) This section permits funds that are provided to the HUD Office of Policy Development and Research for research, evaluation, and statistical purposes and that are unexpended at the time of completion of a contract, grant or cooperative agreement to be reobligated for research, evaluation, or statistical purposes, subject to reprogramming requirements.

(Sec. 225) This section prohibits funds from being used for awards, including performance, special act, or spot, for HUD employees who have been subject to administrative discipline in this fiscal year, including suspension from work.

(Sec. 226) This section permits costs paid by the program income of grant recipients to count toward the recipient's matching requirements for FY2015-FY2023 Continuum of Care funds. (The program awards project sponsors or unified funding agencies competitive grants focused on addressing the long-term housing and services needs of homeless individuals and families.)

(Sec. 227) This section permits HUD to use funds provided by this division for Homeless Assistance Grants to award one-year grants to transition from one Continuum of Care program component to another.

(Sec. 228) This section maintains existing Promise Zone designations and agreements.

(Sec. 229) This section prohibits funds provided by this division from being 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 division.

(Sec. 230) This section permits PHAs that are designated as Moving to Work agencies to use specified funds that were previously allocated to the PHA, including any reserve funds held by the agency or held by HUD, notwithstanding the purposes for which such funds were appropriated.

(Sec. 231) This section prohibits funds provided by this division from being used to prohibit any PHA under receivership or the direction of a federal monitor from (1) applying for, receiving, or using certain funds made available for grants to evaluate and reduce lead-based paint hazards; or (2) 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) This section prohibits funds provided by this title from being used to issue rules or guidance in contravention of specified provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act regarding the duplication of benefits.

(Sec. 233) This section extends the time period for liquidating specified funds that were provided for the Choice Neighborhoods Initiative.

(Sec. 234) This section prohibits HUD from using funds provided by this division to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule titled *Affirmatively Furthering Fair Housing* or the notice titled *Affirmatively Furthering Fair Housing Assessment Tool*.

(Sec. 235) This section establishes requirements and procedures for correcting formula grant allocations administered by HUD.

(Sec. 236) This section allows HUD to make rent adjustments under certain conditions and extends the Mark-to-Market Program. (The program authorizes HUD to renew certain expiring project-based rental assistance contracts with private property owners to allow rents to be reduced to market rates and Federal Housing Administration-insured mortgages to be restructured to a level that can be supported by the lower rents.)

(Sec. 237) This section allows HUD to transfer specified salaries and expenses funding to the Information Technology Fund for information technology needs.

(Sec. 238) This section extends the time period for liquidating specified funds that were provided for Lead Hazard Reduction.

(Sec. 239) This section requires HUD to comply with all process requirements, including public notice and comment requirements, when seeking to revise any annual contributions contract.

(Sec. 240) This section prohibits HUD from using funds to carry out customer experience activities within the Office of the Assistant Chief Financial Officer for Budget.

#### TITLE III--RELATED AGENCIES

This title provides FY2023 appropriations to

- the Access Board,
- the Federal Maritime Commission,

- the Amtrak Office of Inspector General,
- the National Transportation Safety Board,
- the Neighborhood Reinvestment Corporation,
- the Surface Transportation Board, and
- the U.S. Interagency Council on Homelessness.

#### TITLE IV--GENERAL PROVISIONS--THIS ACT

- (Sec. 401) This section prohibits funds provided by this division from being used to compensate or pay the expenses of nonfederal parties intervening in regulatory or adjudicatory proceedings funded in this division.
- (Sec. 402) This section prohibits transfers of funds to other appropriations or obligations beyond the current fiscal year, unless the authority is expressly provided in this division.
- (Sec. 403) This section limits expenditures for consulting services to contracts where the expenditures are a matter of public record and available for public inspection, unless otherwise provided by law or an executive order.
- (Sec. 404) This section prohibits the use of funds provided by this division for certain types of employee training, such as training that is not specifically related to the performance of official duties.
- (Sec. 405) This section specifies procedures, restrictions, and reporting requirements for the reprogramming of funds provided by this division.
- (Sec. 406) This section permits up to 50% of unobligated balances remaining at the end of FY2023 from appropriations for salaries and expenses to remain available through FY2024, subject to congressional approval and reprogramming guidelines.
- (Sec. 407) This section prohibits funds provided by this division from being used for any project that seeks to use eminent domain unless eminent domain is employed only for a public use.
- (Sec. 408) This section prohibits the transfer of funds provided by this division to a department, agency, or instrumentality of the U.S. government unless the transfer is pursuant to an appropriations act.
- (Sec. 409) This section requires expenditures of funds provided by this division to comply with the Buy American Act.
- (Sec. 410) This section prohibits funds provided by this division from being made available to any person or entity that has been convicted of violating the Buy American Act.
- (Sec. 411) This section prohibits funds provided by this division from being used to purchase first class or premium airline travel in violation of specified federal travel regulations.
- (Sec. 412) This section restricts the number of employees that agencies funded in this division may send to international conferences unless the attendance is important to the national interest.
- (Sec. 413) This section limits Surface Transportation Board fees for the filing of rate or practice complaints.
- (Sec. 414) This section prohibits funds provided by this division from being used for a computer network unless pornography is blocked, with an exception for law enforcement, prosecution, or adjudication activities.
- (Sec. 415) This section prohibits funds provided by this division from being used to deny an Inspector General (IG) timely access to any records, documents, or other materials available to the department or agency over which that IG has responsibilities, or to prevent or impede that IG's access. Each IG must comply with (1) specified statutory limitations on disclosure of the information provided, and (2) reporting requirements regarding violations of this section.
- (Sec. 416) This section prohibits funds provided by this division from being used to pay award or incentive fees for contractors whose performance is below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract unless specified requirements are met.
- (Sec. 417) This section prohibits the use of funds provided by this division to permanently replace an employee intent on returning to his or her previous occupation after completing military service.
- (Sec. 418) This section prohibits the use of funds provided by this division to approve a new foreign air carrier permit or exemption application if the approval would contravene U.S. law or specified provisions of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.
- (Sec. 419) This section prohibits funds provided to DOT by this title from being used in contravention of requirements under current law for federal agencies to review the potential impacts of their actions on historic sites before providing funding or issuing a license for the activities.
- (Sec. 420) This section extends the time period for liquidating specified funds that were provided to HUD for the Community Development Fund.
- (Sec. 421) This section makes technical corrections to several Congressionally Directed Spending Items that were included in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2022.
- (Sec. 422) This section prohibits HUD from using funds to issue a solicitation or accept bids on any solicitation that is substantially equivalent to the draft solicitation titled *Housing Assistance Payments (HAP) Contract Support Services (HAPSS)*.
- (Sec. 423) This section makes a technical correction to a highway designation.



- the Economic Support Fund;
- Assistance for Europe, Eurasia and Central Asia; and
- Migration and Refugee Assistance.

Finally, the title provides appropriations for International Security Assistance, including

- International Narcotics Control and Law Enforcement;
- Nonproliferation, Anti-terrorism, Demining and Related Programs; and
- the Foreign Military Financing Program.

(Sec. 1701) This section increases the FY2023 funding cap for the Presidential Drawdown Authority that authorizes the President to immediately transfer defense articles and services from the stocks of DOD to a foreign country or international organization to respond to an unforeseen emergency.

(Sec. 1702) This section increases the FY2023 funding cap for the Presidential Drawdown Authority that authorizes the President to draw down articles and services from the inventory and resources of any federal agency and provide them to foreign countries or international organizations for certain purposes (e.g., international disaster assistance, nonproliferation assistance, and migration and refugee assistance) if the drawdown is in the national interest.

(Sec. 1703) This section increases the FY2023 funding cap for the Presidential Drawdown Authority that authorizes the President to direct the drawdown of commodities and services from the inventory and resources of any federal agency for peacekeeping operations if the President determines that an unforeseen emergency requires the immediate provision of such assistance.

(Sec. 1704) This section allows specified funds provided by this title to be transferred between accounts.

(Sec. 1705) This section allows funds provided by this title to be made available for direct financial support for the government of Ukraine, including Ukrainian first responders, and as a cash transfer. It also specifies requirements and restrictions for the funding such as reporting, oversight, and monitoring requirements.

(Sec. 1706) This section establishes congressional notification procedures and requirements for funds provided by this title.

(Sec. 1707) This section specifies that funds provided by this title for the Inspectors General of the State Department and USAID are (1) in addition to funds otherwise provided for such Inspectors General for FY2023, and (2) and are made available to provide oversight of funds appropriated by this title and other specified acts.

(Sec. 1708) This section allows the Department of Justice to transfer the proceeds from certain forfeited property to the State Department to be used to provide assistance to Ukraine to remediate the harms of Russian aggression towards Ukraine. This section generally applies to property that was forfeited because it belonged to, was possessed by, or was controlled by a person subject to various sanctions related to activities of Russia.

#### TITLE VIII--GENERAL PROVISIONS--THIS ACT

(Sec. 1801) This section deems the funds appropriated by this division for intelligence or intelligence-related activities to be specifically authorized by Congress for purposes of the National Security Act of 1947.

(Sec. 1802) This section specifies that the funds provided by this division are in addition to funds otherwise appropriated for the fiscal year involved.

(Sec. 1803) This section specifies that the funds provided by this division may not remain available beyond the current fiscal year, unless this division provides otherwise.

(Sec. 1804) Unless otherwise specified by this division, the funds provided by this division are subject to the authorities and conditions that apply to the applicable appropriations accounts for FY2023.

(Sec. 1805) This section designates the funding provided by this division as emergency spending, which is exempt from various budget enforcement procedures.

#### DIVISION N--DISASTER RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2023

##### *Disaster Relief Supplemental Appropriations Act, 2023*

This division provides FY2023 supplemental appropriations for various federal agencies to respond to recent natural disasters and extreme weather events.

#### TITLE I--AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

This title provides appropriations to the Department of Agriculture for

- the Office of the Secretary,
- the Agricultural Research Service, and
- the Food Safety and Inspection Service.

The title provides appropriations to the Farm Service Agency for the Emergency Forest Restoration Program.

The title provides appropriations to the Natural Resources Conservation Service for Watershed and Flood Prevention Operations.

The title provides appropriations to the Rural Housing Service for (1) Rural Housing Assistance Grants, and (2) the Rural Community Facilities Program.



Finally, the title provides appropriations to the Rural Utilities Service for the Rural Water and Waste Disposal Program.

(Sec. 2101) This section specifies that up to 3% of the funds provided by this title for each Rural Development Program account may be paid to the Rural Development Salaries and Expenses account for administrative costs to carry out the emergency rural development programs funded in this title.

(Sec. 2102) This section provides additional appropriations for costs associated with Agriculture Quarantine and Inspection Services activities to offset the loss of quarantine and inspection fees.

#### TITLE II--COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

This title provides appropriations to the Department of Commerce, the Department of Justice (DOJ), the science agencies, and related agencies.

Within Commerce, the title provides appropriations for the Economic Development Administration for Economic Development Assistance Programs.

The title provides appropriations to the National Institute of Standards and Technology for (1) Scientific and Technical Research and Services; and (2) Industrial Technology Services, including the Hollings Manufacturing Extension Partnership program and the Manufacturing USA program.

It also provides appropriations to the National Oceanic and Atmospheric Administration (NOAA) for

- Operations, Research, and Facilities;
- Procurement, Acquisition and Construction; and
- Fisheries Disaster Assistance.

Within DOJ, the title provides appropriations to the Federal Prison System for Buildings and Facilities.

With respect to the science agencies, the title provides appropriations for

- the National Aeronautics and Space Administration (NASA) for Construction and Environmental Compliance and Restoration, and
- the National Science Foundation for Research and Related Activities, and STEM Education.

The title also provides appropriations for the Legal Services Corporation.

(Sec. 2201) This section permits specified unobligated funds that were provided to NOAA in the Disaster Relief Supplemental Appropriations Act, 2022 to be used for necessary expenses related to the consequences of hurricanes and wildfires in calendar year 2022.

#### TITLE III--DEPARTMENT OF DEFENSE

This title provides appropriations to the Department of Defense (DOD) for necessary expenses related to the consequences of Hurricanes Ian and Fiona.

Specifically, the title provides appropriations to the Operation and Maintenance accounts for the Navy, Army Reserve, and Army National Guard.

#### TITLE IV--ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES

This title provides appropriations to the U.S. Army Corps of Engineers, including for

- Investigations,
- Construction,
- Mississippi River and Tributaries,
- Operation and Maintenance,
- Flood Control and Coastal Emergencies, and
- Expenses.

The title also provides appropriations to the Department of Energy for (1) Electricity, including activities to improve the resilience of Puerto Rico's electric grid; and (2) the Western Area Power Administration.

#### TITLE V-- FINANCIAL SERVICES AND GENERAL GOVERNMENT

This title provides appropriations to the General Services Administration for the Federal Buildings Fund.

It also provides appropriations to the Small Business Administration for the Disaster Loans Program Account.

#### TITLE VI-- HOMELAND SECURITY

This title provides appropriations to the U.S. Coast Guard for (1) Operations and Support; and (2) Procurement, Construction, and Improvements.

The title also provides appropriations to the Federal Emergency Management Agency (FEMA) for (1) the Disaster Relief Fund, and, (2) the Hermit's Peak/Calf Canyon Fire Assistance Account.

(Sec. 2601) This section permits FEMA to use specified funds provided for the Hermit's Peak/Calf Canyon Fire Assistance Account to 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.

(Sec. 2602) This section provides additional appropriations for expenses related to providing customs and immigration inspection and pre-inspection services at, or in support of ports of entry. The appropriations are provided to offset the loss of Immigration User Fee receipts and fees for certain customs services

#### TITLE VII-- INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

This title provides appropriations for the Department of the Interior, the Environmental Protection Agency (EPA), and the Forest Service.

The title provides appropriations to Interior for

- the U.S. Fish and Wildlife Service,
- the National Park Service,
- the U.S. Geological Survey,
- the Bureau of Indian Affairs,
- the Bureau of Indian Education, and
- Wildland Fire Management.

The title provides appropriations to the EPA for (1) the Leaking Underground Storage Tank Trust Fund Program, and (2) State and Tribal Assistance Grants.

The title provides appropriations to the Forest Service for

- Forest and Rangeland Research,
- State and Private Forestry,
- the National Forest System,
- Capital Improvement and Maintenance; and
- Wildland Fire Management.

#### TITLE VIII--DEPARTMENT OF HEALTH AND HUMAN SERVICES

This title provides appropriations to several agencies and programs within the Department of Health and Human Services (HHS).

This title provides appropriations to the Centers for Disease Control and Prevention (CDC) for CDC-Wide Activities and Program Support.

It provides appropriations to the National Institutes of Health for (1) the National Institute of Environmental Health Sciences, and (2) the Office of the Director.

It provides appropriations to the Administration for Children and Families for

- Low Income Home Energy Assistance,
- Payments to States for the Child Care and Development Block Grant, and
- Children and Families Services Programs.

It also provides appropriations to the Office of the Secretary for the Public Health and Social Services Emergency Fund.

(Sec. 2801) This section temporarily permits HHS to appoint candidates directly to certain positions in order to respond to a critical hiring need for emergency response positions. The authority applies to (1) intermittent disaster-response personnel in the National Disaster Medical System, and (2) term or temporary related positions in the CDC and the Office of the Assistant Secretary for Preparedness and Response. This authority expires 270 days after the enactment of this act.

(Sec. 2802) This section requires the agencies receiving funds provided by this title to submit an operating plan for the anticipated uses of the funds. The funds may not be obligated before the operating plans are submitted.

#### TITLE IX--MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES

This title provides appropriations to the Navy and Marine Corps for Military Construction related to the consequences of Hurricanes Ian and Fiona.

#### TITLE X-- TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

This title provides appropriations to the Department of Transportation for (1) the Federal Highway Administration's Emergency Relief Program, and (2) the Federal Transit Administration's Public Transportation Emergency Relief Program.

It also provides appropriations to the Department of Housing and Urban Development for

- Tenant-Based Rental Assistance,
- the Community Development Fund, and
- Project Based-Rental Assistance.

#### TITLE XI--GENERAL PROVISIONS--THIS ACT

(Sec. 21101) This section specifies that the funds provided by this division are in addition to funds otherwise appropriated for the fiscal year involved.

(Sec. 21102) This section specifies that the funds provided by this division may not remain available beyond the current fiscal year, unless this division expressly provides otherwise.

(Sec. 21103) Unless otherwise specified by this division, the funds provided by this division are subject to the authorities and conditions that apply to the applicable appropriations accounts for FY2023.

(Sec. 21104) This section designates the funding provided by this division as emergency spending, which is exempt from various budget enforcement procedures.

#### DIVISION O--EXTENDERS AND TECHNICAL CORRECTIONS

##### TITLE I--NATIONAL CYBERSECURITY PROTECTION SYSTEM AUTHORIZATION EXTENSION

(Sec. 101) This section extends the authority for the Department of Homeland Security's National Cybersecurity Protection System (commonly known as EINSTEIN) and related reporting requirements through September 30, 2023.

##### TITLE II--NDAA TECHNICAL CORRECTIONS

This title makes technical corrections to the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.

##### TITLE III--IMMIGRATION EXTENSIONS

(Sec. 301) This section extends through FY2023 the authorization for the U.S. Citizenship and Immigration Services E-Verify Program. (E-Verify is an internet-based system that allows businesses to determine the eligibility of their employees to work in the United States.)

(Sec. 302) This section extends through FY2023 the special immigrant program for non-minister religious workers. (The program allows non-ministers in religious vocations and occupations to immigrate to or adjust status in the United States for the purpose of performing religious work in a full-time compensated position.)

(Sec. 303) This section extends through FY2023 the authority of DHS to increase the numerical limitation on the number of aliens that that are permitted to enter the United States under the H-2B visa program for temporary nonagricultural labor. It also specifies that the limit may not exceed the highest number of H-2B nonimmigrants who participated in the H-2B returning worker program in any year in which returning workers were exempt from the numerical limitation.

(Sec. 304) This section extends through FY2023 the authority under the Conrad State Program (also known as the Conrad 30 Program) to waive the two-year home country physical presence requirement for foreign medical graduates who have expiring J-1 visas, apply to remain in the United States, and commit to working in medically underserved areas for at least three years.

##### TITLE IV--ENVIRONMENT AND PUBLIC WORKS MATTERS

(Sec. 401) This section establishes a federal regional commission for the Great Lakes region. (Federal regional commissions are congressionally chartered, federal-state partnerships that seek to address economic distress in their designated regions.)

For the purposes of the commission, the Great Lakes region includes areas in the watershed of the Great Lakes and the Great Lakes System in Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(Sec. 402) This section reauthorizes through FY2027 various U.S. Fish and Wildlife authorities and programs related to the acceptance of gifts, volunteer services, community partnerships, and refuge education programs.

(Sec. 404) This section renames the Lake Champlain Basin Program as the Patrick Leahy Lake Champlain Basin Program. It also reauthorizes the program through FY2027.

(Sec. 405) This section modifies the Environmental Protection Agency's Clean School Bus Program, which provides funding to replace existing school buses with zero-emission and low-emission models. Among other changes, this section expands eligibility for the program to include certain charter schools and entities that lease, license, or contract for school bus services.

##### TITLE V--SAFETY ENHANCEMENTS

(Sec. 501) This section exempts certain Boeing airplanes from flight crew alerting system requirements that are scheduled to take effect on December 27, 2022. It also requires Boeing to implement specified safety enhancements for certain models of airplanes.

##### TITLE VI--EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES

(Sec. 601) This section extends until December 31, 2024, the temporary scheduling order issued by the Drug Enforcement Administration to place fentanyl-related substances in schedule I of the Controlled Substances Act. The temporary order expires on December 31, 2022.

##### TITLE VII--FEDERAL TRADE COMMISSION OVERSIGHT OF HORSE RACING INTEGRITY AND SAFETY AUTHORITY

(Sec. 701) This section expands the authority of the Federal Trade Commission to oversee the Horseracing Integrity and Safety Authority by abrogating, adding to, and modifying the rules issued by the authority. (In a November 2022 decision, The U.S. Court of Appeals for the Fifth Circuit held that the law that created the authority is unconstitutional because Congress impermissibly delegated the powers of the FTC to the private Horseracing Integrity and Safety Authority by giving the FTC only limited powers to review the authority's rules.)

##### TITLE VIII--UNITED STATES PAROLE COMMISSION EXTENSION

###### *United States Parole Commission Additional Extension Act of 2022*

(Sec. 801) This section extends the U.S. Parole Commission.

##### TITLE IX--EXTENSION OF FCC AUCTION AUTHORITY

(Sec. 901) This section extends the authority of the Federal Communications Commission to conduct auctions for electromagnetic spectrum licenses through March 9, 2023.

##### TITLE X--BUDGETARY EFFECTS

(Sec. 1001) This section exempts the budgetary effects of this division and each succeeding division from (1) the Statutory Pay-As-You-Go Act of 2010 (PAYGO Act), (2) the Senate PAYGO rule, and (3) certain budget scorekeeping rules.

This section also requires certain debits on the FY2023 and FY2024 scorecards maintained under the PAYGO Act to be transferred to the FY2025 scorecards.

(The PAYGO Act generally prohibits direct spending and revenue legislation from increasing the budget deficit. PAYGO scorecards are used to enforce the requirements and determine whether a sequestration order implementing spending cuts is necessary.)

## DIVISION P--ELECTORAL COUNT REFORM AND PRESIDENTIAL TRANSITION IMPROVEMENT

### *Electoral Count Reform and Presidential Transition Improvement Act of 2022*

#### TITLE I--ELECTORAL COUNT REFORM ACT

##### *Electoral Count Reform Act of 2022*

(Sec. 102) This section specifies that the choice of electors must occur in accordance with the laws of the state enacted prior to election day.

(Sec. 103) This section specifies that states may fill vacancies in the electoral college in accordance with the laws of the state enacted prior to election day.

(Sec. 104) This section identifies each state's governor (unless otherwise identified in the laws or constitution of a state in effect on election day) as responsible for submitting the certificate of ascertainment identifying the state's electors. It also provides for expedited judicial review for any action brought by an aggrieved presidential or vice-presidential candidate arising under the U.S. Constitution or U.S. laws with respect to the issuance or transmission of such a certificate.

(Sec. 105) This section specifies the duties of the Archivist of the United States as it relates to the certificate of ascertainment of appointment of electors.

(Sec. 106) This section changes when the electors of each state must meet to cast their votes for President and Vice President. Specifically, the electors must meet and give their votes on the first Tuesday (previously, Monday) after the second Wednesday in December. Additionally, the meeting place in each state must be designated prior to election day in accordance with the laws of the state.

(Sec. 107) This section revises the process for the transmission of certificates of votes. In particular, the electors must immediately transfer at the same time and by the most expeditious method available the certificates of votes with the annexed certificates of ascertainment of appointment of electors.

(Sec. 108) This section requires the President of the Senate or the Archivist of the United States to request, in the event of a failure to receive a certificate of electoral vote by a certain time, that the chief election officer transmit one of the copies they hold to the President of the Senate by the most expeditious method available. (Previously, the secretary of state had to transmit a copy by registered mail.) It also removes the penalty for a messenger's neglect of duty.

(Sec. 109) This section revises the framework for the joint session of Congress to count electoral votes and make a formal declaration of which candidates have been elected President and Vice President. In particular, the section (1) specifies that the role of the President of the Senate during the joint session shall be ministerial in nature, and (2) raises the objection threshold in Congress to at least one-fifth of the duly chosen and sworn members of both the House of Representatives and the Senate.

(Sec. 110) This section revises the procedure for joint session challenges to electoral vote returns by (1) requiring all objections and questions permitted with respect to the state to be considered during that time, and (2) requiring the presiding officer of each chamber to put each of the objections and questions to a vote without further debate.

#### TITLE II--PRESIDENTIAL TRANSITION IMPROVEMENT ACT

##### *Presidential Transition Improvement Act*

(Sec. 202) This section revises provisions related to the presidential transition process. In particular, the section (1) allows more than one candidate to receive federal transition resources under certain circumstances, and (2) requires additional reporting by the General Services Administration.

## DIVISION Q--AVIATION RELATED MATTERS

(Sec. 101) This section establishes a pilot grant program to support advanced air mobility (AAM) infrastructure. AAM infrastructure refers to an air transportation system that transports individuals and property between points in the United States in both controlled and uncontrolled airspace using certain aircraft, including remotely piloted, autonomous, or vertical take-off and landing aircraft.

The Department of Transportation (DOT) must award planning grants for AAM infrastructure to (1) state, local, or tribal governments; (2) airport sponsors; (3) transit agencies; (4) port authorities; (5) metropolitan planning organizations; or (6) consortia of such entities. Entities that receive these grants must develop a comprehensive plan for AAM infrastructure, including vertiports (sites that support the landing, takeoff, loading, and other operations of AAM aircraft). Topics covered in the plan must address matters such as identifying locations for AAM infrastructure and available sources of funding. DOT must brief Congress about the plans it receives. The briefing must include an evaluation of the planned or proposed locations for vertiports and a description of best practices or lessons learned through the review of comprehensive plans.

Grants may not be awarded after September 30, 2024.

*Samya Rose Stumo National Air Grant Fellowship Program Act of 2022*

(Sec. 102) This section commemorates the lives lost as a result of Boeing 737 MAX 8 airplane crashes.

In particular, the section changes the name of the National Air Grant Fellowship Program to the Samya Rose Stumo National Air Grant Fellowship Program in honor of a public health advocate who died in one of the crashes. (The fellowship provides graduate students in aerospace engineering and related fields with aviation policy experience.)

(Sec. 103) This section authorizes DOT to provide temporary insurance for air carriers with terminated war risk liability coverage.

(Sec. 104) This section eliminates a restriction on retired or former officers of the Armed Forces serving as the Deputy Administrator of the Federal Aviation Administration.

(Sec. 105) This section directs DOT to develop a national aviation preparedness plan for communicable disease outbreaks, including to (1) create a process to identify appropriate personal protective equipment for individuals such as flight attendants to reduce the likelihood of exposure to a communicable disease that has the potential to cause an epidemic or pandemic of infectious disease that would constitute a public health emergency of international concern (i.e., a covered communicable disease); and (2) improve coordination between airports, air carriers, and governmental entities with respect to preparing for and responding to communicable disease outbreaks.

In developing the plan, DOT must consult with aviation industry and labor stakeholders such as air carriers.

The Government Accountability Office must conduct a study assessing the plan, including (1) whether the plan meets the obligations of the United States under international conventions and treaties, and (2) the extent to which the U.S. aviation system is prepared to respond to an outbreak of a covered communicable disease.

(Sec. 106) This section directs DOT to establish an Aerospace Supply Chain Resiliency Task Force to identify and assess risks to the U.S. aerospace supply chain and identify best practices and make recommendations to mitigate such risks.

The task force must convene for an initial meeting within 120 days after enactment of this act and at least every 90 days thereafter. It must also report to Congress on the activities it carries out, including recommendations for regulatory, policy, or legislative action to improve government efforts to reduce barriers, mitigate risk, and bolster the resiliency of the U.S. aerospace supply chain.

The task force shall terminate upon submission of the report to Congress.

(Sec. 107) This section revises the age standards for pilots to allow air carriers that meet certain criteria to employ pilots until they are 70 years of age.

## DIVISION R--NO TIKTOK ON GOVERNMENT DEVICES

*No TikTok on Government Devices Act*

(Sec. 102) This section requires the social media video application TikTok to be removed from the information technology of federal agencies.

Specifically, it requires the Office of Management and Budget to develop standards for executive agencies that require TikTok and any successor application from the developer to be removed from agency information technology (e.g., devices). Such standards must include exceptions for law enforcement activities, national security interests, and security researchers.

## DIVISION S--OCEANS RELATED MATTERS

## TITLE I--DRIFTNET MODERNIZATION

*Driftnet Modernization and Bycatch Reduction Act*

This title addresses certain driftnet fishing. Driftnet fishing is a method of fishing in which a gillnet composed of a panel or panels of webbing, or a series of such gillnets, is placed in the water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.

(Sec. 102) Currently, the use of large-scale drift gillnets with a total length of 2.5 kilometers or more is prohibited in the United States. This section expands the definition of large-scale driftnet fishing to prohibit the use of gillnets with a mesh size of 14 inches or greater. This expanded prohibition does not apply within the U.S. exclusive economic zone for five years.

(Sec. 104) The Department of Commerce must conduct a transition program to facilitate the phase out of large-scale driftnet fishing and to promote the adoption of alternative fishing practices that minimize the incidental catch of living marine resources.

Commerce must award grants to program participants.

(Sec. 106) The North Pacific Fishery Management Council may recommend and Commerce may approve regulations that require charter operators to pay fees on vessels that harvest Pacific halibut in specific International Pacific Halibut Commission regulatory areas.

## TITLE II--FISHERY RESOURCE DISASTERS IMPROVEMENT

*Fishery Resource Disasters Improvement Act*

This title revises the Fisheries Resource Disaster Relief Program and repeals or revises certain reporting requirements.

The title revises the procedures and process for determining whether there has been a commercial fishery failure as a result of a fishery resource disaster because of natural, man-made, or undetermined causes.

Commerce shall have the sole authority to determine the existence, extent, and beginning and end dates of a fishery resource disaster. Additionally, Commerce must include in its budget justification materials submitted to Congress in support of the budget of Commerce for each fiscal year (as submitted with the President's budget) a separate statement of the amount requested to be appropriated for that fiscal year for outstanding unfunded fishery resource disasters.

The title repeals a program that provides disaster relief assistance to fishermen, charter fishing operators, and others affected by a catastrophic regional fishery disaster, known as the regional coastal disaster assistance, transition, and recovery program.

With respect to reporting requirements, the title requires (1) biennial rather than annual reports (under current law, annual reports) relating to the recovery of Klamath River Coho salmon, and (2) inclusion of additional information in the biennial reports on international compliance regarding the conservation of living marine resources.

The title also repeals the requirement for annual reporting to Congress on bycatch reduction agreements.

### TITLE III--ALASKA SALMON RESEARCH TASK FORCE

#### *Alaska Salmon Research Task Force Act*

(Sec. 304) This title requires the National Oceanic and Atmospheric Administration to convene an Alaska Salmon Research Task Force. The task force must review and report on research about the Pacific salmon in Alaska, identify applied research needed to better understand salmon migration and declining salmon returns in some regions of Alaska, and support sustainable management of salmon.

### TITLE IV--IUU TECHNICAL CORRECTIONS

(Sec. 401) This title makes various technical corrections to the High Seas Driftnet Fishing Moratorium Protection Act.

### DIVISION T--SECURE 2.0 ACT OF 2022

#### *SECURE 2.0 Act of 2022*

### TITLE I--EXPANDING COVERAGE AND INCREASING RETIREMENT SAVINGS

This title makes various changes to expand incentives for employers to offer retirement plans, increase participation in employer-sponsored retirement plans, and increase the accumulation of savings in retirement plans. The changes impact private-sector defined contribution plans such as 401(k) plans, profit sharing and stock bonus plans, money purchase plans, and employee stock ownership plans; public sector or tax-exempt sector defined contribution plans such as 403(b) and 457(b) plans; and individual retirement accounts and annuities.

(Sec. 101) This section generally requires new 401(k) and 403(b) retirement plans to automatically enroll eligible participants. The section includes exceptions for certain small businesses, new businesses, church plans, and governmental plans.

(Sec. 102) This section increases the nonrefundable tax credits for small employers that start new retirement plans. First, it increases the credit from 50% to 100% of qualified start-up costs for employers with up to 50 employees. Second, it provides an additional credit based on a percentage of the employer's contribution to an employee's defined contribution retirement plan. The full credit, capped at \$1,000 per employee, is available for employers with up to 50 employees. The credit phases out for employers with 51-100 employees.

(Sec. 103) This section revises the nonrefundable tax credit for certain low- and middle-income taxpayers who contribute to certain qualified retirement accounts. Specifically, this section replaces the nonrefundable tax credit (commonly known as the saver's credit), with a federal government matching contribution to the taxpayer's individual retirement account (IRA) or retirement plan.

(Sec. 104) This section requires the Department of the Treasury to promote public awareness of the federal government matching contribution.

(Sec. 105) This section permits pooled employer plans (PEPs) to designate a named fiduciary (other than an employee of the plan) as the entity responsible for collecting contributions to the plan. Current law requires a PEP to designate a trustee to be responsible for collecting contributions and maintaining certain contribution-related policies and procedures. A PEP is a multiple employer retirement plan that allows unrelated employers to participate in a single defined contribution retirement plan.

(Sec. 106) This section permits employers that sponsor 403(b) plans to participate in multiple employer plans (MEPs). A MEP is a plan maintained by two or more employers who are not related.

(Sec. 107) This section increases the required minimum distribution (RMD) age from 72 to 75 in two steps over 10 years. The RMD age is the age at which a retirement plan participant or beneficiary must begin taking distributions. The RMD rules generally apply to participants and beneficiaries in IRAs (including traditional, SEP, and SIMPLE IRAs) and 401(k), 403(b), 457(b), profit sharing, and other defined contribution plans.

(Sec. 108) This section indexes the catch-up contribution limit for individual retirement arrangements (IRAs) for individuals age 50 or older to inflation. Currently, the IRA catch-up contribution limit is \$1,000 (not indexed).

(Sec. 109) This section increases the annual limitation on catch-up contributions applicable to individuals ages 60, 61, 62, and 63. Generally, a catch-up contribution is an elective deferral by a retirement plan participant who is age 50 or older that exceeds a statutory limit, a plan-imposed limit, or the actual deferral percentage test limit for highly compensated employees.

(Sec. 110) This section allows employer contributions on behalf of an employee for qualified student loan payments to be treated as employer matching contributions under 401(k), 403(b), SIMPLE IRAs, and governmental 457(b) plans.

(Sec. 111) This section allows employers who join an existing pension plan (instead of establishing a separate plan) to take the tax credit for small employer pension plan start-up costs. This section is effective retroactively for taxable years beginning after December 13, 2019.

(Sec. 112) This section provides a nonrefundable tax credit for small employers that make military-spouse employees eligible for participation in the employer's defined contribution retirement plan during the first two months of employment.

(Sec. 113) This section permits employers to offer de minimis financial incentives (e.g., low-dollar gift cards) to encourage employee participation in the employer's 401(k) or 403(b) retirement plan. The section prohibits the use of plan assets to pay for the de minimis financial incentives.

(Sec. 114) This section expands tax incentives for employee stock ownership plans (ESOPs) sponsored by S corporations. ESOPs are employer-sponsored defined contribution retirement plans that invest primarily in employer stock. Specifically, this section allows owners of stock in all non-publicly traded domestic corporations, including S corporations, to defer taxes on capital gains realized from selling their stock to an ESOP. Currently, the option to defer capital gains taxes is only available to owners of stock in a non-publicly traded C corporation who sell to an ESOP. Additionally, in the case of a sale of stock in an S corporation to an ESOP, the section limits the amount deferred to 10% of capital gains realized from the sale.

(Sec. 115) This section allows certain penalty-free early withdrawals from tax-preferred retirement accounts for emergency personal expenses. Under current law, the Internal Revenue Code imposes an early withdrawal tax on distributions made from tax-preferred retirement accounts, such as IRAs and 401ks, before an individual attains age 59 1/2. The early withdrawal tax does not apply in some circumstances.

(Sec. 116) This section increases the contribution an employer may make to a SIMPLE (Savings Incentive Match Plan for Employees) IRA or SIMPLE 401(k) plan. SIMPLE IRAs and SIMPLE 401(k) plans are simplified tax-advantaged retirement accounts often provided by small businesses.

(Sec. 117) This section increases the annual limits for employee contributions and catch-up contributions to a SIMPLE IRA or SIMPLE 401(k) plan.

(Sec. 118) This section exempts from the 10% excise tax on excess (nondeductible) contributions an employer's contributions to a simplified employee pension (SEP) IRA which are not deductible solely because they are not made in connection with a trade or business of the employer (e.g., contributions on behalf of a household employee). A SEP IRA is an employer-sponsored retirement plan where only the employer contributes to the plan and the employer contributes the same amount for each employee.

(Sec. 119) This section removes the compensation-based limit on annual benefits under defined benefit plans for participants in rural electric cooperative plans who are not considered to be highly compensated employees.

(Sec. 120) This section exempts from the tax on specified prohibited transactions the receipt of fees and compensation by an automatic portability provider in connection with an automatic transfer from an IRA established in connection with a distribution from a former employer's plan into an employer-sponsored defined contribution retirement plan in which the individual is an active participant. The transfer may only occur if the individual has been given advance notice of the transfer and has not affirmatively opted out of the transfer.

Labor must issue guidance and studies related to the exemption. Treasury must issue a report on automatic distribution notices.

(Sec. 121) This section creates two new types of plans--a starter 401(k) and a safe harbor 403(b)--for employers that do not offer a retirement plan. Among other features of these plans, employees generally enroll with a deferral rate between 3% and 15%. The limit on annual deferrals is \$6,000 (indexed for inflation).

(Sec. 122) This section requires Treasury to provide states with the contact information of owners of unredeemed savings bonds that are more than three years past their date of final maturity.

(Sec. 123) This section revises the rules with respect to ESOPs to permit certain non-exchange traded securities to qualify as publicly traded employer securities if the security meets certain requirements.

(Sec. 124) This section increases from 26 to 46 the age before which a qualifying disability must occur for an individual to be eligible for a tax-advantaged ABLE (Achieving Better Life Experience) account. ABLE accounts are designed to enable individuals with disabilities to save for and pay for disability-related expenses. To establish an account, an individual must have a qualifying impairment that began before the individual attained the age threshold.

(Sec. 125) This section reduces from three years to two years the maximum period of consecutive part-time service an employer may require before an employee is eligible for participation in the employer's 401(k) plan. The section also applies this requirement and other coverage requirements for long-term, part-time workers to 403(b) plans that are subject to ERISA.

(Sec. 126) This section permits certain rollovers from 529 college savings accounts to Roth IRAs without a tax penalty if the 529 account has been maintained for at least 15 years and certain other conditions are met.

(Sec. 127) This section creates pension-linked emergency savings accounts, which are short-term savings accounts established and maintained as part of an individual account plan (e.g., a 401(k) or other defined contribution plan). The section sets forth requirements and features of the emergency savings accounts, including a requirement that savings accounts are funded with after-tax Roth contributions.

(Sec. 128) This section permits 403(b) plans with custodial accounts to invest in collective investment trusts for the purposes of tax law. (In order to permit 403(b) plans with custodial accounts to invest in collective investment trusts, certain modifications to securities laws will also be required.)

## TITLE II--PRESERVATION OF INCOME

(Sec. 201) This section permits commercial annuities issued in connection with a defined contribution employer plan or an individual retirement account or annuity to satisfy RMD requirements even if the commercial annuities provide certain types of payments, such as annual payment increases of less than 5%, payments of dividends and distributions, and certain lump sum payments.

(Sec. 202) This section directs Treasury to revise its regulations governing qualifying longevity annuity contracts (QLACs). QLACs generally are deferred annuities that begin payment at the end of an individual's life expectancy.

Under the existing regulations, premiums paid for a qualifying QLAC cannot exceed both a dollar limitation (\$145,000 for 2022) and a percentage limitation. This section repeals the requirement that premiums for QLACs be limited to 25% of an individual's account balance and permits the use of up to \$200,000 (indexed for inflation) from an account balance to purchase a QLAC.

The section also requires Treasury to make certain changes intended to facilitate the sale of QLACs with spousal survivor rights.

(Sec. 203) This section directs Treasury to revise its rules to facilitate the use of exchange-traded funds as investment options in variable contracts (e.g., variable annuity life insurance policies). Exchange-traded funds are collective investment products registered with the Securities and Exchange Commission the shares of which, unlike mutual funds, are traded on a national stock exchange at market prices.

(Sec. 204) This section directs Treasury to amend its RMD regulations to allow an employee who has an individual account in a defined contribution plan that is partially annuitized (i.e., that holds annuity contracts and other assets) to elect to calculate the RMD amount by aggregating the value of the annuities and the other portion of the account balance.

### TITLE III--SIMPLIFICATION AND CLARIFICATION OF RETIREMENT PLAN RULES

This title modifies rules governing the design, implementation, and administration of retirement plans that qualify for preferred tax treatment (i.e., tax-qualified retirement plans) under the Internal Revenue Code (IRC).

The title also makes changes to the regulation of employee benefit plans under the Employee Retirement Security Income Act of 1974 (ERISA). ERISA establishes minimum standards and requirements intended to protect plan participants and beneficiaries in most private sector employer-sponsored retirement and health plans.

The title addresses issues such as error correction requirements, withdrawal and distribution rules, and notice and disclosure rules.

(Sec. 301) This section establishes new rules applicable to inadvertent overpayments by plans under ERISA and the IRC. A fiduciary does not breach fiduciary duty for failing to recover an inadvertent overpayment. Also, a plan will not fail to be tax-qualified because it does not recover an inadvertent overpayment. The section sets forth applicable requirements and conditions.

(Sec. 302) This section reduces the excise tax on a taxpayer who fails to satisfy the RMD requirements under a qualified retirement plan or 457(b) plan. Specifically, it reduces the excise tax from 50% to 25% of the amount by which the minimum required distribution exceeds the amount actually distributed and further reduces the excise tax to 10% for a taxpayer who corrects the error during a two-year correction window.

(Sec. 303) This section directs Labor to establish an online searchable database—the Retirement Savings Lost and Found—to allow individuals to search for information and locate the administrator of various plans.

(Sec. 304) This section raises the cap from \$5,000 to \$7,000 on the amount of vested accrued benefits that a qualified retirement plan may involuntarily distribute to an IRA (or cash out if under \$1,000), such as when a job change occurs.

(Sec. 305) This section expands the Employee Plans Compliance Resolution System (EPCRS) to allow any eligible inadvertent failure to comply with rules under specified sections of the IRC to be self-corrected under the EPCRS, unless the Internal Revenue Service (IRS) identifies the error first or the self-correction was not completed in a reasonable time. The term *eligible inadvertent failure* means a failure that occurs despite the existence of practices and procedures that satisfy IRS standards or similar standards in the case of an individual retirement plan.

The section also directs the IRS to expand the EPCRS to allow (1) custodians of individual retirement accounts and annuities to address eligible inadvertent failures, including waivers of the excise tax that would otherwise apply; and (2) certain eligible inadvertent failures related to a loan from a plan to be self-corrected.

(Sec. 306) This section allows participants in governmental 457(b) plans to change their deferral rate at any time before the compensation is available (instead of prior to the beginning of the month in which the deferral will be made).

(Sec. 307) This section expands the tax deduction for qualified charitable distributions (QCDs). A QCD is a nontaxable distribution by a taxpayer aged 70 1/2 or older transferred directly from a traditional or Roth IRA to a charitable organization. Currently, the maximum annual exclusion is \$100,000 (not indexed). This section indexes the \$100,000 maximum annual exclusion to inflation. It also permits a one-time election of up to \$50,000 (indexed for inflation) for QCDs to a split-interest entity (e.g., a charitable remainder annuity trust).

(Sec. 308) This section exempts certain private sector firefighters from the 10% additional tax on early distributions from retirement plans.

(Sec. 309) This section permits first responders to exclude certain disability-connected retirement payments from gross income. The exclusion applies to payments received as a pension or annuity from certain retirement plans in connection with the individual's service as a law enforcement officer, firefighter, paramedic, or emergency medical technician.

(Sec. 310) This section modifies the application of certain top-heavy rules for a defined contribution plan that covers employees who do not meet the minimum age or service requirements under the IRC. Currently, an employer-sponsored defined contribution plan that is top heavy (i.e., more than 60% of the aggregate accrued benefits or account balances are for certain key employees) must satisfy certain minimum vesting and minimum benefit requirements to maintain its tax-qualified status. This section allows the plan to exclude employees who do not



meet the minimum age or service requirements in determining whether the plan satisfies minimum vesting and minimum benefit requirements.

(Sec. 311) This section restricts to three years the period during which a qualified birth or adoption distribution may be repaid to a retirement plan. Current law allows an individual to take a penalty-free early distribution from certain defined contribution retirement plans of up to \$5,000 for a qualified birth or adoption.

(Sec. 312) This section allows 401(k) and 403(b) plans to rely on an employee's written self-certification that a deemed hardship distribution is due to an immediate and heavy financial need and is limited to the amount required to satisfy that financial need. Similarly, the section allows 457(b) plans to rely on a participant's written self-certification that a deemed unforeseeable emergency distribution meets applicable conditions (i.e., the participant is faced with an unforeseeable emergency and the distribution is not in excess of the amount required to satisfy the emergency need).

(Sec. 313) This section establishes statutes of limitation under the IRC with respect to imposing an excise tax for excess contributions to an IRA or for failing to comply with the RMD rules.

(Sec. 314) This section allows a domestic abuse victim to take a penalty-free early distribution of up to \$10,000 (inflation adjusted) from an eligible retirement plan that is not a defined benefit plan or a joint and survivor annuity.

(Sec. 315) This section modifies two stock attribution rules with respect to the aggregation of related businesses when determining compliance with nondiscrimination requirements. First, it requires community property laws to be disregarded for the purposes of determining ownership. Second, it modifies the attribution requirements between parents and minor children.

(Sec. 316) This section allows an employer to adopt an amendment to a stock bonus, pension, profit-sharing, or annuity plan that is beneficial to participants prior to the employer's tax filing deadline. (Under current law, plan amendments to an existing plan must generally be adopted by the last day of the plan year in which the amendment is effective.)

(Sec. 317) This section permits sole proprietors who establish a new tax-exempt retirement plan after the end of a taxable year (but before their tax filing date) to treat contributions made before the tax filing date as elective deferrals during the prior taxable year. An elective deferral is an amount contributed to certain tax-qualified retirement plans (e.g., 401(k), 403(b), SIMPLE IRA plans) by an employer at the employee's election and which, except to the extent they are designated Roth contributions, are excludable from the employee's gross income.

(Sec. 318) This section directs Labor to promulgate regulations under ERISA's fiduciary requirements that allow employee health or retirement plans to use a benchmark that is a blend of broad-based securities market indices to meet the performance benchmarking requirements for designated investment alternatives. The section also requires Labor to report on the utilization, and participants' understanding, of the benchmarking requirements.

(Sec. 319) This section requires Labor, Treasury, and the Pension Benefit Guaranty Corporation to review and report on the effectiveness of reporting and disclosure requirements applicable to retirement plans under ERISA and the IRC. The report must also include recommendations to consolidate, simplify, standardize, and improve the reporting and disclosure requirements.

(Sec. 320) This section modifies the disclosure requirements applicable to unenrolled participants in employer-sponsored defined contribution plans. Specifically, the section provides that ongoing plan disclosures are not required to be provided to unenrolled participants so long as the unenrolled participants are provided with an annual reminder of their eligibility to participate in the plan and any documents they request.

(Sec. 321) This section directs Labor to review its interpretive bulletin related to the fiduciary standards when selecting an annuity provider for a defined benefit pension plan and consult with the ERISA advisory council to determine if changes are needed. It also requires Labor to report on its findings, including an assessment of any risk to participants.

(Sec. 322) This section modifies the tax treatment of certain IRAs involved in a prohibited transaction (e.g., a transaction where an IRA buys investment property from the IRA owner). Currently, if there is a prohibited transaction in an IRA, the IRA loses its tax-favored status and the fair market value of the assets in the entire IRA are treated as distributed to the owner. This section specifies that if an individual has multiple IRAs, they are treated separately with respect to prohibited transactions.

(Sec. 323) This section specifies that the exemption from the 10% additional tax on early withdrawals from retirement plans for distributions that are substantially equal periodic payments made over the account owner's life expectancy applies in the case of a rollover of the account, an exchange of the annuity providing the payments, or an annuity that meets the RMD requirements.

(Sec. 324) This section directs Treasury to develop and issue guidance in the form of sample forms to simplify, standardize, facilitate, and expedite the completion of rollovers to eligible retirement plans and trustee-to-trustee transfers from an IRA to another individual retirement account or annuity.

(Sec. 325) This section exempts designated Roth accounts that are included in employer-sponsored retirement plans from the RMD rules prior to the participant's death.

(Sec. 326) This section allows penalty-free early distributions from retirement plans for individuals who have a terminal illness.

(Sec. 327) This section permits surviving spouses to elect to be treated as the deceased employee for purposes of the RMD requirements.

(Sec. 328) This section eliminates the requirement that certain distributions from a governmental retirement plan for the health or long-term care insurance premiums of a retired public safety officer must be paid directly to the insurance plan for such amount to be excluded from

the retired officer's gross income.

(Sec. 329) This section exempts from the 10% additional tax on early withdrawals distributions under a governmental plan to public safety employees with at least 25 years of service under the plan, regardless of their age.

(Sec. 330) This section extends the public safety employee exception to the 10% additional tax on early withdrawals to distributions under a governmental plan to corrections officers and certain forensic security employees.

(Sec. 331) This section allows penalty-free early withdrawals from retirement plans in connection with a federally declared disaster. It permits distributions of up to \$22,000 per participant, per disaster.

(Sec. 332) This section permits an employer to replace a SIMPLE IRA plan with a safe harbor 401(k) plan at any time during the year. The section also provides a waiver of certain rollover rules for a conversion of a SIMPLE IRA to a 401(k) plan or 403(b) plan.

(Sec. 333) This section allows penalty-free early withdrawals from an IRA of any excess contribution amount (and associated earnings) included in a corrective distribution.

(Sec. 334) This section permits employer-sponsored defined contribution retirement plans to make penalty-free distributions of up to \$2,500 per year (inflation adjusted) to pay the premiums for long-term care insurance that meets certain standards.

(Sec. 335) This section directs Treasury to revise its minimum funding regulations for defined benefit plans to limit the mortality improvement rate that is used to calculate the present value of a stream of expected future benefit payments.

(Sec. 336) This section requires the Government Accountability Office to report on the effectiveness of notices provided by plans to participants about distributions eligible for rollover treatment.

(Sec. 337) This section modifies the RMD rules for special needs trusts, including by allowing the special needs trust to provide for a charitable organization as the remainder beneficiary.

(Sec. 338) This section requires a certain number of periodic benefit statements to be provided in paper form. Specifically, it generally requires a participant in a defined contribution plan to receive one quarterly statement in paper form each year, and it requires a participant in a defined benefit plan to receive one quarterly statement in paper form every three years.

(Sec. 339) This section adds tribal courts to the list of courts eligible to issue qualified domestic relations orders with respect to providing distributions to alternate payees under ERISA and the IRC.

(Sec. 340) This section requires Labor to review its regulations related to fiduciary disclosure requirements in participant-directed individual account plans. Currently, the regulation requires plan administrators to disclose certain plan and investment-related information, including fee and expense information, to participants and beneficiaries. This section requires Labor to explore improvements to enhance participants' understanding of fees and expenses related to a defined contribution plan under ERISA, as well as the cumulative effect of the fees and expenses on retirement savings over time.

(Sec. 341) This section directs Labor and Treasury to adopt regulations providing that a plan can consolidate certain required notices.

(Sec. 342) This section requires a pension plan administrator that is amending the plan in order to provide participants with the option to elect a lump sum payment to provide the participants with certain information about the available benefit options, including an explanation about how the lump sum was calculated.

(Sec. 343) This section modifies requirements regarding the annual funding notices for a defined benefit plan, including by requiring the plan to provide the average return on assets for the plan year.

(Sec. 344) This section requires Labor to report on the pooled employer plan (PEP) industry. The report must include the legal name and number of PEPs, as well as other information such as the number of participants, the range of investment options provided, and the fees assessed in the plans. The report must also include legislative recommendations to improve PEPs.

(Sec. 345) This section provides that plans that are part of a group of plans only need to submit an audit if they have 100 or more participants.

(Sec. 346) This section establishes an Employee Ownership Initiative within Labor to promote employee ownership. It authorizes grants for education, training, and technical assistance to support existing programs and create new programs at the state level.

(Sec. 347) This section directs Labor to study the impact of inflation on retirement savings.

(Sec. 348) This section provides a statutory maximum of 6% for the projected interest crediting rate for certain hybrid defined benefit plans that provide variable interest crediting rates. Hybrid defined benefit plans generally are those that express a participant's accumulated benefits as a lump sum based on a benefit formula.

(Sec. 349) This section establishes a maximum variable-rate pension insurance premium of \$52 per \$1,000 of unfunded vested benefits in a defined benefit pension plan.

(Sec. 350) This section extends and provides statutory authority for the IRS safe harbor period for employers to correct reasonable administrative errors with respect to the automatic enrollment or automatic escalation features of an employer-sponsored retirement plan.

Specifically, this section provides a 9 1/2 month-period after the end of a plan year to correct such errors beginning in plan year 2024. Current guidance sunsets the safe harbor correction method after 2023.

#### TITLE IV--TECHNICAL AMENDMENTS



#### Chapter 1--Wait Times for Care

(Sec. 121) This section provides for the calculation of wait time for an appointment at a VA medical facility to determine whether a veteran is eligible to seek care at a non-VA provider under the Veterans Community Care Program (VCCP).

(Sec. 122) The VA must develop a plan to ensure that veterans who are eligible for care under the VCCP are informed of the expected number of days between the date they requested care and the date they may receive care with the VA or a non-VA provider.

#### Chapter 2--Improvement of Provision of Care

(Sec. 125) This section modifies access to care standards for non-VA care under the VCCP, including by authorizing a third party administrator to request a waiver to meet these standards under certain circumstances.

(Sec. 126) The VA must develop and periodically update a strategic plan to ensure continuity of health care furnished at a VA facility or through the VCCP for veterans impacted by the realignment of a VA medical facility.

#### Chapter 3--Community Care Self-Scheduling Pilot Program

(Sec. 132) The VA must implement an 18-month pilot program under which certain veterans may use appointment self-scheduling technology to schedule and confirm medical appointments with health care providers participating in the VCCP.

(Sec. 133) The VA must ensure the appointment self-scheduling technology used in the pilot program includes specified elements, such as the capability to self-schedule, modify, and cancel appointments directly online. The Government Accountability Office (GAO) must evaluate whether the technology includes the required capabilities and successfully performs such capabilities.

(Sec. 134) The VA must assess and report on the pilot program and include recommendations for extending the pilot program or making it permanent.

#### Chapter 4--Administration of Non-Department Care

(Sec. 141) The VA must ensure that VCCP third party administrators and credentials verification organizations comply with specified credentialing requirements to help ensure that certain health care providers are excluded from providing non-VA health care services.

(Sec. 142) This section modifies certain deadlines for the submittal of claims by a non-VA individual or entity seeking reimbursement for the provision of emergency treatment to a veteran. Specifically, a non-VA individual or entity seeking such reimbursement must submit a claim not later than 180 days after the treatment was provided. Veterans may not be held liable for payment if a claim was submitted by an individual or entity after the deadline due to an administrative error made by the individual or entity or by the VA.

(Sec. 143) The VA must publish information regarding emergency care authorization for non-VA providers on a publicly available VA website.

(Sec. 144) The requirement of the VA to deny or revoke the eligibility of a health care provider to provide non-VA health care services must apply to any removal or violation occurring on or after the date that is not less than five years prior to the enactment of this act.

#### Subtitle D--Improvement of Rural Health and Telehealth

(Sec. 151) The VA must develop (and regularly update) a strategic plan to ensure the effectiveness of the telehealth technologies and modalities delivered to veterans who are enrolled in the VA health care system

(Sec. 152) The GAO must report on the VA program under which third parties provide transportation for veterans who are seeking VA services or benefits.

(Sec. 153) The GAO must report on the telehealth services provided by the VA.

#### Subtitle E--Care for Aging Veterans

(Sec. 161) Under this section, the VA must develop a strategy for the long-term care of veterans.

(Sec. 162) The VA must develop a standardized process for entering into sharing agreements between state homes and VA medical centers. This section also addresses the oversight of inspections at state homes and the provision of medication to catastrophically disabled veterans.

(Sec. 163) The VA must implement a two-year pilot program to provide geriatric psychiatry assistance to eligible veterans at state homes.

(Sec. 164) The VA must work with public housing authorities and local organizations to assist aging homeless veterans in accessing existing housing and supportive services.

(Sec. 165) The VA is authorized to enter into contracts to pay for specified veterans (i.e., certain veterans who have service-connected disabilities and require nursing home care) to be placed in medical foster homes at their request. The VA must create a monitoring system to assess its workload in carrying out the medical foster home payments. Additionally, the GAO must submit to Congress reports that assess the implementation of this program and provide recommendations for improvements.

#### Subtitle F--Foreign Medical Program

(Sec. 171) The VA must analyze the feasibility and advisability of making assistance and support under the VA's Program of Comprehensive Assistance for Family Caregivers available to caregivers of veterans in the Philippines.

(Sec. 172) The GAO must report on the VA's Foreign Medical Program.

#### Subtitle G--Research Matters

(Sec. 181) This section provides that the Paperwork Reduction Act does not apply to the voluntary collection of information during research conducted by the VHA.

(Sec. 182) This section provides statutory authority for the VHA's Office of Research and Development to serve veterans through a full spectrum of research, technology transfer, and application.

(Sec. 183) Under this section, the VA is authorized to appoint statisticians, economists, data scientists, and other professionals within the VHA.

(Sec. 184) The GAO must study the amount of time dedicated for research for clinician-scientists appointed by the VA.

#### Subtitle H--Mental Health Care

(Sec. 191) The VA must analyze the feasibility and advisability of making repetitive transcranial magnetic stimulation available at all VA medical facilities, and electro-convulsive therapy available at one VA medical center within each Veterans Integrated Service Network, for the treatment of veterans who are enrolled in the VA health care system and have a diagnosis of treatment-resistant depression.

(Sec. 192) This section requires the VA to modify the Veterans Equitable Resource Allocation system to ensure that resource allocations under the system include peer specialists appointed at the VHA.

(Sec. 193) The VA must complete a gap analysis throughout the entire health care system of the VHA on the use and availability of psychotherapeutic interventions recommended in widely used clinical practice guidelines, as recommended in the final report of the Creating Options for Veterans Expedited Recovery (COVER) Commission.

(Sec. 193A) This section prohibits the VA (for a five-year period) from imposing or collecting any copayment for a veteran's first three mental health outpatient care visits in a calendar year. However, such prohibition must not apply with respect to the imposition or collection of copayments for medications.

#### Subtitle I--Other Matters

(Sec. 194) The VA must, at least once every 10 years, enter into a contract with a private sector entity or entities to conduct an independent assessment of the hospital care, medical services, and other health care furnished by the VA.

(Sec. 195) The VA must review the data that is publicly available on its Access to Care website, including by analyzing the access to and usability of the data on the website.

## TITLE II--BENEFITS MATTERS

### Subtitle A--Benefits Generally

(Sec. 201) This section modifies the VA clothing allowance policy for veterans who, due to a service-connected disability, wear a prosthetic, use an orthopedic appliance (e.g., a wheelchair), or use a prescription skin medication that the VA determines causes irreparable damage to clothing.

(Sec. 202) This section requires the VA to obtain a medical opinion that determines whether a service-connected disability was the principal or contributory cause of death for a veteran who died from COVID-19.

(Sec. 203) The VA must adjust regulations and guidance related to the underwriting of VA home loans to include guidance on evaluating the sufficiency of a veteran's residual income pursuant to specified elements (i.e., energy cost savings).

(Sec. 204) This section extends through November 14, 2031, certain loan fee rates under the VA's home loan program.

### Subtitle B--Education

#### *Native VetSuccess at Tribal Colleges and Universities Pilot Program Act*

(Sec. 211) This section requires the VA to implement the Native VetSuccess at Tribal Colleges and Universities Pilot Program for five years to assess the feasibility and advisability of expanding the VetSuccess on Campus program to additional tribal colleges and universities.

(Sec. 212) This section requires the Department of Labor, in the implementation of the Transition Assistance Program, to provide information concerning apprenticeship programs to members of the Armed Forces who are separating from active duty.

(Sec. 213) Labor, in coordination with the VA, must establish a publicly accessible and user-friendly website on which veterans can find specified information about apprenticeship programs that are approved under VA education benefit provisions.

(Sec. 214) This section provides procedures for the transfer of a Post-9/11 GI Bill educational assistance entitlement in situations where an eligible individual dies after the approval of the transfer but before the entire entitlement is transferred. Specifically, the remaining entitlement must be transferred evenly between the designated transferees who would not be precluded from using the benefits due to the expiration of time limitations.

(Sec. 215) This section removes secondary schools from the definition of *educational institution* under the Survivors' and Dependents' Educational Assistance program for purposes of educational assistance entitlement.

(Sec. 216) This section authorizes members of the Armed Forces (including reserve components) who are utilizing VA educational assistance benefits to withdraw or take a leave of absence after they receive orders for active service, inactive-duty training, or state active duty.

### Subtitle C--GI Bill National Emergency Extended Deadline Act

*GI Bill National Emergency Extended Deadline Act of 2022*

(Sec. 232) This section extends the time limitation for using educational assistance under the Montgomery GI Bill and the Post-9/11 GI Bill when educational institutions are temporarily or permanently closed due to an emergency situation, or there is another reason that prevents an individual from participating.

(Sec. 233) This section extends the time limitation for eligibility under the Veteran Readiness and Employment program when educational institutions are temporarily or permanently closed due to an emergency situation, or there is another reason that prevents an individual from participating.

(Sec. 234) This section adjusts the time limitation for using educational assistance under the Survivors' and Dependents' Educational Assistance program.

## Subtitle D--Rural Veterans Travel Enhancement

(Sec. 241) The GAO must study fraud, waste, and abuse of benefits under the VA beneficiary travel program and report the findings to Congress.

(Sec. 242) The GAO must also study and report on (1) the efficacy of the current mileage reimbursement rate under the VA beneficiary travel program in mitigating the financial burden of transportation costs for traveling to and from VA medical facilities for care, (2) the origins of the amount of the deductible and its impact on the efficacy of the benefits provided in mitigating the financial burden on veterans seeking medical care, and (3) recommendations for how this program or another program could further encourage veterans to seek medical care.

(Sec. 243) The VA must implement a five-year pilot program to assess the feasibility and advisability of providing payments under the beneficiary travel program 48 hours in advance of travel to eligible appointments to certain individuals, including low-income veterans and other eligible individuals.

(Sec. 244) The VA must implement a five-year pilot program within the Readjustment Counseling Services of the VHA 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.

## Subtitle E--VA Beneficiary Debt Collection Improvement Act

*VA Beneficiary Debt Collection Improvement Act of 2022*

(Sec. 252) This section prohibits an individual from incurring a debt to the United States that arises from participation in a VA benefits program and is attributable to the failure of the VA to process information according to its timeliness standards. The VA must notify an individual if it has made an overpayment to the individual and include in the notice information on the right to dispute the overpayment or request a waiver of indebtedness. The VA is prohibited from taking action regarding an overpayment until 90 days after the notice is issued, except in specified circumstances.

(Sec. 253) The VA is prohibited from charging interest or administrative costs for debts related to its disability compensation program, pension program, or educational assistance program.

(Sec. 254) This section extends from 180 days to one year the deadline by which an individual may request a waiver for relief from paying a debt related to VA benefits.

(Sec. 255) The VA is prohibited from seeking to recover a debt if it determines the cost to the VA to recover the debt would exceed the amount of the debt itself. Additionally, the VA must establish an administrative process for the dispute of a debt's existence or the amount of the debt. The VA is also prohibited from deducting from an individual's VA benefits to offset a debt if the amount of the debt is being disputed.

## TITLE III--HOMELESSNESS MATTERS

(Sec. 301) This section removes certain funding limitations on grants that assist eligible entities in establishing or modifying programs to furnish outreach, rehabilitative services, vocational counseling and training, and transitional housing assistance to homeless veterans. Under this section, grant recipients must not be subject to certain property disposition requirements.

(Sec. 302) Under the VA program to improve retention of housing by formerly homeless veterans and veterans at risk of becoming homeless, the VA must provide services to assist such veterans with navigating resources provided by federal, state, local, and tribal governments.

(Sec. 303) This section modifies the provision of homeless veterans reintegration programs, including by implementing a grant program and expanding program eligibility to certain veterans residing in penal institutions.

(Sec. 304) This section reauthorizes and modifies a VA program that provides housing assistance to homeless veterans. Specifically, the VA is authorized to enter into agreements with specified entities (e.g., nonprofit organizations or tribal entities) through September 30, 2026, to assist homeless veterans and their families in acquiring shelter or permanent housing.

(Sec. 305) The VA must provide training and technical assistance to (1) grant recipients and recipients of per diem payments regarding the planning, development, and provision of services for homeless veterans for which the grants or payments are made; and (2) entities providing services to veterans at risk of, experiencing, or transitioning out of homelessness. Additionally, the section removes the cap on the amount available under the Supportive Services for Veterans Families program for training and technical assistance.

(Sec. 306) This section provides additional eligibility requirements for entities to enter into contracts or agreements with the VA to provide case management services to certain veterans participating in the Department of Housing and Urban Development-VA Supportive Housing (HUD-VASH) program.

(Sec. 307) This section requires the VHA to provide medical center staff and homelessness service providers of the VA with information related to best practices for the collaboration on centralized or coordinated assessment systems established and operated by Continuums of Care. The VA must also ensure that the information and related resources are accessible to VA medical center staff and homelessness service providers.

(Sec. 308) This section requires the VHA to communicate with VA employees who have responsibilities related to homelessness assistance programs regarding (1) the measurement of performance by the VA's Homeless Program Office, and (2) how to obtain and provide feedback about the performance measures.

(Sec. 309) The VA and HUD must develop a system for effectively sharing and reporting data between the community-wide homeless management information system and the Homeless Operations Management and Evaluation System of the VA.

(Sec. 310) The VA must implement a five-year pilot program to assess the feasibility and advisability of awarding grants to certain entities (i.e., those that provide transitional housing services to veterans) to meet the health care needs of veterans who are homeless, veterans who were previously homeless and are transitioning to permanent housing, and veterans who are at risk of becoming homeless.

(Sec. 311) The VA must implement a five-year pilot program to award grants to eligible entities (e.g., incorporated private institutions or foundations) for the provision or coordination of services for substance use disorder recovery for veterans who are homeless, veterans who were previously homeless and are transitioning to permanent housing, and veterans who are at risk of becoming homeless.

(Sec. 312) The GAO must 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 VA.

(Sec. 313) The VA must study and report on the (1) use of and variation of financial and credit counseling services available for homeless veterans and veterans experiencing housing instability; (2) barriers for such veterans in accessing financial and credit counseling; and (3) ability to evaluate and assess the potential effects of financial and credit counseling for such veterans with respect to housing, employment, income, and other appropriate outcomes as determined by the VA.

#### TITLE IV--OTHER MATTERS

(Sec. 401) This section addresses VA supply chain processes, particularly during emergency periods. Among other requirements, the VA must submit a report containing a description of the items and quantities of items that are critical with respect to the VA's ongoing response to the COVID-19 pandemic and future epidemic, pandemic, emergency, national emergency, or natural disaster scenarios.

(Sec. 402) The VA must implement various policies and procedures related to sexual harassment, other harassment, and employment discrimination. Among other requirements, the VA must provide employees with mandatory annual training on identifying and addressing sexual harassment, other harassment, and employment discrimination, including with respect to processes under the VA's Harassment Prevention Program.

(Sec. 403) This section addresses the management and implementation of information technology projects and investments of the VA. Among other elements, the section prohibits the VA from obligating or expending funds for any major information technology project that begins after the date of enactment of this act unless a report is submitted that includes information on the cost, schedule, and performance of the project, as generated by the business owner of the project prior to the commencement of the project.

(Sec. 404) The VA must report to Congress (1) an explanation of the ratings, rankings, and risk categorizations used by the Chief Information Officer with respect to the information technology dashboard of the Office of Management and Budget (OMB); and (2) copies of supporting or explanatory information provided by the Chief Information Officer to OMB with respect to submissions to the information technology dashboard in the fiscal year in which the report is submitted.

(Sec. 405) This section requires the VA to address the accountability and staffing of its police force, including by establishing certain policies and procedures. Among other requirements, the VA must (1) implement a policy requiring VA police officers to wear body cameras that record and store audio and video, and (2) review and investigate reported incidents of the use of force by VA police officers.

(Sec. 406) The VA must establish and implement a plan to meet, by not later than five years after the enactment of this act, the requirements of the Freedom of Information Act with respect to providing documents and information within the required time frames.

(Sec. 407) This section changes the monthly amount of the Medal of Honor special pension to \$1406.73, and provides for graduated retroactive payments to recipients who received the previous amount set forth in the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116-315).

(Sec. 408) This section implements a cap on the number of full-time VA employees who provide equal employment opportunity counseling. The section adjusts the cap after three years, but provides that the VA must notify Congress if at any time the number of such employees is insufficient for the VA to meet its required obligations.

#### DIVISION V--STRONG VETERANS ACT OF 2022

*Support The Resiliency of Our Nation's Great Veterans Act of 2022 or the STRONG Veterans Act of 2022*

#### TITLE I--TRAINING TO SUPPORT VETERANS' MENTAL HEALTH

(Sec. 101) This section requires the Department of Veterans Affairs (VA) to ensure that each of its medical centers has at least one full-time minority veteran coordinator and that all minority veterans coordinators receive training in the delivery of culturally appropriate mental health and suicide prevention services to American Indian and Alaska Native veterans.

(Sec. 102) This section requires the VA to hire an additional 50 full-time equivalent employees for Vet Centers to provide expanded mental health care to veterans, members of the Armed Forces, and their families.

(Sec. 103) The VA must add an additional 250 paid trainee slots in covered mental health disciplines, such as psychiatry, to the VA's workforce.

(Sec. 104) This section requires the VA to expand specified scholarships and loan repayment programs for mental health providers and students.

## TITLE II--VETERANS CRISIS LINE

(Sec. 201) This section establishes that references to the *Veterans Crisis Line* (crisis line) means the toll-free hotline established for veterans.

### Subtitle A--Veterans Crisis Line Training and Quality Management

(Sec. 211) This section requires the VA to enter into an agreement with an outside organization to review the training for crisis line call responders on assisting callers in crisis.

(Sec. 212) The VA must require that at least two calls per month for each crisis line responder be subject to supervisory silent monitoring for quality of conduct. Additionally, the VA must establish quality management processes and expectations for staff of the crisis line. The VA must annually perform a common cause analysis for identified callers to the crisis line who died by suicide in situations where the crisis line was the last point of contact.

(Sec. 213) The VA must develop enhanced guidelines and procedures to respond to calls to the crisis line related to substance use and overdose risk, update training materials for crisis line staff, and update criteria for monitoring compliance with the enhanced guidelines and procedures. The VA must also review the current emergency dispatch standard operating procedure of the crisis line to identify any additions to such procedure to strengthen communications regarding emergency dispatch for disconnected callers and the role of social service assistants in requesting emergency dispatch and recording such dispatches.

(Sec. 214) The VA must (1) establish oversight mechanisms to ensure that social service assistants and supervisory social service assistants working with the crisis line are appropriately trained and implementing guidance of the VA regarding the crisis line, and (2) refine standard operating procedures to delineate roles and responsibilities for all levels of supervisory social service assistants working with the crisis line.

### Subtitle B--Pilot Programs and Research on Veterans Crisis Line

(Sec. 221) The VA must implement pilot programs (1) to determine whether a lengthier, template safety plan used in clinical settings could be applied in call centers for the crisis line; and (2) on the use of crisis line facilitation to increase use of the crisis line among high-risk veterans.

(Sec. 222) This section authorizes appropriations for FY2022-FY2023 to the VA for the Mental Illness Research, Education, and Clinical Centers to conduct research on the effectiveness of the crisis line and areas for its improvement.

### Subtitle C--Transition of Crisis Line Number

(Sec. 231) The VA must 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 regarding the move to 988 as the new suicide and mental health crisis hotline.

## TITLE III--OUTREACH TO VETERANS

(Sec. 301) The VA must designate one week each year as Buddy Check Week for the purposes of organizing outreach events and educating veterans on how to conduct peer wellness checks.

(Sec. 302) This section updates the Veterans Justice Outreach Program, which is a program through which the VA identifies justice-involved veterans and provides them with access to VA services. *Justice-involved veterans* are those with active, ongoing, or recent contact with some component of a local criminal justice system.

(Sec. 303) This section authorizes the VA to 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) This section requires the VA to make permanent and expand the Peer Specialist Support program.

(Sec. 402) This section expands eligibility for Vet Center services to veterans and members of the Armed Forces who are pursuing a course of education using certain VA educational assistance benefits. The section also requires the GAO to assess and report on the mental health needs of veterans pursuing a course of education using specified educational assistance benefits and the efforts of the VA to address such mental health needs.

(Sec. 403) This section expands eligibility for readjustment counseling and related mental health services, including through a Vet Center, to family members of a veteran or member of the Armed Forces who died by suicide.



(Sec. 404) Not later than 30 days after a veteran submits a claim for compensation for a service-connected disability related to a mental health diagnosis, the VA must offer the veteran a mental health consultation to assess the mental health needs of the veteran. For veterans who are not offered or provided a mental health consultation through the case management services of the program of the Homeless Programs Office, the VA must offer such veteran a mental health consultation.

#### TITLE V--RESEARCH

(Sec. 501) This section addresses the Veterans Integration to Academic Leadership Program, including by requiring the VA to establish best practices, goals, and measures for the program that are uniform among the VA's medical centers.

(Sec. 502) The VA must take appropriate action to improve the assessment and treatment of veterans with sleep disorders, including by conducting in-home sleep studies for veterans.

(Sec. 503) The VA must study veterans' access to care under the residential rehabilitation treatment programs of the VA to determine if there are sufficient locations and bed spaces, any workforce-related capacity issues, or other barriers to accessing care.

(Sec. 504) This section requires the VA to study the availability of treatment programs for veterans with co-occurring mental health and substance use disorders, geographic disparities in access to such programs, and the average wait times for such programs.

(Sec. 505) Under this section, the VA must study the workload of its local suicide prevention teams.

(Sec. 506) The VA must 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.

(Sec. 507) The VA must study secondary post-traumatic stress disorder (PTSD) and depression and its impact on spouses, children, and caregivers of members of the Armed Forces.

(Sec. 508) This section authorizes an appropriation for ongoing and future research at the Translational Research Center of the VA 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 have such conditions.

(Sec. 509) The VA must study the efficacy of clinical and at-home resources for PTSD.

#### DIVISION W--UNLEASHING AMERICAN INNOVATORS ACT OF 2022

##### *Unleashing American Innovators Act of 2022*

This division modifies the responsibilities of U.S. Patent and Trademark Office (PTO) satellite offices and addresses related issues.

The division increases the discount on patent-related fees for small and micro entities. An entity that falsely claims such a discount shall be subject to a fine, in addition to any other existing penalties.

The division also modifies the statutory purpose of PTO satellite offices to include (1) outreach activities targeting certain groups, such as low-income populations, veterans, and geographic groups that are underrepresented in patent filings; and (2) targeting patent examiners and administrative patent judges from economically, geographically, and demographically diverse backgrounds in the PTO's retention activities.

For each satellite office established after January 1, 2023, the PTO must consider the office's proximity to anchor institutions (e.g., hospitals primarily serving veterans and institutions of higher education) and certain groups, such as low-income populations, veterans, and geographic groups that are underrepresented in patent filings.

The PTO must establish (1) a satellite office in the southeastern United States within three years of this act's enactment, (2) at least four community outreach offices throughout the United States within five years of this act's enactment, and (3) a pilot program to help prospective first-time patent applicants assess the strengths and weaknesses of a potential patent application.

The PTO must also (1) conduct and report to Congress a study on patent pro bono programs, including whether such programs are sufficiently serving prospective and existing participants; and (2) use the study's findings to update such pro bono programs.

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

(Sec. 101) This section extends until December 23, 2024, the special assessment on nonindigent persons or entities convicted of certain offenses involving sexual abuse or human trafficking. The assessment funds programs for human-trafficking survivors.

#### DIVISION Y--CONTRACT ACT OF 2022

##### *Continuity for Operators with Necessary Training Required for ATC Contract Towers Act of 2022 or the CONTRACT Act of 2022*

(Sec. 102) This division exempts certain air traffic controllers from a required reduction in their retirement annuity payment on account of earnings from certain work performed while entitled to such annuity.

Under current law, retired Federal Aviation Administration air traffic controllers receive an annuity payment during the period between the mandatory retirement age of 56 and the Social Security minimum age of 62. Such annuity payment is required to be reduced by a certain percentage of any excess earnings during this period.

The division exempts from such reduction in annuity payments an air traffic controller who participates in the Air Traffic Control Contract Program (a public-private partnership for air traffic control services) following mandatory retirement.

#### DIVISION Z--COVS ACT



(Sec. 601) This section requires each unit of federally assisted housing to contain hardwired or tamper-resistant battery-powered smoke alarms.

#### TITLE VII--BENJAMIN BERELL FERENCZ CONGRESSIONAL GOLD MEDAL

##### *Benjamin Berell Ferencz Congressional Gold Medal Act*

(Sec. 703) This section provides for the award of a Congressional Gold Medal to Benjamin Berell Ferencz in recognition of his service to the United States and the international community during the post-World War II Nuremberg trials and his lifelong advocacy for international criminal justice and the rule of law.

#### TITLE VIII--CONGRESSIONAL OVERSIGHT COMMISSION

(Sec. 801) This section changes from September 30, 2025, to June 30, 2023, the termination date of the congressional commission that oversees the implementation of certain economic stabilization activities undertaken by the Department of the Treasury and the Board of Governors of the Federal Reserve System to address the COVID-19 pandemic.

#### TITLE IX--FLOOD INSURANCE

(Sec. 901) This section reauthorizes the National Flood Insurance Program through September 30, 2023. The section shall take effect as if it had been enacted on September 30, 2022.

#### DIVISION BB--CONSUMER PROTECTION AND COMMERCE

##### TITLE I--MANUFACTURING.GOV

(Sec. 101) This section requires the Department of Commerce to establish a section of the manufacturing.gov website to serve as the primary hub for information relating to federal manufacturing programs.

In addition to serving as the primary hub for this information, the hub must also (1) provide the contact information for relevant program offices carrying out federal manufacturing programs; (2) provide an avenue for public input and feedback relating to these programs; and (3) host web pages that focus on topics such as trade, workforce development, and small and medium manufacturers.

##### TITLE II--STURDY

(Sec. 201) This section requires the Consumer Product Safety Commission to revise the safety standards for freestanding clothing storage units such as dressers, bureaus, or chests of drawers. Such standards must include specified testing related to tip overs and new warning requirements for all such products entering the U.S. market.

##### TITLE III--INFORM CONSUMERS

(Sec. 301) This section requires online marketplaces (e.g., Amazon) to collect and verify certain contact and financial information from third-party sellers whose transactions and related revenues exceed specified thresholds.

Subject to certain exceptions, online marketplaces must clearly and conspicuously disclose the contact information of certain high-volume third-party sellers to consumers and must also provide consumers with methods to report suspicious activity on the marketplace.

The section provides the Federal Trade Commission and state attorneys general with the authority to enforce these requirements.

##### TITLE IV--VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT REAUTHORIZATION

(Sec. 402) This section reauthorizes through FY2023 and modifies the swimming pool safety grant program, which provides grants to states and local governments to support enforcement of pool safety laws and implement education programs to assist in reducing deaths and injuries from drowning and drain entrapment incidents in pools and spas.

(Sec. 403) This section reauthorizes through FY2023 and revises the Consumer Product Safety Commission's swimming pool and spa safety education and awareness program.

##### TITLE V--RANSOMWARE ACT

##### *Reporting Attacks from Nations Selected for Oversight and Monitoring Web Attacks and Ransomware from Enemies Act or the RANSOMWARE Act*

(Sec. 502) This section requires the Federal Trade Commission to periodically report on cross-border complaints received that involve ransomware and other cyberattacks carried out by certain foreign individuals, companies, and governments.

(Sec. 503) This section sets out the timing for and contents of the required reports. The reports must focus specifically on attacks committed by (1) Russia, China, North Korea, or Iran; or (2) individuals or companies that are located in or have ties to those countries.

##### TITLE VI--TRAVEL AND TOURISM

This title implements measures to support the U.S. travel and tourism industry and to address the declining percentage of international visitors to the United States.

##### Subtitle A--Travel Promotion

##### *Visit America Act*

(Sec. 604) This section establishes the role of Assistant Secretary of Commerce for Travel and Tourism.

(Sec. 605) The assistant secretary must (1) set an annual goal for the number of international visitors to the United States, and (2) facilitate international business travel to the United States.

Further, the assistant secretary must develop and implement a COVID-19 pandemic recovery strategy to assist the recovery of the U.S. travel and tourism industry.

(Sec. 606) This section requires the Department of Commerce to develop a 10-year travel and tourism strategy with annual goals for the number of international visitors to the United States and for tourism commerce.

(Sec. 607) This section provides statutory authority for the United States Travel and Tourism Advisory Board, which must support the assistant secretary in developing and implementing the COVID-19 pandemic recovery strategy.

#### Subtitle B--Travel Safety

(Sec. 611) This section directs Commerce to complete a study on the effects of the COVID-19 pandemic on the travel and tourism industry.

#### DIVISION CC--WATER RELATED MATTERS

(Sec. 101) This section revises and extends authority to undertake capital projects related to the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin and the San Juan River Basin Recovery Implementation Program.

(Sec. 102) This section extends authority through September 30, 2024, for the Department of the Interior to fund or participate in pilot projects to increase Colorado River System water in Lake Mead and the initial units of Colorado River Storage project reservoirs to address the effects of historic drought conditions.

(Sec. 103) This section provides the Bureau of Reclamation with additional project authorities for the Salton Sea research project in Southern California.

Specifically, the section authorizes Reclamation to provide grants and enter into contracts and cooperative agreements to carry out projects (e.g., construction activities and dust suppression projects) to improve air quality, fish and wildlife habitat, recreational opportunities, and water quality in the area of the Salton Sea.

To carry out these projects, Reclamation may enter into partnerships with state, tribal, and local governments; water districts; joint powers authorities, including the Salton Sea Authority; nonprofit organizations; and institutions of higher education.

(Sec. 104) This section authorizes Reclamation to construct, operate, and maintain facilities (e.g., dams) in the Sun River project in Montana for hydroelectric power generation.

(Sec. 105) This section expands Reclamation's grant program for small surface water or groundwater storage projects in certain western states, Alaska, and Hawaii. Specifically, the section makes a project with a water storage capacity of at least 200 (currently 2,000) acre-feet eligible for a grant.

#### DIVISION DD--PUBLIC LAND MANAGEMENT

##### TITLE I--DEPARTMENT OF THE INTERIOR PROVISIONS

(Sec. 101) This section establishes a pilot program to prioritize the use of native plant species within geographically diverse units of the National Park System and public land.

(Sec. 102) This section extends through FY2029 the Highlands Conservation Act, which provides for land conservation in Highlands states (i.e., Connecticut, New Jersey, New York, and Pennsylvania).

(Sec. 103) This section directs Interior and the Forest Service to develop and maintain a current and accurate multipurpose cadastre (inventory) of federal real property (excluding Indian land) to support federal land management activities on federal real property, including resource development and conservation and agricultural use.

(Sec. 104) This section authorizes Interior to sell or lease public lands to federally recognized Indian tribes for recreational or public purposes, subject to annual acreage limitations.

##### TITLE II--FOREST SERVICE PROVISIONS

(Sec. 201) This section addresses the administration of the Land Between the Lakes National Recreation Area in Kentucky and Tennessee. It decreases from 17 to 13 the number of members who compose the advisory board and limits the purposes for which user fees collected at the area may be spent.

(Sec. 202) This section directs the Forest Service to conduct a study to (1) determine the suitability and feasibility of establishing a unit of the National Forest System in the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai in the state of Hawaii; and (2) identify available land within the study area that could be included in such unit.

##### TITLE III--LAND CONVEYANCES AND EXCHANGES

(Sec. 301) This section provides for a land conveyance to South Dakota. Specifically, if South Dakota submits an offer to the Forest Service to acquire approximately 266 acres of National Forest System land within the Gilt Edge Mine Superfund Boundary for its market value, the Forest Service shall convey such land to South Dakota.

(Sec. 302) This section directs the Bureau of Land Management (BLM) to establish a program to (1) identify and convey available federal land in Alaska to the University of Alaska to support higher education, and (2) acquire university-owned inholdings in Alaska. The BLM shall convey no more than 360,000 acres of land to the university.

Further, the BLM or the Department of Agriculture (USDA) may acquire university-owned inholdings within federal conservation system units or National Forest System units in Alaska.

(Sec. 303) This section modifies the wilderness designations of certain lands in the Uinta-Wasatch-Cache National Forest in Utah.

The section designates approximately 326.27 acres in the Uinta-Wasatch-Cache National Forest as part of the Mount Olympus Wilderness.

The section also removes the following lands in the Uinta-Wasatch-Cache National Forest from designation as wilderness:

- approximately 11.17 acres in the Mount Naomi Wilderness,
- approximately 197.4 acres in the Mount Olympus Wilderness,
- approximately 9.8 acres in the Twin Peaks Wilderness, and
- approximately 107.9 acres in the Lone Peak Wilderness Area.

The lands removed from designation as wilderness shall be managed as part of the forest.

(Sec. 304) This section directs USDA, if the Arizona Board of Regents, acting on behalf of the University of Arizona Experiment Station, submits a written request to USDA to acquire for market value approximately 13.3 acres of National Forest System land within the Coconino National Forest in Arizona, to convey to the university such land, including related infrastructure, improvements, and easements on that land.

(Sec. 305) This section directs the Forest Service to convey to Skamania County in Washington, upon request of the county, all right, title, and interest of the United States in approximately 23.4 acres of National Forest System land, related infrastructure, and all improvements on the map titled *Wind River Administrative Site Conveyance Proposal* and dated July 7, 2020.

(Sec. 306) This section authorizes Interior to issue a right-of-way permit for a specified segment of the natural gas distribution pipeline (including all appurtenances used in the operation of such pipeline) within Valley Forge National Historical Park if such pipeline segment is relocated to a proposed realignment of Valley Forge Park Road and North Gulph Road within the park.

#### TITLE IV--WILD AND SCENIC RIVER DESIGNATIONS

(Sec. 401) This section designates specified segments of the main stem and the tributaries of the York River in Maine as a recreational river.

(Sec. 402) This section designates specified segments of the Housatonic River in Connecticut as components of the National Wild and Scenic Rivers System (NWSRS).

(Sec. 403) This section designates a specified segment of the Little Manatee River in Florida for potential addition to the NWSRS. Interior must complete a study of the Little Manatee River and submit the results to Congress.

(Sec. 404) This section designates for study a restored segment of the Kissimmee River in Florida as a potential addition to the NWSRS. Interior must complete a study of the Kissimmee River and submit the results to Congress.

#### TITLE V--NATIONAL TRAILS SYSTEM

(Sec. 501) This section designates a segment of trail within the Klondike Gold Rush National Historical Park in Alaska as the Chilkoot National Historic Trail.

(Sec. 502) This section requires the study of the feasibility of designating the Alaska Long Trail in Alaska as a national scenic trail.

(Sec. 503) This section requires the study of the feasibility of designating the Buckeye Trail in Ohio as a national scenic trail.

#### TITLE VI-- NATIONAL PARK SERVICE PROVISIONS

##### Subtitle A--Additions to the National Park System

(Sec. 601) This section establishes the New Philadelphia National Historical Park in Illinois as a unit of the National Park System.

##### Subtitle B--Modifications to Existing Units of the National Park System

(Sec. 611) This section modifies the boundary of the Sunset Crater Volcano National Monument in Arizona to include approximately 97.71 acres of identified Forest Service land.

(Sec. 612) This section adds the Nystrom Elementary School and other areas as Interior deems appropriate to the Rosie the Riveter/World War II Home Front National Historical Park in California.

(Sec. 613) This section extends until September 26, 2029, the Cape Cod National Seashore Advisory Commission. It also repeals the prohibition barring Interior from, without the advice of the commission, issuing a permit for commercial or industrial use of property located within the seashore or establishing a public use area for recreational activity within the seashore.

(Sec. 614) This section modifies the official boundary of the Cane River Creole National Historical Park in Louisiana.

(Sec. 615) This section extends until September 30, 2026, the use of Highway 209, a federally owned road within the boundaries of the Delaware Water Gap National Recreation Area, by certain commercial vehicles that serve local businesses.

(Sec. 616) This section extends the boundary of the Wilson's Creek National Battlefield in Missouri to include approximately 25 acres of land related to the Newtonia Battlefield identified on the map titled *Wilson's Creek National Battlefield Proposed Boundary Modification* and dated July 2022.

(Sec. 617) This section revises the boundary of the Ste. Genevieve National Historical Park in Missouri. Interior 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 park, as generally identified on the revised map of the park. Upon acquisition of such land, Interior must revise the boundary of the park to include the acquired land. Interior may also acquire land for administrative facilities.

(Sec. 618) This section provides for the use of certain federal land in Maine for affordable workforce housing to benefit the towns on Mount Desert Island. It also permits Interior to retain no more than 15 acres of the land for housing and administrative facilities to support the purposes of Acadia National Park.

(Sec. 619) This section redesignates the Pullman National Monument in Illinois as the Pullman National Historical Park. Interior may acquire any land (including interests in land), buildings, or structures by donation, transfer, exchange, or purchase from a willing seller for inclusion in the historical park.

(Sec. 620) This section adjusts the boundary of the Palo Alto Battlefield National Historical Park in Texas to include the approximately 166.44 acres of land identified on the map titled *PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK Proposed Boundary Addition, Fort Brown Unit (2018)*, when the land is donated to the United States.

(Sec. 621) This section directs Interior to 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, U.S. Virgin Islands, a suitable plaque to commemorate the slave rebellion that began on St. John on November 23, 1733.

#### Subtitle C--National Park Service Studies

(Sec. 631) This section directs Interior to conduct a special resource study of the John P. Parker House in Ripley, Ohio, to determine the suitability and feasibility of establishing the house as a unit of the National Park System.

(Sec. 632) This section directs Interior to conduct a special resource study of the site known as Dearfield in Weld County, Colorado, which was a historically black agricultural settlement founded by Oliver Toussaint Jackson. In conducting the study, Interior shall (1) evaluate the national significance of the study area, and (2) determine the suitability and feasibility of designating the study area as a unit of the National Park System.

(Sec. 633) This section directs Interior to conduct a special resource study of sites within approximately 100 miles of Memphis, Tennessee, at which lynchings took place. In conducting the special resource study, Interior shall (1) evaluate the national significance of such study area, and (2) determine the suitability and feasibility of designating the study area as a unit of the National Park System.

(Sec. 634) This section directs Interior to conduct a special resource study of 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 Baldwin Hills and the San Pedro section of Los Angeles, excluding the Port of Los Angeles north of Crescent Avenue. Interior shall (1) evaluate the national significance of the study area, and (2) determine the suitability and feasibility of designating it as a unit of the National Park System.

#### Subtitle D--National Park Service Programs

(Sec. 641) This section authorizes the National Park Service (NPS) to acquire land or interests in land in Frederick County, Maryland, for the Historic Preservation Training Center and related facilities. The NPS may acquire not more than 20 acres in the county to support the physical space, program initiatives, and workforce development capacity of the center. The NPS may acquire land or an interest in land by donation, transfer, exchange, or purchase from a willing seller using donated or appropriated funds.

(Sec. 642) This section waives the application fee for any special use permit solely for a veterans' special event at war memorials on land administered by the NPS in the District of Columbia (DC) and its environs.

(Sec. 643) This section directs Interior to establish the United States African-American Burial Grounds Preservation Program within the NPS. Interior may make grants to other federal agencies; state, local, and tribal governments; other public entities; educational institutions; historic preservation groups; and private nonprofit organizations for (1) the identification of historic African-American burial grounds, (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.

(Sec. 644) This section increases the authorization of appropriations for the Japanese American Confinement Sites (JACS) grant program, which supports the preservation of U.S. confinement sites that were used to detain Japanese Americans during World War II (i.e., internment camps). It also establishes a program within JACS to provide grants to Japanese American nonprofits to educate individuals about the historical significance of these events.

(Sec. 645) This section directs Interior to establish the Japanese American World War II History Network within the NPS.

(Sec. 646) This section reauthorizes through FY2030 the National Park Foundation.

#### TITLE VII--COMMEMORATIVE WORKS AND NATIONAL MEMORIALS

(Sec. 701) This section designates the Kol Israel Foundation Holocaust Memorial in Bedford Heights, Ohio, as a national memorial.

(Sec. 702) This section authorizes the Women Who Worked on the Home Front Foundation to establish a commemorative work on federal land in DC in commemoration of the commitment and service represented by women who worked on the home front during World War II.

(Sec. 703) This section extends through FY2027 the authority of the National Mall Liberty Fund D.C. to establish a memorial on eligible federal land to honor the slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(Sec. 704) This section authorizes the National Service Animals Monument Corporation to establish a commemorative work on federal land in DC to commemorate the heroic deeds and sacrifices of service animals and handlers of service animals in the United States.

(Sec. 705) This section authorizes the Embassy of France in DC to establish a commemorative work on federal land in DC to honor the contributions of Jean Monnet in restoring peace between European nations and establishing the European Union.

(Sec. 706) This section designates the Healing Garden located at 6900 Delta Drive in El Paso, Texas, as the El Paso Community Healing Garden National Memorial.

(Sec. 707) This section authorizes the Georgetown African American Historic Landmark Project and Tour to establish a commemorative work on federal land in DC to commemorate the enslaved individuals, the identities of whom may be known or unknown, who endured the Middle Passage.

(Sec. 708) This section approves of the location of a commemorative work to honor journalists who sacrificed their lives in service to a free press.

(Sec. 709) This section authorizes the Thomas Paine Memorial Association to establish a commemorative work on federal land in DC in honor of the U.S. patriot, Thomas Paine.

(Sec. 710) This section designates approximately 0.35 acres in DC as Ukrainian Independence Park.

#### TITLE VIII--MISCELLANEOUS

(Sec. 801) This section allows a state to set aside up to 30% of its annual grant for abandoned mine reclamation provided under the Infrastructure Investment and Jobs Act for the treatment and abatement of acid mine drainage, which is the release of acidic water from abandoned coal mines.

(Sec. 802) This section gives the consent of Congress for the amendment to the Constitution of New Mexico proposed by [House Resolution 1](#) of the 55th Legislature of the State of New Mexico, First Session, 2021, titled *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) This section designates the U.S. Postal Service facility located at 202 2nd Avenue in Oklee, Minnesota, as the Coya Knutson Post Office.

(Sec. 102) This section designates the U.S. Postal Service facility located at 11 Robert Smalls Parkway Suite C in Beaufort, South Carolina, as the Robert Smalls Post Office.

(Sec. 103) This section designates the U.S. Postal Service facility located at 135 West Wisconsin Street in Russell, Kansas, as the Robert J. Dole Memorial Post Office Building.

(Sec. 104) This section designates the U.S. Postal Service facility located at 10 Bow Circle in Hilton Head Island, South Carolina, as the Charles E. Fraser Post Office Building.

(Sec. 105) This section designates the U.S. Postal Service facility located at 501 Charles Street in Beaufort, South Carolina, as the Harriet Tubman Post Office Building.

(Sec. 106) This section designates the U.S. Postal Service facility located at 114 North Magnolia Street in Elmwood, Illinois, as the Corporal Benjamin Desilets Post Office.

(Sec. 107) This section designates the U.S. Postal Service facility located at 101 West Walnut Street in Watseka, Illinois, as the Sergeant Jeremy C. Sherman Post Office Building.

(Sec. 108) This section designates the U.S. Postal Service facility located at 120 East Oak Avenue in Seminole, Oklahoma, as the Sergeant Bret D. Isenhower Memorial Post Office Building.

(Sec. 109) This section designates the U.S. Postal Service facility located at 4770 Eureka Avenue in Yorba Linda, California, as the Cottle Centanni Post Office Building.

(Sec. 110) This section designates the U.S. Postal Service facility located at 430 South Knowles Avenue in New Richmond, Wisconsin, as the Captain Robert C. Harmon and Private John R. Peirson Post Office Building.

(Sec. 111) This section designates the U.S. Postal Service facility located at 619 Hewett Street in Neillsville, Wisconsin, as the Corporal Mitchell Red Cloud, Jr. Post Office.

(Sec. 112) This section designates the U.S. Postal Service facility located at 415 High Street in Freeport, Pennsylvania, as the Corporal Joseph Rodney Chapman Post Office.

(Sec. 113) This section designates the U.S. Postal Service facility located at 1 East Main Street in Mount Joy, Pennsylvania, as the Harold Billow Post Office Building.

(Sec. 114) This section designates the U.S. Postal Service facility located at N4805 State Highway 32 in Krakow, Wisconsin, as the Romuald "Bud" Brzezinski Post Office.

(Sec. 115) This section designates the U.S. Postal Service facility located at 410 Franklin Street in Appleton, Wisconsin, as the Mitchell F. Lundgaard Post Office Building.

(Sec. 116) This section designates the U.S. Postal Service facility located at 615 North Bush Street in Santa Ana, California, as the Judge James Perez Post Office.

(Sec. 117) This section designates the U.S. Postal Service facility located at 15701 Sherman Way in Van Nuys, California, as the Marilyn Monroe Post Office Building. (Currently, the Marilyn Monroe Post Office is located at 6531 Van Nuys Boulevard.)

(Sec. 118) This section designates the U.S. Postal Service facility located at 2200 North George Mason Drive in Arlington, Virginia, as the Jesus Antonio Collazos Post Office Building.

(Sec. 119) This section designates the U.S. Postal Service facility located at 396 South Carolina Avenue in West Covina, California, as the Esteban E. Torres Post Office Building.

(Sec. 120) This section designates the U.S. Postal Service facility located at 400 Southern Avenue Southeast in the District of Columbia as the District of Columbia Servicemembers and Veterans Post Office.

(Sec. 121) This section designates the U.S. Postal Service facility located at 75 Commerce Drive in Grayslake, Illinois, as the Army Specialist Joseph "Joey" W. Dimock II Post Office Building.

(Sec. 122) This section designates the U.S. Postal Service facility located at 79125 Corporate Centre Drive in La Quinta, California, as the Corporal Hunter Lopez Memorial Post Office Building.

(Sec. 123) This section designates the U.S. Postal Service facility located at 123 South 3rd Street in King City, California, as the Chief Rudy Banuelos Post Office.

(Sec. 124) This section designates the U.S. Postal Service facility located at 333 North Sunrise Way in Palm Springs, California, as the Chairman Richard Milanovich Post Office.

(Sec. 125) This section designates the U.S. Postal Service facility located at 400 North Main Street in Belen, New Mexico, as the U.S. Senator Dennis Chavez Post Office.

#### DIVISION FF--HEALTH AND HUMAN SERVICES

##### *Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022*

#### TITLE I--RESTORING HOPE FOR MENTAL HEALTH AND WELL-BEING

##### *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) This section establishes within the Substance Abuse and Mental Health Services Administration (SAMHSA) an office to coordinate efforts relating to behavioral health crisis care across the Department of Health and Human Services (HHS).

(Sec. 1102) This section requires SAMHSA to identify and publish best practices for a behavioral health crisis continuum of care for responding to individuals experiencing a mental health or substance-related crisis. The best practices must identify and describe the functions of services in the crisis response continuum; these include (1) resources for referral and enrollment in continuing services, and (2) the transfer and receipt of individuals in crisis to and from segments of the crisis response system (e.g., health care providers, first responders, and community organizations).

The Government Accountability Office (GAO) must assess relevant mental health and substance use disorder crisis programs carried out by SAMHSA to determine if they meet performance objectives and metrics.

(Sec. 1103) This section expands the requirements for the 988 Suicide & Crisis Lifeline (a three-digit number that connects callers in suicidal crisis or mental health distress to a national network of crisis centers). Specifically, SAMHSA must (1) develop a plan to ensure the provision of high quality service, (2) strengthen data-sharing agreements to facilitate the transmission of epidemiological data from the lifeline to the Centers for Disease Control and Prevention (CDC), and (3) implement a pilot program focused on using other communications platforms (e.g., social media and texting) for suicide prevention.

Additionally, the GAO must study the lifeline and the implementation of SAMHSA's plan.

#### Chapter 2--Into the Light for Maternal Mental Health and Substance Use Disorders

(Sec. 1111) This section reauthorizes through FY2027 and revises a program to address maternal depression, including by expanding its scope to include mental health and substance use disorders.

(Sec. 1112) This section provides statutory authority for a national maternal mental health hotline and requires the hotline to provide mental health and substance use disorder resources to pregnant and postpartum women and their families.



(Sec. 1113) This section establishes a task force comprised of representatives from federal agencies and individuals with expertise in maternal or mental health. The task force must periodically (1) analyze and report on the state of maternal mental health programs, including by identifying relevant best practices; and (2) develop and update a national strategy for addressing maternal mental health.

(Sec. 1114) This section eliminates the termination date for a SAMHSA pilot program that awards competitive grants to support substance use disorder treatment for pregnant and postpartum women.

#### Chapter 3--Reaching Improved Mental Health Outcomes for Patients

(Sec. 1121) This section reauthorizes through FY2027 the National Mental Health and Substance Use Policy Laboratory and requires the GAO to report on the extent to which the laboratory is meeting its responsibilities. (The laboratory is housed within SAMHSA and promotes evidence-based practices and service delivery models.)

Additionally, the section establishes a temporary interdepartmental coordinating committee to annually report on advances in research and treatment of serious mental illnesses in adults and serious emotional disturbances in children and evaluate the effectiveness of relevant federal programs.

The section also reauthorizes through FY2027 projects and programs to address priority mental health needs of regional and national significance.

(Sec. 1122) This section establishes a pilot grant program for states, territories, Indian tribes, and localities to support mobile crisis response teams. These teams divert the response to individuals in behavioral health crises from law enforcement and provide appropriate medical care, stabilization, and referrals.

The section also reauthorizes through FY2027 and otherwise modifies grants for (1) mental health awareness training, and (2) suicide prevention for adults.

(Sec. 1123) This section reauthorizes through FY2027 and otherwise modifies various grants that support assertive community treatment (i.e., comprehensive services for individuals with severe functional impairments associated with serious mental illness) and assisted outpatient treatment.

(Sec. 1124) This section requires a study on the direct and indirect costs associated with mental illness on governmental and nongovernmental entities. HHS must consult with the Department of Justice, the Department of Labor, and the Department of Housing and Urban Development (HUD) on the study.

#### Chapter 4--Anna Westin Legacy

(Sec. 1131) This section requires SAMHSA to maintain the National Center of Excellence for Eating Disorders (NCEED) to improve the identification and treatment of eating disorders. The section specifies required activities for NCEED, including providing training for frontline health care providers and other professionals.

#### Chapter 5--Community Mental Health Services Block Grant Reauthorization

(Sec. 1141) This section reauthorizes through FY2027 support for crisis care available under the Community Mental Health Services Block Grant program for adults with serious mental illnesses and children with serious emotional disturbances. The section also requires states and territories to expend a certain percentage of their grant funds on evidence-based crisis care activities such as crisis call centers, 24/7 mobile crisis services, and crisis stabilization programs in hospitals or other licensed facilities.

#### Chapter 6--Peer-Supported Mental Health Services

(Sec. 1151) This section establishes a grant program for community-based nonprofit organizations that are principally governed by those with a mental health condition and tribal entities to develop, expand, and enhance access to peer-delivered mental health services. Grants may be used for workforce development; building linkages between mental health treatment programs, community organizations, and peer-support networks; and expanding virtual peer-support services.

#### Subtitle B--Substance Use Disorder Prevention, Treatment, and Recovery Services

#### Chapter 1--Native Behavioral Health Resources

(Sec. 1201) This section reauthorizes through FY2027 and otherwise revises a grant program that provides alcohol and drug prevention or treatment services for tribal populations. In particular, the section requires these grants to be used 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.

### Chapter 2--Summer Barrow Prevention, Treatment, and Recovery

(Sec. 1211) This section reauthorizes through FY2027 grants and other funding available to community-based nonprofits for providing mental health and substance use disorder services for homeless individuals.

(Sec. 1212) This section reauthorizes through FY2027 assistance for state, tribal, and local governments or nonprofits to address priority substance use disorder treatment needs of regional and national significance.

(Sec. 1213) This section reauthorizes through FY2027 grants and other assistance for state and local agencies, Indian tribes, and nonprofits to provide substance use disorder treatment in areas where there is a high rate (or rapid increase in the rate of) opioid use.

(Sec. 1214) This section reauthorizes through FY2027 grants and other assistance available for addressing priority substance use disorder prevention needs of regional and national significance.

(Sec. 1215) This section reauthorizes through FY2027 and makes other changes to programs and activities to reduce underage drinking.

(Sec. 1216) This section reauthorizes through FY2027 and expands grants for programs that divert individuals with a mental illness from the criminal justice system to community-based services.

(Sec. 1217) This section directs SAMHSA to continue to provide through FY2027 block grants for states that support the provision of services to individuals who suffer from a serious mental illness and are homeless or at risk of becoming homeless.

(Sec. 1218) This section reauthorizes through FY2027 the block grants that support the provision of services to individuals who suffer from a serious mental illness and are homeless or at risk of becoming homeless.

(Sec. 1219) This section reauthorizes through FY2027 and modifies grants to expand access to emergency treatments for known or suspected opioid overdoses.

(Sec. 1220) This section reauthorizes through FY2027 and modifies grants that support the implementation of strategies to allow pharmacists to dispense emergency treatments for known or suspected opioid overdoses pursuant to a standing order (a mechanism by which a health care provider with prescribing privileges, such as a state health officer, writes a prescription that covers a large group of people).

(Sec. 1221) This section reauthorizes through FY2027 grants for hospitals and emergency departments to implement alternatives to the use of opioids for pain management.

### Chapter 3--Excellence in Recovery Housing

(Sec. 1231) This section expressly expands the authorities of SAMHSA to include collaboration with national accrediting entities, relevant federal agencies, and others to promote the availability of high-quality recovery housing for individuals with substance use disorders.

(Sec. 1232) This section requires SAMHSA to continue its activities to identify, facilitate the development of, and periodically update best practices to promote the availability of high-quality recovery housing, which may include model laws for implementing minimum operating standards.

(Sec. 1233) This section requires SAMHSA and HUD to convene an interagency working group to promote the availability of recovery housing for individuals experiencing homelessness, individuals with mental illnesses, and individuals with substance use disorders.

(Sec. 1234) This section requires SAMHSA to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to study the quality, effectiveness, and availability of recovery housing.

(Sec. 1235) This section establishes grants for states, Indian tribes, territories, and localities to support the provision of technical assistance related to implementing best practices and recommendations to promote the availability of recovery housing.

(Sec. 1236) This section reauthorizes through FY2027 SAMHSA activities to identify and facilitate the development of best practices for operating recovery housing.

(Sec. 1237) This section makes a technical correction to renumber and reorder specified parts of the Public Health Service Act.

## Chapter 4--Substance Use Prevention, Treatment, and Recovery Services Block Grant

(Sec. 1241) This section revises statutory language to generally replace the term *substance abuse* with *substance use* or *substance use disorder* in provisions concerning the Substance Abuse Prevention and Treatment Block Grant program. This program support efforts of states, Indian tribes, and territories to prevent and treat substance use disorders.

(Sec. 1242) This section expands the authorized use of the block grants to also include the provision of recovery support services.

(Sec. 1243) This section requires state plans related to the block grants to include information about comprehensive recovery support activities, such as the number of individuals being served by and the amount of funds expended for such activities.

(Sec. 1244) This section applies current legislative drafting conventions to provisions concerning the block grants with respect to capitalization and terminology for Indian tribes.

(Sec. 1245) This section reauthorizes through FY2027 support for data collection and program evaluation related to block grant activities.

(Sec. 1246) This section requires recipients of the block grant to include in annual audits the amount of funds provided to any sub-recipients.

(Sec. 1247) This section requires SAMHSA to study strategies for assessing community needs related to substance use prevention, treatment, and recovery support.

## Chapter 5--Timely Treatment for Opioid Use Disorder

(Sec. 1251) This section requires SAMHSA to study certain exemptions from certification requirements for opioid treatment programs that were granted as part of the response to the COVID-19 emergency.

(Sec. 1252) This section provides statutory authority for a regulation that allows registered opioid treatment programs to operate mobile medication units without separately registering the unit. It also requires HHS to revise its regulations to permit opioid treatment programs to admit individuals who have been addicted to opioids for less than one year for maintenance treatment (i.e., the use of medications such as methadone for treating opioid use disorders).

## Chapter 6--Additional Provisions Relating to Addiction Treatment

(Sec. 1261) This section prohibits the use of federal funds to purchase, procure, or distribute pipes or cylindrical objects intended to be used to smoke or inhale illegal scheduled substances.

(Sec. 1262) This section eliminates the requirement for registered health care providers to apply for a separate waiver from the Drug Enforcement Administration in order to dispense narcotic drugs in schedules III, IV, or V of the Controlled Substances Act used for maintenance or detoxification treatment for opioid use disorders (e.g., buprenorphine).

(Sec. 1263) This section requires, subject to some exceptions, that health care providers complete a training on treating patients with opioid use disorders to qualify for a registration to prescribe controlled substances.

(Sec. 1264) This section extends from 14 days to 45 days the time frame during which a health care provider must administer a prescribed buprenorphine product to the named patient.

## Chapter 7--Opioid Crisis Response

(Sec. 1271) This section requires HHS, in consultation with relevant agencies, to update pharmacist training materials to include information about how to verify the identity of individuals who pick up prescribed medications. It also permits the CDC to give preference when awarding grants for overdose prevention to states that have a disproportionately high rate of drug overdoses or drug overdose deaths.

(Sec. 1272) This section requires HHS to provide education and training related to the dangers of synthetic opioids, including fentanyl and its analogs. This includes a public education campaign and the development of training materials to prevent exposure to synthetic opioids for first responders and others in occupations with a high risk of such exposure.

(Sec. 1273) This section establishes a grant program for states and Indian tribes to address opioid misuse and use disorders and, in some instances, stimulant misuse and use disorders.

## Subtitle C--Access to Mental Health Care and Coverage

## Chapter 1--Improving Uptake and Patient Access to Integrated Care Services

(Sec. 1301) This section authorizes HHS to award grants and cooperative agreements to states to collaboratively work with one or more health care providers or community programs to improve the integration of physical and behavioral health care.

## Chapter 2--Helping Enable Access to Lifesaving Services

(Sec. 1311) This section reauthorizes through FY2027 and modifies certain behavioral health education and training programs.

(Sec. 1312) This section reauthorizes through FY2027 the Minority Fellowship Program, which supports the education and training of minority students who are pursuing advanced degrees in mental or behavioral health professions.

## Chapter 3--Eliminating the Opt-out for Nonfederal Governmental Health Plans

(Sec. 1321) This section eliminates a provision that permits nonfederal government health insurance plans that are self-funded to opt out of requirements to provide parity in the coverage of medical services and mental health services.

## Chapter 4--Mental Health and Substance Use Disorder Parity Implementation

(Sec. 1331) This section establishes grants for states to enforce and ensure compliance with provisions that require health insurance plans to provide parity in the coverage of treatments for mental health and substance use disorders.

## Subtitle D--Children and Youth

### Chapter 1--Supporting Children's Mental Health Care Access

(Sec. 1401) This section requires HHS to support the provision of technical assistance related to the provision of mental health, substance use disorder, and other services through school-based health centers.

(Sec. 1402) This section reauthorizes through FY2027 activities that support infant and early childhood mental health promotion, intervention, and treatment.

(Sec. 1403) This section requires HHS to study the rates of suicidal behaviors among children and adolescents who have substance use disorders, autoimmune disorders, heritable blood disorders, and other chronic illnesses.

(Sec. 1404) This section requires SAMHSA to report on best practices for behavioral and mental health intervention teams that support students who exhibit behaviors interfering with learning or who are at risk of harm to self or others in elementary schools, secondary schools, and institutions of higher education.

### Chapter 2--Continuing Systems of Care for Children

(Sec. 1411) This section reauthorizes through FY2027 grants for states, Indian tribes, and localities to provide comprehensive community mental health services for children with serious emotional disturbances. It also expands the definition of family for purposes of the grants to include a child's kinship caregivers.

(Sec. 1412) This section reauthorizes through FY2027 a program for public and private nonprofits to provide substance use disorder treatment and early intervention services for children, adolescents, and young adults.

### Chapter 3--Garrett Lee Smith Memorial Reauthorization

(Sec. 1421) This section reauthorizes through FY2027 a suicide prevention resource center that provides training and other support regarding suicide prevention for individuals of all ages.

(Sec. 1422) This section reauthorizes through FY2027 grants for youth suicide prevention and intervention strategies and allows grant recipients to implement strategies in pediatric health programs.

(Sec. 1423) This section reauthorizes through FY2027 competitive grants for institutions of higher education to enhance services for students with mental health and substance use disorders.

(Sec. 1424) This section reauthorizes through FY2027 a working group tasked with developing a public education campaign focused on mental and behavioral health on the campuses of institutions of higher education.

## Chapter 4--Media and Mental Health

(Sec. 1431) This section requires HHS to conduct or support research on the effects of smartphone and social media use on the emotional, behavioral, and physical health and development of adolescents, including mental health disparities among rural, minority, and other underserved populations.

(Sec. 1432) This section requires HHS to conduct or support research on the health and developmental effects of media (e.g., social media, websites, artificial intelligence, and other content) and related technology use on infants, children, and adolescents.

## Subtitle E--Miscellaneous Provisions

(Sec. 1501) This section prohibits HHS from allocating funding for SAMHSA programs without considering the incidence, prevalence, or determinants of mental health or substance use issues, unless the allocation is consistent with federal law.

## TITLE II--PREPARING FOR AND RESPONDING TO EXISTING VIRUSES, EMERGING NEW THREATS, AND PANDEMICS

### *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) This section requires the Senate to confirm the director of the Centers for Disease Control and Prevention (CDC) (effective January 20, 2025) and makes other changes to the director's duties and authorities.

(Sec. 2102) This section establishes a committee comprised of federal and nonfederal members to advise the CDC on policies and strategies to achieve its mission.

(Sec. 2103) This section sets out activities to enhance coordination during public health emergencies, including by requiring periodic exercises to identify and address national- and state-level gaps in public health preparedness and response.

(Sec. 2104) This section establishes an internal office to advise the White House on pandemic preparedness and response policies and activities.

### Chapter 2--State and Local Readiness

(Sec. 2111) This section makes changes to certain CDC grants that support public health emergency preparedness, including by requiring that recipients provide technical assistance to residential care facilities and other sites where there is an increased risk of an infectious disease outbreak.

(Sec. 2112) This section directs SAMHSA to undertake efforts to support access to behavioral health services and treatments during public health emergencies. The Government Accountability Office (GAO) must report on SAMHSA's efforts to support such access during the COVID-19 pandemic.

(Sec. 2113) This section reauthorizes through FY2027 and modifies activities of HHS related to trauma care, including during declared emergencies and in rural areas.

(Sec. 2114) This section requires the GAO to study the implementation of state and territorial preparedness and response plans during the COVID-19 pandemic that included isolation and quarantine recommendations or requirements.

(Sec. 2115) This section requires that during any declared public health emergency HHS must meet or consult with noncontiguous states or territories on a quarterly basis to address unique public health challenges that may apply in those areas.

## Subtitle B--Improving Public Health Preparedness and Response Capacity

### Chapter 1--Improving Public Health Emergency Responses

(Sec. 2201) This section establishes a grant program through which HHS may award grants to states, Indian tribes, localities, and other eligible entities for evidence-based projects to improve health outcomes and reduce health disparities by addressing factors that contribute to negative health outcomes in communities. The GAO must report on the effectiveness of the program.

### Chapter 2--Improving State, Local, and Tribal Public Health Data

(Sec. 2211) This section expands reporting requirements and otherwise modifies the scope of biosurveillance activities with a particular focus on improving the integration of other sources of data (e.g., laboratory results and electronic health records) into applicable

surveillance systems.

(Sec. 2212) This section requires the CDC to undertake efforts to advance capabilities to conduct genomic sequencing of pathogens by, for example, establishing centers to promote innovation in pathogen genomics and molecular epidemiology.

(Sec. 2213) This section requires various activities to maintain and enhance public health data systems, including the development of data standards for public health and laboratory reporting and interagency data use agreements.

(Sec. 2214) This section requires the CDC to continue to develop infectious disease outbreak analysis capabilities to respond to public health emergencies and infectious disease outbreaks, including through collaborative partnerships.

(Sec. 2215) This section requires HHS to report on practices, objectives, and other matters related to the CDC's collection and dissemination of de-identified public health data in a declared public health emergency.

(Sec. 2216) This section requires the GAO to study HHS's public health preparedness, response, and recovery capabilities related to pandemic and other biological threats. In particular, the study must identify relevant programs; assess the programs for unnecessary duplication, overlap, or fragmentation; and address issues related to privacy protections.

### Chapter 3--Revitalizing the Public Health Workforce

(Sec. 2221) This section reauthorizes through FY2025 and makes changes to a student loan repayment program for public health workers who work in state, tribal, territorial, or local health departments. It also requires the GAO to report on the ability of the public health workforce to respond to a public health emergency such as COVID-19.

(Sec. 2222) This section reauthorizes through FY2027 and revises a CDC program that supports the use of community health workers to improve health outcomes in medically underserved communities. The GAO must also report on the effectiveness of and other matters concerning the program.

(Sec. 2223) This section temporarily authorizes HHS to directly appoint personnel to positions in HHS to address workforce needs during declared public health emergencies. The authority terminates on September 30, 2028. Additionally, the GAO must report on the use of this authority.

(Sec. 2224) This section expands the scope of certain grants or contracts for training allied health professionals to include increased educational opportunities in the fields of physical therapy, occupational therapy, and other specified professions for individuals from disadvantaged backgrounds or who are underrepresented in those professions.

(Sec. 2225) This section allows officers of the Commissioned Corps of the U.S. Public Health Service, including officers of the Ready Reserve Corps on active duty, to accumulate up to 120 days of annual leave.

(Sec. 2226) This section authorizes a pilot program for professional development of certain HHS employees who spend at least 50% of their time on activities related to public health preparedness and response. The program must provide temporary fellowships, details, or other relevant placements for such workers with federal departments or state and local health departments.

(Sec. 2227) This section reauthorizes through FY2025 and makes other changes to a program that supports the provision of continuing medical education for health professionals in underserved communities, including by increasing the focus of the program to providers who practice in rural areas.

### Chapter 4--Enhancing Public Health Preparedness and Response

(Sec. 2231) This section expands eligibility for and revises other aspects of a program through which the CDC may support a network of centers for public health preparedness, including by making nonprofits and institutions of higher education other than schools of public health eligible to participate.

(Sec. 2232) This section specifies that HHS has the authority to track the distribution of federally purchased vaccines during other types of pandemics besides flu pandemics.

(Sec. 2233) This section requires HHS to ensure interagency coordination and collaboration concerning the safety and availability of the blood supply.

(Sec. 2234) This section requires the CDC to maintain a national network of antibiotic resistance laboratory sites in order to identify and monitor antimicrobial-resistant pathogens. Additionally, HHS must support, in coordination with other federal agencies, activities to address

antimicrobial resistance internationally.

(Sec. 2235) This section requires the CDC, in coordination with other federal agencies, to develop a framework based on a One Health approach to address zoonotic diseases and advance public health preparedness. (A One Health approach reflects the interconnectedness of human health, animal health, and the environment.) The CDC must also coordinate with the Department of Agriculture and the Department of the Interior to develop a mechanism to support coordination at the federal level related to prevention, detection, control and response for zoonotic disease and related One Health activities.

(Sec. 2236) This section requires the National Advisory Committee on Children and Disasters to include at least four nonfederal members that represent child care settings, state or local educational agencies, parents, and individuals with expertise in children with disabilities.

#### Subtitle C--Accelerating Research and Countermeasure Discovery

##### Chapter 1--Fostering Research and Development and Improving Coordination

(Sec. 2301) This section requires the National Institute of Allergy and Infectious Diseases to establish or continue a multidisciplinary research program to support the development of medical products for priority virus families and other viral pathogens with pandemic potential.

(Sec. 2302) This section requires the National Institutes of Health (NIH) to consult with federal agencies and offices concerning research needs to advance medical countermeasures for infectious diseases or chemical, radiological, or nuclear agents.

(Sec. 2303) This section directs HHS to publish policies and procedures governing access by public and private entities to samples of pathogens (or suitable surrogates) for preparedness and response activities, medical product development, and similar purposes. HHS may also contract with entities to increase the capacity to develop, validate, and disseminate diagnostic tests to respond to emerging infectious diseases with significant potential to cause a public health emergency.

(Sec. 2304) This section requires HHS to seek to contract with the National Academies of Sciences, Engineering, and Medicine to study scientific evidence as it relates to the durability of immunity to COVID-19, including immunity resulting from infection, vaccination, or both.

##### Chapter 2--Improving Biosafety and Biosecurity

(Sec. 2311) This section reauthorizes through FY2027 provisions that set out the safety measures related to the possession and use of biological agents and toxins with the potential to pose a severe threat to public health. It also expands certain training and reporting requirements.

(Sec. 2312) This section requires the White House Office of Science and Technology Policy (OSTP) to develop a strategy to maintain and coordinate the use of federal biosafety level 3 and 4 laboratories. (The projects or activities conducted in these laboratories have a higher degree of health-related risks.)

(Sec. 2313) This section specifies the duties and membership of the National Science Advisory Board for Biosecurity, which advises federal agencies on issues related to biosecurity and dual use research (i.e., research that could be used for both benevolent and harmful purposes).

(Sec. 2314) This section requires HHS to conduct or support research to improve the safety of biomedical research with certain dangerous pathogens, biological agents, or toxins and report on this research and its results.

(Sec. 2315) This section requires the OSTP to develop and periodically update a policy for review and oversight of federally funded research related to enhanced pathogens of pandemic potential. Additionally, the section prohibits federal funding for research on pathogens of pandemic potential or other dangerous biological agents or toxins that is carried out by foreign institutions located in countries of concern.

##### Chapter 3--Preventing Undue Foreign Influence in Biomedical Research

(Sec. 2321) This section prohibits personnel of the NIH who engage in intramural research from participating in foreign talent recruitment programs with certain exceptions for participation in approved international conferences, exchanges, partnerships, and programs. It also requires researchers who receive extramural biomedical research funding through HHS to disclose their participation in foreign talent programs.

In general, foreign talent programs are programs in which foreign states attempt to acquire U.S. scientific-funded research or technology through recruitment programs run or funded by foreign governments that target scientists, engineers, academics, researchers, and entrepreneurs of all nationalities working or educated in the United States.

(Sec. 2322) This section requires HHS to address national security concerns related to the research it conducts or supports.

(Sec. 2323) This section specifically tasks the NIH director with undertaking certain activities to address national security and information security in NIH biomedical research.

(Sec. 2324) This section requires HHS to collaborate with the Federal Bureau of Investigation and other relevant federal agencies and experts on ways to protect intellectual property and address national security threats related to biomedical research.

(Sec. 2325) This section requires the GAO to report on national security and related risks of human genomic sequencing services or genetic services that are funded by HHS and carried out by certain foreign entities organized under the laws of a country or countries of concern.

(Sec. 2326) This section requires HHS to annually report on research misconduct related to foreign influence. The report must address cases of research misconduct identified by the NIH, results of investigative and enforcement activities in each case, and efforts to prevent such misconduct.

#### Chapter 4--Advanced Research Projects Agency-Health

(Sec. 2331) This section specifies the organization, goals, and functions of the Advanced Research Projects Agency-Health within the NIH, which was created to accelerate innovation in health and medicine by investing in high-risk, high-reward research projects. It also establishes an interagency committee to advise on the agency's activities.

The section also requires the GAO to report on whether research conducted or supported by the NIH complies with requirements for the humane care and use of laboratory animals.

#### Subtitle D--Modernizing and Strengthening the Supply Chain for Vital Medical Products

(Sec. 2401) This section expands the scope of research and development activities carried out by the Biomedical Advanced Research and Development Authority to include support for maintaining and improving domestic manufacturing surge capacity and capabilities for vaccine, diagnostics, and other medical countermeasures.

(Sec. 2402) This section requires HHS to address, as part of its annual threat-based review, matters pertaining to the supply chain for products maintained in the Strategic National Stockpile.

(Sec. 2403) This section requires HHS to periodically review and revise the contents of the Strategic National Stockpile to ensure that the contents are in working order and reflect emerging threats and new technologies and countermeasures.

(Sec. 2404) This section requires HHS to issue guidance describing its process for deploying the contents of the Strategic National Stockpile and convene annual meetings with federal agencies, health departments, and others concerning the maintenance and use of the stockpile.

(Sec. 2405) This section authorizes HHS to use additional mechanisms, including vendor-managed inventory and warm-base surge capacity, to procure supplies for the Strategic National Stockpile.

(Sec. 2406) This section temporarily authorizes HHS to make surplus contents of the Strategic National Stockpile available for purchase by federal agencies and state, tribal, or local governments.

(Sec. 2407) This section requires that, if contents of the Strategic National Stockpile are deployed in response to a declared disaster or emergency, HHS must report to Congress every 30 days about the deployment, including remaining stocks of products and plans to replenish them.

(Sec. 2408) This section requires the deployment of products from the Strategic National Stockpile directly to Indian tribes, such as through Indian Health Service facilities, if such products are deployed to states.

(Sec. 2409) This section establishes grants for establishing, expanding, or maintaining state-based stockpiles of medical products for use in declared emergencies or disasters. HHS must issue guidance on best practices to administer such stockpiles.

(Sec. 2410) This section requires the Office of the Assistant Secretary for Planning and Evaluation within HHS to study the feasibility of providing incentives to increase domestic production of certain generic medicines (and their active ingredients), including those used to treat life-threatening diseases or conditions and those critical to public health during emergencies.

(Sec. 2411) This section temporarily authorizes HHS to award contracts to increase domestic manufacturing capacity to produce certain antibiotic drugs (or their active ingredients) that have identified supply chain vulnerabilities. HHS may not enter new contracts after three years, and the authority terminates after eight years.





Counterfeit medical devices, packaging and labeling for counterfeit medical devices, and items used for making counterfeit medical devices may be seized pursuant to a federal court proceeding.

(Sec. 2514) This section authorizes the FDA to receive voluntary notifications from manufacturers of medical devices that are critical to public health (e.g., devices that are life-sustaining or intended for use in emergency medical care) about manufacturing issues, including discontinuance of the device, that are likely to lead to a meaningful disruption to the U.S. supply of the device.

The FDA must also issue or revise guidance pertaining to existing requirements for manufacturers of such medical devices to notify the FDA of manufacturing issues that are likely to lead to a meaningful disruption of the U.S. supply of the device. Such guidance must include a list of each device product code that is subject to such notification requirements.

## TITLE III--FOOD AND DRUG ADMINISTRATION

### *Food and Drug Omnibus Reform Act of 2022*

#### Subtitle A--Reauthorizations

This subtitle reauthorizes various FDA programs and provisions through FY2027, specifically

- the Critical Path Public-Private Partnership Program, which authorizes the FDA to collaborate with eligible entities on medical product development and other issues;
- the Best Pharmaceuticals For Children Program, a National Institutes of Health program that awards funds to entities with expertise in conducting research in pediatric therapeutics;
- the humanitarian device exemption, which authorizes the FDA to, for the purposes of an application to market a medical device, waive certain effectiveness requirements for an eligible device designed to treat or diagnose a rare condition or disease;
- the Pediatric Device Consortia Program, which provides grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development;
- a provision that allows an applicant for market approval for an eligible single-enantiomer drug to make an election that may qualify the drug for a five-year market exclusivity period;
- a provision requiring the FDA to accredit persons to inspect facilities that manufacture certain classes of medical devices;
- the Orphan Drug Grant Program, which provides grants to defray the costs of developing drugs, medical devices, and medical foods for rare diseases or conditions;
- a provision requiring the FDA to post on its website quarterly reports with information on received generic drug applications and priority review applications; and
- a program that allows accredited persons to review reports and make recommendations to the FDA pertaining to the initial classification of medical devices.

#### Subtitle B--Drugs and Biologics

This subtitle addresses various issues related to drugs and biological products, including research and development and safety issues.

#### Chapter 1--Research, Development, and Competition Improvements

(Sec. 3201) This section expands existing requirements for drug manufacturers to notify the FDA of an intention to withdraw a drug from market or the unavailability of a drug to also cover biological product manufacturers in such instances. The FDA must also keep up-to-date its published lists of licensed biological products (known as the Purple Book) with the information from such notifications.

(Sec. 3202) This section requires the FDA to publish final guidance related to the draft guidance titled *Rare Diseases: Common Issues in Drug Development* and issued in 2019.

This section also requires reports on various issues, including on (1) the Orphan Drug Program, and (2) processes for evaluating drugs for rare diseases or conditions in the United States and the European Union.

(Sec. 3203) This section requires the FDA to establish a program to improve the adoption and development of innovative approaches to drug design and manufacturing. As part of the program, the FDA may take actions such as awarding grants and facilitating communications between relevant stakeholders.

(Sec. 3204) This section authorizes the FDA to designate eligible institutions of higher education (or consortia of such institutions) as National Centers of Excellence in Advanced and Continuous Pharmaceutical Manufacturing. This program shall replace an existing FDA program that provides grants for studying and recommending improvements for continuous manufacturing processes for drugs.

An institution receiving such a designation must (1) meet certain criteria, such as having capabilities to conduct advanced research on advanced and continuous pharmaceutical manufacturing; and (2) agree to publish certain reports and develop strategic plans relating to such research.

The FDA shall award funding, such as grants and contracts, to such designated centers to support advanced research and development of advanced and continuous pharmaceutical manufacturing.

(Sec. 3205) This section requires the FDA to convene a public workshop with relevant stakeholders to discuss best practices for generating the scientific data necessary to further facilitate the development of stem cell and other cellular therapies.

(Sec. 3206) This section provides a statutory definition for *first interchangeable biosimilar biological product* and makes other technical changes with respect to the provisions that establish the corresponding periods of market exclusivity.

(Sec. 3207) This section requires the Government Accountability Office (GAO) to report to Congress on nonprofit pharmaceutical manufacturing organizations, including the impact of such organizations on the development, availability, and cost of prescription drugs in the United States.

(Sec. 3208) This section requires the FDA to establish a pilot program to increase interaction with sponsors of rare disease drug development programs to advance the development of efficacy endpoints for drugs intended to treat rare diseases. (Generally, efficacy endpoints are measures to assess a drug's intended effects.)

(Sec. 3209) This section authorizes the use of certain alternatives to animal testing, including cell-based assays and computer models, to support investigational use of a drug.

The section also removes a requirement to use animal studies as part of the process to obtain a license for a biological product that is biosimilar or interchangeable with another biological product.

(Sec. 3210) This section modifies provisions relating to the accelerated approval of drugs for serious or life-threatening diseases or conditions, including by requiring the FDA to publish its reasoning when it determines a postapproval study is unnecessary.

The section also establishes an FDA council to ensure the appropriate use of the accelerated approval pathway.

(Sec. 3211) This section requires the FDA to issue industry guidance to assist entities seeking FDA approval for antifungal therapies designed to treat coccidioidomycosis, commonly known as Valley Fever.

(Sec. 3212) This section allows a biological product to be designated as a qualified infectious disease product (QIDP), generally a product that acts on bacterial or fungi and intended to treat a serious or life-threatening infection. Currently, only drugs may be designated as QIDPs.

The section also makes a biological product that is a QIDP eligible to receive priority review from the FDA.

(Sec. 3213) This section requires the FDA to establish a program to receive requests to designate an advanced manufacturing technology. Generally, a designated advanced manufacturing technology shall be a method for manufacturing drugs, biological products, or active pharmaceutical ingredients that uses a novel technology (or an established technology in a novel way) that will substantially improve the manufacturing process.

The FDA shall expedite the review of an application for a drug (or biological product) that is manufactured using a designated advanced manufacturing technology. For such an application, the FDA shall also allow the application to rely on or reference data and information concerning the technology's use in the manufacturing of other drugs.

#### Chapter 2--Transparency, Program Integrity, and Regulatory Improvements

(Sec. 3221) This section modifies the FDA's authority to impose safe disposal requirements as part of a risk evaluation and mitigation strategy for a drug.

Currently, the FDA may require that a drug be dispensed with a safe disposal packaging or safe disposal system that renders the drug nonretrievable. Under this section, the FDA may impose such safe disposal requirements without regard to whether the drug is rendered nonretrievable.

(Sec. 3222) This section requires the FDA to provide a therapeutic equivalence rating for certain new drug applications if a request is made in the application.

Generally, this requirement shall apply to an application for a new prescription drug (1) that relies on information from studies not conducted by the applicant and that the applicant does not have a right to reference or use (commonly referred to as a 505(b)(2) application), and (2) where the only differences between the new drug and a listed drug are certain differences involving inactive ingredients.

A drug is a therapeutic equivalent of another if they produce the same clinical effect and have the same safety profile. Typically, for certain generic drugs, the FDA rates the therapeutic equivalence of that generic drug to another drug, such as the brand name version. Currently, an applicant seeking approval of a drug through a 505(b)(2) application typically only receives an equivalence rating by requesting one from the FDA in a separate petition.

This section also imposes deadlines for the FDA to provide a requested therapeutic equivalence rating.

(Sec. 3223) This section requires the FDA to solicit comments about the factors that the FDA should consider when reviewing requests by drug manufacturers to change the third-party vendors engaged to help implement and manage risk evaluation and mitigation strategies. The GAO must report to Congress on such vendor changes and any issues involving patient access to the drug that stemmed from such a change.

(Sec. 3224) This section revises the requirements for a provision that allows a generic drug seeking FDA approval to have different labeling from the listed version of the drug, including deadlines for the sponsor of the generic drug to agree to revise the labeling.

#### Subtitle C--Medical Devices

(Sec. 3301) This section authorizes the manufacturer of certain medical devices with an emergency use authorization to submit a single submission to the FDA to request both (1) a medical device classification, and (2) a determination that the device uses a simple laboratory examination or procedure approved for home use that poses an insignificant risk of an erroneous result.

Specifically, a manufacturer may use this single submission procedure if the FDA, when granting an emergency use authorization, determined that the device uses such a simple examination or procedure.



This section also imposes requirements related to infant formula recalls, such as requiring (1) a manufacturer of a recalled infant formula to provide certain information and plans to the FDA, (2) the FDA to provide a list of required actions after an inspection of a manufacturing facility impacted by a recall, and (3) the FDA to notify Congress within 24 hours of initiating a recall.

The FDA must conduct annual inspections of infant formula manufacturing facilities. To meet this requirement, the FDA may rely on inspections conducted by foreign regulatory authorities and state agencies, as appropriate.

The FDA must also establish the Office of Critical Foods, which shall be responsible for oversight, coordination, and facilitation of activities related to critical foods.

Furthermore, the FDA must (1) develop and issue a national strategy on infant formula to increase the resiliency of the infant formula supply chain, (2) publish on its website information on how to identify appropriate substitutes for infant formula that are relied upon by infants and other individuals with serious health conditions, and (3) meet with representatives from other countries to discuss ways to harmonize regulatory requirements for infant formula.

#### Subtitle E--Cosmetics

##### *Modernization of Cosmetics Regulation Act of 2022*

This subtitle requires cosmetics brands and manufacturer s (referred to as responsible persons) to register with the F DA, provides the FDA with various regulatory authorities, and addresses related issues.

(Sec. 3502) The FDA must establish by regul ation good manufacturing practices designed to protect public health and ensure that cosmetics products are not adulterated.

Responsible persons must register with the FDA their manufacturing and processing facilities. Each registration must contain certain information, such as the facility's address, contact information, and the brands of the cosmetics manufactured or processed at the facility.

The FDA may suspend a facility registration for various reasons, including if the registrant's product has a reasonable probability of causing serious adverse health consequences and the problem cannot be isolated to certain products. The section establishes certain requirements pertaining to such suspensions, such as requiring (1) the FDA to provide the registrant with an opportunity for an informal hearing no later than five days after issuing the suspension, and (2) the registrant to submit a corrective action plan if the suspension remains in place after the hearing.

This section also requires responsible persons to register with the FDA each cosmetic product every year. Each registration must contain certain information, such as the registration number of each manufacturing or processing facility and a list of ingredients.

Each responsible person for a cosmetic product must maintain records (e.g., tests and studies) that support a reasonable certainty that the product is safe. Coal-tar hair dye shall be subject to different requirements.

If a responsible person receives a report of a serious adverse event (generally an event resulting in death, hospitalization, or other health problems) involving a cosmetic product in the United States, the responsible person must submit the report to the FDA no later than 15 days after initially receiving the report. A responsible person must also maintain certain records related to such reports.

The section also imposes certain labeling requirements for cosmetic products, such as requiring (1) labels to identify any fragrance allergens in a product, and (2) products intended only for professional use to contain a clear and prominent statement saying that the product is intended only for use by licensed professionals.

Furthermore, the FDA may order a mandatory recall of a cosmetic product where there is a reasonable possibility that the product fails to meet certain regulatory requirements and the use of the product will cause serious adverse health consequences. The subtitle imposes various requirements related to such authorities, such as requiring the FDA to give the responsible person subject to the recall (1) an opportunity to voluntarily recall the product or cease distribution, and (2) an opportunity for an informal hearing no later than 10 days after the order.

(Sec. 3503) This section prohibits the sale of products that fail to meet certain requirements established by this subtitle, such as the registration requirements, with certain exceptions.

(Sec. 3504) The FDA is authorized to inspect various records related to the requirements established by this subtitle.

(Sec. 3505) The FDA must establish regulations to require standardized testing methods for detecting asbestos in talc-containing cosmetics products.

(Sec. 3506) The FDA must assess the safety of using of perfluoroalkyl and polyfluoroalkyl substances, commonly referred to as PFAS, in cosmetic products.

#### Subtitle F--Cross-Cutting Provisions

##### Chapter 1--Clinical Trial Diversity and Modernization

This chapter addresses issues related to clinical trials, including the diversity of clinical trial populations.

(Sec. 3601) The chapter requires certain clinical studies related to an application for a new drug or medical device to include a diversity action plan. Such a plan shall include (1) goals for enrollment in the study, (2) the rationale for such goals, and (3) an explanation of how the applicant intends to meet those goals.

(Sec. 3602) The FDA must issue or revise guidance relating to such diversity action plans.

(Sec. 3603) The FDA must solicit input on increasing the enrollment of historically underrepresented populations in clinical studies.

(Sec. 3605) This section requires the FDA to convene a public meeting to discuss FDA recommendations provided during the COVID-19 emergency period on mitigating disruption to clinical studies, including how such recommendations can be used to improve diversity in the patient populations in clinical studies.

(Sec. 3606) The FDA must issue or revise draft guidance with recommendations related to using decentralized clinical studies to support the development of drugs and devices, including how decentralized trials can help improve the diversity of the clinical trial population.

(Sec. 3607) The FDA must issue or revise draft guidance (1) on using digital health technologies to help improve recruitment and participation in clinical trials; and (2) on the use of seamless, concurrent, and other innovative clinical trial designs to support the expedited development and review of drugs.

The FDA must also, as appropriate, work with foreign regulators to facilitate international harmonization on the regulation of decentralized clinical trials and innovative clinical trial designs.

#### Chapter 2--Inspections

This chapter addresses the FDA's authority to conduct inspections.

(Sec. 3611) Currently, the FDA has expanded inspection authority for facilities that manufacture or process restricted medical devices, which are devices subject to heightened FDA regulations, such as those that may only be used or sold with authorization by a licensed medical practitioner. Under this section, the FDA shall have this expanded inspection authority even for facilities that only handle medical devices that are not restricted.

(Sec. 3612) This section states that the FDA has the authority, subject to various requirements, to enter certain sites to inspect records to ensure the accuracy and reliability of studies and records and to assess compliance with legal requirements.

(Sec. 3613) For the purposes of conducting risk-based inspections of establishments in foreign countries, the FDA shall consider, in addition to other factors, the compliance history of establishments in the country or region where the establishment is located. The FDA must also periodically assess, for the purposes of inspecting foreign establishments, whether additional arrangements or agreements with a foreign government are appropriate.

(Sec. 3614) The GAO must report to Congress on inspections of foreign establishments conducted by the FDA and by foreign governments.

(Sec. 3615) This section establishes a pilot program to increase unannounced surveillance inspections of foreign human drug establishments. The FDA shall evaluate the differences between such inspections on foreign and domestic establishments.

#### Chapter 3--Miscellaneous

(Sec. 3621) This section requires the FDA to regulate any contrast agent, radioactive drug, or over-the-counter (OTC) monograph drug as a drug and not a medical device. (Generally, an OTC monograph drug is a nonprescription drug without an approved FDA application where the drug must meet the requirements set out in a document known as a monograph.)

For a product that is now regulated as a drug under this section but was legally marketed as a medical device on September 30, 2022, the FDA shall waive certain application fees.

(Sec. 3622) This section requires the FDA's Office of Women's Health to review and update if necessary the Women's Health Research Roadmap and brief Congress on the review.

(Sec. 3623) This section requires the FDA to develop and begin the implementation of a strategic workforce plan to recruit, train, and retain the workforce needed to support the FDA's public health mission.

(Sec. 3624) This section authorizes the FDA to use certain enhanced hiring authorities to hire outstanding and qualified candidates in scientific, technical, and professional positions to support the regulation of food and cosmetics.

(Sec. 3625) This section modifies various FDA fees, including fees relating to new drug applications and biosimilar applications.

(Sec. 3626) This section revises requirements related to the reauthorization of FDA fees.

(Sec. 3627) This section requires the FDA to periodically report to Congress a coordinated strategic plan to modernize the FDA's information technology systems. The FDA must also post the plan on its website.

The GAO must assess and report to Congress on the FDA's implementation of the plan.

(Sec. 3628) The FDA must report to Congress on the FDA's mailroom and Office of the Executive Secretariat, including information on the FDA's policies and activities involving the receipt of confidential informant complaints and any backlog in the office's responses to correspondence. The GAO must report to Congress an assessment of the office's Division of Executive Operations, specifically the division's handling of correspondence.

(Sec. 3629) The FDA must issue or revise guidance on considerations for the use of real world data and evidence to support regulatory decision making, such as using real world data and evidence to decide on an application for a new drug or biological product.

(Sec. 3630) This section establishes that drug and medical device manufacturers may share certain information about a drug or device that has not yet received FDA approval or clearance.

Currently, the FDA has guidance that states that drug and device manufacturers may provide certain truthful information about a drug or medical device prior to approval or clearance to payors, formulary committees, and other similar entities with expertise in health care







permanent the increased Federal Medical Assistance Percentages (i.e., federal matching rates) for other U.S. territories that were originally enacted in response to the COVID-19 public health emergency.

#### Subtitle B--Medicaid and CHIP Coverage

(Sec. 5111) This section extends and provides funds for the Children's Health Insurance Program (CHIP) through FY2029.

(Sec. 5112) This section requires states to provide for one year of continuous eligibility under Medicaid and CHIP for children under the age 19, or until the time the child reaches the age of 19 or is no longer a resident of the state, whichever is earlier.

(Sec. 5113) This section permanently allows states to provide one year of postpartum coverage under Medicaid and CHIP.

(Sec. 5114) This section extends through FY2027 the Money Follows the Person Rebalancing Demonstration Program (a grant program that helps state Medicaid programs increase the use of home- and community-based services for long-term care and decrease the use of institutional care).

(Sec. 5115) This section extends through FY2027 certain provisions regarding Medicaid eligibility that protect against spousal impoverishment for recipients of home- and community-based services.

#### Subtitle C--Medicaid and CHIP Mental Health

(Sec. 5121) This section requires states to provide medical and dental screenings and diagnostic services (including behavioral health screenings) under Medicaid and CHIP for eligible juveniles who are inmates of public institutions within 30 days of their release or not later than one week or as soon as practicable after their release; states must also provide targeted case management services within 30 days of, and for 30 days after, release.

(Sec. 5122) This section allows eligible juveniles to receive Medicaid and CHIP coverage while they are inmates of public institutions pending disposition of charges (i.e., pretrial detainees).

(Sec. 5123) This section requires Medicaid and CHIP managed care organizations to publish a searchable directory of network providers and update it on at least a quarterly basis, beginning on July 1, 2025.

(Sec. 5124) This section requires and provides funds for the Department of Health and Human Services to issue guidance to states and establish a technical assistance center to support the provision of a continuum of crisis response services under Medicaid and CHIP.

#### Subtitle D--Transitioning from Medicaid FMAP Increase Requirements

(Sec. 5131) This section phases out and eventually terminates on December 31, 2023, the increased FMAPs for states and U.S. territories that were enacted in response to the COVID-19 public health emergency.

#### Subtitle E--Medicaid Improvement Fund

(Sec. 5141) This section increases the amount of funding available for the Medicaid Improvement Fund beginning in FY2028.

### TITLE VI--HUMAN SERVICES

#### *Jackie Walorski Maternal and Child Home Visiting Reauthorization Act of 2022*

(Sec. 6101) This section reauthorizes through FY2027, increases funding for, and modifies the Maternal, Infant, and Early Childhood Home Visiting Program. This program supports home visits for expectant and new parents who live in communities that are at-risk for poor maternal and child health outcomes.

Specific changes include (1) setting out requirements for allocating funding, (2) requiring the creation of a publicly available dashboard that reports program outcomes, and (3) allowing for virtual home visits provided certain conditions are met.

(Sec. 6102) This section reauthorizes through FY2023 the Temporary Assistance for Needy Families (TANF) program. TANF is a block grant available to states, Indian tribes, and territories that funds a wide range of benefits and services for low-income families with children.

(Sec. 6103) This section reauthorizes through FY2023 federal funding available to states, tribes, and territories to help ensure children's safety, permanence, and well-being through the provision of child welfare-related services to children and their families.

### TITLE VII--SUPPLEMENTAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM

(Sec. 7701) This section establishes and provides funding for a fund in the Treasury to support a federal program that provides medical monitoring and treatment to responders and survivors who suffer from health conditions related to the September 11, 2001, attacks on the World Trade Center. Any amounts that remain in the fund on September 30, 2032, must be returned to the Treasury.

(Sec. 7702) This section establishes a research program to study the impact of the attacks on the World Trade Center on health and educational outcomes of individuals who were 21 years of age or younger when the attacks occurred.

### DIVISION GG--MERGER FILING FEE MODERNIZATION

#### *Merger Filing Fee Modernization Act of 2022*

### TITLE I--MODERNIZING MERGER FILING FEE COLLECTIONS; ACCOUNTABILITY REQUIREMENTS; LIMITATION ON FUNDING

(Sec. 101) This section modifies and expands the merger filing fee schedule. (Prior to certain mergers and acquisitions, companies are required to file a notice of a proposed deal with the Federal Trade Commission and the Department of Justice.) Specifically, the section (1) increases the filing fees and creates additional fee tiers for larger transactions, and (2) decreases the filing fees for smaller transactions. In addition, the Commission must annually adjust these filing fees based on the percentage increase in the Consumer Price Index.

(Sec. 102) This section requires the Federal Trade Commission and the Department of Justice to jointly report on the implementation of the modified fee schedule annually through FY2027. Further, the Commission must report on public actions decided by a 3-to-2 vote.

#### TITLE II--DISCLOSURE OF SUBSIDIES BY FOREIGN ADVERSARIES

(Sec. 202) This section requires parties to disclose in their premerger notification filings any subsidy received from a foreign entity of concern.

#### TITLE III--VENUE FOR STATE ANTITRUST ENFORCEMENT

(Sec. 301) This section modifies the venue rules for multidistrict antitrust litigation. Specifically, this section applies the current standards regarding federal antitrust cases to similar cases filed by states.

#### DIVISION HH--AGRICULTURE

(Sec. 101) This section specifies that the term Secretary means the Secretary of Agriculture in this division.

#### TITLE I--CONSERVATION

(Sec. 201) This section authorizes the Department of Agriculture (USDA) to establish a voluntary Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program to help reduce entry barriers into voluntary environmental credit markets for farmers, ranchers, and private forest landowners.

A voluntary environmental credit market is a market through which agriculture or forestry credits may be bought or sold. An agriculture or forestry credit represents 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.

Entities eligible to participate in the program are (1) providers 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 (2) third-party verifiers that conduct the verification of the processes described in the protocols for voluntary environmental credit markets.

Among other requirements, USDA must publish (1) a list of protocols and qualifications for eligible entities; (2) information describing how entities may register for the program; (3) a list of registered entities; and (4) 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.

USDA must also establish an advisory council to make recommendations regarding the list of protocols and qualifications, best practices, and voluntary environmental credit markets.

The section also rescinds certain funds provided in the American Rescue Plan Act of 2021 and makes the funds available for the certification program.

(Sec. 202) This section directs USDA to 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. Subject to the availability of funding and other restrictions, USDA may match up to 75% of the private funds that are contributed.

#### TITLE II--COMMODITY FUTURES TRADING COMMISSION WHISTLEBLOWER PROGRAM

(Sec. 301) This title make additional funding available for the Commodity Futures Trading Commission (CFTC) Whistleblower Program, including by (1) allowing the CFTC to transfer up to \$10 million from the CFTC Consumer Protection Fund to the account that funds certain expenses related to the program, and (2) allowing the amounts transferred to remain available for obligation without further appropriation until October 1, 2024.

#### TITLE III--FORESTRY

(Sec. 401) This title authorizes USDA to modify or terminate an easement or other interest in land under the Healthy Forests Reserve Program

USDA may terminate or modify the easement or other interest if (1) the owner of the land agrees to the modification or termination, and (2) the modification or termination will address a compelling public need for which there is no practicable alternative and is in the public interest.

#### TITLE IV--NUTRITION

(Sec. 501) This section requires USDA to issue guidance to state agencies, on an ongoing basis, that describes measures that (1) are effective in detecting and preventing theft of Supplemental Nutrition Assistance Program (SNAP) benefits, including through card skimming, card cloning, and other similar fraudulent methods; (2) are consistent with industry standards for detecting, identifying, and preventing such incidents; and (3) consider the feasibility of cost, availability, and implementation for states.

USDA must also issue regulations to require state agencies to (1) take the security measures described in the guidance, and (2) implement procedures to replace electronic benefit transfer benefits that are determined by the state to have been stolen through card skimming,

cloning, or other fraudulent methods from October 1, 2022, through September 30, 2024.

This section also rescinds specified unobligated funds that were provided for SNAP by the American Rescue Plan Act of 2021.

(Sec. 502) This section directs USDA to make available before the summer of 2023 a permanent option for states to provide meals under the Summer Food Service Program for noncongregate consumption in a rural area with no congregate meal service. (Similar authorities were in effect during 2022 under a nationwide waiver that was issued by USDA.)

Additionally, the section directs USDA to establish a permanent, nationwide summer electronic benefit transfer (Summer EBT) program beginning in the summer of 2024 to provide nutrition assistance benefits at a rate of \$40 per eligible child per month during the summer. The amount may be proportionately higher, consistent with certain adjustments that have been established to reflect the higher costs of providing meals in certain states and territories. The amount must also be adjusted annually for inflation after 2024. USDA must also make payments to states that are equal to 50% of the administrative costs incurred by the states in operating Summer EBT.

This section also modifies the Pandemic EBT (P-EBT) program to prohibit states from providing P-EBT benefits in the summer of 2023 to children who did not attend a school at the end of the 2022-2023 school year that participated in the National School Lunch Program or the School Breakfast Program (e.g., children who were homeschooled or enrolled in fully virtual institutions).

(Sec. 503) This section reduces certain nutrition assistance benefits that were provided in response to COVID-19, including by (1) limiting P-EBT benefits in summer 2023 to \$120 per child, and (2) ending SNAP emergency allotments after February 2023.

#### TITLE V--OTHER MATTERS

(Sec. 601) This section directs USDA to make pandemic assistance payments to cotton merchandisers that purchased cotton from a U.S. cotton producer or marketed cotton on behalf of a U.S. cotton producer between March 1, 2020, and the enactment of this act.

(Sec. 602) This section directs USDA to make a one-time payment to each rice producer on a farm in the United States with respect to the 2022 crop year.

(Sec. 603) This section specifies that the provisions of [H.R. 5608](#) (Chronic Wasting Disease Research and Management Act) of the 117th Congress, are hereby enacted into law. (The act directs USDA to establish a program to research and manage chronic wasting disease, a contagious neurological condition in deer, elk, and moose.)

#### TITLE VI--PESTICIDES

##### *Pesticide Registration Improvement Act of 2022*

##### Subtitle A--Pesticide Registration Improvement Act of 2022

(Sec. 702) Each registered pesticide product released for shipment must include the translation of the parts of the labeling contained in the Spanish Translation Guide for Pesticide Labeling (October 2019) on the product container or a link to such translation on the product label, with specified exceptions.

(Sec. 703) This section extends and modifies the authority of the Environmental Protection Agency (EPA) to collect annual fees to maintain the registration of pesticides (maintenance fees) through FY2027, including by increasing the amount of the fees. A portion of such fees must be used to provide grants and support to various groups and programs, including programs for farm worker training and education, health care provider training, and pesticide safety education.

This section also extends through FY2027 the prohibition on levying certain fees for applications involving the establishment of the maximum levels for pesticide chemical residues in or on food (tolerance fees).

(Sec. 704) The section modifies the permissible uses of the fees collected and deposited in the Reregistration and Expedited Processing Fund. It also establishes fund set-asides for various purposes, including for

- developing efficacy test methods for antimicrobial pesticide devices making public health claims,
- training for EPA employees relating to the regulatory responsibilities and policies established by this title,
- supporting the pesticide surveillance program, and
- establishing and implementing the Vector Expedited Review Voucher program to incentivize the development of new pesticides to control and prevent the spread of vector borne diseases (e.g., malaria).

(Sec. 705) This section extends through FY2029 and modifies the administration of, and requirements for, pesticide registration service fees.

Among other updates, the section requires the EPA to use amounts in the Pesticide Registration Fund to (1) develop 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, and (2) enter into contracts to conduct independent assessments of the workforce and processes used to implement this title

The section also requires the EPA to (1) develop and implement a process to prevent the double payment of registration service fees, (2) make certain updates to the procedures for the preliminary technical screening of an application, and (3) establish an information technology system to provide a real-time tracking system for all regulatory submissions to the Office of Pesticide Programs.

(Sec. 706) This section revises the fee requirements for pesticide registration applications and the registration service fees, including by revising the amount of the fees and the time frames in which the EPA is required to complete review of a requested action.

(Sec. 707) The EPA must post on its website specified aggregated information on pesticide regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (e.g., all guidance relating to risk assessment, risk mitigation, benefits assessments, and cost-benefit

balancing).

(Sec. 708) This section specifies when updated registration service fees, maintenance fees, and set-asides take effect, as amended by this title. Specifically, the updated registration service fees become effective 60 days after the enactment of this title, and the updated maintenance fees and set-asides take effect on October 1, 2022.

#### Subtitle B--Other Matters Relating to Pesticides

(Sec. 711) This section extends the deadline for the EPA to complete the initial registration review of applicable pesticides or pesticide cases until October 1, 2026. Additionally, certain interim registration review decisions must include, where applicable, measures to reduce the effects of pesticides on species listed under the Endangered Species Act of 1973 or any designated critical habitat.

#### DIVISION II--PREGNANT WORKERS

##### *Pregnant Workers Fairness Act*

This division prohibits employment practices that discriminate against qualified employees affected by pregnancy, childbirth, or related medical conditions. A *qualified employee* is an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the position, with specified exceptions.

(Sec. 103) This section declares that it is an unlawful employment practice to

- fail to make reasonable accommodations to known limitations of such employees unless the accommodation would impose an undue hardship on an entity's business operation;
- require a qualified employee affected by such condition to accept an accommodation other than any reasonable accommodation arrived at through an interactive process;
- deny employment opportunities based on the need of the entity to make such reasonable accommodations to a qualified employee;
- require such employees to take paid or unpaid leave if another reasonable accommodation can be provided; or
- take adverse action in terms, conditions, or privileges of employment against a qualified employee requesting or using such reasonable accommodations.

(Sec. 104) This section sets forth enforcement procedures and remedies that cover different types of employees in relation to such unlawful employment practices.

(Sec. 105) This section requires the Equal Employment Opportunity Commission to issue rules to implement the requirements of this division, including providing examples of reasonable accommodations addressing known limitations related to pregnancy, childbirth, or related medical conditions.

(Sec. 106) This section prohibits state immunity under the Eleventh Amendment to the Constitution from an action for a violation of this division.

#### DIVISION JJ--NORTH ATLANTIC RIGHT WHALES

##### TITLE I--NORTH ATLANTIC RIGHT WHALES AND REGULATIONS

(Sec. 101) This title postpones a rule proposed by the National Marine Fisheries Service (NMFS) to revise the Atlantic Large Whale Take Reduction Plan. The existing plan includes requirements to reduce serious injuries to and deaths of endangered North Atlantic right whales (*Eubalaena glacialis*), fin whales (*Balaenoptera physalus*), and humpback whales (*Megaptera novaeangliae*) caused by commercial fishing gear, including fishing lines that entangle whales. The plan applies to commercial fisheries from Maine through Florida.

In 2021, the NMFS revised the plan and its requirements for fishing gear used by northeastern commercial lobster fisheries or Jonah crab trap/pot fisheries.

In 2022, the NMFS provided notice that it intends to begin the rulemaking process to (1) further modify the plan to satisfy the requirements of the Marine Mammal Protection Act of 1972, and (2) implement more stringent requirements to reduce deaths and injuries caused by whales becoming entangled in fishing gear from commercial trap/pot and gillnets (a type of fishing net) fisheries along the east coast.

The title deems the 2021 revisions to the plan as sufficient to meet the requirements of the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. The NMFS must issue new regulations for such fisheries that take effect by December 31, 2028, and utilize existing and innovative gear technologies.

##### TITLE II--GRANT AUTHORITY

(Sec. 201) This section directs the National Oceanic and Atmospheric Administration (NOAA) to establish a program that provides financial assistance for eligible activities that reduce human-induced threats to North Atlantic right whales.

(Sec. 202) NOAA must report on the results and effectiveness of projects receiving assistance provided under this title within two years and every five years thereafter.

(Sec. 203) This section authorizes the program through FY2032. It also allows NOAA to accept and use gifts to provide assistance under the program for North Atlantic right whales.

##### TITLE III--CONTINUOUS PLANKTON RECORDER

(Sec. 301) NOAA must conduct a Continuous Plankton Recorder survey, which collects and records plankton samples. Plankton is a food source for many ocean species, including the endangered North Atlantic right whale.

## DIVISION KK--PUMP FOR NURSING MOTHERS ACT

*Providing Urgent Maternal Protections for Nursing Mothers Act or the PUMP for Nursing Mothers Act*

This division expands workplace protections for employees with a need to express breast milk. Specifically, it expands the requirement that employers, subject to specified exemptions, provide certain accommodations for such an employee to cover salaried employees and other types of workers not covered under existing law. Further, time spent to express breast milk must be considered hours worked if the employee is also working.

## 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. 102) This section allows states, tribes, territories, and localities to use certain COVID-19 relief funds for new categories of spending, including for natural disasters and infrastructure projects.

(Sec. 103) This section makes additional counties and local governments eligible for payments from the Local Assistance and Tribal Consistency Fund.

Current law limits the eligibility of counties to those that (1) are independent of any other unit of local government, (2) serve as the principle provider of government services within its jurisdiction, and (3) experienced a negative revenue impact due to the implementation of (or changes to) a federal program. The section expands eligibility to also include counties that are classified by the Bureau of the Census as an active government consolidated with another government and experienced a negative revenue impact due to the implementation of (or changes to) a federal program.

(Sec. 104) This section provides Indian tribes with an additional year to expend their payments from the Coronavirus Relief Fund.

(Sec. 105) This section provides for the rescission of COVID-19 relief funds that are declined by states, territories, or other government entities; rescinded funds must be used to reduce the deficit.

## DIVISION MM--FAIRNESS FOR 9/11 FAMILIES ACT

*Fairness for 9/11 Families Act*

This division authorizes and provides funding for lump sum catch-up payments from the United States Victims of State Sponsored Terrorism Fund to

- certain 9/11 victims, spouses, and dependents;
- 1983 Beirut barracks bombing victims; and
- 1996 Khobar Towers bombing victims.

The division also requires the Government Accountability Office to evaluate ways to increase deposits into the United States Victims of State Sponsored Terrorism Fund.