

MARCH 8, 2022

RULES COMMITTEE PRINT 117-35
TEXT OF THE HOUSE AMENDMENT TO THE
SENATE AMENDMENT TO H.R. 2471

**[Showing the text of the Consolidated Appropriations Act,
2022]**

In lieu of the matter proposed to be inserted by the
Senate, insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Consolidated Appro-
3 priations Act, 2022”.

4 SEC. 2. TABLE OF CONTENTS.

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.
- Sec. 5. Statement of appropriations.
- Sec. 6. Adjustments to compensation.

**DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIA-
TIONS ACT, 2022**

- Title I—Agricultural Programs
- Title II—Farm Production and Conservation Programs
- Title III—Rural Development Programs
- Title IV—Domestic Food Programs
- Title V—Foreign Assistance and Related Programs
- Title VI—Related Agencies and Food and Drug Administration
- Title VII—General Provisions

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS ACT, 2022**

- Title I—Department of Commerce
- Title II—Department of Justice
- Title III—Science

Title IV—Related Agencies
Title V—General Provisions

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,
2022

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Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED
AGENCIES APPROPRIATIONS ACT, 2022

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
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APPROPRIATIONS ACT, 2022

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Title II—Executive Office of the President and Funds Appropriated to the
President
Title III—The Judiciary
Title IV—District of Columbia
Title V—Independent Agencies
Title VI—General Provisions—This Act
Title VII—General Provisions—Government-wide
Title VIII—General Provisions—District of Columbia

DIVISION F—DEPARTMENT OF HOMELAND SECURITY
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Title I—Departmental Management, Operations, Intelligence, and Oversight
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DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2022

Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related Agencies

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DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2022

Title I—Department of Labor

Title II—Department of Health and Human Services

Title III—Department of Education

Title IV—Related Agencies

Title V—General Provisions

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2022

Title I—Legislative Branch

Title II—General Provisions

DIVISION J—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2022

Title I—Department of Defense

Title II—Department of Veterans Affairs

Title III—Related Agencies

Title IV—General Provisions

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2022

Title I—Department of State and Related Agency

Title II—United States Agency for International Development

Title III—Bilateral Economic Assistance

Title IV—International Security Assistance

Title V—Multilateral Assistance

Title VI—Export and Investment Assistance

Title VII—General Provisions

DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2022

Title I—Department of Transportation

Title II—Department of Housing and Urban Development

Title III—Related Agencies

Title IV—General Provisions—This Act

DIVISION M—COVID SUPPLEMENTAL APPROPRIATIONS ACT, 2022

DIVISION N—UKRAINE SUPPLEMENTAL APPROPRIATIONS ACT, 2022

DIVISION O—EXTENSIONS AND TECHNICAL CORRECTIONS

Title I—Flood Insurance

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Title III—Livestock Reporting Extension

Title IV—TVPA Extension

Title V—Budgetary Effects

DIVISION P—HEALTH PROVISIONS

DIVISION Q—CONSUMER PROTECTION

DIVISION R—FAFSA SIMPLIFICATION

DIVISION S—VETERANS MATTERS

DIVISION T—CREDIT UNION GOVERNANCE MODERNIZATION ACT

DIVISION U—ADJUSTABLE INTEREST RATE (LIBOR) ACT

DIVISION V—HAITI DEVELOPMENT, ACCOUNTABILITY, AND
INSTITUTIONAL TRANSPARENCY INITIATIVE ACT

DIVISION W—VIOLENCE AGAINST WOMEN ACT
REAUTHORIZATION ACT OF 2022

DIVISION X—INTELLIGENCE AUTHORIZATION FOR FISCAL YEAR
2022

DIVISION Y—CYBER INCIDENT REPORTING FOR CRITICAL
INFRASTRUCTURE ACT OF 2022

DIVISION Z—ISRAEL RELATIONS NORMALIZATION ACT OF 2022

DIVISION AA—TRANS-SAHARA COUNTERTERRORISM
PARTNERSHIP PROGRAM

DIVISION BB—EB-5 REFORM AND INTEGRITY ACT OF 2022

DIVISION CC—BURIAL EQUITY FOR GUARDS AND RESERVES ACT

DIVISION DD—AUTHORIZATION OF APPROPRIATIONS FOR HIGH
TECHNOLOGY PILOT PROGRAM

DIVISION EE—EXTENSION OF VISA WAIVER PROGRAM FEES

DIVISION FF—AVAILABILITY OF TRAVEL PROMOTION FUND FOR
BRAND USA

DIVISION GG—COOPERATIVE PROJECT AGREEMENT

DIVISION HH—OTHER MATTERS

Title I—Continuing Education at Affected Foreign Institutions

Title II—NASA Enhanced-Use Lease Extension Act of 2022

Title III—CARES Act Semiannual Testimony

Title IV—Hidden Figures Congressional Gold Medal

Title V—Congressional Oversight of Sensitive Programs Not Covered by Other
Provisions of Law

Title VI—Firefighter Pay

1 SEC. 3. REFERENCES.

2 Except as expressly provided otherwise, any reference

3 to “this Act” contained in any division of this Act shall

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

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

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

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

13 The following sums in this Act are appropriated, out
14 of any money in the Treasury not otherwise appropriated,
15 for the fiscal year ending September 30, 2022.

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

17 Notwithstanding any other provision of law, no ad-
18 justment shall be made under section 601(a) of the Legis-
19 lative Reorganization Act of 1946 (2 U.S.C. 4501) (relat-
20 ing to cost of living adjustments for Members of Congress)
21 during fiscal year 2022.

1 **DIVISION A—AGRICULTURE, RURAL DE-**
2 **VELOPMENT, FOOD AND DRUG ADMIN-**
3 **ISTRATION, AND RELATED AGENCIES**
4 **APPROPRIATIONS ACT, 2022**

5 TITLE I

6 AGRICULTURAL PROGRAMS

7 PROCESSING, RESEARCH, AND MARKETING

8 OFFICE OF THE SECRETARY

9 (INCLUDING TRANSFERS OF FUNDS)

10 For necessary expenses of the Office of the Secretary,
11 \$54,710,000, of which not to exceed \$7,203,000 shall be
12 available for the immediate Office of the Secretary; not
13 to exceed \$1,353,000 shall be available for the Office of
14 Homeland Security; not to exceed \$2,215,000 shall be
15 available for the Office of Tribal Relations; not to exceed
16 \$7,044,000 shall be available for the Office of Partner-
17 ships and Public Engagement, of which \$1,500,000 shall
18 be for 7 U.S.C. 2279(c)(5); not to exceed \$24,931,000
19 shall be available for the Office of the Assistant Secretary
20 for Administration, of which \$23,282,000 shall be avail-
21 able for Departmental Administration to provide for nec-
22 essary expenses for management support services to of-
23 fices of the Department and for general administration,
24 security, repairs and alterations, and other miscellaneous
25 supplies and expenses not otherwise provided for and nec-

1 essary for the practical and efficient work of the Depart-
2 ment: *Provided*, That funds made available by this Act to
3 an agency in the Administration mission area for salaries
4 and expenses are available to fund up to one administra-
5 tive support staff for the Office; not to exceed \$4,480,000
6 shall be available for the Office of Assistant Secretary for
7 Congressional Relations and Intergovernmental Affairs to
8 carry out the programs funded by this Act, including pro-
9 grams involving intergovernmental affairs and liaison
10 within the executive branch; and not to exceed \$7,484,000
11 shall be available for the Office of Communications: *Pro-*
12 *vided further*, That the Secretary of Agriculture is author-
13 ized to transfer funds appropriated for any office of the
14 Office of the Secretary to any other office of the Office
15 of the Secretary: *Provided further*, That no appropriation
16 for any office shall be increased or decreased by more than
17 5 percent: *Provided further*, That not to exceed \$22,000
18 of the amount made available under this paragraph for
19 the immediate Office of the Secretary shall be available
20 for official reception and representation expenses, not oth-
21 erwise provided for, as determined by the Secretary: *Pro-*
22 *vided further*, That the amount made available under this
23 heading for Departmental Administration shall be reim-
24 bursed from applicable appropriations in this Act for trav-
25 el expenses incident to the holding of hearings as required

1 by 5 U.S.C. 551–558: *Provided further*, That funds made
2 available under this heading for the Office of the Assistant
3 Secretary for Congressional Relations and Intergovern-
4 mental Affairs shall be transferred to agencies of the De-
5 partment of Agriculture funded by this Act to maintain
6 personnel at the agency level: *Provided further*, That no
7 funds made available under this heading for the Office of
8 Assistant Secretary for Congressional Relations may be
9 obligated after 30 days from the date of enactment of this
10 Act, unless the Secretary has notified the Committees on
11 Appropriations of both Houses of Congress on the alloca-
12 tion of these funds by USDA agency: *Provided further*,
13 That during any 30 day notification period referenced in
14 section 716 of this Act, the Secretary of Agriculture shall
15 take no action to begin implementation of the action that
16 is subject to section 716 of this Act or make any public
17 announcement of such action in any form.

18 EXECUTIVE OPERATIONS

19 OFFICE OF THE CHIEF ECONOMIST

20 For necessary expenses of the Office of the Chief
21 Economist, \$27,199,000, of which \$8,000,000 shall be for
22 grants or cooperative agreements for policy research under
23 7 U.S.C. 3155: *Provided*, That of the amounts made avail-
24 able under this heading, \$500,000 shall be available to
25 carry out section 224 of subtitle A of the Department of

1 Agriculture Reorganization Act of 1994 (7 U.S.C. 6924),
2 as amended by section 12504 of Public Law 115–334.

3 OFFICE OF HEARINGS AND APPEALS

4 For necessary expenses of the Office of Hearings and
5 Appeals, \$16,173,000.

6 OFFICE OF BUDGET AND PROGRAM ANALYSIS

7 For necessary expenses of the Office of Budget and
8 Program Analysis, \$11,337,000.

9 OFFICE OF THE CHIEF INFORMATION OFFICER

10 For necessary expenses of the Office of the Chief In-
11 formation Officer, \$84,746,000, of which not less than
12 \$69,672,000 is for cybersecurity requirements of the de-
13 partment.

14 OFFICE OF THE CHIEF FINANCIAL OFFICER

15 For necessary expenses of the Office of the Chief Fi-
16 nancial Officer, \$7,118,000.

17 OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL
18 RIGHTS

19 For necessary expenses of the Office of the Assistant
20 Secretary for Civil Rights, \$1,426,000: *Provided*, That
21 funds made available by this Act to an agency in the Civil
22 Rights mission area for salaries and expenses are available
23 to fund up to one administrative support staff for the Of-
24 fice.

1 pending: *Provided*, That appropriations and funds available
2 herein to the Department for Hazardous Materials Man-
3 agement may be transferred to any agency of the Depart-
4 ment for its use in meeting all requirements pursuant to
5 the above Acts on Federal and non-Federal lands.

6 OFFICE OF SAFETY, SECURITY, AND PROTECTION

7 For necessary expenses of the Office of Safety, Secu-
8 rity, and Protection, \$23,306,000.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General, including employment pursuant to the Inspector
12 General Act of 1978 (Public Law 95–452; 5 U.S.C. App.),
13 \$106,309,000, including such sums as may be necessary
14 for contracting and other arrangements with public agen-
15 cies and private persons pursuant to section 6(a)(9) of the
16 Inspector General Act of 1978 (Public Law 95–452; 5
17 U.S.C. App.), and including not to exceed \$125,000 for
18 certain confidential operational expenses, including the
19 payment of informants, to be expended under the direction
20 of the Inspector General pursuant to the Inspector Gen-
21 eral Act of 1978 (Public Law 95–452; 5 U.S.C. App.) and
22 section 1337 of the Agriculture and Food Act of 1981
23 (Public Law 97–98).

1 OFFICE OF THE GENERAL COUNSEL

2 For necessary expenses of the Office of the General
3 Counsel, \$57,268,000.

4 OFFICE OF ETHICS

5 For necessary expenses of the Office of Ethics,
6 \$4,277,000.

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

9 For necessary expenses of the Office of the Under
10 Secretary for Research, Education, and Economics,
11 \$3,327,000: *Provided*, That funds made available by this
12 Act to an agency in the Research, Education, and Eco-
13 nomics mission area for salaries and expenses are avail-
14 able to fund up to one administrative support staff for
15 the Office: *Provided further*, That of the amounts made
16 available under this heading, \$1,000,000 shall be made
17 available for the Office of the Chief Scientist.

18 ECONOMIC RESEARCH SERVICE

19 For necessary expenses of the Economic Research
20 Service, \$87,794,000.

21 NATIONAL AGRICULTURAL STATISTICS SERVICE

22 For necessary expenses of the National Agricultural
23 Statistics Service, \$190,162,000, of which up to
24 \$46,850,000 shall be available until expended for the Cen-
25 sus of Agriculture: *Provided*, That amounts made available

1 for the Census of Agriculture may be used to conduct Cur-
2 rent Industrial Report surveys subject to 7 U.S.C.
3 2204g(d) and (f).

4 AGRICULTURAL RESEARCH SERVICE

5 SALARIES AND EXPENSES

6 For necessary expenses of the Agricultural Research
7 Service and for acquisition of lands by donation, exchange,
8 or purchase at a nominal cost not to exceed \$100, and
9 for land exchanges where the lands exchanged shall be of
10 equal value or shall be equalized by a payment of money
11 to the grantor which shall not exceed 25 percent of the
12 total value of the land or interests transferred out of Fed-
13 eral ownership, \$1,633,496,000: *Provided*, That appro-
14 priations hereunder shall be available for the operation
15 and maintenance of aircraft and the purchase of not to
16 exceed one for replacement only: *Provided further*, That
17 appropriations hereunder shall be available pursuant to 7
18 U.S.C. 2250 for the construction, alteration, and repair
19 of buildings and improvements, but unless otherwise pro-
20 vided, the cost of constructing any one building shall not
21 exceed \$500,000, except for headhouses or greenhouses
22 which shall each be limited to \$1,800,000, except for 10
23 buildings to be constructed or improved at a cost not to
24 exceed \$1,100,000 each, and except for four buildings to
25 be constructed at a cost not to exceed \$5,000,000 each,

1 and the cost of altering any one building during the fiscal
2 year shall not exceed 10 percent of the current replace-
3 ment value of the building or \$500,000, whichever is
4 greater: *Provided further*, That appropriations hereunder
5 shall be available for entering into lease agreements at any
6 Agricultural Research Service location for the construction
7 of a research facility by a non-Federal entity for use by
8 the Agricultural Research Service and a condition of the
9 lease shall be that any facility shall be owned, operated,
10 and maintained by the non-Federal entity and shall be re-
11 moved upon the expiration or termination of the lease
12 agreement: *Provided further*, That the limitations on alter-
13 ations contained in this Act shall not apply to moderniza-
14 tion or replacement of existing facilities at Beltsville,
15 Maryland: *Provided further*, That appropriations here-
16 under shall be available for granting easements at the
17 Beltsville Agricultural Research Center: *Provided further*,
18 That the foregoing limitations shall not apply to replace-
19 ment of buildings needed to carry out the Act of April
20 24, 1948 (21 U.S.C. 113a): *Provided further*, That appro-
21 priations hereunder shall be available for granting ease-
22 ments at any Agricultural Research Service location for
23 the construction of a research facility by a non-Federal
24 entity for use by, and acceptable to, the Agricultural Re-
25 search Service and a condition of the easements shall be

1 that upon completion the facility shall be accepted by the
2 Secretary, subject to the availability of funds herein, if the
3 Secretary finds that acceptance of the facility is in the
4 interest of the United States: *Provided further*, That funds
5 may be received from any State, other political subdivi-
6 sion, organization, or individual for the purpose of estab-
7 lishing or operating any research facility or research
8 project of the Agricultural Research Service, as authorized
9 by law.

10 BUILDINGS AND FACILITIES

11 For the acquisition of land, construction, repair, im-
12 provement, extension, alteration, and purchase of fixed
13 equipment or facilities as necessary to carry out the agri-
14 cultural research programs of the Department of Agri-
15 culture, where not otherwise provided, \$127,805,000 to re-
16 main available until expended, of which \$20,000,000 shall
17 be allocated for ARS facilities co-located with university
18 partners, and of which \$62,400,000 shall be for the pur-
19 poses, and in the amounts, specified for this account in
20 the table titled “Community Project Funding/Congres-
21 sionally Directed Spending” in the explanatory statement
22 described in section 4 (in the matter preceding division
23 A of this consolidated Act), in accordance with applicable
24 statutory and regulatory requirements.

1 NATIONAL INSTITUTE OF FOOD AND AGRICULTURE
2 RESEARCH AND EDUCATION ACTIVITIES

3 For payments to agricultural experiment stations, for
4 cooperative forestry and other research, for facilities, and
5 for other expenses, \$1,046,244,000, which shall be for the
6 purposes, and in the amounts, specified in the table titled
7 “National Institute of Food and Agriculture, Research
8 and Education Activities” in the explanatory statement
9 described in section 4 (in the matter preceding division
10 A of this consolidated Act): *Provided*, That funds for re-
11 search grants for 1994 institutions, education grants for
12 1890 institutions, Hispanic serving institutions education
13 grants, capacity building for non-land-grant colleges of ag-
14 riculture, the agriculture and food research initiative, vet-
15 erinary medicine loan repayment, multicultural scholars,
16 graduate fellowship and institution challenge grants,
17 grants management systems, tribal colleges education eq-
18 uity grants, and scholarships at 1890 institutions shall re-
19 main available until expended: *Provided further*, That each
20 institution eligible to receive funds under the Evans-Allen
21 program receives no less than \$1,000,000: *Provided fur-*
22 *ther*, That funds for education grants for Alaska Native
23 and Native Hawaiian-serving institutions be made avail-
24 able to individual eligible institutions or consortia of eligi-
25 ble institutions with funds awarded equally to each of the

1 States of Alaska and Hawaii: *Provided further*, That funds
2 for providing grants for food and agricultural sciences for
3 Alaska Native and Native Hawaiian-Serving institutions
4 and for Insular Areas shall remain available until Sep-
5 tember 30, 2023: *Provided further*, That funds for edu-
6 cation grants for 1890 institutions shall be made available
7 to institutions eligible to receive funds under 7 U.S.C.
8 3221 and 3222: *Provided further*, That not more than 5
9 percent of the amounts made available by this or any other
10 Act to carry out the Agriculture and Food Research Initia-
11 tive under 7 U.S.C. 3157 may be retained by the Secretary
12 of Agriculture to pay administrative costs incurred by the
13 Secretary in carrying out that authority.

14 NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

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

18 EXTENSION ACTIVITIES

19 For payments to States, the District of Columbia,
20 Puerto Rico, Guam, the Virgin Islands, Micronesia, the
21 Northern Marianas, and American Samoa, \$550,605,000,
22 which shall be for the purposes, and in the amounts, speci-
23 fied in the table titled “National Institute of Food and
24 Agriculture, Extension Activities” in the explanatory
25 statement described in section 4 (in the matter preceding

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

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

5 For necessary expenses of the Office of the Under
6 Secretary for Marketing and Regulatory Programs,
7 \$1,577,000: *Provided*, That funds made available by this
8 Act to an agency in the Marketing and Regulatory Pro-
9 grams mission area for salaries and expenses are available
10 to fund up to one administrative support staff for the Of-
11 fice.

12 ANIMAL AND PLANT HEALTH INSPECTION SERVICE
13 SALARIES AND EXPENSES
14 (INCLUDING TRANSFERS OF FUNDS)

15 For necessary expenses of the Animal and Plant
16 Health Inspection Service, including up to \$30,000 for
17 representation allowances and for expenses pursuant to
18 the Foreign Service Act of 1980 (22 U.S.C. 4085),
19 \$1,110,218,000 of which up to \$3,474,000 shall be for
20 the purposes, and in the amounts, specified for this ac-
21 count in the table titled “Community Project Funding/
22 Congressionally Directed Spending” in the explanatory
23 statement described in section 4 (in the matter preceding
24 division A of this consolidated Act), in accordance with
25 applicable statutory and regulatory requirements; of which

1 \$491,000, to remain available until expended, shall be
2 available for the control of outbreaks of insects, plant dis-
3 eases, animal diseases and for control of pest animals and
4 birds (“contingency fund”) to the extent necessary to meet
5 emergency conditions; of which \$14,725,000, to remain
6 available until expended, shall be used for the cotton pests
7 program, including for cost share purposes or for debt re-
8 tirement for active eradication zones; of which
9 \$38,486,000, to remain available until expended, shall be
10 for Animal Health Technical Services; of which
11 \$3,040,000 shall be for activities under the authority of
12 the Horse Protection Act of 1970, as amended (15 U.S.C.
13 1831); of which \$63,833,000, to remain available until ex-
14 pended, shall be used to support avian health; of which
15 \$4,251,000, to remain available until expended, shall be
16 for information technology infrastructure; of which
17 \$209,553,000, to remain available until expended, shall be
18 for specialty crop pests, of which \$8,500,000, to remain
19 available until September 30, 2023, shall be for one-time
20 control and management and associated activities directly
21 related to the multiple-agency response to citrus greening;
22 of which, \$11,137,000, to remain available until expended,
23 shall be for field crop and rangeland ecosystem pests; of
24 which \$20,282,000, to remain available until expended,
25 shall be for zoonotic disease management; of which

1 \$42,021,000, to remain available until expended, shall be
2 for emergency preparedness and response; of which
3 \$61,217,000, to remain available until expended, shall be
4 for tree and wood pests; of which \$5,751,000, to remain
5 available until expended, shall be for the National Veteri-
6 nary Stockpile; of which up to \$1,500,000, to remain
7 available until expended, shall be for the scrapie program
8 for indemnities; of which \$2,500,000, to remain available
9 until expended, shall be for the wildlife damage manage-
10 ment program for aviation safety: *Provided*, That any of
11 the funds described in the “Community Project Funding/
12 Congressionally Directed Spending” table in the explana-
13 tory statement described in section 4 (in the matter pre-
14 ceding division A of this consolidated Act) that the Sec-
15 retary determines will not be obligated during the fiscal
16 year shall not be subject to the direction provided in such
17 table: *Provided further*, That of amounts available under
18 this heading for wildlife services methods development,
19 \$1,000,000 shall remain available until expended: *Pro-*
20 *vided further*, That of amounts available under this head-
21 ing for the screwworm program, \$4,990,000 shall remain
22 available until expended; of which \$24,307,000, to remain
23 available until expended, shall be used to carry out the
24 science program and transition activities for the National
25 Bio and Agro-defense Facility located in Manhattan, Kan-

1 sas: *Provided further*, That no funds shall be used to for-
2 mulate or administer a brucellosis eradication program for
3 the current fiscal year that does not require minimum
4 matching by the States of at least 40 percent: *Provided*
5 *further*, That this appropriation shall be available for the
6 purchase, replacement, operation, and maintenance of air-
7 craft: *Provided further*, That in addition, in emergencies
8 which threaten any segment of the agricultural production
9 industry of the United States, the Secretary may transfer
10 from other appropriations or funds available to the agen-
11 cies or corporations of the Department such sums as may
12 be deemed necessary, to be available only in such emer-
13 gencies for the arrest and eradication of contagious or in-
14 fectious disease or pests of animals, poultry, or plants, and
15 for expenses in accordance with sections 10411 and 10417
16 of the Animal Health Protection Act (7 U.S.C. 8310 and
17 8316) and sections 431 and 442 of the Plant Protection
18 Act (7 U.S.C. 7751 and 7772), and any unexpended bal-
19 ances of funds transferred for such emergency purposes
20 in the preceding fiscal year shall be merged with such
21 transferred amounts: *Provided further*, That appropria-
22 tions hereunder shall be available pursuant to law (7
23 U.S.C. 2250) for the repair and alteration of leased build-
24 ings and improvements, but unless otherwise provided the
25 cost of altering any one building during the fiscal year

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

3 In fiscal year 2022, the agency is authorized to collect
4 fees to cover the total costs of providing technical assist-
5 ance, goods, or services requested by States, other political
6 subdivisions, domestic and international organizations,
7 foreign governments, or individuals, provided that such
8 fees are structured such that any entity's liability for such
9 fees is reasonably based on the technical assistance, goods,
10 or services provided to the entity by the agency, and such
11 fees shall be reimbursed to this account, to remain avail-
12 able until expended, without further appropriation, for
13 providing such assistance, goods, or services.

14 BUILDINGS AND FACILITIES

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

21 AGRICULTURAL MARKETING SERVICE

22 MARKETING SERVICES

23 For necessary expenses of the Agricultural Marketing
24 Service, \$226,657,000, of which \$7,000,000 shall be avail-
25 able for the purposes of section 12306 of Public Law 113-

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

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

20 LIMITATION ON ADMINISTRATIVE EXPENSES

21 Not to exceed \$61,786,000 (from fees collected) shall
22 be obligated during the current fiscal year for administra-
23 tive expenses: *Provided*, That if crop size is understated
24 and/or other uncontrollable events occur, the agency may
25 exceed this limitation by up to 10 percent with notification

1 to the Committees on Appropriations of both Houses of
2 Congress.

3 FUNDS FOR STRENGTHENING MARKETS, INCOME, AND
4 SUPPLY (SECTION 32)
5 (INCLUDING TRANSFERS OF FUNDS)

6 Funds available under section 32 of the Act of Au-
7 gust 24, 1935 (7 U.S.C. 612c), shall be used only for com-
8 modity program expenses as authorized therein, and other
9 related operating expenses, except for: (1) transfers to the
10 Department of Commerce as authorized by the Fish and
11 Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) trans-
12 fers otherwise provided in this Act; and (3) not more than
13 \$20,817,000 for formulation and administration of mar-
14 keting agreements and orders pursuant to the Agricultural
15 Marketing Agreement Act of 1937 and the Agricultural
16 Act of 1961 (Public Law 87–128).

17 PAYMENTS TO STATES AND POSSESSIONS

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

1 LIMITATION ON INSPECTION AND WEIGHING SERVICES

2 EXPENSES

3 Not to exceed \$55,000,000 (from fees collected) shall
 4 be obligated during the current fiscal year for inspection
 5 and weighing services: *Provided*, That if grain export ac-
 6 tivities require additional supervision and oversight, or
 7 other uncontrollable factors occur, this limitation may be
 8 exceeded by up to 10 percent with notification to the Com-
 9 mittees on Appropriations of both Houses of Congress.

10 OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

11 For necessary expenses of the Office of the Under
 12 Secretary for Food Safety, \$1,077,000: *Provided*, That
 13 funds made available by this Act to an agency in the Food
 14 Safety mission area for salaries and expenses are available
 15 to fund up to one administrative support staff for the Of-
 16 fice.

17 FOOD SAFETY AND INSPECTION SERVICE

18 For necessary expenses to carry out services author-
 19 ized by the Federal Meat Inspection Act, the Poultry
 20 Products Inspection Act, and the Egg Products Inspection
 21 Act, including not to exceed \$10,000 for representation
 22 allowances and for expenses pursuant to section 8 of the
 23 Act approved August 3, 1956 (7 U.S.C. 1766),
 24 \$1,108,664,000; and in addition, \$1,000,000 may be cred-
 25 ited to this account from fees collected for the cost of lab-

1 oratory accreditation as authorized by section 1327 of the
2 Food, Agriculture, Conservation and Trade Act of 1990
3 (7 U.S.C. 138f): *Provided*, That funds provided for the
4 Public Health Data Communication Infrastructure system
5 shall remain available until expended: *Provided further*,
6 That no fewer than 148 full-time equivalent positions shall
7 be employed during fiscal year 2022 for purposes dedi-
8 cated solely to inspections and enforcement related to the
9 Humane Methods of Slaughter Act (7 U.S.C. 1901 et
10 seq.): *Provided further*, That the Food Safety and Inspec-
11 tion Service shall continue implementation of section
12 11016 of Public Law 110–246 as further clarified by the
13 amendments made in section 12106 of Public Law 113–
14 79: *Provided further*, That this appropriation shall be
15 available pursuant to law (7 U.S.C. 2250) for the alter-
16 ation and repair of buildings and improvements, but the
17 cost of altering any one building during the fiscal year
18 shall not exceed 10 percent of the current replacement
19 value of the building.

1 TITLE II
2 FARM PRODUCTION AND CONSERVATION
3 PROGRAMS

4 OFFICE OF THE UNDER SECRETARY FOR FARM
5 PRODUCTION AND CONSERVATION

6 For necessary expenses of the Office of the Under
7 Secretary for Farm Production and Conservation,
8 \$1,687,000: *Provided*, That funds made available by this
9 Act to an agency in the Farm Production and Conserva-
10 tion mission area for salaries and expenses are available
11 to fund up to one administrative support staff for the Of-
12 fice.

13 FARM PRODUCTION AND CONSERVATION BUSINESS
14 CENTER

15 SALARIES AND EXPENSES
16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses of the Farm Production and
18 Conservation Business Center, \$238,177,000: *Provided*,
19 That \$60,228,000 of amounts appropriated for the cur-
20 rent fiscal year pursuant to section 1241(a) of the Farm
21 Security and Rural Investment Act of 1985 (16 U.S.C.
22 3841(a)) shall be transferred to and merged with this ac-
23 count.

1 FARM SERVICE AGENCY

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses of the Farm Service Agency,
5 \$1,173,070,000, of which not less than \$15,000,000 shall
6 be for the hiring of new employees to fill vacancies and
7 anticipated vacancies at Farm Service Agency county of-
8 fices and farm loan officers and shall be available until
9 September 30, 2023: *Provided*, That not more than 50
10 percent of the funding made available under this heading
11 for information technology related to farm program deliv-
12 ery may be obligated until the Secretary submits to the
13 Committees on Appropriations of both Houses of Con-
14 gress, and receives written or electronic notification of re-
15 ceipt from such Committees of, a plan for expenditure that
16 (1) identifies for each project/investment over \$25,000 (a)
17 the functional and performance capabilities to be delivered
18 and the mission benefits to be realized, (b) the estimated
19 lifecycle cost for the entirety of the project/investment, in-
20 cluding estimates for development as well as maintenance
21 and operations, and (c) key milestones to be met; (2) dem-
22 onstrates that each project/investment is, (a) consistent
23 with the Farm Service Agency Information Technology
24 Roadmap, (b) being managed in accordance with applica-
25 ble lifecycle management policies and guidance, and (c)

1 subject to the applicable Department's capital planning
2 and investment control requirements; and (3) has been re-
3 viewed by the Government Accountability Office and ap-
4 proved by the Committees on Appropriations of both
5 Houses of Congress: *Provided further*, That the agency
6 shall submit a report by the end of the fourth quarter of
7 fiscal year 2022 to the Committees on Appropriations and
8 the Government Accountability Office, that identifies for
9 each project/investment that is operational (a) current
10 performance against key indicators of customer satisfac-
11 tion, (b) current performance of service level agreements
12 or other technical metrics, (c) current performance against
13 a pre-established cost baseline, (d) a detailed breakdown
14 of current and planned spending on operational enhance-
15 ments or upgrades, and (e) an assessment of whether the
16 investment continues to meet business needs as intended
17 as well as alternatives to the investment: *Provided further*,
18 That the Secretary is authorized to use the services, facili-
19 ties, and authorities (but not the funds) of the Commodity
20 Credit Corporation to make program payments for all pro-
21 grams administered by the Agency: *Provided further*, That
22 other funds made available to the Agency for authorized
23 activities may be advanced to and merged with this ac-
24 count: *Provided further*, That funds made available to
25 county committees shall remain available until expended:

1 *Provided further*, That none of the funds available to the
2 Farm Service Agency shall be used to close Farm Service
3 Agency county offices: *Provided further*, That none of the
4 funds available to the Farm Service Agency shall be used
5 to permanently relocate county based employees that
6 would result in an office with two or fewer employees with-
7 out prior notification and approval of the Committees on
8 Appropriations of both Houses of Congress.

9 STATE MEDIATION GRANTS

10 For grants pursuant to section 502(b) of the Agricul-
11 tural Credit Act of 1987, as amended (7 U.S.C. 5101–
12 5106), \$7,000,000.

13 GRASSROOTS SOURCE WATER PROTECTION PROGRAM

14 For necessary expenses to carry out wellhead or
15 groundwater protection activities under section 12400 of
16 the Food Security Act of 1985 (16 U.S.C. 3839bb–2),
17 \$6,500,000, to remain available until expended.

18 DAIRY INDEMNITY PROGRAM

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses involved in making indemnity
21 payments to dairy farmers and manufacturers of dairy
22 products under a dairy indemnity program, such sums as
23 may be necessary, to remain available until expended: *Pro-*
24 *vided*, That such program is carried out by the Secretary
25 in the same manner as the dairy indemnity program de-

1 scribed in the Agriculture, Rural Development, Food and
2 Drug Administration, and Related Agencies Appropria-
3 tions Act, 2001 (Public Law 106–387, 114 Stat. 1549A–
4 12).

5 GEOGRAPHICALLY DISADVANTAGED FARMERS AND
6 RANCHERS

7 For necessary expenses to carry out direct reimburse-
8 ment payments to geographically disadvantaged farmers
9 and ranchers under section 1621 of the Food Conserva-
10 tion, and Energy Act of 2008 (7 U.S.C. 8792),
11 \$3,000,000, to remain available until expended.

12 AGRICULTURAL CREDIT INSURANCE FUND PROGRAM
13 ACCOUNT
14 (INCLUDING TRANSFERS OF FUNDS)

15 For gross obligations for the principal amount of di-
16 rect and guaranteed farm ownership (7 U.S.C. 1922 et
17 seq.) and operating (7 U.S.C. 1941 et seq.) loans, emer-
18 gency loans (7 U.S.C. 1961 et seq.), Indian tribe land ac-
19 quisition loans (25 U.S.C. 5136), boll weevil loans (7
20 U.S.C. 1989), guaranteed conservation loans (7 U.S.C.
21 1924 et seq.), relending program (7 U.S.C. 1936c), and
22 Indian highly fractionated land loans (25 U.S.C. 5136)
23 to be available from funds in the Agricultural Credit In-
24 surance Fund, as follows: \$3,500,000,000 for guaranteed
25 farm ownership loans and \$2,800,000,000 for farm owner-

1 ship direct loans; \$2,118,482,000 for unsubsidized guar-
2 anteed operating loans and \$1,633,333,000 for direct op-
3 erating loans; emergency loans, \$37,668,000; Indian tribe
4 land acquisition loans, \$20,000,000; guaranteed conserva-
5 tion loans, \$150,000,000; relending program,
6 \$61,425,000; Indian highly fractionated land loans,
7 \$5,000,000; and for boll weevil eradication program loans,
8 \$60,000,000: *Provided*, That the Secretary shall deem the
9 pink bollworm to be a boll weevil for the purpose of boll
10 weevil eradication program loans.

11 For the cost of direct and guaranteed loans and
12 grants, including the cost of modifying loans as defined
13 in section 502 of the Congressional Budget Act of 1974,
14 as follows: \$40,017,000 for direct farm operating loans,
15 \$16,524,000 for unsubsidized guaranteed farm operating
16 loans, \$267,000 for emergency loans, \$5,000,000 for the
17 relending program, and \$407,000 for Indian highly
18 fractionated land loans, to remain available until ex-
19 pended.

20 In addition, for administrative expenses necessary to
21 carry out the direct and guaranteed loan programs,
22 \$314,772,000: *Provided*, That of this amount,
23 \$294,114,000 shall be transferred to and merged with the
24 appropriation for “Farm Service Agency, Salaries and Ex-
25 penses”.

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

8 RISK MANAGEMENT AGENCY

9 SALARIES AND EXPENSES

10 For necessary expenses of the Risk Management
11 Agency, \$62,707,000: *Provided*, That \$1,000,000 of the
12 amount appropriated under this heading in this Act shall
13 be available for compliance and integrity activities re-
14 quired under section 516(b)(2)(C) of the Federal Crop In-
15 surance Act of 1938 (7 U.S.C. 1516(b)(2)(C)), and shall
16 be in addition to amounts otherwise provided for such pur-
17 pose: *Provided further*, That not to exceed \$1,000 shall
18 be available for official reception and representation ex-
19 penses, as authorized by 7 U.S.C. 1506(i).

20 NATURAL RESOURCES CONSERVATION SERVICE

21 CONSERVATION OPERATIONS

22 For necessary expenses for carrying out the provi-
23 sions of the Act of April 27, 1935 (16 U.S.C. 590a–f),
24 including preparation of conservation plans and establish-
25 ment of measures to conserve soil and water (including

1 farm irrigation and land drainage and such special meas-
2 ures for soil and water management as may be necessary
3 to prevent floods and the siltation of reservoirs and to con-
4 trol agricultural related pollutants); operation of conserva-
5 tion plant materials centers; classification and mapping of
6 soil; dissemination of information; acquisition of lands,
7 water, and interests therein for use in the plant materials
8 program by donation, exchange, or purchase at a nominal
9 cost not to exceed \$100 pursuant to the Act of August
10 3, 1956 (7 U.S.C. 2268a); purchase and erection or alter-
11 ation or improvement of permanent and temporary build-
12 ings; and operation and maintenance of aircraft,
13 \$904,396,000, to remain available until September 30,
14 2023, of which up to \$19,611,000 shall be for the pur-
15 poses, and in the amounts, specified for this account in
16 the table titled “Community Project Funding/Congres-
17 sionally Directed Spending” in the explanatory statement
18 described in section 4 (in the matter preceding division
19 A of this consolidated Act), in accordance with applicable
20 statutory and regulatory requirements: *Provided*, That
21 any of the funds described in the table titled “Community
22 Project Funding/Congressional Directed Spending” in
23 the explanatory statement described in section 4 (in the
24 matter preceding division A of this consolidated Act) that
25 the Secretary determines will not be obligated during the

1 fiscal year shall not be subject to the direction provided
2 in such table: *Provided further*, That appropriations here-
3 under shall be available pursuant to 7 U.S.C. 2250 for
4 construction and improvement of buildings and public im-
5 provements at plant materials centers, except that the cost
6 of alterations and improvements to other buildings and
7 other public improvements shall not exceed \$250,000: *Pro-*
8 *vided further*, That when buildings or other structures are
9 erected on non-Federal land, that the right to use such
10 land is obtained as provided in 7 U.S.C. 2250a: *Provided*
11 *further*, That of the total amount available under this
12 heading, \$8,500,000 shall be for necessary expenses to
13 carry out the Urban Agriculture and Innovative Produc-
14 tion Program under section 222 of subtitle A of title II
15 of the Department of Agriculture Reorganization Act of
16 1994 (7 U.S.C. 6923), as amended by section 12302 of
17 Public Law 115–334: *Provided further*, That of the total
18 amount available, \$7,000,000 shall remain available until
19 expended for necessary expenses to carry out the Healthy
20 Forests Reserve Program under the Healthy Forest Res-
21 toration Act of 2003 (16 U.S.C. 6571–6578).

22 WATERSHED AND FLOOD PREVENTION OPERATIONS

23 For necessary expenses to carry out preventive meas-
24 ures, including but not limited to surveys and investiga-
25 tions, engineering operations, works of improvement, and

1 changes in use of land, in accordance with the Watershed
2 Protection and Flood Prevention Act (16 U.S.C. 1001–
3 1005 and 1007–1009) and in accordance with the provi-
4 sions of laws relating to the activities of the Department,
5 \$100,000,000, to remain available until expended, of
6 which up to \$23,275,000 shall be for the purposes, and
7 in the amounts, specified for this account in the table ti-
8 tled “Community Project Funding/Congressionally Di-
9 rected Spending” in the explanatory statement described
10 in section 4 (in the matter preceding division A of this
11 consolidated Act), in accordance with applicable statutory
12 and regulatory requirements: *Provided*, That for funds
13 provided by this Act or any other prior Act, the limitation
14 regarding the size of the watershed or subwatershed ex-
15 ceeding two hundred and fifty thousand acres in which
16 such activities can be undertaken shall only apply for ac-
17 tivities undertaken for the primary purpose of flood pre-
18 vention (including structural and land treatment meas-
19 ures): *Provided further*, That of the amounts made avail-
20 able under this heading, \$10,000,000 shall be allocated
21 to projects and activities that can commence promptly fol-
22 lowing enactment; that address regional priorities for flood
23 prevention, agricultural water management, inefficient ir-
24 rigation systems, fish and wildlife habitat, or watershed
25 protection; or that address authorized ongoing projects

1 under the authorities of section 13 of the Flood Control
2 Act of December 22, 1944 (Public Law 78–534) with a
3 primary purpose of watershed protection by preventing
4 floodwater damage and stabilizing stream channels, tribu-
5 taries, and banks to reduce erosion and sediment trans-
6 port: *Provided further*, That of the amounts made avail-
7 able under this heading, \$10,000,000 shall remain avail-
8 able until expended for the authorities under 16 U.S.C.
9 1001–1005 and 1007–1009 for authorized ongoing water-
10 shed projects with a primary purpose of providing water
11 to rural communities.

12 WATERSHED REHABILITATION PROGRAM

13 Under the authorities of section 14 of the Watershed
14 Protection and Flood Prevention Act, \$1,000,000 is pro-
15 vided.

16 CORPORATIONS

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

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

3 FEDERAL CROP INSURANCE CORPORATION FUND

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

7 COMMODITY CREDIT CORPORATION FUND

8 REIMBURSEMENT FOR NET REALIZED LOSSES

9 (INCLUDING TRANSFERS OF FUNDS)

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

1 HAZARDOUS WASTE MANAGEMENT
2 (LIMITATION ON EXPENSES)

3 For the current fiscal year, the Commodity Credit
4 Corporation shall not expend more than \$15,000,000 for
5 site investigation and cleanup expenses, and operations
6 and maintenance expenses to comply with the requirement
7 of section 107(g) of the Comprehensive Environmental
8 Response, Compensation, and Liability Act (42 U.S.C.
9 9607(g)), and section 6001 of the Solid Waste Disposal
10 Act (42 U.S.C. 6961).

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

5 For necessary expenses of the Office of the Under
6 Secretary for Rural Development, \$1,580,000: *Provided*,
7 That funds made available by this Act to an agency in
8 the Rural Development mission area for salaries and ex-
9 penses are available to fund up to one administrative sup-
10 port staff for the Office.

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

14 For necessary expenses for carrying out the adminis-
15 tration and implementation of Rural Development pro-
16 grams, including activities with institutions concerning the
17 development and operation of agricultural cooperatives;
18 and for cooperative agreements; \$300,285,000: *Provided*,
19 That of the amount made available under this heading,
20 up to \$5,000,000 shall be for the StrikeForce activities
21 of the Department of Agriculture, and may be transferred
22 to agencies of the Department for such purpose, consistent
23 with the missions and authorities of such agencies: *Pro-*
24 *vided further*, That notwithstanding any other provision
25 of law, funds appropriated under this heading may be used

1 for advertising and promotional activities that support
2 Rural Development programs: *Provided further*, That in
3 addition to any other funds appropriated for purposes au-
4 thorized by section 502(i) of the Housing Act of 1949 (42
5 U.S.C. 1472(i)), any amounts collected under such sec-
6 tion, as amended by this Act, will immediately be credited
7 to this account and will remain available until expended
8 for such purposes.

9 RURAL HOUSING SERVICE

10 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

11 (INCLUDING TRANSFERS OF FUNDS)

12 For gross obligations for the principal amount of di-
13 rect and guaranteed loans as authorized by title V of the
14 Housing Act of 1949, to be available from funds in the
15 rural housing insurance fund, as follows: \$1,250,000,000
16 shall be for direct loans and \$30,000,000,000 shall be for
17 unsubsidized guaranteed loans; \$28,000,000 for section
18 504 housing repair loans; \$50,000,000 for section 515
19 rental housing; \$250,000,000 for section 538 guaranteed
20 multi-family housing loans; \$10,000,000 for credit sales
21 of single family housing acquired property; \$5,000,000 for
22 section 523 self-help housing land development loans; and
23 \$5,000,000 for section 524 site development loans.

24 For the cost of direct and guaranteed loans, including
25 the cost of modifying loans, as defined in section 502 of

1 the Congressional Budget Act of 1974, as follows: section
2 502 loans, \$23,250,000 shall be for direct loans; section
3 504 housing repair loans, \$484,000; section 523 self-help
4 housing land development loans, \$55,000; section 524 site
5 development loans, \$206,000; and repair, rehabilitation,
6 and new construction of section 515 rental housing,
7 \$4,470,000: *Provided*, That to support the loan program
8 level for section 538 guaranteed loans made available
9 under this heading the Secretary may charge or adjust
10 any fees to cover the projected cost of such loan guaran-
11 tees pursuant to the provisions of the Credit Reform Act
12 of 1990 (2 U.S.C. 661 et seq.), and the interest on such
13 loans may not be subsidized: *Provided further*, That appli-
14 cants in communities that have a current rural area waiv-
15 er under section 541 of the Housing Act of 1949 (42
16 U.S.C. 1490q) shall be treated as living in a rural area
17 for purposes of section 502 guaranteed loans provided
18 under this heading: *Provided further*, That of the amounts
19 available under this paragraph for section 502 direct
20 loans, no less than \$5,000,000 shall be available for direct
21 loans for individuals whose homes will be built pursuant
22 to a program funded with a mutual and self-help housing
23 grant authorized by section 523 of the Housing Act of
24 1949 until June 1, 2022: *Provided further*, That the Sec-
25 retary shall implement provisions to provide incentives to

1 nonprofit organizations and public housing authorities to
2 facilitate the acquisition of Rural Housing Service (RHS)
3 multifamily housing properties by such nonprofit organi-
4 zations and public housing authorities that commit to keep
5 such properties in the RHS multifamily housing program
6 for a period of time as determined by the Secretary, with
7 such incentives to include, but not be limited to, the fol-
8 lowing: allow such nonprofit entities and public housing
9 authorities to earn a Return on Investment on their own
10 resources to include proceeds from low income housing tax
11 credit syndication, own contributions, grants, and devel-
12 oper loans at favorable rates and terms, invested in a deal;
13 and allow reimbursement of organizational costs associ-
14 ated with owner's oversight of asset referred to as "Asset
15 Management Fee" of up to \$7,500 per property.

16 In addition, for the cost of direct loans and grants,
17 including the cost of modifying loans, as defined in section
18 502 of the Congressional Budget Act of 1974,
19 \$34,000,000, to remain available until expended, for a
20 demonstration program for the preservation and revital-
21 ization of the sections 514, 515, and 516 multi-family
22 rental housing properties to restructure existing USDA
23 multi-family housing loans, as the Secretary deems appro-
24 priate, expressly for the purposes of ensuring the project
25 has sufficient resources to preserve the project for the pur-

1 pose of providing safe and affordable housing for low-in-
2 come residents and farm laborers including reducing or
3 eliminating interest; deferring loan payments, subordi-
4 nating, reducing or re-amortizing loan debt; and other fi-
5 nancial assistance including advances, payments and in-
6 centives (including the ability of owners to obtain reason-
7 able returns on investment) required by the Secretary:
8 *Provided*, That the Secretary shall, as part of the preser-
9 vation and revitalization agreement, obtain a restrictive
10 use agreement consistent with the terms of the restruc-
11 turing: *Provided further*, That any balances, including ob-
12 ligated balances, available for all demonstration programs
13 for the preservation and revitalization of sections 514,
14 515, and 516 multi-family rental housing properties in the
15 “Multi-Family Housing Revitalization Program Account”
16 shall be transferred to and merged with this account, and
17 shall also be available for the preservation and revitaliza-
18 tion of sections 514, 515, and 516 multi-family rental
19 housing properties, including the restructuring of existing
20 USDA multi-family housing loans: *Provided further*, That
21 following the transfer of balances described in the pre-
22 ceding proviso, any adjustments to obligations for dem-
23 onstration programs for the preservation and revitaliza-
24 tion of sections 514, 515, and 516 multi-family rental
25 housing properties that would otherwise be incurred in the

1 “Multi-Family Housing Revitalization Program Account”
2 shall be made in this account from amounts transferred
3 to this account under the preceding proviso.

4 In addition, for the cost of direct loans, grants, and
5 contracts, as authorized by sections 514 and 516 of the
6 Housing Act of 1949 (42 U.S.C. 1484, 1486),
7 \$12,831,000, to remain available until expended, for direct
8 farm labor housing loans and domestic farm labor housing
9 grants and contracts: *Provided*, That any balances avail-
10 able for the Farm Labor Program Account shall be trans-
11 ferred to and merged with this account.

12 In addition, for administrative expenses necessary to
13 carry out the direct and guaranteed loan programs,
14 \$412,254,000 shall be transferred to and merged with the
15 appropriation for “Rural Development, Salaries and Ex-
16 penses”.

17 RENTAL ASSISTANCE PROGRAM

18 For rental assistance agreements entered into or re-
19 newed pursuant to the authority under section 521(a)(2)
20 of the Housing Act of 1949 or agreements entered into
21 in lieu of debt forgiveness or payments for eligible house-
22 holds as authorized by section 502(c)(5)(D) of the Hous-
23 ing Act of 1949, \$1,450,000,000, of which \$40,000,000
24 shall be available until September 30, 2023; and in addi-
25 tion such sums as may be necessary, as authorized by sec-

1 tion 521(c) of the Act, to liquidate debt incurred prior to
2 fiscal year 1992 to carry out the rental assistance program
3 under section 521(a)(2) of the Act: *Provided*, That rental
4 assistance agreements entered into or renewed during the
5 current fiscal year shall be funded for a one-year period:
6 *Provided further*, That upon request by an owner of a
7 project financed by an existing loan under section 514 or
8 515 of the Act, the Secretary may renew the rental assist-
9 ance agreement for a period of 20 years or until the term
10 of such loan has expired, subject to annual appropriations:
11 *Provided further*, That any unexpended balances remain-
12 ing at the end of such one-year agreements may be trans-
13 ferred and used for purposes of any debt reduction, main-
14 tenance, repair, or rehabilitation of any existing projects;
15 preservation; and rental assistance activities authorized
16 under title V of the Act: *Provided further*, That rental as-
17 sistance provided under agreements entered into prior to
18 fiscal year 2022 for a farm labor multi-family housing
19 project financed under section 514 or 516 of the Act may
20 not be recaptured for use in another project until such
21 assistance has remained unused for a period of 12 con-
22 secutive months, if such project has a waiting list of ten-
23 ants seeking such assistance or the project has rental as-
24 sistance eligible tenants who are not receiving such assist-
25 ance: *Provided further*, That such recaptured rental assist-

1 ance shall, to the extent practicable, be applied to another
2 farm labor multi-family housing project financed under
3 section 514 or 516 of the Act: *Provided further*, That ex-
4 cept as provided in the fourth proviso under this heading
5 and notwithstanding any other provision of the Act, the
6 Secretary may recapture rental assistance provided under
7 agreements entered into prior to fiscal year 2022 for a
8 project that the Secretary determines no longer needs
9 rental assistance and use such recaptured funds for cur-
10 rent needs.

11 RURAL HOUSING VOUCHER ACCOUNT

12 For the rural housing voucher program as authorized
13 under section 542 of the Housing Act of 1949, but not-
14 withstanding subsection (b) of such section, \$45,000,000,
15 to remain available until expended: *Provided*, That the
16 funds made available under this heading shall be available
17 for rural housing vouchers to any low-income household
18 (including those not receiving rental assistance) residing
19 in a property financed with a section 515 loan which has
20 been prepaid or otherwise paid off after September 30,
21 2005: *Provided further*, That the amount of such voucher
22 shall be the difference between comparable market rent
23 for the section 515 unit and the tenant paid rent for such
24 unit: *Provided further*, That funds made available for such
25 vouchers shall be subject to the availability of annual ap-

1 appropriations: *Provided further*, That the Secretary shall,
2 to the maximum extent practicable, administer such
3 vouchers with current regulations and administrative guid-
4 ance applicable to section 8 housing vouchers administered
5 by the Secretary of the Department of Housing and Urban
6 Development: *Provided further*, That in addition to any
7 other available funds, the Secretary may expend not more
8 than \$1,000,000 total, from the program funds made
9 available under this heading, for administrative expenses
10 for activities funded under this heading: *Provided further*,
11 That any obligated or unobligated balances for the rural
12 housing voucher program in the “Multi-Family Housing
13 Revitalization Program Account” shall be transferred to
14 and merged with this account and available for the rural
15 housing voucher program.

16 MUTUAL AND SELF-HELP HOUSING GRANTS

17 For grants and contracts pursuant to section
18 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C.
19 1490c), \$32,000,000, to remain available until expended.

20 RURAL HOUSING ASSISTANCE GRANTS

21 For grants for very low-income housing repair and
22 rural housing preservation made by the Rural Housing
23 Service, as authorized by 42 U.S.C. 1474, and 1490m,
24 \$48,000,000, to remain available until expended.

1 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT
2 (INCLUDING TRANSFERS OF FUNDS)

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

8 For the cost of direct loans, loan guarantees and
9 grants, including the cost of modifying loans, as defined
10 in section 502 of the Congressional Budget Act of 1974,
11 for rural community facilities programs as authorized by
12 section 306 and described in section 381E(d)(1) of the
13 Consolidated Farm and Rural Development Act,
14 \$239,449,000, to remain available until expended, of
15 which up to \$183,448,714 shall be for the purposes, and
16 in the amounts, specified for this account in the table ti-
17 tled “Community Project Funding/Congressionally Di-
18 rected Spending” in the explanatory statement described
19 in section 4 (in the matter preceding division A of this
20 consolidated Act) in accordance with applicable statutory
21 and regulatory requirements except for 7 CFR
22 §3570.61(c): *Provided*, That \$6,000,000 of the amount
23 appropriated under this heading shall be available for a
24 Rural Community Development Initiative: *Provided fur-*
25 *ther*, That such funds shall be used solely to develop the

1 capacity and ability of private, nonprofit community-based
2 housing and community development organizations, low-
3 income rural communities, and Federally Recognized Na-
4 tive American Tribes to undertake projects to improve
5 housing, community facilities, community and economic
6 development projects in rural areas: *Provided further*,
7 That such funds shall be made available to qualified pri-
8 vate, nonprofit and public intermediary organizations pro-
9 posing to carry out a program of financial and technical
10 assistance: *Provided further*, That such intermediary orga-
11 nizations shall provide matching funds from other sources,
12 including Federal funds for related activities, in an
13 amount not less than funds provided: *Provided further*,
14 That any unobligated balances from prior year appropria-
15 tions under this heading for the cost of direct loans, loan
16 guarantees and grants, including amounts deobligated or
17 cancelled, may be made available to cover the subsidy costs
18 for direct loans and or loan guarantees under this heading
19 in this fiscal year: *Provided further*, That no amounts may
20 be made available pursuant to the preceding proviso from
21 amounts that were designated by the Congress as an
22 emergency requirement pursuant to a Concurrent Resolu-
23 tion on the Budget or the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985: *Provided further*, That
25 \$10,000,000 of the amount appropriated under this head-

1 ing shall be available for community facilities grants to
2 tribal colleges, as authorized by section 306(a)(19) of such
3 Act: *Provided further*, That sections 381E–H and 381N
4 of the Consolidated Farm and Rural Development Act are
5 not applicable to the funds made available under this
6 heading.

7 RURAL BUSINESS—COOPERATIVE SERVICE

8 RURAL BUSINESS PROGRAM ACCOUNT

9 (INCLUDING TRANSFERS OF FUNDS)

10 For the cost of loan guarantees and grants, for the
11 rural business development programs authorized by sec-
12 tion 310B and described in subsections (a), (c), (f) and
13 (g) of section 310B of the Consolidated Farm and Rural
14 Development Act, \$73,125,000, to remain available until
15 expended: *Provided*, That of the amount appropriated
16 under this heading, not to exceed \$500,000 shall be made
17 available for one grant to a qualified national organization
18 to provide technical assistance for rural transportation in
19 order to promote economic development and \$9,000,000
20 shall be for grants to the Delta Regional Authority (7
21 U.S.C. 2009aa et seq.), the Northern Border Regional
22 Commission (40 U.S.C. 15101 et seq.), and the Appa-
23 lachian Regional Commission (40 U.S.C. 14101 et seq.)
24 for any Rural Community Advancement Program purpose
25 as described in section 381E(d) of the Consolidated Farm

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

15 INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

16 (INCLUDING TRANSFER OF FUNDS)

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

20 For the cost of direct loans, \$1,524,000, as author-
21 ized by the Intermediary Relending Program Fund Ac-
22 ount (7 U.S.C. 1936b), of which \$167,000 shall be avail-
23 able through June 30, 2022, for Federally Recognized Na-
24 tive American Tribes; and of which \$305,000 shall be
25 available through June 30, 2022, for Mississippi Delta Re-

1 gion counties (as determined in accordance with Public
2 Law 100–460): *Provided*, That such costs, including the
3 cost of modifying such loans, shall be as defined in section
4 502 of the Congressional Budget Act of 1974.

5 In addition, for administrative expenses to carry out
6 the direct loan programs, \$4,468,000 shall be transferred
7 to and merged with the appropriation for “Rural Develop-
8 ment, Salaries and Expenses”.

9 RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM

10 ACCOUNT

11 For the principal amount of direct loans, as author-
12 ized under section 313B(a) of the Rural Electrification
13 Act, for the purpose of promoting rural economic develop-
14 ment and job creation projects, \$50,000,000.

15 The cost of grants authorized under section 313B(a)
16 of the Rural Electrification Act, for the purpose of pro-
17 moting rural economic development and job creation
18 projects shall not exceed \$10,000,000.

19 RURAL COOPERATIVE DEVELOPMENT GRANTS

20 For rural cooperative development grants authorized
21 under section 310B(e) of the Consolidated Farm and
22 Rural Development Act (7 U.S.C. 1932), \$27,600,000, of
23 which \$2,800,000 shall be for cooperative agreements for
24 the appropriate technology transfer for rural areas pro-
25 gram: *Provided*, That not to exceed \$3,000,000 shall be

1 for grants for cooperative development centers, individual
2 cooperatives, or groups of cooperatives that serve socially
3 disadvantaged groups and a majority of the boards of di-
4 rectors or governing boards of which are comprised of in-
5 dividuals who are members of socially disadvantaged
6 groups; and of which \$16,000,000, to remain available
7 until expended, shall be for value-added agricultural prod-
8 uct market development grants, as authorized by section
9 210A of the Agricultural Marketing Act of 1946, of which
10 \$3,000,000, to remain available until expended, shall be
11 for Agriculture Innovation Centers authorized pursuant to
12 section 6402 of Public Law 107–171.

13 RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM

14 For gross obligations for the principal amount of di-
15 rect loans as authorized by section 379E of the Consoli-
16 dated Farm and Rural Development Act (U.S.C. 2008s),
17 \$150,000,000.

18 For the cost of grants, \$6,500,000 under the same
19 terms and conditions as authorized by section 379E of the
20 Consolidated Farm and Rural Development Act (7 U.S.C.
21 2008s).

22 RURAL ENERGY FOR AMERICA PROGRAM

23 For the cost of a program of loan guarantees and
24 grants, under the same terms and conditions as authorized
25 by section 9007 of the Farm Security and Rural Invest-

1 ment Act of 2002 (7 U.S.C. 8107), \$12,920,000: *Pro-*
2 *vided*, That the cost of loan guarantees, including the cost
3 of modifying such loans, shall be as defined in section 502
4 of the Congressional Budget Act of 1974.

5 HEALTHY FOOD FINANCING INITIATIVE

6 For the cost of loans and grants that is consistent
7 with section 243 of subtitle D of title II of the Department
8 of Agriculture Reorganization Act of 1994 (7 U.S.C.
9 6953), as added by section 4206 of the Agricultural Act
10 of 2014, for necessary expenses of the Secretary to sup-
11 port projects that provide access to healthy food in under-
12 served areas, to create and preserve quality jobs, and to
13 revitalize low-income communities, \$5,000,000, to remain
14 available until expended: *Provided*, That such costs of
15 loans, including the cost of modifying such loans, shall be
16 as defined in section 502 of the Congressional Budget Act
17 of 1974.

18 RURAL UTILITIES SERVICE

19 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT
20 (INCLUDING TRANSFERS OF FUNDS)

21 For gross obligations for the principal amount of di-
22 rect and guaranteed loans as authorized by section 306
23 and described in section 381E(d)(2) of the Consolidated
24 Farm and Rural Development Act, as follows:

1 \$1,400,000,000 for direct loans; and \$50,000,000 for
2 guaranteed loans.

3 For the cost of loan guarantees and grants, including
4 the cost of modifying loans, as defined in section 502 of
5 the Congressional Budget Act of 1974, for rural water,
6 waste water, waste disposal, and solid waste management
7 programs authorized by sections 306, 306A, 306C, 306D,
8 306E, and 310B and described in sections 306C(a)(2),
9 306D, 306E, and 381E(d)(2) of the Consolidated Farm
10 and Rural Development Act, \$653,307,000, to remain
11 available until expended, of which not to exceed
12 \$1,000,000 shall be available for the rural utilities pro-
13 gram described in section 306(a)(2)(B) of such Act, and
14 of which not to exceed \$5,000,000 shall be available for
15 the rural utilities program described in section 306E of
16 such Act: *Provided*, That not to exceed \$15,000,000 of
17 the amount appropriated under this heading shall be for
18 grants authorized by section 306A(i)(2) of the Consoli-
19 dated Farm and Rural Development Act in addition to
20 funding authorized by section 306A(i)(1) of such Act: *Pro-*
21 *vided further*, That \$70,000,000 of the amount appro-
22 priated under this heading shall be for loans and grants
23 including water and waste disposal systems grants author-
24 ized by section 306C(a)(2)(B) and section 306D of the
25 Consolidated Farm and Rural Development Act, and Fed-

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

1 ning, financing, development, operation, and management
2 of water and waste water systems, and of which not less
3 than \$800,000 shall be for a qualified national Native
4 American organization to provide technical assistance for
5 rural water systems for tribal communities: *Provided fur-*
6 *ther*, That not to exceed \$20,762,000 of the amount ap-
7 propriated under this heading shall be for contracting with
8 qualified national organizations for a circuit rider program
9 to provide technical assistance for rural water systems:
10 *Provided further*, That not to exceed \$4,000,000 of the
11 amounts made available under this heading shall be for
12 solid waste management grants: *Provided further*, That
13 \$10,000,000 of the amount appropriated under this head-
14 ing shall be transferred to, and merged with, the Rural
15 Utilities Service, High Energy Cost Grants Account to
16 provide grants authorized under section 19 of the Rural
17 Electrification Act of 1936 (7 U.S.C. 918a): *Provided fur-*
18 *ther*, That any prior year balances for high-energy cost
19 grants authorized by section 19 of the Rural Electrifica-
20 tion Act of 1936 (7 U.S.C. 918a) shall be transferred to
21 and merged with the Rural Utilities Service, High Energy
22 Cost Grants Account: *Provided further*, That sections
23 381E–H and 381N of the Consolidated Farm and Rural
24 Development Act are not applicable to the funds made
25 available under this heading.

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

4 The principal amount of direct and guaranteed loans
5 as authorized by sections 4, 305, 306, and 317 of the
6 Rural Electrification Act of 1936 (7 U.S.C. 904, 935, 936,
7 and 940g) shall be made as follows: loans made pursuant
8 to sections 4(c), 305(d)(2), 306, and 317, notwithstanding
9 317(c) and 4(c)(2), of that Act, rural direct electric loans,
10 \$6,500,000,000; guaranteed underwriting loans pursuant
11 to section 313A of that Act, \$750,000,000; 5 percent rural
12 telecommunications loans, cost of money rural tele-
13 communications loans, and for loans made pursuant to
14 section 306 of that Act, rural telecommunications loans,
15 \$690,000,000: *Provided*, That up to \$2,000,000,000 shall
16 be used for the construction, acquisition, design and engi-
17 neering or improvement of fossil-fueled electric generating
18 plants (whether new or existing) that utilize carbon sub-
19 surface utilization and storage systems.

20 For the cost of direct loans as authorized by section
21 305(d)(2) of the Rural Electrification Act of 1936 (7
22 U.S.C. 935(d)(2)), including the cost of modifying loans,
23 as defined in section 502 of the Congressional Budget Act
24 of 1974, cost of money rural telecommunications loans,
25 \$2,070,000.

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

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

12 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
13 PROGRAM

14 For grants for telemedicine and distance learning
15 services in rural areas, as authorized by 7 U.S.C. 950aaa
16 et seq., \$62,510,000, to remain available until expended,
17 of which up to \$2,510,000 shall be for the purposes, and
18 in the amounts, specified for this account in the table ti-
19 tled “Community Project Funding/Congressionally Di-
20 rected Spending” in the explanatory statement described
21 in section 4 (in the matter preceding division A of this
22 consolidated Act), in accordance with applicable statutory
23 and regulatory requirements: *Provided*, That \$3,000,000
24 shall be made available for grants authorized by section
25 379G of the Consolidated Farm and Rural Development

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

6 For the cost of broadband loans, as authorized by
7 sections 601 and 602 of the Rural Electrification Act,
8 \$2,272,000, to remain available until expended: *Provided*,
9 That the cost of direct loans shall be as defined in section
10 502 of the Congressional Budget Act of 1974.

11 For the broadband loan and grant pilot program es-
12 tablished by section 779 of division A of the Consolidated
13 Appropriations Act, 2018 (Public Law 115–141) under
14 the Rural Electrification Act of 1936, as amended (7
15 U.S.C. 901 et seq.), \$436,605,000, to remain available
16 until expended, of which up to \$36,604,792 shall be for
17 the purposes, and in the amounts, specified for this ac-
18 count in the table titled “Community Project Funding/
19 Congressionally Directed Spending” in the explanatory
20 statement described in section 4 (in the matter preceding
21 division A of this consolidated Act), in accordance with
22 applicable statutory and regulatory requirements: *Pro-*
23 *vided*, That the Secretary may award grants described in
24 section 601(a) of the Rural Electrification Act of 1936,
25 as amended (7 U.S.C. 950bb(a)) for the purposes of car-

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

1 for technical assistance and pre-development planning ac-
2 tivities to support the most rural communities: *Provided*
3 *further*, That the Rural Utilities Service is directed to ex-
4 pedite program delivery methods that would implement
5 this paragraph: *Provided further*, That for purposes of this
6 paragraph, the Secretary shall adhere to the notice, re-
7 porting and service area assessment requirements set
8 forth in section 701 of the Rural Electrification Act (7
9 U.S.C. 950cc).

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

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

5 For necessary expenses of the Office of the Under
6 Secretary for Food, Nutrition, and Consumer Services,
7 \$1,327,000: *Provided*, That funds made available by this
8 Act to an agency in the Food, Nutrition and Consumer
9 Services mission area for salaries and expenses are avail-
10 able to fund up to one administrative support staff for
11 the Office.

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

15 For necessary expenses to carry out the Richard B.
16 Russell National School Lunch Act (42 U.S.C. 1751 et
17 seq.), except section 21, and the Child Nutrition Act of
18 1966 (42 U.S.C. 1771 et seq.), except sections 17 and
19 21; \$26,883,922,000 to remain available through Sep-
20 tember 30, 2023, of which such sums as are made avail-
21 able under section 14222(b)(1) of the Food, Conservation,
22 and Energy Act of 2008 (Public Law 110–246), as
23 amended by this Act, shall be merged with and available
24 for the same time period and purposes as provided herein:
25 *Provided*, That of the total amount available, \$18,004,000

1 shall be available to carry out section 19 of the Child Nu-
2 trition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided*
3 *further*, That of the total amount available, \$15,607,000
4 shall be available to carry out studies and evaluations and
5 shall remain available until expended: *Provided further*,
6 That of the total amount available, \$12,000,000 shall re-
7 main available until expended to carry out section 18(g)
8 of the Richard B. Russell National School Lunch Act (42
9 U.S.C. 1769(g)): *Provided further*, That notwithstanding
10 section 18(g)(3)(C) of the Richard B. Russell National
11 School Lunch Act (42 U.S.C. 1769(g)(3)(c)), the total
12 grant amount provided to a farm to school grant recipient
13 in fiscal year 2022 shall not exceed \$500,000: *Provided*
14 *further*, That of the total amount available, \$30,000,000
15 shall be available to provide competitive grants to State
16 agencies for subgrants to local educational agencies and
17 schools to purchase the equipment, with a value of greater
18 than \$1,000, needed to serve healthier meals, improve food
19 safety, and to help support the establishment, mainte-
20 nance, or expansion of the school breakfast program: *Pro-*
21 *vided further*, That of the total amount available,
22 \$45,000,000 shall remain available until expended to carry
23 out section 749(g) of the Agriculture Appropriations Act
24 of 2010 (Public Law 111–80): *Provided further*, That of
25 the total amount available, \$2,000,000 shall remain avail-

1 able until expended to carry out activities authorized
2 under subsections (a)(2) and (e)(2) of section 21 of the
3 Richard B. Russell National School Lunch Act (42 U.S.C.
4 1769b–1(a)(2) and (e)(2)): *Provided further*, That of the
5 total amount available, \$6,000,000 shall be available until
6 September 30, 2023 to carry out section 23 of the Child
7 Nutrition Act of 1966 (42 U.S.C. 1793), of which
8 \$2,000,000 shall be for grants under such section to the
9 Commonwealth of Puerto Rico, the Commonwealth of the
10 Northern Mariana Islands, the United States Virgin Is-
11 lands, Guam, and American Samoa: *Provided further*,
12 That section 26(d) of the Richard B. Russell National
13 School Lunch Act (42 U.S.C. 1769g(d)) is amended in
14 the first sentence by striking “2010 through 2022” and
15 inserting “2010 through 2023”: *Provided further*, That
16 section 9(h)(3) of the Richard B. Russell National School
17 Lunch Act (42 U.S.C. 1758(h)(3)) is amended in the first
18 sentence by striking “For fiscal year 2021” and inserting
19 “For fiscal year 2022”: *Provided further*, That section
20 9(h)(4) of the Richard B. Russell National School Lunch
21 Act (42 U.S.C. 1758(h)(4)) is amended in the first sen-
22 tence by striking “For fiscal year 2021” and inserting
23 “For fiscal year 2022”.

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

3 For necessary expenses to carry out the special sup-
4 plemental nutrition program as authorized by section 17
5 of the Child Nutrition Act of 1966 (42 U.S.C. 1786),
6 \$6,000,000,000, to remain available through September
7 30, 2023: *Provided*, That notwithstanding section
8 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C.
9 1786(h)(10)), not less than \$90,000,000 shall be used for
10 breastfeeding peer counselors and other related activities,
11 and \$14,000,000 shall be used for infrastructure: *Pro-*
12 *vided further*, That none of the funds provided in this ac-
13 count shall be available for the purchase of infant formula
14 except in accordance with the cost containment and com-
15 petitive bidding requirements specified in section 17 of
16 such Act: *Provided further*, That none of the funds pro-
17 vided shall be available for activities that are not fully re-
18 imbursed by other Federal Government departments or
19 agencies unless authorized by section 17 of such Act: *Pro-*
20 *vided further*, That upon termination of a federally man-
21 dated vendor moratorium and subject to terms and condi-
22 tions established by the Secretary, the Secretary may
23 waive the requirement at 7 CFR 246.12(g)(6) at the re-
24 quest of a State agency.

1 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

2 For necessary expenses to carry out the Food and
3 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
4 \$140,440,868,000, of which \$3,000,000,000, to remain
5 available through September 30, 2024, shall be placed in
6 reserve for use only in such amounts and at such times
7 as may become necessary to carry out program operations:
8 *Provided*, That funds provided herein shall be expended
9 in accordance with section 16 of the Food and Nutrition
10 Act of 2008: *Provided further*, That of the funds made
11 available under this heading, \$998,000 may be used to
12 provide nutrition education services to State agencies and
13 Federally Recognized Tribes participating in the Food
14 Distribution Program on Indian Reservations: *Provided*
15 *further*, That of the funds made available under this head-
16 ing, \$3,000,000, to remain available until September 30,
17 2023, shall be used to carry out section 4003(b) of Public
18 Law 115–334 relating to demonstration projects for tribal
19 organizations: *Provided further*, That this appropriation
20 shall be subject to any work registration or workfare re-
21 quirements as may be required by law: *Provided further*,
22 That funds made available for Employment and Training
23 under this heading shall remain available through Sep-
24 tember 30, 2023: *Provided further*, That funds made avail-
25 able under this heading for section 28(d)(1), section 4(b),

1 and section 27(a) of the Food and Nutrition Act of 2008
2 shall remain available through September 30, 2023: *Pro-*
3 *vided further*, That none of the funds made available under
4 this heading may be obligated or expended in contraven-
5 tion of section 213A of the Immigration and Nationality
6 Act (8 U.S.C. 1183A): *Provided further*, That funds made
7 available under this heading may be used to enter into
8 contracts and employ staff to conduct studies, evaluations,
9 or to conduct activities related to program integrity pro-
10 vided that such activities are authorized by the Food and
11 Nutrition Act of 2008.

12 COMMODITY ASSISTANCE PROGRAM

13 For necessary expenses to carry out disaster assist-
14 ance and the Commodity Supplemental Food Program as
15 authorized by section 4(a) of the Agriculture and Con-
16 sumer Protection Act of 1973 (7 U.S.C. 612c note); the
17 Emergency Food Assistance Act of 1983; special assist-
18 ance for the nuclear affected islands, as authorized by sec-
19 tion 103(f)(2) of the Compact of Free Association Amend-
20 ments Act of 2003 (Public Law 108–188); and the Farm-
21 ers' Market Nutrition Program, as authorized by section
22 17(m) of the Child Nutrition Act of 1966, \$440,070,000,
23 to remain available through September 30, 2023: *Pro-*
24 *vided*, That none of these funds shall be available to reim-
25 burse the Commodity Credit Corporation for commodities

1 donated to the program: *Provided further*, That notwith-
2 standing any other provision of law, effective with funds
3 made available in fiscal year 2022 to support the Seniors
4 Farmers' Market Nutrition Program, as authorized by
5 section 4402 of the Farm Security and Rural Investment
6 Act of 2002, such funds shall remain available through
7 September 30, 2023: *Provided further*, That of the funds
8 made available under section 27(a) of the Food and Nutri-
9 tion Act of 2008 (7 U.S.C. 2036(a)), the Secretary may
10 use up to 20 percent for costs associated with the distribu-
11 tion of commodities.

12 NUTRITION PROGRAMS ADMINISTRATION

13 For necessary administrative expenses of the Food
14 and Nutrition Service for carrying out any domestic nutri-
15 tion assistance program, \$170,133,000: *Provided*, That of
16 the funds provided herein, \$2,000,000 shall be used for
17 the purposes of section 4404 of Public Law 107-171, as
18 amended by section 4401 of Public Law 110-246.

19 TITLE V

20 FOREIGN ASSISTANCE AND RELATED

21 PROGRAMS

22 OFFICE OF THE UNDER SECRETARY FOR TRADE AND

23 FOREIGN AGRICULTURAL AFFAIRS

24 For necessary expenses of the Office of the Under
25 Secretary for Trade and Foreign Agricultural Affairs,

1 \$908,000: *Provided*, That funds made available by this
2 Act to any agency in the Trade and Foreign Agricultural
3 Affairs mission area for salaries and expenses are avail-
4 able to fund up to one administrative support staff for
5 the Office.

6 OFFICE OF CODEX ALIMENTARIUS

7 For necessary expenses of the Office of Codex
8 Alimentarius, \$4,841,000, including not to exceed
9 \$40,000 for official reception and representation expenses.

10 FOREIGN AGRICULTURAL SERVICE

11 SALARIES AND EXPENSES

12 (INCLUDING TRANSFERS OF FUNDS)

13 For necessary expenses of the Foreign Agricultural
14 Service, including not to exceed \$250,000 for representa-
15 tion allowances and for expenses pursuant to section 8 of
16 the Act approved August 3, 1956 (7 U.S.C. 1766),
17 \$228,644,000, of which no more than 6 percent shall re-
18 main available until September 30, 2023, for overseas op-
19 erations to include the payment of locally employed staff:
20 *Provided*, That the Service may utilize advances of funds,
21 or reimburse this appropriation for expenditures made on
22 behalf of Federal agencies, public and private organiza-
23 tions and institutions under agreements executed pursu-
24 ant to the agricultural food production assistance pro-
25 grams (7 U.S.C. 1737) and the foreign assistance pro-

1 grams of the United States Agency for International De-
2 velopment: *Provided further*, That funds made available
3 for middle-income country training programs, funds made
4 available for the Borlaug International Agricultural
5 Science and Technology Fellowship program, and up to
6 \$2,000,000 of the Foreign Agricultural Service appropria-
7 tion solely for the purpose of offsetting fluctuations in
8 international currency exchange rates, subject to docu-
9 mentation by the Foreign Agricultural Service, shall re-
10 main available until expended.

11 FOOD FOR PEACE TITLE II GRANTS

12 For expenses during the current fiscal year, not oth-
13 erwise recoverable, and unrecovered prior years' costs, in-
14 cluding interest thereon, under the Food for Peace Act
15 (Public Law 83-480), for commodities supplied in connec-
16 tion with dispositions abroad under title II of said Act,
17 \$1,740,000,000, to remain available until expended.

18 MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION

19 AND CHILD NUTRITION PROGRAM GRANTS

20 For necessary expenses to carry out the provisions
21 of section 3107 of the Farm Security and Rural Invest-
22 ment Act of 2002 (7 U.S.C. 1736o-1), \$237,000,000, to
23 remain available until expended: *Provided*, That the Com-
24 modity Credit Corporation is authorized to provide the
25 services, facilities, and authorities for the purpose of im-

1 plementing such section, subject to reimbursement from
2 amounts provided herein: *Provided further*, That of the
3 amount made available under this heading, not more than
4 10 percent, but not less than \$23,700,000, shall remain
5 available until expended to purchase agricultural commod-
6 ities as described in subsection 3107(a)(2) of the Farm
7 Security and Rural Investment Act of 2002 (7 U.S.C.
8 1736o–1(a)(2)).

9 COMMODITY CREDIT CORPORATION EXPORT (LOANS)
10 CREDIT GUARANTEE PROGRAM ACCOUNT
11 (INCLUDING TRANSFERS OF FUNDS)

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

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

8 For necessary expenses of the Food and Drug Ad-
9 ministration, including hire and purchase of passenger
10 motor vehicles; for payment of space rental and related
11 costs pursuant to Public Law 92–313 for programs and
12 activities of the Food and Drug Administration which are
13 included in this Act; for rental of special purpose space
14 in the District of Columbia or elsewhere; in addition to
15 amounts appropriated to the FDA Innovation Account, for
16 carrying out the activities described in section 1002(b)(4)
17 of the 21st Century Cures Act (Public Law 114–255); for
18 miscellaneous and emergency expenses of enforcement ac-
19 tivities, authorized and approved by the Secretary and to
20 be accounted for solely on the Secretary’s certificate, not
21 to exceed \$25,000; and notwithstanding section 521 of
22 Public Law 107–188; \$6,095,882,000: *Provided*, That of
23 the amount provided under this heading, \$1,200,129,000
24 shall be derived from prescription drug user fees author-
25 ized by 21 U.S.C. 379h, and shall be credited to this ac-

1 count and remain available until expended; \$243,473,000
2 shall be derived from medical device user fees authorized
3 by 21 U.S.C. 379j, and shall be credited to this account
4 and remain available until expended; \$539,656,000 shall
5 be derived from human generic drug user fees authorized
6 by 21 U.S.C. 379j-42, and shall be credited to this ac-
7 count and remain available until expended; \$40,040,000
8 shall be derived from biosimilar biological product user
9 fees authorized by 21 U.S.C. 379j-52, and shall be cred-
10 ited to this account and remain available until expended;
11 \$31,641,000 shall be derived from animal drug user fees
12 authorized by 21 U.S.C. 379j-12, and shall be credited
13 to this account and remain available until expended;
14 \$24,798,000 shall be derived from generic new animal
15 drug user fees authorized by 21 U.S.C. 379j-21, and shall
16 be credited to this account and remain available until ex-
17 pended; \$712,000,000 shall be derived from tobacco prod-
18 uct user fees authorized by 21 U.S.C. 387s, and shall be
19 credited to this account and remain available until ex-
20 pended: *Provided further*, That in addition to and notwith-
21 standing any other provision under this heading, amounts
22 collected for prescription drug user fees, medical device
23 user fees, human generic drug user fees, biosimilar biologi-
24 cal product user fees, animal drug user fees, and generic
25 new animal drug user fees that exceed the respective fiscal

1 year 2022 limitations are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and generic new animal drug assessments for fiscal year 2022, including any such fees collected prior to fiscal year 2022 but credited for fiscal year 2022, shall be subject to the fiscal year 2022 limitations: *Provided further*, That the Secretary may accept payment during fiscal year 2022 of user fees specified under this heading and authorized for fiscal year 2023, prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2023 for which the Secretary accepts payment in fiscal year 2022 shall not be included in amounts under this heading: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$1,133,176,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, of which no less than \$15,000,000 shall be used for inspections of foreign seafood manufacturers and field examinations of imported seafood; (2) \$2,115,017,000 shall be for the Center for Drug Evaluation and Research and related

1 field activities in the Office of Regulatory Affairs, of which
2 no less than \$8,500,000 shall be for pilots to increase un-
3 announced foreign inspections and shall remain available
4 until expended; (3) \$456,882,000 shall be for the Center
5 for Biologics Evaluation and Research and for related field
6 activities in the Office of Regulatory Affairs; (4)
7 \$254,255,000 shall be for the Center for Veterinary Medi-
8 cine and for related field activities in the Office of Regu-
9 latory Affairs; (5) \$628,639,000 shall be for the Center
10 for Devices and Radiological Health and for related field
11 activities in the Office of Regulatory Affairs; (6)
12 \$70,348,000 shall be for the National Center for Toxi-
13 cological Research; (7) \$679,944,000 shall be for the Cen-
14 ter for Tobacco Products and for related field activities
15 in the Office of Regulatory Affairs; (8) \$192,691,000 shall
16 be for Rent and Related activities, of which \$53,832,000
17 is for White Oak Consolidation, other than the amounts
18 paid to the General Services Administration for rent; (9)
19 \$235,691,000 shall be for payments to the General Serv-
20 ices Administration for rent; and (10) \$329,239,000 shall
21 be for other activities, including the Office of the Commis-
22 sioner of Food and Drugs, the Office of Food Policy and
23 Response, the Office of Operations, the Office of the Chief
24 Scientist, and central services for these offices: *Provided*
25 *further*, That not to exceed \$25,000 of this amount shall

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

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

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

11 BUILDINGS AND FACILITIES

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

17 FDA INNOVATION ACCOUNT, CURES ACT

18 (INCLUDING TRANSFER OF FUNDS)

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

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

13 INDEPENDENT AGENCIES

14 COMMODITY FUTURES TRADING COMMISSION

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses to carry out the provisions
17 of the Commodity Exchange Act (7 U.S.C. 1 et seq.), in-
18 cluding the purchase and hire of passenger motor vehicles,
19 and the rental of space (to include multiple year leases),
20 in the District of Columbia and elsewhere, \$320,000,000,
21 including not to exceed \$3,000 for official reception and
22 representation expenses, and not to exceed \$25,000 for the
23 expenses for consultations and meetings hosted by the
24 Commission with foreign governmental and other regu-
25 latory officials, of which not less than \$20,000,000 shall

1 remain available until September 30, 2023, and of which
2 not less than \$4,017,000 shall be for expenses of the Of-
3 fice of the Inspector General: *Provided*, That notwith-
4 standing the limitations in 31 U.S.C. 1553, amounts pro-
5 vided under this heading are available for the liquidation
6 of obligations equal to current year payments on leases
7 entered into prior to the date of enactment of this Act:
8 *Provided further*, That for the purpose of recording and
9 liquidating any lease obligations that should have been re-
10 corded and liquidated against accounts closed pursuant to
11 31 U.S.C. 1552, and consistent with the preceding pro-
12 viso, such amounts shall be transferred to and recorded
13 in a no-year account in the Treasury, which has been es-
14 tablished for the sole purpose of recording adjustments for
15 and liquidating such unpaid obligations.

16 In addition, for move, replication, and related costs
17 associated with replacement leases for the Commission's
18 facilities, not to exceed \$62,000,000, to remain available
19 until expended.

20 FARM CREDIT ADMINISTRATION

21 LIMITATION ON ADMINISTRATIVE EXPENSES

22 Not to exceed \$84,200,000 (from assessments col-
23 lected from farm credit institutions, including the Federal
24 Agricultural Mortgage Corporation) shall be obligated
25 during the current fiscal year for administrative expenses

1 as authorized under 12 U.S.C. 2249: *Provided*, That this
2 limitation shall not apply to expenses associated with re-
3 ceiverships: *Provided further*, That the agency may exceed
4 this limitation by up to 10 percent with notification to the
5 Committees on Appropriations of both Houses of Con-
6 gress: *Provided further*, That the purposes of section
7 3.7(b)(2)(A)(i) of the Farm Credit Act of 1971 (12 U.S.C.
8 2128(b)(2)(A)(i)), the Farm Credit Administration may
9 exempt, an amount in its sole discretion, from the applica-
10 tion of the limitation provided in that clause of export
11 loans described in the clause guaranteed or insured in a
12 manner other than described in subclause (II) of the
13 clause.

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

4 SEC. 701. The Secretary may use any appropriations
5 made available to the Department of Agriculture in this
6 Act to purchase new passenger motor vehicles, in addition
7 to specific appropriations for this purpose, so long as the
8 total number of vehicles purchased in fiscal year 2022
9 does not exceed the number of vehicles owned or leased
10 in fiscal year 2018: *Provided*, That, prior to purchasing
11 additional motor vehicles, the Secretary must determine
12 that such vehicles are necessary for transportation safety,
13 to reduce operational costs, and for the protection of life,
14 property, and public safety: *Provided further*, That the
15 Secretary may not increase the Department of Agri-
16 culture's fleet above the 2018 level unless the Secretary
17 notifies in writing, and receives approval from, the Com-
18 mittees on Appropriations of both Houses of Congress
19 within 30 days of the notification.

20 SEC. 702. Notwithstanding any other provision of
21 this Act, the Secretary of Agriculture may transfer unobli-
22 gated balances of discretionary funds appropriated by this
23 Act or any other available unobligated discretionary bal-
24 ances that are remaining available of the Department of
25 Agriculture to the Working Capital Fund for the acquisi-

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

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

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

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

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

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

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

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

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

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

14 SEC. 709. (a) Except as otherwise specifically pro-
15 vided by law, not more than \$20,000,000 in unobligated
16 balances from appropriations made available for salaries
17 and expenses in this Act for the Farm Service Agency
18 shall remain available through September 30, 2023, for
19 information technology expenses.

20 (b) Except as otherwise specifically provided by law,
21 not more than \$20,000,000 in unobligated balances from
22 appropriations made available for salaries and expenses in
23 this Act for the Rural Development mission area shall re-
24 main available through September 30, 2023, for informa-
25 tion technology expenses.

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

6 SEC. 711. In the case of each program established
7 or amended by the Agricultural Act of 2014 (Public Law
8 113–79) or by a successor to that Act, other than by title
9 I or subtitle A of title III of such Act, or programs for
10 which indefinite amounts were provided in that Act, that
11 is authorized or required to be carried out using funds
12 of the Commodity Credit Corporation—

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

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

1 SEC. 712. Of the funds made available by this Act,
2 not more than \$2,900,000 shall be used to cover necessary
3 expenses of activities related to all advisory committees,
4 panels, commissions, and task forces of the Department
5 of Agriculture, except for panels used to comply with nego-
6 tiated rule makings and panels used to evaluate competi-
7 tively awarded grants.

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

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

16 SEC. 714. Notwithstanding subsection (b) of section
17 14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this
18 section referred to as “section 14222”), none of the funds
19 appropriated or otherwise made available by this or any
20 other Act shall be used to pay the salaries and expenses
21 of personnel to carry out a program under section 32 of
22 the Act of August 24, 1935 (7 U.S.C. 612c; in this section
23 referred to as “section 32”) in excess of \$1,391,211,000
24 (exclusive of carryover appropriations from prior fiscal
25 years), as follows: Child Nutrition Programs Entitlement

1 Commodities—\$485,000,000; State Option Contracts—
2 \$5,000,000; Removal of Defective Commodities—
3 \$2,500,000; Administration of section 32 Commodity Pur-
4 chases—\$36,810,000: *Provided*, That, of the total funds
5 made available in the matter preceding this proviso that
6 remain unobligated on October 1, 2022, such unobligated
7 balances shall carryover into fiscal year 2023 and shall
8 remain available until expended for any of the purposes
9 of section 32, except that any such carryover funds used
10 in accordance with clause (3) of section 32 may not exceed
11 \$350,000,000 and may not be obligated until the Sec-
12 retary of Agriculture provides written notification of the
13 expenditures to the Committees on Appropriations of both
14 Houses of Congress at least two weeks in advance: *Pro-*
15 *vided further*, That, with the exception of any available
16 carryover funds authorized in any prior appropriations Act
17 to be used for the purposes of clause (3) of section 32,
18 none of the funds appropriated or otherwise made avail-
19 able by this or any other Act shall be used to pay the
20 salaries or expenses of any employee of the Department
21 of Agriculture to carry out clause (3) of section 32.

22 SEC. 715. None of the funds appropriated by this or
23 any other Act shall be used to pay the salaries and ex-
24 penses of personnel who prepare or submit appropriations
25 language as part of the President’s budget submission to

1 the Congress for programs under the jurisdiction of the
2 Appropriations Subcommittees on Agriculture, Rural De-
3 velopment, Food and Drug Administration, and Related
4 Agencies that assumes revenues or reflects a reduction
5 from the previous year due to user fees proposals that
6 have not been enacted into law prior to the submission
7 of the budget unless such budget submission identifies
8 which additional spending reductions should occur in the
9 event the user fees proposals are not enacted prior to the
10 date of the convening of a committee of conference for
11 the fiscal year 2023 appropriations Act.

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

25 (1) creates new programs;

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

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

5 (4) relocates an office or employees;

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

7 or

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

10 unless the Secretary of Agriculture, the Secretary of
11 Health and Human Services, or the Chairman of the Com-
12 modity Futures Trading Commission (as the case may be)
13 notifies in writing and receives approval from the Commit-
14 tees on Appropriations of both Houses of Congress at least
15 30 days in advance of the reprogramming of such funds
16 or the use of such authority.

17 (b) None of the funds provided by this Act, or pro-
18 vided by previous Appropriations Acts to the agencies
19 funded by this Act that remain available for obligation or
20 expenditure in the current fiscal year, or provided from
21 any accounts in the Treasury derived by the collection of
22 fees available to the agencies funded by this Act, shall be
23 available for obligation or expenditure for activities, pro-
24 grams, or projects through a reprogramming or use of the
25 authorities referred to in subsection (a) involving funds

1 in excess of \$500,000 or 10 percent, whichever is less,
2 that—

3 (1) augments existing programs, projects, or ac-
4 tivities;

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

8 (3) results from any general savings from a re-
9 duction in personnel which would result in a change
10 in existing programs, activities, or projects as ap-
11 proved by Congress;

12 unless the Secretary of Agriculture, the Secretary of
13 Health and Human Services, or the Chairman of the Com-
14 modity Futures Trading Commission (as the case may be)
15 notifies in writing and receives approval from the Commit-
16 tees on Appropriations of both Houses of Congress at least
17 30 days in advance of the reprogramming or transfer of
18 such funds or the use of such authority.

19 (c) The Secretary of Agriculture, the Secretary of
20 Health and Human Services, or the Chairman of the Com-
21 modity Futures Trading Commission shall notify in writ-
22 ing and receive approval from the Committees on Appro-
23 priations of both Houses of Congress before implementing
24 any program or activity not carried out during the pre-

1 vious fiscal year unless the program or activity is funded
2 by this Act or specifically funded by any other Act.

3 (d) None of the funds provided by this Act, or pro-
4 vided by previous Appropriations Acts to the agencies
5 funded by this Act that remain available for obligation or
6 expenditure in the current fiscal year, or provided from
7 any accounts in the Treasury derived by the collection of
8 fees available to the agencies funded by this Act, shall be
9 available for—

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

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

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

22 unless the agencies funded by this Act notify, in writing,
23 the Committees on Appropriations of both Houses of Con-
24 gress at least 30 days in advance of using the funds for
25 these purposes.

1 (e) As described in this section, no funds may be used
2 for any activities unless the Secretary of Agriculture, the
3 Secretary of Health and Human Services, or the Chair-
4 man of the Commodity Futures Trading Commission re-
5 ceives from the Committee on Appropriations of both
6 Houses of Congress written or electronic mail confirma-
7 tion of receipt of the notification as required in this sec-
8 tion.

9 SEC. 717. Notwithstanding section 310B(g)(5) of the
10 Consolidated Farm and Rural Development Act (7 U.S.C.
11 1932(g)(5)), the Secretary may assess a one-time fee for
12 any guaranteed business and industry loan in an amount
13 that does not exceed 3 percent of the guaranteed principal
14 portion of the loan.

15 SEC. 718. None of the funds appropriated or other-
16 wise made available to the Department of Agriculture, the
17 Food and Drug Administration, the Commodity Futures
18 Trading Commission, or the Farm Credit Administration
19 shall be used to transmit or otherwise make available re-
20 ports, questions, or responses to questions that are a re-
21 sult of information requested for the appropriations hear-
22 ing process to any non-Department of Agriculture, non-
23 Department of Health and Human Services, non-Com-
24 modity Futures Trading Commission, or non-Farm Credit
25 Administration employee.

1 SEC. 719. Unless otherwise authorized by existing
2 law, none of the funds provided in this Act, may be used
3 by an executive branch agency to produce any pre-
4 packaged news story intended for broadcast or distribution
5 in the United States unless the story includes a clear noti-
6 fication within the text or audio of the prepackaged news
7 story that the prepackaged news story was prepared or
8 funded by that executive branch agency.

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

17 SEC. 721. Not later than 30 days after the date of
18 enactment of this Act, the Secretary of Agriculture, the
19 Commissioner of the Food and Drug Administration, the
20 Chairman of the Commodity Futures Trading Commis-
21 sion, and the Chairman of the Farm Credit Administra-
22 tion shall submit to the Committees on Appropriations of
23 both Houses of Congress a detailed spending plan by pro-
24 gram, project, and activity for all the funds made available
25 under this Act including appropriated user fees, as defined

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

3 SEC. 722. Of the unobligated balances from amounts
4 made available for the supplemental nutrition program as
5 authorized by section 17 of the Child Nutrition Act of
6 1966 (42 U.S.C. 1786), \$621,672,000 are hereby re-
7 scinded: *Provided*, That no amounts may be rescinded
8 from amounts that were designated by the Congress as
9 an emergency requirement pursuant to a Concurrent Res-
10 olution on the Budget or the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 SEC. 723. For the purposes of determining eligibility
13 or level of program assistance for Rural Development pro-
14 grams the Secretary shall not include incarcerated prison
15 populations.

16 SEC. 724. For loans and loan guarantees that do not
17 require budget authority and the program level has been
18 established in this Act, the Secretary of Agriculture may
19 increase the program level for such loans and loan guaran-
20 tees by not more than 25 percent: *Provided*, That prior
21 to the Secretary implementing such an increase, the Sec-
22 retary notifies, in writing, the Committees on Appropria-
23 tions of both Houses of Congress at least 15 days in ad-
24 vance.

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

18 SEC. 726. None of the funds made available by this
19 Act may be used to implement, administer, or enforce the
20 “variety” requirements of the final rule entitled “Enhanc-
21 ing Retailer Standards in the Supplemental Nutrition As-
22 sistance Program (SNAP)” published by the Department
23 of Agriculture in the Federal Register on December 15,
24 2016 (81 Fed. Reg. 90675) until the Secretary of Agri-
25 culture amends the definition of the term “variety” as de-

1 fined in section 278.1(b)(1)(ii)(C) of title 7, Code of Fed-
2 eral Regulations, and “variety” as applied in the definition
3 of the term “staple food” as defined in section 271.2 of
4 title 7, Code of Federal Regulations, to increase the num-
5 ber of items that qualify as acceptable varieties in each
6 staple food category so that the total number of such items
7 in each staple food category exceeds the number of such
8 items in each staple food category included in the final
9 rule as published on December 15, 2016: *Provided*, That
10 until the Secretary promulgates such regulatory amend-
11 ments, the Secretary shall apply the requirements regard-
12 ing acceptable varieties and breadth of stock to Supple-
13 mental Nutrition Assistance Program retailers that were
14 in effect on the day before the date of the enactment of
15 the Agricultural Act of 2014 (Public Law 113–79).

16 SEC. 727. In carrying out subsection (h) of section
17 502 of the Housing Act of 1949 (42 U.S.C. 1472), the
18 Secretary of Agriculture shall have the same authority
19 with respect to loans guaranteed under such section and
20 eligible lenders for such loans as the Secretary has under
21 subsections (h) and (j) of section 538 of such Act (42
22 U.S.C. 1490p–2) with respect to loans guaranteed under
23 such section 538 and eligible lenders for such loans.

24 SEC. 728. None of the funds appropriated or other-
25 wise made available by this Act shall be available for the

1 United States Department of Agriculture to propose, fi-
2 nalize or implement any regulation that would promulgate
3 new user fees pursuant to 31 U.S.C. 9701 after the date
4 of the enactment of this Act.

5 SEC. 729. None of the funds made available by this
6 or any other Act may be used to carry out the final rule
7 promulgated by the Food and Drug Administration and
8 put into effect November 16, 2015, in regards to the haz-
9 ard analysis and risk-based preventive control require-
10 ments of the current good manufacturing practice, hazard
11 analysis, and risk-based preventive controls for food for
12 animals rule with respect to the regulation of the produc-
13 tion, distribution, sale, or receipt of dried spent grain by-
14 products of the alcoholic beverage production process.

15 SEC. 730. The National Bio and Agro-Defense Facil-
16 ity shall be transferred this or any fiscal year hereafter
17 without reimbursement from the Secretary of Homeland
18 Security to the Secretary of Agriculture.

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

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

23 (A) veterinary control and oversight;

24 (B) disease history and vaccination prac-
25 tices;

1 (C) livestock demographics and
2 traceability;

3 (D) epidemiological separation from poten-
4 tial sources of infection;

5 (E) surveillance practices;

6 (F) diagnostic laboratory capabilities; and

7 (G) emergency preparedness and response;

8 and

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

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

15 SEC. 732. None of the funds made available by this
16 Act may be used to implement section 3.7(f) of the Farm
17 Credit Act of 1971 in a manner inconsistent with section
18 343(a)(13) of the Consolidated Farm and Rural Develop-
19 ment Act.

20 SEC. 733. None of the funds made available by this
21 Act may be used to carry out any activities or incur any
22 expense related to the issuance of licenses under section
23 3 of the Animal Welfare Act (7 U.S.C. 2133), or the re-
24 newal of such licenses, to class B dealers who sell Random

1 Source dogs and cats for use in research, experiments,
2 teaching, or testing.

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

13 (2) In this section, the term “iron and steel products”
14 means the following products made primarily of iron or
15 steel: lined or unlined pipes and fittings, manhole covers
16 and other municipal castings, hydrants, tanks, flanges,
17 pipe clamps and restraints, valves, structural steel, rein-
18 forced precast concrete, and construction materials.

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

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

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

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

7 (c) If the Secretary or the designee receives a request
8 for a waiver under this section, the Secretary or the des-
9 ignee shall make available to the public on an informal
10 basis a copy of the request and information available to
11 the Secretary or the designee concerning the request, and
12 shall allow for informal public input on the request for
13 at least 15 days prior to making a finding based on the
14 request. The Secretary or the designee shall make the re-
15 quest and accompanying information available by elec-
16 tronic means, including on the official public Internet Web
17 site of the Department.

18 (d) This section shall be applied in a manner con-
19 sistent with United States obligations under international
20 agreements.

21 (e) The Secretary may retain up to 0.25 percent of
22 the funds appropriated in this Act for “Rural Utilities
23 Service—Rural Water and Waste Disposal Program Ac-
24 count” for carrying out the provisions described in sub-

1 section (a)(1) for management and oversight of the re-
2 quirements of this section.

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

9 (g) For purposes of this section, the terms “United
10 States” and “State” shall include each of the several
11 States, the District of Columbia, and each Federally rec-
12 ognized Indian Tribe.

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

19 SEC. 736. Of the total amounts made available by
20 this Act for direct loans and grants under the following
21 headings: “Rural Housing Service—Rural Housing Insur-
22 ance Fund Program Account”; “Rural Housing Service—
23 Mutual and Self-Help Housing Grants”; “Rural Housing
24 Service—Rural Housing Assistance Grants”; “Rural
25 Housing Service—Rural Community Facilities Program

1 Account”; “Rural Business-Cooperative Service—Rural
2 Business Program Account”; “Rural Business-Coopera-
3 tive Service—Rural Economic Development Loans Pro-
4 gram Account”; “Rural Business-Cooperative Service—
5 Rural Cooperative Development Grants”; “Rural Busi-
6 ness-Cooperative Service—Rural Microentrepreneur As-
7 sistance Program”; “Rural Utilities Service—Rural Water
8 and Waste Disposal Program Account”; “Rural Utilities
9 Service—Rural Electrification and Telecommunications
10 Loans Program Account”; and “Rural Utilities Service—
11 Distance Learning, Telemedicine, and Broadband Pro-
12 gram”, to the maximum extent feasible, at least 10 per-
13 cent of the funds shall be allocated for assistance in per-
14 sistent poverty counties under this section, including, not-
15 withstanding any other provision regarding population
16 limits, any county seat of such a persistent poverty county
17 that has a population that does not exceed the authorized
18 population limit by more than 10 percent: *Provided*, That
19 for purposes of this section, the term “persistent poverty
20 counties” means any county that has had 20 percent or
21 more of its population living in poverty over the past 30
22 years, as measured by the 1990 and 2000 decennial cen-
23 suses, and 2007–2011 American Community Survey 5-
24 year average, or any territory or possession of the United
25 States: *Provided further*, That with respect to specific ac-

1 tivities for which program levels have been made available
2 by this Act that are not supported by budget authority,
3 the requirements of this section shall be applied to such
4 program level.

5 SEC. 737. None of the funds made available by this
6 Act may be used to notify a sponsor or otherwise acknowl-
7 edge receipt of a submission for an exemption for inves-
8 tigational use of a drug or biological product under section
9 505(i) of the Federal Food, Drug, and Cosmetic Act (21
10 U.S.C. 355(i)) or section 351(a)(3) of the Public Health
11 Service Act (42 U.S.C. 262(a)(3)) in research in which
12 a human embryo is intentionally created or modified to
13 include a heritable genetic modification. Any such submis-
14 sion shall be deemed to have not been received by the Sec-
15 retary, and the exemption may not go into effect.

16 SEC. 738. None of the funds made available by this
17 or any other Act may be used to enforce the final rule
18 promulgated by the Food and Drug Administration enti-
19 tled “Standards for the Growing, Harvesting, Packing,
20 and Holding of Produce for Human Consumption,” and
21 published on November 27, 2015, with respect to the regu-
22 lation of entities that grow, harvest, pack, or hold wine
23 grapes, hops, pulse crops, or almonds.

24 SEC. 739. There is hereby appropriated \$5,000,000,
25 to remain available until September 30, 2023, for a pilot

1 program for the National Institute of Food and Agri-
2 culture to provide grants to nonprofit organizations for
3 programs and services to establish and enhance farming
4 and ranching opportunities for military veterans.

5 SEC. 740. For school years 2021–2022 and 2022–
6 2023, none of the funds made available by this Act may
7 be used to implement or enforce the matter following the
8 first comma in the second sentence of footnote (c) of sec-
9 tion 220.8(c) of title 7, Code of Federal Regulations, with
10 respect to the substitution of vegetables for fruits under
11 the school breakfast program established under section 4
12 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

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

15 (1) in contravention of section 7606 of the Agri-
16 cultural Act of 2014 (7 U.S.C. 5940), subtitle G
17 of the Agricultural Marketing Act of 1946, or sec-
18 tion 10114 of the Agriculture Improvement Act of
19 2018; or

20 (2) to prohibit the transportation, processing,
21 sale, or use of hemp, or seeds of such plant, that is
22 grown or cultivated in accordance with section 7606
23 of the Agricultural Act of 2014 or Subtitle G of the
24 Agricultural Marketing Act of 1946, within or out-

1 side the State in which the hemp is grown or cul-
2 tivated.

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

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

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

12 SEC. 745. There is hereby appropriated \$2,000,000,
13 to remain available until expended, for a pilot program
14 for the Secretary to provide grants to qualified non-profit
15 organizations and public housing authorities to provide
16 technical assistance, including financial and legal services,
17 to RHS multi-family housing borrowers to facilitate the
18 acquisition of RHS multi-family housing properties in
19 areas where the Secretary determines a risk of loss of af-
20 fordable housing, by non-profit housing organizations and
21 public housing authorities as authorized by law that com-
22 mit to keep such properties in the RHS multi-family hous-
23 ing program for a period of time as determined by the
24 Secretary.

1 SEC. 746. There is hereby appropriated \$3,000,000,
2 to carry out section 4208 of Public Law 115–334, includ-
3 ing for project locations in additional regions and timely
4 completion of required reporting to Congress.

5 SEC. 747. There is hereby appropriated \$4,000,000
6 to carry out section 12301 of Public Law 115–334.

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

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

23 SEC. 750. In this fiscal year, and notwithstanding
24 any other provision of law, ARS facilities as described in
25 the “Memorandum of Understanding Between the U.S.

1 Department of Agriculture Animal and Plant Health In-
2 spection Service (APHIS) and the U.S. Department of
3 Agriculture Agricultural Research Service (ARS) Con-
4 cerning Laboratory Animal Welfare” (16–6100–0103–MU
5 Revision 16–1) shall be inspected by APHIS for compli-
6 ance with the Animal Welfare Act and its regulations and
7 standards.

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

19 SEC. 752. For school year 2022–2023, only a school
20 food authority that had a negative balance in the nonprofit
21 school food service account as of December 31, 2021, shall
22 be required to establish a price for paid lunches in accord-
23 ance with section 12(p) of the Richard B. Russell National
24 School Lunch Act (42 U.S.C. 1760(p)).

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

7 SEC. 754. Any funds made available by this or any
8 other Act that the Secretary withholds pursuant to section
9 1668(g)(2) of the Food, Agriculture, Conservation, and
10 Trade Act of 1990 (7 U.S.C. 5921(g)(2)), as amended,
11 shall be available for grants for biotechnology risk assess-
12 ment research: *Provided*, That the Secretary may transfer
13 such funds among appropriations of the Department of
14 Agriculture for purposes of making such grants.

15 SEC. 755. Section 313(b) of the Rural Electrification
16 Act of 1936, as amended (7 U.S.C. 940c(b)), shall be ap-
17 plied for fiscal year 2022 and each fiscal year thereafter
18 until the specified funding has been expended as if the
19 following were inserted after the final period in subsection
20 (b)(2): “In addition, the Secretary shall use \$425,000,000
21 of funds available in this subaccount in fiscal year 2019
22 for an additional amount for the same purpose and under
23 the same terms and conditions as funds appropriated by
24 section 779 of Public Law 115–141, shall use
25 \$255,000,000 of funds available in this subaccount in fis-

1 cal year 2020 for an additional amount for the same pur-
2 pose and under the same terms and conditions as funds
3 appropriated by section 779 of Public Law 115–141, shall
4 use \$104,000,000 of funds available in this subaccount in
5 fiscal year 2021 for an additional amount for the same
6 purpose and under the same terms and conditions as
7 funds appropriated by section 779 of Public Law 115–
8 141, and shall use \$50,000,000 of funds available in this
9 subaccount in fiscal year 2022 for an additional amount
10 for the same purpose and under the same terms and condi-
11 tions as funds appropriated by section 779 of Public Law
12 115–141.”: *Provided*, That any use of such funds shall
13 be treated as a reprogramming of funds under section 716
14 of this Act: *Provided further*, That section 775(b) of divi-
15 sion A of Public Law 116–260 shall no longer apply.

16 SEC. 756. There is hereby appropriated \$400,000 to
17 carry out section 1672(g)(4)(B) of the Food, Agriculture,
18 Conservation, and Trade Act of 1990 (7 U.S.C.
19 5925(g)(4(B)) as amended by section 7209 of Public Law
20 115–334.

21 SEC. 757. For an additional amount for “National
22 Institute of Food and Agriculture—Research and Edu-
23 cation Activities”, \$1,000,000, to develop a public-private
24 cooperative framework based on open data standards for
25 neutral data repository solutions to preserve and share the

1 big data generated by technological advancements in the
2 agriculture industry and for the preservation and curation
3 of data in collaboration with land-grant universities.

4 SEC. 758. Notwithstanding any other provision of
5 law, no funds available to the Department of Agriculture
6 may be used to move any staff office or any agency from
7 the mission area in which it was located on August 1,
8 2018, to any other mission area or office within the De-
9 partment in the absence of the enactment of specific legis-
10 lation affirming such move.

11 SEC. 759. The Secretary, acting through the Chief
12 of the Natural Resources Conservation Service, may use
13 funds appropriated under this Act or any other Act for
14 the Watershed and Flood Prevention Operations Program
15 and the Watershed Rehabilitation Program carried out
16 pursuant to the Watershed Protection and Flood Preven-
17 tion Act (16 U.S.C. 1001 et seq.), and for the Emergency
18 Watershed Protection Program carried out pursuant to
19 section 403 of the Agricultural Credit Act of 1978 (16
20 U.S.C. 2203) to provide technical services for such pro-
21 grams pursuant to section 1252(a)(1) of the Food Secu-
22 rity Act of 1985 (16 U.S.C. 3851(a)(1)), notwithstanding
23 subsection (c) of such section.

24 SEC. 760. In administering the pilot program estab-
25 lished by section 779 of division A of the Consolidated Ap-

1 appropriations Act, 2018 (Public Law 115–141), the Sec-
2 retary of Agriculture may, for purposes of determining en-
3 tities eligible to receive assistance, consider those commu-
4 nities which are “Areas Rural in Character”: *Provided*,
5 That not more than 10 percent of the funds made avail-
6 able under the heading “Distance Learning, Telemedicine,
7 and Broadband Program” for the purposes of the pilot
8 program established by section 779 of Public Law 115–
9 141 may be used for this purpose.

10 SEC. 761. There is hereby appropriated \$24,525,000
11 for the Goodfellow Federal facility, to remain available
12 until expended, of which \$12,000,000 shall be transferred
13 to and merged with the appropriation for “Office of the
14 Chief Information Officer”, and of which \$12,525,000
15 shall be transferred to and merged with the appropriation
16 for “Food Safety and Inspection Service”.

17 SEC. 762. None of the funds made available by this
18 Act may be used to pay the salaries or expenses of per-
19 sonnel—

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

22 (2) to inspect horses under section 903 of the
23 Federal Agriculture Improvement and Reform Act of
24 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

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

4 SEC. 763. For an additional amount for “National
5 Institute of Food and Agriculture—Research and Edu-
6 cation Activities”, \$300,000, for the Under Secretary for
7 Research, Education, and Economics to convene a blue-
8 ribbon panel for the purpose of evaluating the overall
9 structure of research and education through the public
10 and land-grant universities, including 1890 Institutions,
11 to define a new architecture that can better integrate, co-
12 ordinate, and assess economic impact of the collective
13 work of these institutions.

14 SEC. 764. For an additional amount for “National
15 Institute of Food and Agriculture—Research and Edu-
16 cation Activities”, \$5,000,000, to remain available until
17 September 30, 2023, for a competitive grant to an institu-
18 tion in the land-grant university system to establish a
19 Farm of the Future testbed and demonstration site.

20 SEC. 765. Section 788(b) of the Further Consolidated
21 Appropriations Act, 2020 (Public Law 116–94) is amend-
22 ed to read as follows:

23 “(b) hereafter, make publicly available via searchable
24 database, in their entirety without redactions except signa-
25 tures, the following records:

1 “(1) all final Animal Welfare Act inspection re-
2 ports, including all reports documenting all Animal
3 Welfare Act violations and non-compliances observed
4 by USDA officials and all animal inventories for the
5 current year and the preceding three years;

6 “(2) all final Animal Welfare Act and Horse
7 Protection Act enforcement records for the current
8 year and the preceding three years;

9 “(3) all reports or other materials documenting
10 any violations and non-compliances observed by
11 USDA officials for the current year and the pre-
12 ceding three years; and

13 “(4) within six months of receipt by the agency,
14 all final Animal Welfare Act research facility annual
15 reports, including their attachments with appro-
16 priate redactions made for confidential business in-
17 formation that USDA could withhold under FOIA
18 Exemption 4.”.

19 SEC. 766. None of the funds made available by this
20 Act may be used to propose, promulgate, or implement
21 any rule, or take any other action with respect to, allowing
22 or requiring information intended for a prescribing health
23 care professional, in the case of a drug or biological prod-
24 uct subject to section 503(b)(1) of the Federal Food,
25 Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be dis-

1 tributed to such professional electronically (in lieu of in
2 paper form) unless and until a Federal law is enacted to
3 allow or require such distribution.

4 SEC. 767. There is hereby appropriated \$5,000,000,
5 to remain available until expended, to establish a National
6 Farm to School Institute to provide technical and practical
7 assistance to Farm to School programs across the country
8 and shall be located at Shelburne Farms in Shelburne,
9 VT.

10 SEC. 768. Out of amounts appropriated to the Food
11 and Drug Administration under title VI, the Secretary of
12 Health and Human Services, acting through the Commis-
13 sioner of Food and Drugs, shall, not later than September
14 30, 2022, and following the review required under Execu-
15 tive Order No. 12866 (5 U.S.C. 601 note; relating to regu-
16 latory planning and review), issue advice revising the ad-
17 vice provided in the notice of availability entitled “Advice
18 About Eating Fish, From the Environmental Protection
19 Agency and Food and Drug Administration; Revised Fish
20 Advice; Availability” (82 Fed. Reg. 6571 (January 19,
21 2017)), in a manner that is consistent with nutrition
22 science recognized by the Food and Drug Administration
23 on the net effects of seafood consumption.

24 SEC. 769. In addition to amounts otherwise made
25 available by this Act and notwithstanding the last sentence

1 of 16 U.S.C. 1310, there is appropriated \$4,000,000, to
2 remain available until expended, to implement non-renew-
3 able agreements on eligible lands, including flooded agri-
4 cultural lands, as determined by the Secretary, under the
5 Water Bank Act (16 U.S.C. 1301–1311).

6 SEC. 770. The Secretary shall set aside for Rural
7 Economic Area Partnership (REAP) Zones, until August
8 15, 2022, an amount of funds made available in title III
9 under the headings of Rural Housing Insurance Fund
10 Program Account, Mutual and Self-Help Housing Grants,
11 Rural Housing Assistance Grants, Rural Community Fa-
12 cilities Program Account, Rural Business Program Ac-
13 count, Rural Development Loan Fund Program Account,
14 and Rural Water and Waste Disposal Program Account,
15 equal to the amount obligated in REAP Zones with re-
16 spect to funds provided under such headings in the most
17 recent fiscal year any such funds were obligated under
18 such headings for REAP Zones.

19 SEC. 771. There is hereby appropriated \$5,000,000,
20 to remain available until expended, to carry out section
21 2103 of Public Law 115–334: *Provided*, That the Sec-
22 retary shall prioritize the wetland compliance needs of
23 areas with significant numbers of individual wetlands, wet-
24 land acres, and conservation compliance requests.

1 SEC. 772. Notwithstanding any other provision of
2 law, the acceptable market name of any engineered animal
3 approved prior to the effective date of the National Bio-
4 engineered Food Disclosure Standard (February 19,
5 2019) shall include the words “genetically engineered”
6 prior to the existing acceptable market name.

7 SEC. 773. Section 9(i)(2) of the Food and Nutrition
8 Act of 2008 (7 U.S.C. 2018(i)(2)) is amended by striking
9 “December 31, 2021” and inserting “December 31,
10 2022”.

11 SEC. 774. There is hereby appropriated \$500,000 to
12 carry out the duties of the working group established
13 under section 770 of the Agriculture, Rural Development,
14 Food and Drug Administration, and Related Agencies Ap-
15 propriations Act, 2019 (Public Law 116–6; 133 Stat. 89).

16 SEC. 775. (a) There is hereby appropriated
17 \$3,000,000, to remain available until expended, for a pilot
18 program for the Animal and Plant Health Inspection
19 Service to provide grants to State departments of agri-
20 culture and forestry commissions in states identified in the
21 final environmental assessment published in the Federal
22 Register on September 23, 2020 (85 Fed. Reg. 59735),
23 to combat and treat cogongrass through established
24 cogongrass control programs.

1 (b) Not to exceed 2 percent of the funds provided
2 under this section shall be available for necessary costs
3 of grant administration.

4 SEC. 776. Section 764(d)(3)(B) of division N of Pub-
5 lic Law 116–260 is amended by inserting “and fiscal year
6 2022” after “fiscal year 2021” and before the final period.

7 SEC. 777. Section 6402(f) of the Farm Security and
8 Rural Investment Act of 2002 (7 U.S.C. 1632b(f)) is
9 amended in the matter preceding paragraph (1) by strik-
10 ing “section 210A(d)(2)” and inserting “section
11 210A(d)(5)(D)”.

12 SEC. 778. For an additional amount for the Office
13 of the Secretary, \$30,000,000, to remain available until
14 expended, to establish an Institute for Rural Partnerships:
15 *Provided*, That the Secretary shall establish a grant pro-
16 gram and distribute the funds to three geographically di-
17 verse established land-grant universities: *Provided further*,
18 That the Institute for Rural Partnerships shall dedicate
19 resources to researching the causes and conditions of chal-
20 lenges facing rural areas, and develop community partner-
21 ships to address such challenges: *Provided further*, That
22 administrative or other fees shall not exceed one percent:
23 *Provided further*, That such partnership shall coordinate
24 and publish an annual report.

1 SEC. 779. There is hereby appropriated \$1,000,000,
2 to remain available until September 30, 2023, for a Cattle
3 Contracts Library pilot program that the Agricultural
4 Marketing Service shall develop and maintain within the
5 Livestock, Poultry, and Grain Market News Division. This
6 program shall be similar, as determined by the Secretary,
7 to the swine contract library the U.S. Department of Agri-
8 culture currently maintains pursuant to section 222 of the
9 Packers and Stockyards Act (7 U.S.C. 198a). The promul-
10 gation of the regulations and administration of this section
11 shall be made without regard to: (1) the notice and com-
12 ment provisions of section 553 of title 5; and (2) chapter
13 35 of title 44 (commonly known as the “Paperwork Re-
14 duction Act”).

15 SEC. 780. There is hereby appropriated \$10,000,000,
16 to remain available until expended, for costs associated
17 with the establishment of an Institute of Rural Partner-
18 ship, located at the University of Vermont, Burlington,
19 VT.

20 SEC. 781. Notwithstanding any provision of law that
21 regulates the calculation and payment of overtime and hol-
22 iday pay for FSIS inspectors, the Secretary may charge
23 establishments subject to the inspection requirements of
24 the Poultry Products Inspection Act, 21 U.S.C. 451 et
25 seq., the Federal Meat Inspection Act, 21 U.S.C. 601 et

1 seq, and the Egg Products Inspection Act, 21 U.S.C. 1031
2 et seq., for the cost of inspection services provided outside
3 of an establishment’s approved inspection shifts, and for
4 inspection services provided on Federal holidays: *Provided*,
5 That any sums charged pursuant to this paragraph shall
6 be deemed as overtime pay or holiday pay under section
7 1001(d) of the American Rescue Plan Act of 2021 (Public
8 Law 117–2, 135 Stat. 242): *Provided further*, That sums
9 received by the Secretary under this paragraph shall, in
10 addition to other available funds, remain available until
11 expended to the Secretary without further appropriation
12 for the purpose of funding all costs associated with FSIS
13 inspections.

14 SEC. 782. Of the unobligated balances from prior
15 year appropriations made available under the heading
16 “Farm Service Agency—Agricultural Credit Insurance
17 Fund Program Account”, \$90,000,000 are hereby re-
18 scinded.

19 SEC. 783. Of the unobligated balances from prior
20 year appropriations made available under the heading
21 “Agriculture Buildings and Facilities”, \$73,400,000 are
22 hereby rescinded.

23 SEC. 784. (a) DESIGNATION.—The Federal building
24 located at 1636 East Alisal Street, Salinas, California,
25 shall be known and designated as the “Sam Farr United

1 States Crop Improvement and Protection Research Cen-
2 ter”.

3 (b) REFERENCES.—Any reference in a law, map, reg-
4 ulation, document, paper, or other record of the United
5 States to the Federal building referred to in subsection
6 (a) shall be deemed to be a reference to the “Sam Farr
7 United States Crop Improvement and Protection Research
8 Center”.

9 SEC. 785. For necessary expenses for salary and re-
10 lated costs associated with Agriculture Quarantine and In-
11 spection Services activities pursuant to 21 U.S.C. 136a(6),
12 and in addition to any other funds made available for this
13 purpose, there is appropriated, out of any money in the
14 Treasury not otherwise appropriated, \$250,000,000, to re-
15 main available until September 30, 2023, to offset the loss
16 resulting from the coronavirus pandemic of quarantine
17 and inspection fees collected pursuant to sections 2508
18 and 2509 of the Food, Agriculture, Conservation, and
19 Trade Act of 1990 (21 U.S.C. 136, 136a): *Provided*, That
20 amounts made available in this section shall be treated
21 as funds collected by fees authorized under sections 2508
22 and 2509 of the Food, Agriculture, Conservation, and
23 Trade Act of 1990 (21 U.S.C. 136, 136a) for purposes
24 of section 421(f) of the Homeland Security Act of 2002
25 (6 U.S.C. 231(f)).

1 SEC. 786. The matter under the heading “Depart-
2 ment of Agriculture—Rural Development Programs—
3 Rural Utilities Service—Distance Learning, Telemedicine,
4 and Broadband” in title I of division J of Public Law
5 117–58 is amended—

6 (1) in the eighth proviso, by striking “electric
7 cooperatives” and inserting “pole owners” and;

8 (2) in the ninth proviso, by inserting a comma
9 after “Corporations”.

10 *Provided*, That amounts repurposed pursuant to
11 this section that were previously designated by the
12 Congress as an emergency requirement pursuant to
13 section 4112(a) of H. Con. Res. 71 (115th Con-
14 gress), the concurrent resolution on the budget for
15 fiscal year 2018, and to section 251(b) of the Bal-
16 anced Budget and Emergency Deficit Control Act of
17 1985 are designated by the Congress as an emer-
18 gency requirement pursuant to section 4001(a)(1)
19 and section 4001(b) of S. Con. Res. 14 (117th Con-
20 gress), the concurrent resolution on the budget for
21 fiscal year 2022.

22 SEC. 787. The Secretary shall use funds made avail-
23 able under the heading “Special Supplemental Nutrition
24 Program for Women, Infants, and Children (WIC)” to in-
25 crease the amount of a cash-value voucher for women and

1 children participants to an amount recommended by the
2 National Academies of Science, Engineering and Medicine
3 and adjusted for inflation.

4 This division may be cited as the “Agriculture, Rural
5 Development, Food and Drug Administration, and Re-
6 lated Agencies Appropriations Act, 2022”.

1 **DIVISION B—COMMERCE, JUSTICE,**
2 **SCIENCE, AND RELATED AGENCIES**
3 **APPROPRIATIONS ACT, 2022**

4 TITLE I

5 DEPARTMENT OF COMMERCE

6 INTERNATIONAL TRADE ADMINISTRATION

7 OPERATIONS AND ADMINISTRATION

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

1 porary demountable exhibition structures for use abroad;
2 payment of tort claims, in the manner authorized in the
3 first paragraph of section 2672 of title 28, United States
4 Code, when such claims arise in foreign countries; not to
5 exceed \$294,300 for official representation expenses
6 abroad; purchase of passenger motor vehicles for official
7 use abroad, not to exceed \$45,000 per vehicle; not to ex-
8 ceed \$325,000 for purchase of armored vehicles without
9 regard to the general purchase price limitations; obtaining
10 insurance on official motor vehicles; and rental of tie lines,
11 \$570,000,000, of which \$80,000,000 shall remain avail-
12 able until September 30, 2023: *Provided*, That
13 \$11,000,000 is to be derived from fees to be retained and
14 used by the International Trade Administration, notwith-
15 standing section 3302 of title 31, United States Code: *Pro-*
16 *vided further*, That, of amounts provided under this head-
17 ing, not less than \$16,400,000 shall be for China anti-
18 dumping and countervailing duty enforcement and compli-
19 ance activities: *Provided further*, That the provisions of the
20 first sentence of section 105(f) and all of section 108(c)
21 of the Mutual Educational and Cultural Exchange Act of
22 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in car-
23 rying out these activities; and that for the purpose of this
24 Act, contributions under the provisions of the Mutual
25 Educational and Cultural Exchange Act of 1961 shall in-

1 clude payment for assessments for services provided as
2 part of these activities.

3 BUREAU OF INDUSTRY AND SECURITY

4 OPERATIONS AND ADMINISTRATION

5 For necessary expenses for export administration and
6 national security activities of the Department of Com-
7 merce, including costs associated with the performance of
8 export administration field activities both domestically and
9 abroad; full medical coverage for dependent members of
10 immediate families of employees stationed overseas; em-
11 ployment of citizens of the United States and aliens by
12 contract for services abroad; payment of tort claims, in
13 the manner authorized in the first paragraph of section
14 2672 of title 28, United States Code, when such claims
15 arise in foreign countries; not to exceed \$13,500 for offi-
16 cial representation expenses abroad; awards of compensa-
17 tion to informers under the Export Control Reform Act
18 of 2018 (subtitle B of title XVII of the John S. McCain
19 National Defense Authorization Act for Fiscal Year 2019;
20 Public Law 115–232; 132 Stat. 2208; 50 U.S.C. 4801 et
21 seq.), and as authorized by section 1(b) of the Act of June
22 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase
23 of passenger motor vehicles for official use and motor vehi-
24 cles for law enforcement use with special requirement vehi-
25 cles eligible for purchase without regard to any price limi-

1 tation otherwise established by law, \$141,000,000, of
2 which \$52,410,000 shall remain available until expended:
3 *Provided*, That the provisions of the first sentence of sec-
4 tion 105(f) and all of section 108(c) of the Mutual Edu-
5 cational and Cultural Exchange Act of 1961 (22 U.S.C.
6 2455(f) and 2458(c)) shall apply in carrying out these ac-
7 tivities: *Provided further*, That payments and contribu-
8 tions collected and accepted for materials or services pro-
9 vided as part of such activities may be retained for use
10 in covering the cost of such activities, and for providing
11 information to the public with respect to the export admin-
12 istration and national security activities of the Depart-
13 ment of Commerce and other export control programs of
14 the United States and other governments.

15 ECONOMIC DEVELOPMENT ADMINISTRATION

16 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

17 For grants for economic development assistance as
18 provided by the Public Works and Economic Development
19 Act of 1965, for trade adjustment assistance, and for
20 grants authorized by sections 27 and 28 of the Stevenson-
21 Wydler Technology Innovation Act of 1980 (15 U.S.C.
22 3722 and 3723), as amended, \$330,000,000 to remain
23 available until expended, of which \$45,000,000 shall be
24 for grants under such section 27 and \$2,000,000 shall be
25 for grants under such section 28: *Provided*, That any devi-

1 ation from the amounts designated for specific activities
2 in the explanatory statement described in section 4 (in the
3 matter preceding division A of this consolidated Act), or
4 any use of deobligated balances of funds provided under
5 this heading in previous years, shall be subject to the pro-
6 cedures set forth in section 505 of this Act.

7 SALARIES AND EXPENSES

8 For necessary expenses of administering the eco-
9 nomic development assistance programs as provided for by
10 law, \$43,500,000: *Provided*, That funds provided under
11 this heading may be used to monitor projects approved
12 pursuant to title I of the Public Works Employment Act
13 of 1976; title II of the Trade Act of 1974; sections 27
14 and 28 of the Stevenson-Wydler Technology Innovation
15 Act of 1980 (15 U.S.C. 3722 and 3723), as amended; and
16 the Community Emergency Drought Relief Act of 1977.

17 MINORITY BUSINESS DEVELOPMENT AGENCY

18 MINORITY BUSINESS DEVELOPMENT

19 For necessary expenses of the Department of Com-
20 merce in fostering, promoting, and developing minority
21 business enterprises, including expenses of grants, con-
22 tracts, and other agreements with public or private organi-
23 zations, \$55,000,000, of which not more than
24 \$18,000,000 shall be available for overhead expenses, in-

1 cluding salaries and expenses, rent, utilities, and informa-
2 tion technology services.

3 ECONOMIC AND STATISTICAL ANALYSIS

4 SALARIES AND EXPENSES

5 For necessary expenses, as authorized by law, of eco-
6 nomic and statistical analysis programs of the Department
7 of Commerce, \$116,000,000, to remain available until
8 September 30, 2023.

9 BUREAU OF THE CENSUS

10 CURRENT SURVEYS AND PROGRAMS

11 For necessary expenses for collecting, compiling, ana-
12 lyzing, preparing, and publishing statistics, provided for
13 by law, \$300,000,000: *Provided*, That, from amounts pro-
14 vided herein, funds may be used for promotion, outreach,
15 and marketing activities.

16 PERIODIC CENSUSES AND PROGRAMS

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses for collecting, compiling, ana-
19 lyzing, preparing, and publishing statistics for periodic
20 censuses and programs provided for by law,
21 \$1,054,000,000, to remain available until September 30,
22 2023: *Provided*, That, from amounts provided herein,
23 funds may be used for promotion, outreach, and mar-
24 keting activities: *Provided further*, That within the
25 amounts appropriated, \$3,556,000 shall be transferred to

1 the “Office of Inspector General” account for activities as-
2 sociated with carrying out investigations and audits re-
3 lated to the Bureau of the Census.

4 NATIONAL TELECOMMUNICATIONS AND INFORMATION
5 ADMINISTRATION
6 SALARIES AND EXPENSES

7 For necessary expenses, as provided for by law, of
8 the National Telecommunications and Information Ad-
9 ministration (NTIA), \$50,000,000, to remain available
10 until September 30, 2023: *Provided*, That, notwith-
11 standing 31 U.S.C. 1535(d), the Secretary of Commerce
12 shall charge Federal agencies for costs incurred in spec-
13 trum management, analysis, operations, and related serv-
14 ices, and such fees shall be retained and used as offsetting
15 collections for costs of such spectrum services, to remain
16 available until expended: *Provided further*, That the Sec-
17 retary of Commerce is authorized to retain and use as off-
18 setting collections all funds transferred, or previously
19 transferred, from other Government agencies for all costs
20 incurred in telecommunications research, engineering, and
21 related activities by the Institute for Telecommunication
22 Sciences of NTIA, in furtherance of its assigned functions
23 under this paragraph, and such funds received from other
24 Government agencies shall remain available until ex-
25 pended.

1 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
2 AND CONSTRUCTION

3 For the administration of prior-year grants, recov-
4 eries and unobligated balances of funds previously appro-
5 priated are available for the administration of all open
6 grants until their expiration.

7 UNITED STATES PATENT AND TRADEMARK OFFICE
8 SALARIES AND EXPENSES
9 (INCLUDING TRANSFERS OF FUNDS)

10 For necessary expenses of the United States Patent
11 and Trademark Office (USPTO) provided for by law, in-
12 cluding defense of suits instituted against the Under Sec-
13 retary of Commerce for Intellectual Property and Director
14 of the USPTO, \$4,058,410,000, to remain available until
15 expended: *Provided*, That the sum herein appropriated
16 from the general fund shall be reduced as offsetting collec-
17 tions of fees and surcharges assessed and collected by the
18 USPTO under any law are received during fiscal year
19 2022, so as to result in a fiscal year 2022 appropriation
20 from the general fund estimated at \$0: *Provided further*,
21 That during fiscal year 2022, should the total amount of
22 such offsetting collections be less than \$4,058,410,000,
23 this amount shall be reduced accordingly: *Provided fur-*
24 *ther*, That any amount received in excess of
25 \$4,058,410,000 in fiscal year 2022 and deposited in the

1 Patent and Trademark Fee Reserve Fund shall remain
2 available until expended: *Provided further*, That the Direc-
3 tor of USPTO shall submit a spending plan to the Com-
4 mittees on Appropriations of the House of Representatives
5 and the Senate for any amounts made available by the
6 preceding proviso and such spending plan shall be treated
7 as a reprogramming under section 505 of this Act and
8 shall not be available for obligation or expenditure except
9 in compliance with the procedures set forth in that section:
10 *Provided further*, That any amounts reprogrammed in ac-
11 cordance with the preceding proviso shall be transferred
12 to the United States Patent and Trademark Office “Sala-
13 ries and Expenses” account: *Provided further*, That the
14 budget of the President submitted for fiscal year 2023
15 under section 1105 of title 31, United States Code, shall
16 include within amounts provided under this heading for
17 necessary expenses of the USPTO any increases that are
18 expected to result from an increase promulgated through
19 rule or regulation in offsetting collections of fees and sur-
20 charges assessed and collected by the USPTO under any
21 law in either fiscal year 2022 or fiscal year 2023: *Provided*
22 *further*, That from amounts provided herein, not to exceed
23 \$13,500 shall be made available in fiscal year 2022 for
24 official reception and representation expenses: *Provided*
25 *further*, That in fiscal year 2022 from the amounts made

1 available for “Salaries and Expenses” for the USPTO, the
2 amounts necessary to pay (1) the difference between the
3 percentage of basic pay contributed by the USPTO and
4 employees under section 8334(a) of title 5, United States
5 Code, and the normal cost percentage (as defined by sec-
6 tion 8331(17) of that title) as provided by the Office of
7 Personnel Management (OPM) for USPTO’s specific use,
8 of basic pay, of employees subject to subchapter III of
9 chapter 83 of that title, and (2) the present value of the
10 otherwise unfunded accruing costs, as determined by OPM
11 for USPTO’s specific use of post-retirement life insurance
12 and post-retirement health benefits coverage for all
13 USPTO employees who are enrolled in Federal Employees
14 Health Benefits (FEHB) and Federal Employees Group
15 Life Insurance (FEGLI), shall be transferred to the Civil
16 Service Retirement and Disability Fund, the FEGLI
17 Fund, and the Employees FEHB Fund, as appropriate,
18 and shall be available for the authorized purposes of those
19 accounts: *Provided further*, That any differences between
20 the present value factors published in OPM’s yearly 300
21 series benefit letters and the factors that OPM provides
22 for USPTO’s specific use shall be recognized as an im-
23 puted cost on USPTO’s financial statements, where appli-
24 cable: *Provided further*, That, notwithstanding any other
25 provision of law, all fees and surcharges assessed and col-

1 lected by USPTO are available for USPTO only pursuant
2 to section 42(c) of title 35, United States Code, as amend-
3 ed by section 22 of the Leahy-Smith America Invents Act
4 (Public Law 112–29): *Provided further*, That within the
5 amounts appropriated, \$2,000,000 shall be transferred to
6 the “Office of Inspector General” account for activities as-
7 sociated with carrying out investigations and audits re-
8 lated to the USPTO.

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

12 For necessary expenses of the National Institute of
13 Standards and Technology (NIST), \$850,000,000, to re-
14 main available until expended, of which not to exceed
15 \$9,000,000 may be transferred to the “Working Capital
16 Fund”: *Provided*, That of the amounts appropriated under
17 this heading, \$37,598,000 shall be used for the projects,
18 and in the amounts, specified in the table immediately fol-
19 lowing the paragraph “NIST External Projects” in the
20 explanatory statement described in section 4 (in the mat-
21 ter preceding division A of this consolidated Act): *Provided*
22 *further*, That the amounts made available for the projects
23 referenced in the preceding proviso may not be transferred
24 for any other purpose: *Provided further*, That not to ex-
25 ceed \$5,000 shall be for official reception and representa-

1 tion expenses: *Provided further*, That NIST may provide
2 local transportation for summer undergraduate research
3 fellowship program participants.

4 INDUSTRIAL TECHNOLOGY SERVICES

5 For necessary expenses for industrial technology
6 services, \$174,500,000, to remain available until ex-
7 pended, of which \$158,000,000 shall be for the Hollings
8 Manufacturing Extension Partnership, and of which
9 \$16,500,000 shall be for the Manufacturing USA Pro-
10 gram.

11 CONSTRUCTION OF RESEARCH FACILITIES

12 For construction of new research facilities, including
13 architectural and engineering design, and for renovation
14 and maintenance of existing facilities, not otherwise pro-
15 vided for the National Institute of Standards and Tech-
16 nology, as authorized by sections 13 through 15 of the
17 National Institute of Standards and Technology Act (15
18 U.S.C. 278e–278e), \$205,563,000, to remain available
19 until expended: *Provided*, That of the amounts appro-
20 priated under this heading, \$125,563,000 shall be used
21 for the projects, and in the amounts, specified in the table
22 immediately following the paragraph “NIST Extramural
23 Construction” in the explanatory statement described in
24 section 4 (in the matter preceding division A of this con-
25 solidated Act): *Provided further*, That up to one percent

1 of amounts made available for the projects referenced in
2 the preceding proviso may be used for the administrative
3 costs of such projects: *Provided further*, That the Director
4 of the National Institute of Standards and Technology
5 shall submit a spending plan to the Committees on Appro-
6 priations of the House of Representatives and the Senate
7 for any amounts made available by the preceding proviso
8 and such spending plan shall be treated as a reprogram-
9 ming under section 505 of this Act and shall not be avail-
10 able for obligation or expenditure except in compliance
11 with the procedures set forth in that section: *Provided fur-*
12 *ther*, That the Secretary of Commerce shall include in the
13 budget justification materials for fiscal year 2023 that the
14 Secretary submits to Congress in support of the Depart-
15 ment of Commerce budget (as submitted with the budget
16 of the President under section 1105(a) of title 31, United
17 States Code) an estimate for each National Institute of
18 Standards and Technology construction project having a
19 total multi-year program cost of more than \$5,000,000,
20 and simultaneously the budget justification materials shall
21 include an estimate of the budgetary requirements for
22 each such project for each of the 5 subsequent fiscal years.

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

5 For necessary expenses of activities authorized by law
6 for the National Oceanic and Atmospheric Administration,
7 including maintenance, operation, and hire of aircraft and
8 vessels; pilot programs for State-led fisheries manage-
9 ment, notwithstanding any other provision of law; grants,
10 contracts, or other payments to nonprofit organizations
11 for the purposes of conducting activities pursuant to coop-
12 erative agreements; and relocation of facilities,
13 \$4,157,311,000, to remain available until September 30,
14 2023: *Provided*, That fees and donations received by the
15 National Ocean Service for the management of national
16 marine sanctuaries may be retained and used for the sala-
17 ries and expenses associated with those activities, notwith-
18 standing section 3302 of title 31, United States Code: *Pro-*
19 *vided further*, That in addition, \$243,532,000 shall be de-
20 rived by transfer from the fund entitled “Promote and De-
21 velop Fishery Products and Research Pertaining to Amer-
22 ican Fisheries”, which shall only be used for fishery activi-
23 ties related to the Saltonstall-Kennedy Grant Program;
24 Fisheries Data Collections, Surveys, and Assessments; Ob-
25 servers and Training; Fisheries Management Programs

1 and Services; and Interjurisdictional Fisheries Grants:
2 *Provided further*, That not to exceed \$67,867,000 shall be
3 for payment to the “Department of Commerce Working
4 Capital Fund”: *Provided further*, That of the
5 \$4,423,843,000 provided for in direct obligations under
6 this heading, \$4,157,311,000 is appropriated from the
7 general fund, \$243,532,000 is provided by transfer, and
8 \$23,000,000 is derived from recoveries of prior year obli-
9 gations: *Provided further*, That of the amounts appro-
10 priated under this heading, \$84,354,000 shall be used for
11 the projects, and in the amounts, specified in the table
12 immediately following the paragraph “NOAA Community
13 Project Funding/NOAA Special Projects” in the explana-
14 tory statement described in section 4 (in the matter pre-
15 ceding division A of this consolidated Act): *Provided fur-*
16 *ther*, That the amounts made available for the projects ref-
17 erenced in the preceding proviso may not be transferred
18 for any other purpose: *Provided further*, That any devi-
19 ation from the amounts designated for specific activities
20 in the explanatory statement described in section 4 (in the
21 matter preceding division A of this consolidated Act), or
22 any use of deobligated balances of funds provided under
23 this heading in previous years, shall be subject to the pro-
24 cedures set forth in section 505 of this Act: *Provided fur-*
25 *ther*, That, of the amounts appropriated under this head-

1 ing, \$750,000 shall be transferred to the “Office of In-
2 spector General” account for activities associated with car-
3 rying out investigations and audits related to National
4 Weather Service operations: *Provided further*, That in ad-
5 dition, for necessary retired pay expenses under the Re-
6 tired Serviceman’s Family Protection and Survivor Bene-
7 fits Plan, and for payments for the medical care of retired
8 personnel and their dependents under the Dependents’
9 Medical Care Act (10 U.S.C. ch. 55), such sums as may
10 be necessary.

11 PROCUREMENT, ACQUISITION AND CONSTRUCTION

12 (INCLUDING TRANSFER OF FUNDS)

13 For procurement, acquisition and construction of
14 capital assets, including alteration and modification costs,
15 of the National Oceanic and Atmospheric Administration,
16 \$1,672,689,000, to remain available until September 30,
17 2024, except that funds provided for acquisition and con-
18 struction of vessels and aircraft, and construction of facili-
19 ties shall remain available until expended: *Provided*, That
20 of the \$1,685,689,000 provided for in direct obligations
21 under this heading, \$1,672,689,000 is appropriated from
22 the general fund and \$13,000,000 is provided from recov-
23 eries of prior year obligations: *Provided further*, That any
24 deviation from the amounts designated for specific activi-
25 ties in the explanatory statement described in section 4

1 (in the matter preceding division A of this consolidated
2 Act), or any use of deobligated balances of funds provided
3 under this heading in previous years, shall be subject to
4 the procedures set forth in section 505 of this Act: *Pro-*
5 *vided further*, That the Secretary of Commerce shall in-
6 clude in budget justification materials for fiscal year 2023
7 that the Secretary submits to Congress in support of the
8 Department of Commerce budget (as submitted with the
9 budget of the President under section 1105(a) of title 31,
10 United States Code) an estimate for each National Oce-
11 anic and Atmospheric Administration procurement, acqui-
12 sition or construction project having a total of more than
13 \$5,000,000 and simultaneously the budget justification
14 shall include an estimate of the budgetary requirements
15 for each such project for each of the 5 subsequent fiscal
16 years: *Provided further*, That, within the amounts appro-
17 priated, \$3,000,000 shall be transferred to the “Office of
18 Inspector General” account for activities associated with
19 carrying out investigations and audits related to satellite
20 and vessel procurement, acquisition and construction.

21 PACIFIC COASTAL SALMON RECOVERY

22 For necessary expenses associated with the restora-
23 tion of Pacific salmon populations, \$65,000,000, to re-
24 main available until September 30, 2023: *Provided*, That,
25 of the funds provided herein, the Secretary of Commerce

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

18 FISHermen's CONTINGENCY FUND

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

23 FISHERIES FINANCE PROGRAM ACCOUNT

24 Subject to section 502 of the Congressional Budget
25 Act of 1974, during fiscal year 2022, obligations of direct

1 loans may not exceed \$24,000,000 for Individual Fishing
2 Quota loans and not to exceed \$100,000,000 for tradi-
3 tional direct loans as authorized by the Merchant Marine
4 Act of 1936.

5 DEPARTMENTAL MANAGEMENT

6 SALARIES AND EXPENSES

7 For necessary expenses for the management of the
8 Department of Commerce provided for by law, including
9 not to exceed \$4,500 for official reception and representa-
10 tion, \$80,000,000: *Provided*, That no employee of the De-
11 partment of Commerce may be detailed or assigned from
12 a bureau or office funded by this Act or any other Act
13 to offices within the Office of the Secretary of the Depart-
14 ment of Commerce for more than 180 days in a fiscal year
15 unless the individual's employing bureau or office is fully
16 reimbursed for the salary and expenses of the employee
17 for the entire period of assignment using funds provided
18 under this heading: *Provided further*, That amounts made
19 available to the Department of Commerce in this or any
20 prior Act may not be transferred pursuant to section 508
21 of this or any prior Act to the account funded under this
22 heading, except in the case of extraordinary circumstances
23 that threaten life or property.

1 RENOVIATION AND MODERNIZATION

2 For necessary expenses for the renovation and mod-
3 ernization of the Herbert C. Hoover Building, \$1,100,000.

4 NONRECURRING EXPENSES FUND

5 For necessary expenses for technology modernization
6 projects and cybersecurity risk mitigation of the Depart-
7 ment of Commerce, \$30,000,000, to remain available until
8 September 30, 2024, of which up to \$20,000,000 shall be
9 available for a business application system modernization:
10 *Provided*, That amounts made available under this head-
11 ing are in addition to such other funds as may be available
12 for such purposes: *Provided further*, That any unobligated
13 balances of expired discretionary funds transferred to the
14 Department of Commerce Nonrecurring Expenses Fund,
15 as authorized by section 111 of title I of division B of
16 Public Law 116–93, may be obligated only after the Com-
17 mittees on Appropriations of the House of Representatives
18 and the Senate are notified at least 15 days in advance
19 of the planned use of funds.

20 OFFICE OF INSPECTOR GENERAL

21 For necessary expenses of the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978 (5 U.S.C. App.), \$35,783,000: *Pro-*
24 *vided*, That notwithstanding section 6413 of the Middle
25 Class Tax Relief and Job Creation Act of 2012 (Public

1 Law 112–96), an additional \$2,000,000, to remain avail-
2 able until expended, shall be derived from the Public Safe-
3 ty Trust Fund for activities associated with carrying out
4 investigations and audits related to the First Responder
5 Network Authority (FirstNet).

6 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

7 (INCLUDING TRANSFER OF FUNDS)

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

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

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

17 SEC. 104. The requirements set forth by section 105
18 of the Commerce, Justice, Science, and Related Agencies
19 Appropriations Act, 2012 (Public Law 112–55), as
20 amended by section 105 of title I of division B of Public
21 Law 113–6, are hereby adopted by reference and made
22 applicable with respect to fiscal year 2022: *Provided*, That
23 the life cycle cost for the Joint Polar Satellite System is
24 \$11,322,125,000, the life cycle cost of the Polar Follow
25 On Program is \$6,837,900,000, the life cycle cost for the

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

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

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

1 raphy, copyright infringement, or any other unlawful ac-
2 tivity over its networks.

3 SEC. 107. The Administrator of the National Oceanic
4 and Atmospheric Administration is authorized to use, with
5 their consent, with reimbursement and subject to the lim-
6 its of available appropriations, the land, services, equip-
7 ment, personnel, and facilities of any department, agency,
8 or instrumentality of the United States, or of any State,
9 local government, Indian Tribal government, Territory, or
10 possession, or of any political subdivision thereof, or of
11 any foreign government or international organization, for
12 purposes related to carrying out the responsibilities of any
13 statute administered by the National Oceanic and Atmos-
14 pheric Administration.

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

1 SEC. 109. To carry out the responsibilities of the Na-
2 tional Oceanic and Atmospheric Administration (NOAA),
3 the Administrator of NOAA is authorized to: (1) enter
4 into grants and cooperative agreements with; (2) use on
5 a non-reimbursable basis land, services, equipment, per-
6 sonnel, and facilities provided by; and (3) receive and ex-
7 pend funds made available on a consensual basis from: a
8 Federal agency, State or subdivision thereof, local govern-
9 ment, Tribal government, Territory, or possession or any
10 subdivisions thereof: *Provided*, That funds received for
11 permitting and related regulatory activities pursuant to
12 this section shall be deposited under the heading “Na-
13 tional Oceanic and Atmospheric Administration—Oper-
14 ations, Research, and Facilities” and shall remain avail-
15 able until September 30, 2023, for such purposes: *Pro-*
16 *vided further*, That all funds within this section and their
17 corresponding uses are subject to section 505 of this Act.

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

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

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

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

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

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

12 This title may be cited as the “Department of Com-
13 merce Appropriations Act, 2022”.

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

5 For expenses necessary for the administration of the
6 Department of Justice, \$127,794,000, of which
7 \$4,000,000 shall remain available until September 30,
8 2023, and of which not to exceed \$4,000,000 for security
9 and construction of Department of Justice facilities shall
10 remain available until expended.

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

13 For necessary expenses for information sharing tech-
14 nology, including planning, development, deployment and
15 departmental direction, \$38,000,000, to remain available
16 until expended: *Provided*, That the Attorney General may
17 transfer up to \$40,000,000 to this account, from funds
18 available to the Department of Justice for information
19 technology, to remain available until expended, for enter-
20 prise-wide information technology initiatives: *Provided fur-*
21 *ther*, That the transfer authority in the preceding proviso
22 is in addition to any other transfer authority contained
23 in this Act: *Provided further*, That any transfer pursuant
24 to the first proviso shall be treated as a reprogramming
25 under section 505 of this Act and shall not be available

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

3 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses necessary for the administration of im-
6 migration-related activities of the Executive Office for Im-
7 migration Review, \$760,000,000, of which \$4,000,000
8 shall be derived by transfer from the Executive Office for
9 Immigration Review fees deposited in the “Immigration
10 Examinations Fee” account, and of which not less than
11 \$24,000,000 shall be available for services and activities
12 provided by the Legal Orientation Program: *Provided*,
13 That not to exceed \$50,000,000 of the total amount made
14 available under this heading shall remain available until
15 September 30, 2026.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General, \$118,000,000, including not to exceed \$10,000
19 to meet unforeseen emergencies of a confidential char-
20 acter: *Provided*, That not to exceed \$4,000,000 shall re-
21 main available until September 30, 2023.

22 UNITED STATES PAROLE COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses of the United States Parole
25 Commission as authorized, \$14,238,000: *Provided*, That,

1 to exceed \$9,000 shall be available to the Criminal Divi-
2 sion for official reception and representation expenses:
3 *Provided further*, That notwithstanding section 205 of this
4 Act, upon a determination by the Attorney General that
5 emergent circumstances require additional funding for liti-
6 gation activities of the Civil Division, the Attorney General
7 may transfer such amounts to “Salaries and Expenses,
8 General Legal Activities” from available appropriations
9 for the current fiscal year for the Department of Justice,
10 as may be necessary to respond to such circumstances:
11 *Provided further*, That any transfer pursuant to the pre-
12 ceding proviso shall be treated as a reprogramming under
13 section 505 of this Act and shall not be available for obli-
14 gation or expenditure except in compliance with the proce-
15 dures set forth in that section: *Provided further*, That of
16 the amount appropriated, such sums as may be necessary
17 shall be available to the Civil Rights Division for salaries
18 and expenses associated with the election monitoring pro-
19 gram under section 8 of the Voting Rights Act of 1965
20 (52 U.S.C. 10305) and to reimburse the Office of Per-
21 sonnel Management for such salaries and expenses: *Pro-*
22 *vided further*, That of the amounts provided under this
23 heading for the election monitoring program, \$3,390,000
24 shall remain available until expended.

1 In addition, for reimbursement of expenses of the De-
2 partment of Justice associated with processing cases
3 under the National Childhood Vaccine Injury Act of 1986,
4 \$19,000,000, to be appropriated from the Vaccine Injury
5 Compensation Trust Fund and to remain available until
6 expended.

7 SALARIES AND EXPENSES, ANTITRUST DIVISION

8 For expenses necessary for the enforcement of anti-
9 trust and kindred laws, \$192,776,000, to remain available
10 until expended: *Provided*, That notwithstanding any other
11 provision of law, fees collected for premerger notification
12 filings under the Hart-Scott-Rodino Antitrust Improve-
13 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
14 of collection (and estimated to be \$138,000,000 in fiscal
15 year 2022), shall be retained and used for necessary ex-
16 penses in this appropriation, and shall remain available
17 until expended: *Provided further*, That the sum herein ap-
18 propriated from the general fund shall be reduced as such
19 offsetting collections are received during fiscal year 2022,
20 so as to result in a final fiscal year 2022 appropriation
21 from the general fund estimated at \$54,776,000.

22 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

23 For necessary expenses of the Offices of the United
24 States Attorneys, including inter-governmental and coop-
25 erative agreements, \$2,419,868,000: *Provided*, That of the

1 total amount appropriated, not to exceed \$7,200 shall be
2 available for official reception and representation ex-
3 penses: *Provided further*, That not to exceed \$25,000,000
4 shall remain available until expended: *Provided further*,
5 That each United States Attorney shall establish or par-
6 ticipate in a task force on human trafficking.

7 UNITED STATES TRUSTEE SYSTEM FUND

8 For necessary expenses of the United States Trustee
9 Program, as authorized, \$239,000,000, to remain avail-
10 able until expended: *Provided*, That, notwithstanding any
11 other provision of law, deposits of discretionary offsetting
12 collections to the United States Trustee System Fund and
13 amounts herein appropriated shall be available in such
14 amounts as may be necessary to pay refunds due deposi-
15 tors: *Provided further*, That, notwithstanding any other
16 provision of law, fees deposited into the Fund as discre-
17 tionary offsetting collections pursuant to section 589a of
18 title 28, United States Code (as limited by section
19 589a(f)(2) of title 28, United States Code), shall be re-
20 tained and used for necessary expenses in this appropria-
21 tion and shall remain available until expended: *Provided*
22 *further*, That to the extent that fees deposited into the
23 Fund as discretionary offsetting collections in fiscal year
24 2022, net of amounts necessary to pay refunds due deposi-
25 tors, exceed \$239,000,000, those excess amounts shall be

1 available in future fiscal years only to the extent provided
2 in advance in appropriations Acts: *Provided further*, That
3 the sum herein appropriated from the general fund shall
4 be reduced (1) as such fees are received during fiscal year
5 2022, net of amounts necessary to pay refunds due deposi-
6 tors, (estimated at \$413,000,000) and (2) to the extent
7 that any remaining general fund appropriations can be de-
8 rived from amounts deposited in the Fund as discretionary
9 offsetting collections in previous fiscal years that are not
10 otherwise appropriated, so as to result in a final fiscal year
11 2022 appropriation from the general fund estimated at \$0.

12 SALARIES AND EXPENSES, FOREIGN CLAIMS

13 SETTLEMENT COMMISSION

14 For expenses necessary to carry out the activities of
15 the Foreign Claims Settlement Commission, including
16 services as authorized by section 3109 of title 5, United
17 States Code, \$2,434,000.

18 FEES AND EXPENSES OF WITNESSES

19 For fees and expenses of witnesses, for expenses of
20 contracts for the procurement and supervision of expert
21 witnesses, for private counsel expenses, including ad-
22 vances, and for expenses of foreign counsel, \$270,000,000,
23 to remain available until expended, of which not to exceed
24 \$16,000,000 is for construction of buildings for protected
25 witness safesites; not to exceed \$3,000,000 is for the pur-

1 chase and maintenance of armored and other vehicles for
2 witness security caravans; and not to exceed \$25,000,000
3 is for the purchase, installation, maintenance, and up-
4 grade of secure telecommunications equipment and a se-
5 cure automated information network to store and retrieve
6 the identities and locations of protected witnesses: *Pro-*
7 *vided*, That amounts made available under this heading
8 may not be transferred pursuant to section 205 of this
9 Act.

10 SALARIES AND EXPENSES, COMMUNITY RELATIONS

11 SERVICE

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses of the Community Relations
14 Service, \$21,000,000: *Provided*, That notwithstanding sec-
15 tion 205 of this Act, upon a determination by the Attorney
16 General that emergent circumstances require additional
17 funding for conflict resolution and violence prevention ac-
18 tivities of the Community Relations Service, the Attorney
19 General may transfer such amounts to the Community Re-
20 lations Service, from available appropriations for the cur-
21 rent fiscal year for the Department of Justice, as may be
22 necessary to respond to such circumstances: *Provided fur-*
23 *ther*, That any transfer pursuant to the preceding proviso
24 shall be treated as a reprogramming under section 505
25 of this Act and shall not be available for obligation or ex-

1 penditure except in compliance with the procedures set
2 forth in that section.

3 ASSETS FORFEITURE FUND

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

8 UNITED STATES MARSHALS SERVICE

9 SALARIES AND EXPENSES

10 For necessary expenses of the United States Mar-
11 shals Service, \$1,580,000,000, of which not to exceed
12 \$6,000 shall be available for official reception and rep-
13 resentation expenses, and not to exceed \$25,000,000 shall
14 remain available until expended.

15 CONSTRUCTION

16 For construction in space that is controlled, occupied,
17 or utilized by the United States Marshals Service for pris-
18 oner holding and related support, \$15,000,000, to remain
19 available until expended.

20 FEDERAL PRISONER DETENTION

21 For necessary expenses related to United States pris-
22 oners in the custody of the United States Marshals Service
23 as authorized by section 4013 of title 18, United States
24 Code, \$2,123,015,000, to remain available until expended:
25 *Provided*, That not to exceed \$20,000,000 shall be consid-

1 ered “funds appropriated for State and local law enforce-
2 ment assistance” pursuant to section 4013(b) of title 18,
3 United States Code: *Provided further*, That the United
4 States Marshals Service shall be responsible for managing
5 the Justice Prisoner and Alien Transportation System.

6 NATIONAL SECURITY DIVISION

7 SALARIES AND EXPENSES

8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses necessary to carry out the activities of
10 the National Security Division, \$120,681,000, of which
11 not to exceed \$5,000,000 for information technology sys-
12 tems shall remain available until expended: *Provided*, That
13 notwithstanding section 205 of this Act, upon a deter-
14 mination by the Attorney General that emergent cir-
15 cumstances require additional funding for the activities of
16 the National Security Division, the Attorney General may
17 transfer such amounts to this heading from available ap-
18 propriations for the current fiscal year for the Department
19 of Justice, as may be necessary to respond to such cir-
20 cumstances: *Provided further*, That any transfer pursuant
21 to the preceding proviso shall be treated as a reprogram-
22 ming under section 505 of this Act and shall not be avail-
23 able for obligation or expenditure except in compliance
24 with the procedures set forth in that section.

1 INTERAGENCY LAW ENFORCEMENT

2 INTERAGENCY CRIME AND DRUG ENFORCEMENT

3 For necessary expenses for the identification, inves-
4 tigation, and prosecution of individuals associated with the
5 most significant drug trafficking organizations,
6 transnational organized crime, and money laundering or-
7 ganizations not otherwise provided for, to include inter-
8 governmental agreements with State and local law en-
9 forcement agencies engaged in the investigation and pros-
10 ecution of individuals involved in transnational organized
11 crime and drug trafficking, \$550,458,000, of which
12 \$50,000,000 shall remain available until expended: *Pro-*
13 *vided*, That any amounts obligated from appropriations
14 under this heading may be used under authorities avail-
15 able to the organizations reimbursed from this appropria-
16 tion.

17 FEDERAL BUREAU OF INVESTIGATION

18 SALARIES AND EXPENSES

19 For necessary expenses of the Federal Bureau of In-
20 vestigation for detection, investigation, and prosecution of
21 crimes against the United States, \$10,136,295,000, of
22 which not to exceed \$216,900,000 shall remain available
23 until expended: *Provided*, That not to exceed \$284,000
24 shall be available for official reception and representation
25 expenses.

1 CONSTRUCTION

2 For necessary expenses, to include the cost of equip-
3 ment, furniture, and information technology requirements,
4 related to construction or acquisition of buildings, facili-
5 ties, and sites by purchase, or as otherwise authorized by
6 law; conversion, modification, and extension of federally
7 owned buildings; preliminary planning and design of
8 projects; and operation and maintenance of secure work
9 environment facilities and secure networking capabilities;
10 \$632,000,000, to remain available until expended.

11 DRUG ENFORCEMENT ADMINISTRATION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Drug Enforcement Ad-
14 ministration, including not to exceed \$70,000 to meet un-
15 foreseen emergencies of a confidential character pursuant
16 to section 530C of title 28, United States Code; and ex-
17 penses for conducting drug education and training pro-
18 grams, including travel and related expenses for partici-
19 pants in such programs and the distribution of items of
20 token value that promote the goals of such programs,
21 \$2,421,522,000, of which not to exceed \$75,000,000 shall
22 remain available until expended and not to exceed \$90,000
23 shall be available for official reception and representation
24 expenses: *Provided*, That, notwithstanding section 3672 of
25 Public Law 106–310, up to \$10,000,000 may be used to

1 reimburse States, units of local government, Indian Tribal
2 Governments, other public entities, and multi-jurisdic-
3 tional or regional consortia thereof for expenses incurred
4 to clean up and safely dispose of substances associated
5 with clandestine methamphetamine laboratories, conver-
6 sion and extraction operations, tableting operations, or
7 laboratories and processing operations for fentanyl and
8 fentanyl-related substances which may present a danger
9 to public health or the environment.

10 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
11 EXPLOSIVES
12 SALARIES AND EXPENSES

13 For necessary expenses of the Bureau of Alcohol, To-
14 bacco, Firearms and Explosives, for training of State and
15 local law enforcement agencies with or without reimburse-
16 ment, including training in connection with the training
17 and acquisition of canines for explosives and fire
18 accelerants detection; and for provision of laboratory as-
19 sistance to State and local law enforcement agencies, with
20 or without reimbursement, \$1,531,071,000, of which not
21 to exceed \$36,000 shall be for official reception and rep-
22 resentation expenses, not to exceed \$1,000,000 shall be
23 available for the payment of attorneys' fees as provided
24 by section 924(d)(2) of title 18, United States Code, and
25 not to exceed \$25,000,000 shall remain available until ex-

1 pended: *Provided*, That none of the funds appropriated
2 herein shall be available to investigate or act upon applica-
3 tions for relief from Federal firearms disabilities under
4 section 925(c) of title 18, United States Code: *Provided*
5 *further*, That such funds shall be available to investigate
6 and act upon applications filed by corporations for relief
7 from Federal firearms disabilities under section 925(c) of
8 title 18, United States Code: *Provided further*, That no
9 funds made available by this or any other Act may be used
10 to transfer the functions, missions, or activities of the Bu-
11 reau of Alcohol, Tobacco, Firearms and Explosives to
12 other agencies or Departments.

13 FEDERAL PRISON SYSTEM

14 SALARIES AND EXPENSES

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses of the Federal Prison System
17 for the administration, operation, and maintenance of
18 Federal penal and correctional institutions, and for the
19 provision of technical assistance and advice on corrections
20 related issues to foreign governments, \$7,865,000,000:
21 *Provided*, That not less than \$409,483,000 shall be for
22 the programs and activities authorized by the First Step
23 Act of 2018 (Public Law 115–391): *Provided further*, That
24 the Attorney General may transfer to the Department of
25 Health and Human Services such amounts as may be nec-

1 essary for direct expenditures by that Department for
2 medical relief for inmates of Federal penal and correc-
3 tional institutions: *Provided further*, That the Director of
4 the Federal Prison System, where necessary, may enter
5 into contracts with a fiscal agent or fiscal intermediary
6 claims processor to determine the amounts payable to per-
7 sons who, on behalf of the Federal Prison System, furnish
8 health services to individuals committed to the custody of
9 the Federal Prison System: *Provided further*, That not to
10 exceed \$5,400 shall be available for official reception and
11 representation expenses: *Provided further*, That not to ex-
12 ceed \$50,000,000 shall remain available until expended for
13 necessary operations: *Provided further*, That, of the
14 amounts provided for contract confinement, not to exceed
15 \$20,000,000 shall remain available until expended to
16 make payments in advance for grants, contracts and reim-
17 bursable agreements, and other expenses: *Provided fur-*
18 *ther*, That the Director of the Federal Prison System may
19 accept donated property and services relating to the oper-
20 ation of the prison card program from a not-for-profit en-
21 tity which has operated such program in the past, notwith-
22 standing the fact that such not-for-profit entity furnishes
23 services under contracts to the Federal Prison System re-
24 lating to the operation of pre-release services, halfway
25 houses, or other custodial facilities.

1 BUILDINGS AND FACILITIES

2 For planning, acquisition of sites, and construction
3 of new facilities; purchase and acquisition of facilities and
4 remodeling, and equipping of such facilities for penal and
5 correctional use, including all necessary expenses incident
6 thereto, by contract or force account; and constructing,
7 remodeling, and equipping necessary buildings and facili-
8 ties at existing penal and correctional institutions, includ-
9 ing all necessary expenses incident thereto, by contract or
10 force account, \$235,000,000, to remain available until ex-
11 pended, of which \$176,000,000 shall be available only for
12 costs related to construction of new facilities: *Provided*,
13 That labor of United States prisoners may be used for
14 work performed under this appropriation.

15 FEDERAL PRISON INDUSTRIES, INCORPORATED

16 The Federal Prison Industries, Incorporated, is here-
17 by authorized to make such expenditures within the limits
18 of funds and borrowing authority available, and in accord
19 with the law, and to make such contracts and commit-
20 ments without regard to fiscal year limitations as provided
21 by section 9104 of title 31, United States Code, as may
22 be necessary in carrying out the program set forth in the
23 budget for the current fiscal year for such corporation.

1 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
2 PRISON INDUSTRIES, INCORPORATED

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

17 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

18 OFFICE ON VIOLENCE AGAINST WOMEN

19 VIOLENCE AGAINST WOMEN PREVENTION AND

20 PROSECUTION PROGRAMS

21 (INCLUDING TRANSFER OF FUNDS)

22 For grants, contracts, cooperative agreements, and
23 other assistance for the prevention and prosecution of vio-
24 lence against women, as authorized by the Omnibus Crime
25 Control and Safe Streets Act of 1968 (34 U.S.C. 10101

1 et seq.) (“the 1968 Act”); the Violent Crime Control and
2 Law Enforcement Act of 1994 (Public Law 103–322)
3 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
4 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
5 torial Remedies and Other Tools to end the Exploitation
6 of Children Today Act of 2003 (Public Law 108–21); the
7 Juvenile Justice and Delinquency Prevention Act of 1974
8 (34 U.S.C. 11101 et seq.) (“the 1974 Act”); the Victims
9 of Trafficking and Violence Protection Act of 2000 (Public
10 Law 106–386) (“the 2000 Act”); the Violence Against
11 Women and Department of Justice Reauthorization Act
12 of 2005 (Public Law 109–162) (“the 2005 Act”); the Vio-
13 lence Against Women Reauthorization Act of 2013 (Public
14 Law 113–4) (“the 2013 Act”); the Justice for Victims of
15 Trafficking Act of 2015 (Public Law 114–22) (“the 2015
16 Act”); and the Abolish Human Trafficking Act (Public
17 Law 115–392); and for related victims services,
18 \$575,000,000, to remain available until expended, of
19 which \$575,000,000 shall be derived by transfer from
20 amounts available for obligation in this Act from the Fund
21 established by section 1402 of chapter XIV of title II of
22 Public Law 98–473 (34 U.S.C. 20101), notwithstanding
23 section 1402(d) of such Act of 1984, and merged with the
24 amounts otherwise made available under this heading:
25 *Provided*, That except as otherwise provided by law, not

1 to exceed 5 percent of funds made available under this
2 heading may be used for expenses related to evaluation,
3 training, and technical assistance: *Provided further*, That
4 of the amount provided—

5 (1) \$217,000,000 is for grants to combat vio-
6 lence against women, as authorized by part T of the
7 1968 Act;

8 (2) \$43,000,000 is for transitional housing as-
9 sistance grants for victims of domestic violence, dat-
10 ing violence, stalking, or sexual assault as authorized
11 by section 40299 of the 1994 Act;

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

20 (4) \$15,000,000 is for a grant program to pro-
21 vide services to advocate for and respond to youth
22 victims of domestic violence, dating violence, sexual
23 assault, and stalking; assistance to children and
24 youth exposed to such violence; programs to engage
25 men and youth in preventing such violence; and as-

1 sistance to middle and high school students through
2 education and other services related to such violence,
3 of which \$3,000,000 is to engage men and youth in
4 preventing domestic violence, dating violence, sexual
5 assault, and stalking: *Provided*, That unobligated
6 balances available for the programs authorized by
7 sections 41201, 41204, 41303, and 41305 of the
8 1994 Act, prior to its amendment by the 2013 Act,
9 shall be available for this program: *Provided further*,
10 That 10 percent of the total amount available for
11 this grant program shall be available for grants
12 under the program authorized by section 2015 of the
13 1968 Act: *Provided further*, That the definitions and
14 grant conditions in section 40002 of the 1994 Act
15 shall apply to this program;

16 (5) \$55,000,000 is for grants to encourage ar-
17 rest policies as authorized by part U of the 1968
18 Act, of which \$4,000,000 is for a homicide reduction
19 initiative and up to \$4,000,000 is for a domestic vio-
20 lence lethality reduction initiative;

21 (6) \$54,000,000 is for sexual assault victims
22 assistance, as authorized by section 41601 of the
23 1994 Act;

1 (7) \$48,000,000 is for rural domestic violence
2 and child abuse enforcement assistance grants, as
3 authorized by section 40295 of the 1994 Act;

4 (8) \$22,000,000 is for grants to reduce violent
5 crimes against women on campus, as authorized by
6 section 304 of the 2005 Act and notwithstanding the
7 restrictions of section 304(a)(2) of such Act, of
8 which \$11,000,000 is for grants to Historically
9 Black Colleges and Universities, Hispanic-Serving
10 Institutions, and Tribal colleges;

11 (9) \$50,000,000 is for legal assistance for vic-
12 tims, as authorized by section 1201 of the 2000 Act;

13 (10) \$7,500,000 is for enhanced training and
14 services to end violence against and abuse of women
15 in later life, as authorized by section 40801 of the
16 1994 Act;

17 (11) \$20,000,000 is for grants to support fami-
18 lies in the justice system, as authorized by section
19 1301 of the 2000 Act: *Provided*, That unobligated
20 balances available for the programs authorized by
21 section 1301 of the 2000 Act and section 41002 of
22 the 1994 Act, prior to their amendment by the 2013
23 Act, shall be available for this program;

24 (12) \$7,500,000 is for education and training
25 to end violence against and abuse of women with

1 disabilities, as authorized by section 1402 of the
2 2000 Act;

3 (13) \$1,000,000 is for the National Resource
4 Center on Workplace Responses to assist victims of
5 domestic violence, as authorized by section 41501 of
6 the 1994 Act;

7 (14) \$1,000,000 is for analysis and research on
8 violence against Indian women, including as author-
9 ized by section 904 of the 2005 Act: *Provided*, That
10 such funds may be transferred to “Research, Eval-
11 uation and Statistics” for administration by the Of-
12 fice of Justice Programs;

13 (15) \$500,000 is for a national clearinghouse
14 that provides training and technical assistance on
15 issues relating to sexual assault of American Indian
16 and Alaska Native women;

17 (16) \$5,500,000 is for grants to assist Tribal
18 Governments in exercising special domestic violence
19 criminal jurisdiction, as authorized by section 904 of
20 the 2013 Act: *Provided*, That the grant conditions in
21 section 40002(b) of the 1994 Act shall apply to this
22 program;

23 (17) \$1,500,000 is for the purposes authorized
24 under the 2015 Act;

1 (18) \$11,000,000 is for a grant program to
2 support restorative justice responses to domestic vio-
3 lence, dating violence, sexual assault, and stalking,
4 including evaluations of those responses: *Provided*,
5 That the definitions and grant conditions in section
6 40002 of the 1994 Act, and in the explanatory
7 statement described in section 4 (in the matter pre-
8 ceding division A of this consolidated Act), shall
9 apply to this program;

10 (19) \$10,000,000 is for culturally specific serv-
11 ices for victims, as authorized by section 121 of the
12 2005 Act; and

13 (20) \$3,000,000 is for an initiative to support
14 cross-designation of tribal prosecutors as Tribal Spe-
15 cial Assistant United States Attorneys: *Provided*,
16 That the definitions and grant conditions in section
17 40002 of the 1994 Act shall apply to this initiative.

18 OFFICE OF JUSTICE PROGRAMS

19 RESEARCH, EVALUATION AND STATISTICS

20 For grants, contracts, cooperative agreements, and
21 other assistance authorized by title I of the Omnibus
22 Crime Control and Safe Streets Act of 1968 (“the 1968
23 Act”); the Violent Crime Control and Law Enforcement
24 Act of 1994 (Public Law 103–322) (“the 1994 Act”); the
25 Juvenile Justice and Delinquency Prevention Act of 1974

1 (“the 1974 Act”); the Missing Children’s Assistance Act
2 (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and
3 Other Tools to end the Exploitation of Children Today Act
4 of 2003 (Public Law 108–21) (“the PROTECT Act”); the
5 Justice for All Act of 2004 (Public Law 108–405); the
6 Violence Against Women and Department of Justice Re-
7 authorization Act of 2005 (Public Law 109–162) (“the
8 2005 Act”); the Victims of Child Abuse Act of 1990 (Pub-
9 lic Law 101–647); the Second Chance Act of 2007 (Public
10 Law 110–199); the Victims of Crime Act of 1984 (Public
11 Law 98–473); the Adam Walsh Child Protection and Safe-
12 ty Act of 2006 (Public Law 109–248) (“the Adam Walsh
13 Act”); the PROTECT Our Children Act of 2008 (Public
14 Law 110–401); subtitle C of title II of the Homeland Se-
15 curity Act of 2002 (Public Law 107–296) (“the 2002
16 Act”); the Prison Rape Elimination Act of 2003 (Public
17 Law 108–79) (“PREA”); the NICS Improvement Amend-
18 ments Act of 2007 (Public Law 110–180); the Violence
19 Against Women Reauthorization Act of 2013 (Public Law
20 113–4) (“the 2013 Act”); the Comprehensive Addiction
21 and Recovery Act of 2016 (Public Law 114–198); the
22 First Step Act of 2018 (Public Law 115–391); and other
23 programs, \$70,000,000, to remain available until ex-
24 pended, of which—

1 (1) \$40,000,000 is for criminal justice statistics
2 programs, and other activities, as authorized by part
3 C of title I of the 1968 Act; and

4 (2) \$30,000,000 is for research, development,
5 and evaluation programs, and other activities as au-
6 thorized by part B of title I of the 1968 Act and
7 subtitle C of title II of the 2002 Act, and for activi-
8 ties authorized by or consistent with the First Step
9 Act of 2018, of which \$1,500,000 is for a feasibility
10 study to create a system to monitor abuse in youth-
11 serving organizations.

12 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

13 (INCLUDING TRANSFER OF FUNDS)

14 For grants, contracts, cooperative agreements, and
15 other assistance authorized by the Violent Crime Control
16 and Law Enforcement Act of 1994 (Public Law 103–322)
17 (“the 1994 Act”); the Omnibus Crime Control and Safe
18 Streets Act of 1968 (Public Law 90–351) (“the 1968
19 Act”); the Justice for All Act of 2004 (Public Law 108–
20 405); the Victims of Child Abuse Act of 1990 (Public Law
21 101–647) (“the 1990 Act”); the Trafficking Victims Pro-
22 tection Reauthorization Act of 2005 (Public Law 109–
23 164); the Violence Against Women and Department of
24 Justice Reauthorization Act of 2005 (Public Law 109–
25 162) (“the 2005 Act”); the Adam Walsh Child Protection

1 and Safety Act of 2006 (Public Law 109–248) (“the
2 Adam Walsh Act”); the Victims of Trafficking and Vio-
3 lence Protection Act of 2000 (Public Law 106–386); the
4 NICS Improvement Amendments Act of 2007 (Public
5 Law 110–180); subtitle C of title II of the Homeland Se-
6 curity Act of 2002 (Public Law 107–296) (“the 2002
7 Act”); the Prison Rape Elimination Act of 2003 (Public
8 Law 108–79); the Second Chance Act of 2007 (Public
9 Law 110–199); the Prioritizing Resources and Organiza-
10 tion for Intellectual Property Act of 2008 (Public Law
11 110–403); the Victims of Crime Act of 1984 (Public Law
12 98–473); the Mentally Ill Offender Treatment and Crime
13 Reduction Reauthorization and Improvement Act of 2008
14 (Public Law 110–416); the Violence Against Women Re-
15 authorization Act of 2013 (Public Law 113–4) (“the 2013
16 Act”); the Comprehensive Addiction and Recovery Act of
17 2016 (Public Law 114–198) (“CARA”); the Justice for
18 All Reauthorization Act of 2016 (Public Law 114–324);
19 Kevin and Avonte’s Law (division Q of Public Law 115–
20 141) (“Kevin and Avonte’s Law”); the Keep Young Ath-
21 letes Safe Act of 2018 (title III of division S of Public
22 Law 115–141) (“the Keep Young Athletes Safe Act”); the
23 STOP School Violence Act of 2018 (title V of division S
24 of Public Law 115–141) (“the STOP School Violence
25 Act”); the Fix NICS Act of 2018 (title VI of division S

1 of Public Law 115–141); the Project Safe Neighborhoods
2 Grant Program Authorization Act of 2018 (Public Law
3 115–185); the SUPPORT for Patients and Communities
4 Act (Public Law 115–271); the Second Chance Reauthor-
5 ization Act of 2018 (Public Law 115–391); the Matthew
6 Shepard and James Byrd, Jr. Hate Crimes Prevention
7 Act (Public Law 111–84); the Ashanti Alert Act of 2018
8 (Public Law 115–401); the Missing Persons and Unidenti-
9 fied Remains Act of 2019 (Public Law 116–277); the
10 Jabara-Heyer NO HATE Act (34 U.S.C. 30507) and
11 other programs, \$2,213,000,000, to remain available until
12 expended as follows—

13 (1) \$674,500,000 for the Edward Byrne Memo-
14 rial Justice Assistance Grant program as authorized
15 by subpart 1 of part E of title I of the 1968 Act
16 (except that section 1001(c), and the special rules
17 for Puerto Rico under section 505(g), of title I of
18 the 1968 Act shall not apply for purposes of this
19 Act), of which, notwithstanding such subpart 1—

20 (A) \$13,000,000 is for an Officer Robert
21 Wilson III memorial initiative on Preventing Vi-
22 olence Against Law Enforcement and Ensuring
23 Officer Resilience and Survivability (VALOR);

1 (B) \$2,400,000 is for the operation, main-
2 tenance, and expansion of the National Missing
3 and Unidentified Persons System;

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

8 (D) \$4,000,000 is for a student loan re-
9 payment assistance program pursuant to sec-
10 tion 952 of Public Law 110–315;

11 (E) \$15,500,000 is for prison rape preven-
12 tion and prosecution grants to States and units
13 of local government, and other programs, as au-
14 thorized by the Prison Rape Elimination Act of
15 2003 (Public Law 108–79);

16 (F) \$3,000,000 is for the Missing Ameri-
17 cans Alert Program (title XXIV of the 1994
18 Act), as amended by Kevin and Avonte’s Law;

19 (G) \$20,000,000 is for grants authorized
20 under the Project Safe Neighborhoods Grant
21 Authorization Act of 2018 (Public Law 115–
22 185);

23 (H) \$12,000,000 is for the Capital Litiga-
24 tion Improvement Grant Program, as author-

1 ized by section 426 of Public Law 108–405,
2 and for grants for wrongful conviction review;

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

5 (J) \$1,000,000 is for the purposes of the
6 Ashanti Alert Communications Network as au-
7 thorized under the Ashanti Alert Act of 2018
8 (Public Law 115–401);

9 (K) \$3,500,000 is for a grant program to
10 replicate family-based alternative sentencing
11 pilot programs;

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

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

18 (N) \$5,000,000 is for grants authorized
19 under the Missing Persons and Unidentified
20 Remains Act of 2019 (Public Law 116–277);

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

23 (P) \$1,500,000 is for grants to accredited
24 institutions of higher education to support fo-
25 rensic ballistics programs; and

1 (Q) \$184,707,000 is for discretionary
2 grants to improve the functioning of the crimi-
3 nal justice system, to prevent or combat juve-
4 nile delinquency, and to assist victims of crime
5 (other than compensation), which shall be used
6 for the projects, and in the amounts, specified
7 under the heading, “Byrne Discretionary Com-
8 munity Project Grants/Byrne Discretionary
9 Grants”, in the explanatory statement described
10 in section 4 (in the matter preceding division A
11 of this consolidated Act): *Provided*, That such
12 amounts may not be transferred for any other
13 purpose;

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

22 (3) \$88,000,000 for victim services programs
23 for victims of trafficking, as authorized by section
24 107(b)(2) of Public Law 106–386, for programs au-

1 thorized under Public Law 109–164, or programs
2 authorized under Public Law 113–4;

3 (4) \$12,000,000 for a grant program to prevent
4 and address economic, high technology, white collar,
5 and Internet crime, including as authorized by sec-
6 tion 401 of Public Law 110–403, of which not less
7 than \$2,500,000 is for intellectual property enforce-
8 ment grants including as authorized by section 401,
9 and \$2,000,000 is for grants to develop databases
10 on Internet of Things device capabilities and to build
11 and execute training modules for law enforcement;

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

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

22 (7) \$1,000,000 for the National Sex Offender
23 Public Website;

24 (8) \$95,000,000 for grants to States to up-
25 grade criminal and mental health records for the

1 National Instant Criminal Background Check Sys-
2 tem, of which no less than \$25,000,000 shall be for
3 grants made under the authorities of the NICS Im-
4 provement Amendments Act of 2007 (Public Law
5 110–180) and Fix NICS Act of 2018;

6 (9) \$33,000,000 for Paul Coverdell Forensic
7 Sciences Improvement Grants under part BB of title
8 I of the 1968 Act;

9 (10) \$151,000,000 for DNA-related and foren-
10 sic programs and activities, of which—

11 (A) \$120,000,000 is for the purposes au-
12 thorized under section 2 of the DNA Analysis
13 Backlog Elimination Act of 2000 (Public Law
14 106–546) (the Debbie Smith DNA Backlog
15 Grant Program): *Provided*, That up to 4 per-
16 cent of funds made available under this para-
17 graph may be used for the purposes described
18 in the DNA Training and Education for Law
19 Enforcement, Correctional Personnel, and
20 Court Officers program (Public Law 108–405,
21 section 303);

22 (B) \$15,000,000 for other local, State, and
23 Federal forensic activities;

24 (C) \$12,000,000 is for the purposes de-
25 scribed in the Kirk Bloodsworth Post-Convic-

1 tion DNA Testing Grant Program (Public Law
2 108–405, section 412); and

3 (D) \$4,000,000 is for Sexual Assault Fo-
4 rensic Exam Program grants, including as au-
5 thorized by section 304 of Public Law 108–405;

6 (11) \$50,000,000 for community-based grant
7 programs to improve the response to sexual assault,
8 including assistance for investigation and prosecu-
9 tion of related cold cases;

10 (12) \$14,000,000 for the court-appointed spe-
11 cial advocate program, as authorized by section 217
12 of the 1990 Act;

13 (13) \$50,000,000 for assistance to Indian
14 Tribes;

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

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

1 (B) \$5,000,000 is for children of incarcerated
2 ated parents demonstration programs to en-
3 hance and maintain parental and family rela-
4 tionships for incarcerated parents as a reentry
5 or recidivism reduction strategy;

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

13 (D) \$10,000,000 is for a grant program
14 for crisis stabilization and community reentry,
15 as authorized by the Crisis Stabilization and
16 Community Reentry Act of 2020 (Public Law
17 116–281):

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

24 (15) \$415,000,000 for comprehensive opioid
25 abuse reduction activities, including as authorized by

1 CARA, and for the following programs, which shall
2 address opioid, stimulant, and substance use dis-
3 orders consistent with underlying program authori-
4 ties, of which—

5 (A) \$88,000,000 is for Drug Courts, as
6 authorized by section 1001(a)(25)(A) of title I
7 of the 1968 Act;

8 (B) \$40,000,000 is for mental health
9 courts and adult and juvenile collaboration pro-
10 gram grants, as authorized by parts V and HH
11 of title I of the 1968 Act, and the Mentally Ill
12 Offender Treatment and Crime Reduction Re-
13 authorization and Improvement Act of 2008
14 (Public Law 110–416);

15 (C) \$40,000,000 is for grants for Residen-
16 tial Substance Abuse Treatment for State Pris-
17 oners, as authorized by part S of title I of the
18 1968 Act;

19 (D) \$29,000,000 is for a veterans treat-
20 ment courts program;

21 (E) \$33,000,000 is for a program to mon-
22 itor prescription drugs and scheduled listed
23 chemical products; and

1 (F) \$185,000,000 is for a comprehensive
2 opioid, stimulant, and substance abuse pro-
3 gram;

4 (16) \$2,500,000 for a competitive grant pro-
5 gram authorized by the Keep Young Athletes Safe
6 Act;

7 (17) \$82,000,000 for grants to be administered
8 by the Bureau of Justice Assistance for purposes au-
9 thorized under the STOP School Violence Act;

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

16 (19) \$13,000,000 for grants to State, local, and
17 Tribal law enforcement agencies to conduct edu-
18 cational outreach and training on hate crimes and to
19 investigate and prosecute hate crimes, as authorized
20 by section 4704 of the Matthew Shepard and James
21 Byrd, Jr. Hate Crimes Prevention Act (Public Law
22 111–84);

23 (20) \$5,000,000 for grants to support commu-
24 nity-based approaches to advancing justice and rec-
25 onciliation, facilitating dialogue between all parties,

1 building local capacity, de-escalating community ten-
2 sions, and preventing hate crimes through conflict
3 resolution and community empowerment and edu-
4 cation;

5 (21) \$120,000,000 for initiatives to improve po-
6 lice-community relations, of which \$35,000,000 is
7 for a competitive matching grant program for pur-
8 chases of body-worn cameras for State, local, and
9 Tribal law enforcement; \$35,000,000 is for a justice
10 reinvestment initiative, for activities related to crimi-
11 nal justice reform and recidivism reduction; and
12 \$50,000,000 is for a community violence interven-
13 tion and prevention initiative; and

14 (22) \$5,000,000 for programs authorized under
15 the Jabara-Heyer NO HATE Act (34 U.S.C.
16 30507):

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

1 petitive grant programs for fiscal year 2022, including
2 changes to applicant eligibility, priority areas or
3 weightings, and the application review process.

4 JUVENILE JUSTICE PROGRAMS

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

1 covery Act of 2016 (Public Law 114–198); and other juve-
2 nile justice programs, \$360,000,000, to remain available
3 until expended as follows—

4 (1) \$70,000,000 for programs authorized by
5 section 221 of the 1974 Act, and for training and
6 technical assistance to assist small, nonprofit organi-
7 zations with the Federal grants process: *Provided*,
8 That of the amounts provided under this paragraph,
9 \$500,000 shall be for a competitive demonstration
10 grant program to support emergency planning
11 among State, local, and Tribal juvenile justice resi-
12 dential facilities;

13 (2) \$102,000,000 for youth mentoring grants;

14 (3) \$49,500,000 for delinquency prevention, of
15 which, pursuant to sections 261 and 262 of the
16 1974 Act—

17 (A) \$4,000,000 shall be for grants to pre-
18 vent trafficking of girls;

19 (B) \$14,000,000 shall be for the Tribal
20 Youth Program;

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

1 (D) \$4,500,000 shall be for competitive
2 grants focusing on girls in the juvenile justice
3 system;

4 (E) \$12,000,000 shall be for an initiative
5 relating to youth affected by opioids, stimu-
6 lants, and other substance use;

7 (F) \$8,000,000 shall be for an initiative
8 relating to children exposed to violence; and

9 (G) \$5,000,000 shall be for grants to pro-
10 tect vulnerable and at-risk youth;

11 (4) \$33,000,000 for programs authorized by
12 the Victims of Child Abuse Act of 1990;

13 (5) \$99,000,000 for missing and exploited chil-
14 dren programs, including as authorized by sections
15 404(b) and 405(a) of the 1974 Act (except that sec-
16 tion 102(b)(4)(B) of the PROTECT Our Children
17 Act of 2008 (Public Law 110–401) shall not apply
18 for purposes of this Act);

19 (6) \$4,000,000 for child abuse training pro-
20 grams for judicial personnel and practitioners, as
21 authorized by section 222 of the 1990 Act; and

22 (7) \$2,500,000 for a program to improve juve-
23 nile indigent defense:

24 *Provided*, That not more than 10 percent of each amount
25 may be used for research, evaluation, and statistics activi-

1 ties designed to benefit the programs or activities author-
2 ized: *Provided further*, That not more than 2 percent of
3 the amounts designated under paragraphs (1) through (3)
4 and (6) may be used for training and technical assistance:
5 *Provided further*, That the two preceding provisos shall not
6 apply to grants and projects administered pursuant to sec-
7 tions 261 and 262 of the 1974 Act and to missing and
8 exploited children programs.

9 PUBLIC SAFETY OFFICER BENEFITS

10 (INCLUDING TRANSFER OF FUNDS)

11 For payments and expenses authorized under section
12 1001(a)(4) of title I of the Omnibus Crime Control and
13 Safe Streets Act of 1968, such sums as are necessary (in-
14 cluding amounts for administrative costs), to remain avail-
15 able until expended; and \$30,000,000 for payments au-
16 thorized by section 1201(b) of such Act and for edu-
17 cational assistance authorized by section 1218 of such Act,
18 to remain available until expended: *Provided*, That not-
19 withstanding section 205 of this Act, upon a determina-
20 tion by the Attorney General that emergent circumstances
21 require additional funding for such disability and edu-
22 cation payments, the Attorney General may transfer such
23 amounts to “Public Safety Officer Benefits” from avail-
24 able appropriations for the Department of Justice as may
25 be necessary to respond to such circumstances: *Provided*

1 *further*, That any transfer pursuant to the preceding pro-
2 viso shall be treated as a reprogramming under section
3 505 of this Act and shall not be available for obligation
4 or expenditure except in compliance with the procedures
5 set forth in that section.

6 COMMUNITY ORIENTED POLICING SERVICES

7 COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

8 (INCLUDING TRANSFER OF FUNDS)

9 For activities authorized by the Violent Crime Con-
10 trol and Law Enforcement Act of 1994 (Public Law 103–
11 322); the Omnibus Crime Control and Safe Streets Act
12 of 1968 (“the 1968 Act”); the Violence Against Women
13 and Department of Justice Reauthorization Act of 2005
14 (Public Law 109–162) (“the 2005 Act”); the American
15 Law Enforcement Heroes Act of 2017 (Public Law 115–
16 37); the Law Enforcement Mental Health and Wellness
17 Act (Public Law 115–113) (“the LEMHW Act”); the
18 SUPPORT for Patients and Communities Act (Public
19 Law 115–271); and the Supporting and Treating Officers
20 In Crisis Act of 2019 (Public Law 116–32) (“the STOIC
21 Act”), \$511,744,000, to remain available until expended:
22 *Provided*, That any balances made available through prior
23 year deobligations shall only be available in accordance
24 with section 505 of this Act: *Provided further*, That of the
25 amount provided under this heading—

1 (1) \$246,000,000 is for grants under section
2 1701 of title I of the 1968 Act (34 U.S.C. 10381)
3 for the hiring and rehiring of additional career law
4 enforcement officers under part Q of such title not-
5 withstanding subsection (I) of such section: *Pro-*
6 *vided*, That, notwithstanding section 1704(c) of such
7 title (34 U.S.C. 10384(c)), funding for hiring or re-
8 hiring a career law enforcement officer may not ex-
9 ceed \$125,000 unless the Director of the Office of
10 Community Oriented Policing Services grants a
11 waiver from this limitation: *Provided further*, That of
12 the amounts appropriated under this paragraph,
13 \$31,500,000 is for improving Tribal law enforce-
14 ment, including hiring, equipment, training, anti-
15 methamphetamine activities, and anti-opioid activi-
16 ties: *Provided further*, That of the amounts appro-
17 priated under this paragraph \$42,000,000 is for re-
18 gional information sharing activities, as authorized
19 by part M of title I of the 1968 Act, which shall be
20 transferred to and merged with “Research, Evalua-
21 tion, and Statistics” for administration by the Office
22 of Justice Programs: *Provided further*, That of the
23 amounts appropriated under this paragraph, no less
24 than \$3,000,000 is to support the Tribal Access
25 Program: *Provided further*, That of the amounts ap-

1 appropriated under this paragraph, \$8,000,000 is for
2 training, peer mentoring, mental health program ac-
3 tivities, and other support services as authorized
4 under the LEMHW Act and the STOIC Act: *Pro-*
5 *vided further*, That of the amounts appropriated
6 under this paragraph, \$5,000,000 is for the collabo-
7 rative reform model of technical assistance in fur-
8 therance of section 1701 of title I of the 1968 Act
9 (34 U.S.C. 10381);

10 (2) \$11,000,000 is for activities authorized by
11 the POLICE Act of 2016 (Public Law 114–199);

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

21 (4) \$35,000,000 is for competitive grants to
22 statewide law enforcement agencies in States with
23 high rates of primary treatment admissions for her-
24 oin and other opioids: *Provided*, That these funds
25 shall be utilized for investigative purposes to locate

1 or investigate illicit activities, including activities re-
2 lated to the distribution of heroin or unlawful dis-
3 tribution of prescription opioids, or unlawful heroin
4 and prescription opioid traffickers through statewide
5 collaboration;

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

11 (6) \$40,000,000 is for community policing de-
12 velopment activities in furtherance of section 1701
13 of title I of the 1968 Act (34 U.S.C. 10381); and

14 (7) \$111,744,000 is for a law enforcement tech-
15 nologies and interoperable communications program,
16 and related law enforcement and public safety equip-
17 ment, which shall be used for the projects, and in
18 the amounts, specified under the heading, “Commu-
19 nity Oriented Policing Services, Technology and
20 Equipment Community Projects/ COPS Law En-
21 forcement Technology and Equipment”, in the ex-
22 planatory statement described in section 4 (in the
23 matter preceding division A of this consolidated
24 Act): *Provided*, That such amounts may not be
25 transferred for any other purpose: *Provided further*,

1 That grants funded by such amounts shall not be
2 subject to section 1703 of title I of the 1968 Act (34
3 U.S.C. 10383).

4 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE
5 (INCLUDING TRANSFER OF FUNDS)

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

12 SEC. 202. None of the funds appropriated by this
13 title shall be available to pay for an abortion, except where
14 the life of the mother would be endangered if the fetus
15 were carried to term, or in the case of rape or incest: *Pro-*
16 *vided*, That should this prohibition be declared unconstitu-
17 tional by a court of competent jurisdiction, this section
18 shall be null and void.

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

22 SEC. 204. Nothing in the preceding section shall re-
23 move the obligation of the Director of the Bureau of Pris-
24 ons to provide escort services necessary for a female in-
25 mate to receive such service outside the Federal facility:

1 *Provided*, That nothing in this section in any way dimin-
2 ishes the effect of section 203 intended to address the phil-
3 osophical beliefs of individual employees of the Bureau of
4 Prisons.

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

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

19 (2) paragraph (7) under the heading “Communi-
20 ty Oriented Policing Services Programs”.

21 SEC. 206. None of the funds made available under
22 this title may be used by the Federal Bureau of Prisons
23 or the United States Marshals Service for the purpose of
24 transporting an individual who is a prisoner pursuant to
25 conviction for crime under State or Federal law and is

1 classified as a maximum or high security prisoner, other
2 than to a prison or other facility certified by the Federal
3 Bureau of Prisons as appropriately secure for housing
4 such a prisoner.

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

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

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

1 SEC. 209. The notification thresholds and procedures
2 set forth in section 505 of this Act shall apply to devi-
3 ations from the amounts designated for specific activities
4 in this Act and in the explanatory statement described in
5 section 4 (in the matter preceding division A of this con-
6 solidated Act), and to any use of deobligated balances of
7 funds provided under this title in previous years.

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

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

22 SEC. 212. At the discretion of the Attorney General,
23 and in addition to any amounts that otherwise may be
24 available (or authorized to be made available) by law, with
25 respect to funds appropriated by this title under the head-

1 ings “Research, Evaluation and Statistics”, “State and
2 Local Law Enforcement Assistance”, and “Juvenile Jus-
3 tice Programs”—

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

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

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

22 SEC. 213. Upon request by a grantee for whom the
23 Attorney General has determined there is a fiscal hard-
24 ship, the Attorney General may, with respect to funds ap-
25 propriated in this or any other Act making appropriations

1 for fiscal years 2019 through 2022 for the following pro-
2 grams, waive the following requirements:

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

9 (2) For grants to protect inmates and safe-
10 guard communities as authorized by section 6 of the
11 Prison Rape Elimination Act of 2003 (34 U.S.C.
12 30305(c)(3)), the requirements of section 6(c)(3) of
13 such Act.

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

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

1 pects that the individual is an agent of a drug cartel, un-
2 less law enforcement personnel of the United States con-
3 tinuously monitor or control the firearm at all times.

4 SEC. 216. (a) None of the income retained in the De-
5 partment of Justice Working Capital Fund pursuant to
6 title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C.
7 527 note) shall be available for obligation during fiscal
8 year 2022, except up to \$12,000,000 may be obligated for
9 implementation of a unified Department of Justice finan-
10 cial management system.

11 (b) Not to exceed \$30,000,000 of the unobligated bal-
12 ances transferred to the capital account of the Department
13 of Justice Working Capital Fund pursuant to title I of
14 Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note)
15 shall be available for obligation in fiscal year 2022, and
16 any use, obligation, transfer, or allocation of such funds
17 shall be treated as a reprogramming of funds under sec-
18 tion 505 of this Act.

19 (c) Not to exceed \$10,000,000 of the excess unobli-
20 gated balances available under section 524(c)(8)(E) of
21 title 28, United States Code, shall be available for obliga-
22 tion during fiscal year 2022, and any use, obligation,
23 transfer or allocation of such funds shall be treated as a
24 reprogramming of funds under section 505 of this Act.

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

7 SEC. 218. The Attorney General shall submit to the
8 Committees on Appropriations of the House of Represent-
9 atives and the Senate quarterly reports on the Crime Vic-
10 tims Fund, the Working Capital Fund, the Three Percent
11 Fund, and the Asset Forfeiture Fund. Such quarterly re-
12 ports shall contain at least the same level of information
13 and detail for each Fund as was provided to the Commit-
14 tees on Appropriations of the House of Representatives
15 and the Senate in fiscal year 2021.

16 This title may be cited as the “Department of Justice
17 Appropriations Act, 2022”.

1 TITLE III

2 SCIENCE

3 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

4 For necessary expenses of the Office of Science and
5 Technology Policy, in carrying out the purposes of the Na-
6 tional Science and Technology Policy, Organization, and
7 Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of
8 passenger motor vehicles, and services as authorized by
9 section 3109 of title 5, United States Code, not to exceed
10 \$2,250 for official reception and representation expenses,
11 and rental of conference rooms in the District of Colum-
12 bia, \$6,652,000.

13 NATIONAL SPACE COUNCIL

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

1 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
2 SCIENCE

3 For necessary expenses, not otherwise provided for,
4 in the conduct and support of science research and devel-
5 opment activities, including research, development, oper-
6 ations, support, and services; maintenance and repair, fa-
7 cility planning and design; space flight, spacecraft control,
8 and communications activities; program management; per-
9 sonnel and related costs, including uniforms or allowances
10 therefor, as authorized by sections 5901 and 5902 of title
11 5, United States Code; travel expenses; purchase and hire
12 of passenger motor vehicles; and purchase, lease, charter,
13 maintenance, and operation of mission and administrative
14 aircraft, \$7,614,400,000, to remain available until Sep-
15 tember 30, 2023.

16 AERONAUTICS

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

1 chase and hire of passenger motor vehicles; and purchase,
2 lease, charter, maintenance, and operation of mission and
3 administrative aircraft, \$880,700,000, to remain available
4 until September 30, 2023.

5 SPACE TECHNOLOGY

6 For necessary expenses, not otherwise provided for,
7 in the conduct and support of space technology research
8 and development activities, including research, develop-
9 ment, operations, support, and services; maintenance and
10 repair, facility planning and design; space flight, space-
11 craft control, and communications activities; program
12 management; personnel and related costs, including uni-
13 forms or allowances therefor, as authorized by sections
14 5901 and 5902 of title 5, United States Code; travel ex-
15 penses; purchase and hire of passenger motor vehicles; and
16 purchase, lease, charter, maintenance, and operation of
17 mission and administrative aircraft, \$1,100,000,000, to
18 remain available until September 30, 2023: *Provided,*
19 That \$227,000,000 shall be for RESTORE-L/SPace In-
20 frastructure DExterous Robot: *Provided further,* That
21 \$110,000,000 shall be for the development, production,
22 and demonstration of a nuclear thermal propulsion sys-
23 tem, of which \$80,000,000 shall be for the design of a
24 flight demonstration system: *Provided further,* That, not
25 later than 180 days after the enactment of this Act, the

1 National Aeronautics and Space Administration shall pro-
2 vide a plan for the design of a flight demonstration.

3 EXPLORATION

4 For necessary expenses, not otherwise provided for,
5 in the conduct and support of exploration research and
6 development activities, including research, development,
7 operations, support, and services; maintenance and repair,
8 facility planning and design; space flight, spacecraft con-
9 trol, and communications activities; program manage-
10 ment; personnel and related costs, including uniforms or
11 allowances therefor, as authorized by sections 5901 and
12 5902 of title 5, United States Code; travel expenses; pur-
13 chase and hire of passenger motor vehicles; and purchase,
14 lease, charter, maintenance, and operation of mission and
15 administrative aircraft, \$6,791,700,000, to remain avail-
16 able until September 30, 2023: *Provided*, That not less
17 than \$1,406,700,000 shall be for the Orion Multi-Purpose
18 Crew Vehicle: *Provided further*, That not less than
19 \$2,600,000,000 shall be for the Space Launch System
20 (SLS) launch vehicle, which shall have a lift capability not
21 less than 130 metric tons and which shall have core ele-
22 ments and an Exploration Upper Stage developed simulta-
23 neously to be used to the maximum extent practicable, in-
24 cluding for Earth to Moon missions and Moon landings:
25 *Provided further*, That of the amounts provided for SLS,

1 not less than \$600,000,000 shall be for SLS Block 1B
2 development including the Exploration Upper Stage and
3 associated systems including related facilitization, to sup-
4 port an SLS Block 1B mission available to launch in 2025
5 in addition to the planned Block 1 missions for Artemis
6 I through Artemis III: *Provided further*, That
7 \$590,000,000 shall be for Exploration Ground Systems
8 and associated Block 1B activities, including up to
9 \$165,300,000 for a second mobile launch platform: *Pro-*
10 *vided further*, That the National Aeronautics and Space
11 Administration shall provide to the Committees on Appro-
12 priations of the House of Representatives and the Senate,
13 concurrent with the annual budget submission, a 5-year
14 budget profile for an integrated system that includes the
15 SLS, the Orion Multi-Purpose Crew Vehicle, and associ-
16 ated ground systems that will ensure a crewed launch as
17 early as possible, as well as a system-based funding profile
18 for a sustained launch cadence that contemplates the use
19 of an SLS Block 1B cargo variant with an 8.4 meter fair-
20 ing and associated ground systems: *Provided further*, That
21 \$2,195,000,000 shall be for exploration research and de-
22 velopment: *Provided further*, That acquisition of human-
23 rated deep space exploration lunar and cislunar transpor-
24 tation and habitation capabilities, human-rated lunar ter-
25 rain mobility capabilities, exploration mission rated suits,

1 lunar communications and navigation capabilities, and
2 their associated components, may be funded incrementally
3 in fiscal year 2022 and thereafter.

4 SPACE OPERATIONS

5 For necessary expenses, not otherwise provided for,
6 in the conduct and support of space operations research
7 and development activities, including research, develop-
8 ment, operations, support and services; space flight, space-
9 craft control, and communications activities, including op-
10 erations, production, and services; maintenance and re-
11 pair, facility planning and design; program management;
12 personnel and related costs, including uniforms or allow-
13 ances therefor, as authorized by sections 5901 and 5902
14 of title 5, United States Code; travel expenses; purchase
15 and hire of passenger motor vehicles; and purchase, lease,
16 charter, maintenance, and operation of mission and ad-
17 ministrative aircraft, \$4,041,300,000, to remain available
18 until September 30, 2023.

19 SCIENCE, TECHNOLOGY, ENGINEERING, AND

20 MATHEMATICS ENGAGEMENT

21 For necessary expenses, not otherwise provided for,
22 in the conduct and support of aerospace and aeronautical
23 education research and development activities, including
24 research, development, operations, support, and services;
25 program management; personnel and related costs, includ-

1 ing uniforms or allowances therefor, as authorized by sec-
2 tions 5901 and 5902 of title 5, United States Code; travel
3 expenses; purchase and hire of passenger motor vehicles;
4 and purchase, lease, charter, maintenance, and operation
5 of mission and administrative aircraft, \$137,000,000, to
6 remain available until September 30, 2023, of which
7 \$26,000,000 shall be for the Established Program to
8 Stimulate Competitive Research and \$54,500,000 shall be
9 for the National Space Grant College and Fellowship Pro-
10 gram.

11 SAFETY, SECURITY AND MISSION SERVICES

12 For necessary expenses, not otherwise provided for,
13 in the conduct and support of science, aeronautics, space
14 technology, exploration, space operations and education
15 research and development activities, including research,
16 development, operations, support, and services; mainte-
17 nance and repair, facility planning and design; space
18 flight, spacecraft control, and communications activities;
19 program management; personnel and related costs, includ-
20 ing uniforms or allowances therefor, as authorized by sec-
21 tions 5901 and 5902 of title 5, United States Code; travel
22 expenses; purchase and hire of passenger motor vehicles;
23 not to exceed \$63,000 for official reception and represen-
24 tation expenses; and purchase, lease, charter, mainte-
25 nance, and operation of mission and administrative air-

1 craft, \$3,020,600,000, to remain available until Sep-
2 tember 30, 2023: *Provided*, That if available balances in
3 the “Science, Space, and Technology Education Trust
4 Fund” are not sufficient to provide for the grant disburse-
5 ments required under the third and fourth provisos under
6 such heading in the Department of Housing and Urban
7 Development-Independent Agencies Appropriations Act,
8 1989 (Public Law 100–404) as amended by the Depart-
9 ments of Veterans Affairs and Housing and Urban Devel-
10 opment, and Independent Agencies Appropriations Act,
11 1995 (Public Law 103–327) up to \$1,000,000 shall be
12 available from amounts made available under this heading
13 to make such grant disbursements: *Provided further*, That
14 of the amounts appropriated under this heading,
15 \$22,655,000 shall be used for the projects, and in the
16 amounts, specified in the table under the heading “NASA
17 Community Projects/NASA Special Projects” in the ex-
18 planatory statement described in section 4 (in the matter
19 preceding division A of this consolidated Act): *Provided*
20 *further*, That the amounts made available for the projects
21 referenced in the preceding proviso may not be transferred
22 for any other purpose.

1 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
2 RESTORATION

3 For necessary expenses for construction of facilities
4 including repair, rehabilitation, revitalization, and modi-
5 fication of facilities, construction of new facilities and ad-
6 ditions to existing facilities, facility planning and design,
7 and restoration, and acquisition or condemnation of real
8 property, as authorized by law, and environmental compli-
9 ance and restoration, \$410,300,000, to remain available
10 until September 30, 2027, of which \$55,000,000 shall be
11 available only for costs related to the replacement of Na-
12 tional Aeronautics and Space Administration facilities
13 that were subject to an emergency closure for life and
14 safety issues in fiscal year 2020: *Provided*, That proceeds
15 from leases deposited into this account shall be available
16 for a period of 5 years to the extent and in amounts as
17 provided in annual appropriations Acts: *Provided further*,
18 That such proceeds referred to in the preceding proviso
19 shall be available for obligation for fiscal year 2022 in an
20 amount not to exceed \$20,000,000: *Provided further*, That
21 each annual budget request shall include an annual esti-
22 mate of gross receipts and collections and proposed use
23 of all funds collected pursuant to section 20145 of title
24 51, United States Code.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the Inspector General Act of 1978,
4 \$45,300,000, of which \$500,000 shall remain available
5 until September 30, 2023.

6 ADMINISTRATIVE PROVISIONS

7 (INCLUDING TRANSFERS OF FUNDS)

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

11 Not to exceed 5 percent of any appropriation made
12 available for the current fiscal year for the National Aero-
13 nautics and Space Administration in this Act may be
14 transferred between such appropriations, but no such ap-
15 propriation, except as otherwise specifically provided, shall
16 be increased by more than 10 percent by any such trans-
17 fers. Any funds transferred to “Construction and Environ-
18 mental Compliance and Restoration” for construction ac-
19 tivities shall not increase that account by more than 20
20 percent and any funds transferred to or within “Explo-
21 ration” for Exploration Ground Systems shall not increase
22 Exploration Ground Systems by more than \$100,000,000.
23 Balances so transferred shall be merged with and available
24 for the same purposes and the same time period as the
25 appropriations to which transferred. Any transfer pursu-

1 ant to this provision shall be treated as a reprogramming
2 of funds under section 505 of this Act and shall not be
3 available for obligation except in compliance with the pro-
4 cedures set forth in that section.

5 Not to exceed 5 percent of any appropriation pro-
6 vided for the National Aeronautics and Space Administra-
7 tion under previous appropriations Acts that remains
8 available for obligation or expenditure in fiscal year 2022
9 may be transferred between such appropriations, but no
10 such appropriation, except as otherwise specifically pro-
11 vided, shall be increased by more than 10 percent by any
12 such transfers. Any transfer pursuant to this provision
13 shall retain its original availability and shall be treated
14 as a reprogramming of funds under section 505 of this
15 Act and shall not be available for obligation except in com-
16 pliance with the procedures set forth in that section.

17 The spending plan required by this Act shall be pro-
18 vided by the National Aeronautics and Space Administra-
19 tion at the theme, program, project, and activity level. The
20 spending plan, as well as any subsequent change of an
21 amount established in that spending plan that meets the
22 notification requirements of section 505 of this Act, shall
23 be treated as a reprogramming under section 505 of this
24 Act and shall not be available for obligation or expenditure

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

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

12 Of the amounts made available in this Act under the
13 heading "Science, Technology, Engineering, and Mathe-
14 matics Engagement" ("STEM Engagement"), up to
15 \$5,000,000 shall be available to jointly fund, with an addi-
16 tional amount of up to \$1,000,000 each from amounts
17 made available in this Act under the headings "Science",
18 "Aeronautics", "Space Technology", "Exploration", and
19 "Space Operations", projects and activities for engaging
20 students in STEM and increasing STEM research capaci-
21 ties of universities, including Minority Serving Institu-
22 tions.

1 NATIONAL SCIENCE FOUNDATION

2 RESEARCH AND RELATED ACTIVITIES

3 For necessary expenses in carrying out the National
4 Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.),
5 and Public Law 86–209 (42 U.S.C. 1880 et seq.); services
6 as authorized by section 3109 of title 5, United States
7 Code; maintenance and operation of aircraft and purchase
8 of flight services for research support; acquisition of air-
9 craft; and authorized travel; \$7,159,400,000, to remain
10 available until September 30, 2023, of which not to exceed
11 \$544,000,000 shall remain available until expended for
12 polar research and operations support, and for reimburse-
13 ment to other Federal agencies for operational and science
14 support and logistical and other related activities for the
15 United States Antarctic program: *Provided*, That receipts
16 for scientific support services and materials furnished by
17 the National Research Centers and other National Science
18 Foundation supported research facilities may be credited
19 to this appropriation.

20 MAJOR RESEARCH EQUIPMENT AND FACILITIES

21 CONSTRUCTION

22 For necessary expenses for the acquisition, construc-
23 tion, commissioning, and upgrading of major research
24 equipment, facilities, and other such capital assets pursu-
25 ant to the National Science Foundation Act of 1950 (42

1 U.S.C. 1861 et seq.), including authorized travel,
2 \$249,000,000, to remain available until expended.

3 EDUCATION AND HUMAN RESOURCES

4 For necessary expenses in carrying out science, math-
5 ematics, and engineering education and human resources
6 programs and activities pursuant to the National Science
7 Foundation Act of 1950 (42 U.S.C. 1861 et seq.), includ-
8 ing services as authorized by section 3109 of title 5,
9 United States Code, authorized travel, and rental of con-
10 ference rooms in the District of Columbia,
11 \$1,006,000,000, to remain available until September 30,
12 2023.

13 AGENCY OPERATIONS AND AWARD MANAGEMENT

14 For agency operations and award management nec-
15 essary in carrying out the National Science Foundation
16 Act of 1950 (42 U.S.C. 1861 et seq.); services authorized
17 by section 3109 of title 5, United States Code; hire of pas-
18 senger motor vehicles; uniforms or allowances therefor, as
19 authorized by sections 5901 and 5902 of title 5, United
20 States Code; rental of conference rooms in the District of
21 Columbia; and reimbursement of the Department of
22 Homeland Security for security guard services;
23 \$400,000,000: *Provided*, That not to exceed \$8,280 is for
24 official reception and representation expenses: *Provided*
25 *further*, That contracts may be entered into under this

1 heading in fiscal year 2022 for maintenance and operation
2 of facilities and for other services to be provided during
3 the next fiscal year.

4 OFFICE OF THE NATIONAL SCIENCE BOARD

5 For necessary expenses (including payment of sala-
6 ries, authorized travel, hire of passenger motor vehicles,
7 the rental of conference rooms in the District of Columbia,
8 and the employment of experts and consultants under sec-
9 tion 3109 of title 5, United States Code) involved in car-
10 rying out section 4 of the National Science Foundation
11 Act of 1950 (42 U.S.C. 1863) and Public Law 86–209
12 (42 U.S.C. 1880 et seq.), \$4,600,000: *Provided*, That not
13 to exceed \$2,500 shall be available for official reception
14 and representation expenses.

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector
17 General as authorized by the Inspector General Act of
18 1978, \$19,000,000, of which \$400,000 shall remain avail-
19 able until September 30, 2023.

20 ADMINISTRATIVE PROVISIONS

21 (INCLUDING TRANSFERS OF FUNDS)

22 Not to exceed 5 percent of any appropriation made
23 available for the current fiscal year for the National
24 Science Foundation in this Act may be transferred be-
25 tween such appropriations, but no such appropriation shall

1 be increased by more than 10 percent by any such trans-
2 fers. Any transfer pursuant to this paragraph shall be
3 treated as a reprogramming of funds under section 505
4 of this Act and shall not be available for obligation except
5 in compliance with the procedures set forth in that section.

6 Of the amounts provided for “Research and Related
7 Activities”, up to \$148,000,000 may be transferred to
8 “Education and Human Resources” consistent with direc-
9 tion provided in the explanatory statement described in
10 section 4 (in the matter preceding division A of this con-
11 solidated Act). The authority provided by this paragraph
12 is in addition to the authority provided by the first para-
13 graph under this heading.

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

22 This title may be cited as the “Science Appropria-
23 tions Act, 2022”.

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TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$13,000,000: *Provided*, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That the Chair may accept and use any gift or donation to carry out the work of the Commission: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a): *Provided further*, That notwithstanding the preceding proviso, \$1,000,000 shall be used to separately fund the Commission on the Social Status of Black Men and Boys.

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

6 INTERNATIONAL TRADE COMMISSION

7 SALARIES AND EXPENSES

8 For necessary expenses of the International Trade
9 Commission, including hire of passenger motor vehicles
10 and services as authorized by section 3109 of title 5,
11 United States Code, and not to exceed \$2,250 for official
12 reception and representation expenses, \$110,000,000, to
13 remain available until expended.

14 LEGAL SERVICES CORPORATION

15 PAYMENT TO THE LEGAL SERVICES CORPORATION

16 For payment to the Legal Services Corporation to
17 carry out the purposes of the Legal Services Corporation
18 Act of 1974, \$489,000,000, of which \$448,750,000 is for
19 basic field programs and required independent audits;
20 \$5,500,000 is for the Office of Inspector General, of which
21 such amounts as may be necessary may be used to conduct
22 additional audits of recipients; \$23,500,000 is for manage-
23 ment and grants oversight; \$4,500,000 is for client self-
24 help and information technology; \$4,750,000 is for a Pro
25 Bono Innovation Fund; and \$2,000,000 is for loan repay-

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

13 ADMINISTRATIVE PROVISION—LEGAL SERVICES

14 CORPORATION

15 None of the funds appropriated in this Act to the
16 Legal Services Corporation shall be expended for any pur-
17 pose prohibited or limited by, or contrary to any of the
18 provisions of, sections 501, 502, 503, 504, 505, and 506
19 of Public Law 105–119, and all funds appropriated in this
20 Act to the Legal Services Corporation shall be subject to
21 the same terms and conditions set forth in such sections,
22 except that all references in sections 502 and 503 to 1997
23 and 1998 shall be deemed to refer instead to 2021 and
24 2022, respectively.

1 MARINE MAMMAL COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Marine Mammal Com-
4 mission as authorized by title II of the Marine Mammal
5 Protection Act of 1972 (16 U.S.C. 1361 et seq.),
6 \$4,200,000.

7 OFFICE OF THE UNITED STATES TRADE

8 REPRESENTATIVE

9 SALARIES AND EXPENSES

10 For necessary expenses of the Office of the United
11 States Trade Representative, including the hire of pas-
12 senger motor vehicles and the employment of experts and
13 consultants as authorized by section 3109 of title 5,
14 United States Code, \$56,000,000, of which \$1,000,000
15 shall remain available until expended: *Provided*, That of
16 the total amount made available under this heading, not
17 to exceed \$124,000 shall be available for official reception
18 and representation expenses.

19 TRADE ENFORCEMENT TRUST FUND

20 (INCLUDING TRANSFER OF FUNDS)

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

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

4 STATE JUSTICE INSTITUTE

5 SALARIES AND EXPENSES

6 For necessary expenses of the State Justice Institute,
7 as authorized by the State Justice Institute Act of 1984
8 (42 U.S.C. 10701 et seq.) \$7,200,000, of which \$500,000
9 shall remain available until September 30, 2023: *Provided*,
10 That not to exceed \$2,250 shall be available for official
11 reception and representation expenses: *Provided further*,
12 That, for the purposes of section 505 of this Act, the State
13 Justice Institute shall be considered an agency of the
14 United States Government.

15 COMMISSION ON THE STATE OF U.S. OLYMPICS AND

16 PARALYMPICS

17 SALARIES AND EXPENSES

18 For necessary expenses of the Commission on the
19 State of U.S. Olympics and Paralympics, as authorized
20 by section 11 of the Empowering Olympic, Paralympic,
21 and Amateur Athletes Act of 2020 (Public Law 116–189),
22 \$2,000,000, to remain available until September 30, 2023.

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TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

1 SEC. 505. None of the funds provided under this Act,
2 or provided under previous appropriations Acts to the
3 agencies funded by this Act that remain available for obli-
4 gation or expenditure in fiscal year 2022, or provided from
5 any accounts in the Treasury of the United States derived
6 by the collection of fees available to the agencies funded
7 by this Act, shall be available for obligation or expenditure
8 through a reprogramming of funds that: (1) creates or ini-
9 tiates a new program, project, or activity; (2) eliminates
10 a program, project, or activity; (3) increases funds or per-
11 sonnel by any means for any project or activity for which
12 funds have been denied or restricted; (4) relocates an of-
13 fice or employees; (5) reorganizes or renames offices, pro-
14 grams, or activities; (6) contracts out or privatizes any
15 functions or activities presently performed by Federal em-
16 ployees; (7) augments existing programs, projects, or ac-
17 tivities in excess of \$500,000 or 10 percent, whichever is
18 less, or reduces by 10 percent funding for any program,
19 project, or activity, or numbers of personnel by 10 percent;
20 or (8) results from any general savings, including savings
21 from a reduction in personnel, which would result in a
22 change in existing programs, projects, or activities as ap-
23 proved by Congress; unless the House and Senate Com-
24 mittees on Appropriations are notified 15 days in advance
25 of such reprogramming of funds.

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

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

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

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

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

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

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

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

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

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

15 SEC. 510. Notwithstanding any other provision of
16 law, amounts deposited or available in the Fund estab-
17 lished by section 1402 of chapter XIV of title II of Public
18 Law 98-473 (34 U.S.C. 20101) in any fiscal year in ex-
19 cess of \$2,600,000,000 shall not be available for obligation
20 until the following fiscal year: *Provided*, That notwith-
21 standing section 1402(d) of such Act, of the amounts
22 available from the Fund for obligation: (1) \$10,000,000
23 shall be transferred to the Department of Justice Office
24 of Inspector General and remain available until expended
25 for oversight and auditing purposes associated with this

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 SEC. 519. Funds appropriated by this Act, or made
6 available by the transfer of funds in this Act, for intel-
7 ligence or intelligence related activities are deemed to be
8 specifically authorized by the Congress for purposes of sec-
9 tion 504 of the National Security Act of 1947 (50 U.S.C.
10 3094) during fiscal year 2022 until the enactment of the
11 Intelligence Authorization Act for fiscal year 2022.

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

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

5 (RESCISSIONS)

6 SEC. 521. (a) Of the unobligated balances from prior
7 year appropriations available to the Department of Com-
8 merce, the following funds are hereby permanently re-
9 scinded, not later than September 30, 2022, from the fol-
10 lowing accounts in the specified amounts—

11 (1) “Economic Development Administration,
12 Economic Development Assistance Programs”,
13 \$15,000,000; and

14 (2) “National Oceanic and Atmospheric Admin-
15 istration, Operations, Research, and Facilities”,
16 \$10,000,000.

17 (b) Of the unobligated balances from prior year ap-
18 propriations available to the Department of Justice, the
19 following funds are hereby permanently rescinded, not
20 later than September 30, 2022, from the following ac-
21 counts in the specified amounts—

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

1 (2) “State and Local Law Enforcement Activi-
2 ties, Office of Justice Programs”, \$100,000,000;
3 and

4 (3) “State and Local Law Enforcement Activi-
5 ties, Community Oriented Policing Services”,
6 \$15,000,000.

7 (c) Of the unobligated balances available to the De-
8 partment of Justice, the following funds are hereby per-
9 manently rescinded, not later than September 30, 2022,
10 from the following accounts in the specified amounts—

11 (1) “Working Capital Fund”, \$234,839,000;
12 and

13 (2) “Legal Activities, Assets Forfeiture Fund”,
14 \$127,000,000.

15 (d) The Departments of Commerce and Justice shall
16 submit to the Committees on Appropriations of the House
17 of Representatives and the Senate a report no later than
18 September 1, 2022, specifying the amount of each rescis-
19 sion made pursuant to subsections (a), (b), and (c).

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

1 SEC. 522. None of the funds made available in this
2 Act may be used to purchase first class or premium airline
3 travel in contravention of sections 301–10.122 through
4 301–10.124 of title 41 of the Code of Federal Regulations.

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

11 (1) such conference is a law enforcement train-
12 ing or operational conference for law enforcement
13 personnel and the majority of Federal employees in
14 attendance are law enforcement personnel stationed
15 outside the United States; or

16 (2) such conference is a scientific conference
17 and the department or agency head determines that
18 such attendance is in the national interest and noti-
19 fies the Committees on Appropriations of the House
20 of Representatives and the Senate within at least 15
21 days of that determination and the basis for that de-
22 termination.

23 SEC. 524. The Director of the Office of Management
24 and Budget shall instruct any department, agency, or in-
25 strumentality of the United States receiving funds appro-

1 priated under this Act to track undisbursed balances in
2 expired grant accounts and include in its annual perform-
3 ance plan and performance and accountability reports the
4 following:

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

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

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

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

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

24 SEC. 526. (a) None of the funds made available by
25 this Act may be used for the National Aeronautics and

1 Space Administration (NASA), the Office of Science and
2 Technology Policy (OSTP), or the National Space Council
3 (NSC) to develop, design, plan, promulgate, implement,
4 or execute a bilateral policy, program, order, or contract
5 of any kind to participate, collaborate, or coordinate bilat-
6 erally in any way with China or any Chinese-owned com-
7 pany unless such activities are specifically authorized by
8 a law enacted after the date of enactment of this Act.

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

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

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

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

24 (d) Any certification made under subsection (c) shall
25 be submitted to the Committees on Appropriations of the

1 House of Representatives and the Senate, and the Federal
2 Bureau of Investigation, no later than 30 days prior to
3 the activity in question and shall include a description of
4 the purpose of the activity, its agenda, its major partici-
5 pants, and its location and timing.

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

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

15 SEC. 528. The Departments of Commerce and Jus-
16 tice, the National Aeronautics and Space Administration,
17 the National Science Foundation, the Commission on Civil
18 Rights, the Equal Employment Opportunity Commission,
19 the International Trade Commission, the Legal Services
20 Corporation, the Marine Mammal Commission, the Offices
21 of Science and Technology Policy and the United States
22 Trade Representative, the National Space Council, and
23 the State Justice Institute shall submit spending plans,
24 signed by the respective department or agency head, to
25 the Committees on Appropriations of the House of Rep-

1 representatives and the Senate not later than 45 days after
2 the date of enactment of this Act.

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

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

15 SEC. 531. None of the funds made available under
16 this Act to the Department of Justice may be used, with
17 respect to any of the States of Alabama, Alaska, Arizona,
18 Arkansas, California, Colorado, Connecticut, Delaware,
19 Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Ken-
20 tucky, Louisiana, Maine, Maryland, Massachusetts, Michi-
21 gan, Minnesota, Mississippi, Missouri, Montana, Nevada,
22 New Hampshire, New Jersey, New Mexico, New York,
23 North Carolina, North Dakota, Ohio, Oklahoma, Oregon,
24 Pennsylvania, Rhode Island, South Carolina, South Da-
25 kota, Tennessee, Texas, Utah, Vermont, Virginia, Wash-

1 ington, West Virginia, Wisconsin, and Wyoming, or with
2 respect to the District of Columbia, the Commonwealth
3 of the Northern Mariana Islands, the United States Virgin
4 Islands, Guam, or Puerto Rico, to prevent any of them
5 from implementing their own laws that authorize the use,
6 distribution, possession, or cultivation of medical mari-
7 juana.

8 SEC. 532. The Department of Commerce, the Na-
9 tional Aeronautics and Space Administration, and the Na-
10 tional Science Foundation shall provide a quarterly report
11 to the Committees on Appropriations of the House of Rep-
12 resentatives and the Senate on any official travel to China
13 by any employee of such Department or agency, including
14 the purpose of such travel.

15 SEC. 533. Of the amounts made available by this Act,
16 not less than 10 percent of each total amount provided,
17 respectively, for Public Works grants authorized by the
18 Public Works and Economic Development Act of 1965 and
19 grants authorized by section 27 of the Stevenson-Wydler
20 Technology Innovation Act of 1980 (15 U.S.C. 3722) shall
21 be allocated for assistance in persistent poverty counties:
22 *Provided*, That for purposes of this section, the term “per-
23 sistent poverty counties” means any county that has had
24 20 percent or more of its population living in poverty over
25 the past 30 years, as measured by the 1993 Small Area

1 Income and Poverty Estimates, the 2000 decennial cen-
2 sus, and the most recent Small Area Income and Poverty
3 Estimates, or any Territory or possession of the United
4 States.

5 SEC. 534. (a) Not later than 180 days after the date
6 of enactment of this Act, the Director of the Federal Bu-
7 reau of Investigation shall work with the Administrator
8 of the General Services Administration to transmit to the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate, the Committee on Transportation
11 and Infrastructure of the House of Representatives, and
12 the Committee on Environment and Public Works of the
13 Senate, a report on the construction of a new headquarters
14 for the Federal Bureau of Investigation in the National
15 Capital Region.

16 (b) The report transmitted under subsection (a) shall
17 be consistent with the requirements of section 3307(b) of
18 title 40, United States Code, and include a summary of
19 the material provisions of the construction and full con-
20 solidation of the Federal Bureau of Investigation in a new
21 headquarters facility, including all the costs associated
22 with site acquisition, design, management, and inspection,
23 and a description of all buildings and infrastructure need-
24 ed to complete the project.

1 SEC. 535. (a) Notwithstanding any other provision
2 of law or treaty, none of the funds appropriated or other-
3 wise made available under this Act or any other Act may
4 be expended or obligated by a department, agency, or in-
5 strumentality of the United States to pay administrative
6 expenses or to compensate an officer or employee of the
7 United States in connection with requiring an export li-
8 cense for the export to Canada of components, parts, ac-
9 cessories or attachments for firearms listed in Category
10 I, section 121.1 of title 22, Code of Federal Regulations
11 (International Trafficking in Arms Regulations (ITAR),
12 part 121, as it existed on April 1, 2005) with a total value
13 not exceeding \$500 wholesale in any transaction, provided
14 that the conditions of subsection (b) of this section are
15 met by the exporting party for such articles.

16 (b) The foregoing exemption from obtaining an ex-
17 port license—

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

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

1 (A) fully automatic firearms and compo-
2 nents and parts for such firearms, other than
3 for end use by the Federal Government, or a
4 Provincial or Municipal Government of Canada;

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

10 (C) articles for export from Canada to an-
11 other foreign destination.

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

20 (d) The President may require export licenses under
21 this section on a temporary basis if the President deter-
22 mines, upon publication first in the Federal Register, that
23 the Government of Canada has implemented or main-
24 tained inadequate import controls for the articles specified
25 in subsection (a), such that a significant diversion of such

1 articles has and continues to take place for use in inter-
2 national terrorism or in the escalation of a conflict in an-
3 other nation. The President shall terminate the require-
4 ments of a license when reasons for the temporary require-
5 ments have ceased.

6 SEC. 536. Notwithstanding any other provision of
7 law, no department, agency, or instrumentality of the
8 United States receiving appropriated funds under this Act
9 or any other Act shall obligate or expend in any way such
10 funds to pay administrative expenses or the compensation
11 of any officer or employee of the United States to deny
12 any application submitted pursuant to 22 U.S.C.
13 2778(b)(1)(B) and qualified pursuant to 27 CFR section
14 478.112 or .113, for a permit to import United States ori-
15 gin “curios or relics” firearms, parts, or ammunition.

16 SEC. 537. None of the funds made available by this
17 Act may be used to pay the salaries or expenses of per-
18 sonnel to deny, or fail to act on, an application for the
19 importation of any model of shotgun if—

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

22 (2) no application for the importation of such
23 model of shotgun, in the same configuration, had
24 been denied by the Attorney General prior to Janu-
25 ary 1, 2011, on the basis that the shotgun was not

1 particularly suitable for or readily adaptable to
2 sporting purposes.

3 SEC. 538. None of the funds made available by this
4 Act may be obligated or expended to implement the Arms
5 Trade Treaty until the Senate approves a resolution of
6 ratification for the Treaty.

7 SEC. 539. None of the funds appropriated or other-
8 wise made available in this or any other Act may be used
9 to transfer, release, or assist in the transfer or release to
10 or within the United States, its territories, or possessions
11 Khalid Sheikh Mohammed or any other detainee who—

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

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

17 SEC. 540. (a) None of the funds appropriated or oth-
18 erwise made available in this or any other Act may be used
19 to construct, acquire, or modify any facility in the United
20 States, its territories, or possessions to house any indi-
21 vidual described in subsection (c) for the purposes of de-
22 tention or imprisonment in the custody or under the effec-
23 tive control of the Department of Defense.

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

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

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

10 (2) is—

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

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

15 SEC. 541. The matter preceding the first proviso
16 under the heading “Department of Commerce—National
17 Telecommunications and Information Administration—
18 Broadband Connectivity Fund” in title II of division J of
19 Public Law 117–58 is amended by striking “for grants
20 for the Tribal Broadband Connectivity Program, as au-
21 thorized under section 905(c) of division N of the Consoli-
22 dated Appropriations Act, 2021 (Public Law 116–260),
23 as amended by section 60201 of division F this Act” and
24 inserting “for purposes of the Tribal Broadband
25 Connectivity Program, as authorized under section 905(c)

1 of division N of the Consolidated Appropriations Act,
2 2021 (Public Law 116–260), as amended by section
3 60201 of division F of this Act, of which up to two percent
4 shall be for administrative costs”: *Provided*, That amounts
5 repurposed pursuant to this section that were previously
6 designated by the Congress as an emergency requirement
7 pursuant to section 4112(a) of H. Con. Res. 71 (115th
8 Congress), the concurrent resolution on the budget for fis-
9 cal year 2018, and to section 251(b) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985 are
11 designated by the Congress as an emergency requirement
12 pursuant to section 4001(a)(1) and section 4001(b) of S.
13 Con. Res. 14 (117th Congress), the concurrent resolution
14 on the budget for fiscal year 2022.

15 SEC. 542. The matter preceding the first proviso
16 under the heading “Department of Commerce—National
17 Telecommunications and Information Administration—
18 Middle Mile Deployment” in title II of division J of Public
19 Law 117–58 is amended by striking “to remain available
20 September” and inserting “to remain available until Sep-
21 tember”: *Provided*, That amounts repurposed pursuant to
22 this section that were previously designated by the Con-
23 gress as an emergency requirement pursuant to section
24 4112(a) of H. Con. Res. 71 (115th Congress), the concur-
25 rent resolution on the budget for fiscal year 2018, and

1 to section 251(b) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985 are designated by the Con-
3 gress as an emergency requirement pursuant to section
4 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th
5 Congress), the concurrent resolution on the budget for fis-
6 cal year 2022.

7 SEC. 543. Paragraph (14) under the heading “De-
8 partment of Commerce—National Oceanic and Atmos-
9 pheric Administration—Operations, Research, and Facili-
10 ties” in title II of division J of Public Law 117–58 is
11 amended by striking “an institution of higher education,
12 non-profit, commercial (for profit) organizations, U.S. ter-
13 ritories, and state or local governments” and inserting
14 “institutions of higher education, non-profit or commercial
15 (for profit) organizations, U.S. territories, or state or local
16 governments”: *Provided*, That amounts repurposed pursu-
17 ant to this section that were previously designated by the
18 Congress as an emergency requirement pursuant to sec-
19 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
20 concurrent resolution on the budget for fiscal year 2018,
21 and to section 251(b) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985 are designated by the
23 Congress as an emergency requirement pursuant to sec-
24 tion 4001(a)(1) and section 4001(b) of S. Con. Res. 14

1 (117th Congress), the concurrent resolution on the budget
2 for fiscal year 2022.

3 SEC. 544. Funds made available to the Department
4 of Commerce and under the heading “Department of Jus-
5 tice—Federal Bureau of Investigation—Salaries and Ex-
6 penses” in this Act and any remaining unobligated bal-
7 ances of funds made available to the Department of Com-
8 merce and under the heading “Department of Justice—
9 Federal Bureau of Investigation—Salaries and Expenses”
10 in prior year Acts, other than amounts designated by the
11 Congress as being for an emergency requirement pursuant
12 to a concurrent resolution on the budget or the Balanced
13 Budget and Emergency Deficit Control Act of 1985, shall
14 be available to provide payments pursuant to section
15 901(i)(2) of title IX of division J of the Further Consoli-
16 dated Appropriations Act, 2020 (22 U.S.C. 2680b(i)(2)):
17 *Provided*, That payments made pursuant to the matter
18 preceding this proviso may not exceed \$2,000,000 for the
19 Department of Commerce and \$5,000,000 for the Federal
20 Bureau of Investigation.

21 This division may be cited as the “Commerce, Jus-
22 tice, Science, and Related Agencies Appropriations Act,
23 2022”.

1 **DIVISION C—DEPARTMENT OF DEFENSE**
2 **APPROPRIATIONS ACT, 2022**

3 TITLE I

4 MILITARY PERSONNEL

5 MILITARY PERSONNEL, ARMY

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the
11 Army on active duty (except members of reserve compo-
12 nents provided for elsewhere), cadets, and aviation cadets;
13 for members of the Reserve Officers' Training Corps; and
14 for payments pursuant to section 156 of Public Law 97-
15 377, as amended (42 U.S.C. 402 note), and to the Depart-
16 ment of Defense Military Retirement Fund,
17 \$47,814,079,000.

18 MILITARY PERSONNEL, NAVY

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

1 members of the Reserve Officers' Training Corps; and for
2 payments pursuant to section 156 of Public Law 97-377,
3 as amended (42 U.S.C. 402 note), and to the Department
4 of Defense Military Retirement Fund, \$35,504,251,000.

5 MILITARY PERSONNEL, MARINE CORPS

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the Ma-
11 rine Corps on active duty (except members of the Reserve
12 provided for elsewhere); and for payments pursuant to sec-
13 tion 156 of Public Law 97-377, as amended (42 U.S.C.
14 402 note), and to the Department of Defense Military Re-
15 tirement Fund, \$14,572,400,000.

16 MILITARY PERSONNEL, AIR FORCE

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

1 377, as amended (42 U.S.C. 402 note), and to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$35,078,206,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 7038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and expenses au-
14 thorized by section 16131 of title 10, United States Code;
15 and for payments to the Department of Defense Military
16 Retirement Fund, \$5,156,976,000.

17 RESERVE PERSONNEL, NAVY

18 For pay, allowances, clothing, subsistence, gratuities,
19 travel, and related expenses for personnel of the Navy Re-
20 serve on active duty under section 10211 of title 10,
21 United States Code, or while serving on active duty under
22 section 12301(d) of title 10, United States Code, in con-
23 nection with performing duty specified in section 12310(a)
24 of title 10, United States Code, or while undergoing re-
25 serve training, or while performing drills or equivalent

1 duty, and expenses authorized by section 16131 of title
2 10, United States Code; and for payments to the Depart-
3 ment of Defense Military Retirement Fund,
4 \$2,297,029,000.

5 RESERVE PERSONNEL, MARINE CORPS

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Marine
8 Corps Reserve on active duty under section 10211 of title
9 10, United States Code, or while serving on active duty
10 under section 12301(d) of title 10, United States Code,
11 in connection with performing duty specified in section
12 12310(a) of title 10, United States Code, or while under-
13 going reserve training, or while performing drills or equiv-
14 alent duty, and for members of the Marine Corps platoon
15 leaders class, and expenses authorized by section 16131
16 of title 10, United States Code; and for payments to the
17 Department of Defense Military Retirement Fund,
18 \$802,619,000.

19 RESERVE PERSONNEL, AIR FORCE

20 For pay, allowances, clothing, subsistence, gratuities,
21 travel, and related expenses for personnel of the Air Force
22 Reserve on active duty under sections 10211, 10305, and
23 8038 of title 10, United States Code, or while serving on
24 active duty under section 12301(d) of title 10, United
25 States Code, in connection with performing duty specified

1 in section 12310(a) of title 10, United States Code, or
2 while undergoing reserve training, or while performing
3 drills or equivalent duty or other duty, and expenses au-
4 thorized by section 16131 of title 10, United States Code;
5 and for payments to the Department of Defense Military
6 Retirement Fund, \$2,371,001,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Army Na-
10 tional Guard while on duty under sections 10211, 10302,
11 or 12402 of title 10 or section 708 of title 32, United
12 States Code, or while serving on duty under section
13 12301(d) of title 10 or section 502(f) of title 32, United
14 States Code, in connection with performing duty specified
15 in section 12310(a) of title 10, United States Code, or
16 while undergoing training, or while performing drills or
17 equivalent duty or other duty, and expenses authorized by
18 section 16131 of title 10, United States Code; and for pay-
19 ments to the Department of Defense Military Retirement
20 Fund, \$9,017,728,000.

21 NATIONAL GUARD PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Na-
24 tional Guard on duty under sections 10211, 10305, or
25 12402 of title 10 or section 708 of title 32, United States

1 Code, or while serving on duty under section 12301(d) of
2 title 10 or section 502(f) of title 32, United States Code,
3 in connection with performing duty specified in section
4 12310(a) of title 10, United States Code, or while under-
5 going training, or while performing drills or equivalent
6 duty or other duty, and expenses authorized by section
7 16131 of title 10, United States Code; and for payments
8 to the Department of Defense Military Retirement Fund,
9 \$4,764,443,000.

1 TITLE II

2 OPERATION AND MAINTENANCE

3 OPERATION AND MAINTENANCE, ARMY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Army, as author-
6 ized by law, \$55,016,103,000: *Provided*, That not to ex-
7 ceed \$12,478,000 may be used for emergencies and ex-
8 traordinary expenses, to be expended upon the approval
9 or authority of the Secretary of the Army, and payments
10 may be made upon his certificate of necessity for confiden-
11 tial military purposes.

12 OPERATION AND MAINTENANCE, NAVY

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Navy and the
15 Marine Corps, as authorized by law, \$62,480,035,000:
16 *Provided*, That not to exceed \$15,055,000 may be used
17 for emergencies and extraordinary expenses, to be ex-
18 pended upon the approval or authority of the Secretary
19 of the Navy, and payments may be made upon his certifi-
20 cate of necessity for confidential military purposes.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Marine Corps,
24 as authorized by law, \$9,185,430,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Air Force, as
4 authorized by law, \$55,103,948,000: *Provided*, That not
5 to exceed \$7,699,000 may be used for emergencies and
6 extraordinary expenses, to be expended upon the approval
7 or authority of the Secretary of the Air Force, and pay-
8 ments may be made upon his certificate of necessity for
9 confidential military purposes.

10 OPERATION AND MAINTENANCE, SPACE FORCE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Space Force, as
13 authorized by law, \$3,435,212,000.

14 OPERATION AND MAINTENANCE, DEFENSE-WIDE

15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance of activities and agen-
18 cies of the Department of Defense (other than the military
19 departments), as authorized by law, \$45,864,202,000:
20 *Provided*, That not more than \$3,000,000 may be used
21 for the Combatant Commander Initiative Fund authorized
22 under section 166a of title 10, United States Code: *Pro-*
23 *vided further*, That not to exceed \$36,000,000 may be
24 used for emergencies and extraordinary expenses, to be ex-
25 pended upon the approval or authority of the Secretary

1 of Defense, and payments may be made upon his certifi-
2 cate of necessity for confidential military purposes: *Pro-*
3 *vided further*, That of the funds provided under this head-
4 ing, not less than \$50,000,000 shall be made available for
5 the Procurement Technical Assistance Cooperative Agree-
6 ment Program, of which not less than \$4,500,000 shall
7 be available for centers defined in 10 U.S.C. 2411(1)(D):
8 *Provided further*, That none of the funds appropriated or
9 otherwise made available by this Act may be used to plan
10 or implement the consolidation of a budget or appropria-
11 tions liaison office of the Office of the Secretary of De-
12 fense, the office of the Secretary of a military department,
13 or the service headquarters of one of the Armed Forces
14 into a legislative affairs or legislative liaison office: *Pro-*
15 *vided further*, That \$72,000,000, to remain available until
16 expended, is available only for expenses relating to certain
17 classified activities, and may be transferred as necessary
18 by the Secretary of Defense to operation and maintenance
19 appropriations or research, development, test and evalua-
20 tion appropriations, to be merged with and to be available
21 for the same time period as the appropriations to which
22 transferred: *Provided further*, That any ceiling on the in-
23 vestment item unit cost of items that may be purchased
24 with operation and maintenance funds shall not apply to
25 the funds described in the preceding proviso: *Provided fur-*

1 *ther*, That of the funds provided under this heading,
2 \$2,261,570,000, of which \$1,299,386,000, to remain
3 available until September 30, 2023, shall be available to
4 provide support and assistance to foreign security forces
5 or other groups or individuals to conduct, support or facili-
6 tate counterterrorism, crisis response, or other Depart-
7 ment of Defense security cooperation programs: *Provided*
8 *further*, That the Secretary of Defense shall provide quar-
9 terly reports to the Committees on Appropriations of the
10 House of Representatives and the Senate on the use and
11 status of funds made available in this paragraph: *Provided*
12 *further*, That the transfer authority provided under this
13 heading is in addition to any other transfer authority pro-
14 vided elsewhere in this Act.

15 COUNTER-ISIS TRAIN AND EQUIP FUND

16 For the “Counter-Islamic State of Iraq and Syria
17 Train and Equip Fund”, \$500,000,000, to remain avail-
18 able until September 30, 2023: *Provided*, That such funds
19 shall be available to the Secretary of Defense in coordina-
20 tion with the Secretary of State, to provide assistance, in-
21 cluding training; equipment; logistics support, supplies,
22 and services; stipends; infrastructure repair and renova-
23 tion; construction for facility fortification and humane
24 treatment; and sustainment, to foreign security forces, ir-
25 regular forces, groups, or individuals participating, or pre-

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

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

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

21 OPERATION AND MAINTENANCE, ARMY RESERVE

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

1 vehicles; travel and transportation; care of the dead; re-
2 cruiting; procurement of services, supplies, and equip-
3 ment; and communications, \$3,032,255,000.

4 OPERATION AND MAINTENANCE, NAVY RESERVE

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance, including training, or-
7 ganization, and administration, of the Navy Reserve; re-
8 pair of facilities and equipment; hire of passenger motor
9 vehicles; travel and transportation; care of the dead; re-
10 cruiting; procurement of services, supplies, and equip-
11 ment; and communications, \$1,173,598,000.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Marine Corps Re-
17 serve; repair of facilities and equipment; hire of passenger
18 motor vehicles; travel and transportation; care of the dead;
19 recruiting; procurement of services, supplies, and equip-
20 ment; and communications, \$294,860,000.

21 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

1 vehicles; travel and transportation; care of the dead; re-
2 cruiting; procurement of services, supplies, and equip-
3 ment; and communications, \$3,417,706,000.

4 OPERATION AND MAINTENANCE, ARMY NATIONAL
5 GUARD

6 For expenses of training, organizing, and admin-
7 istering the Army National Guard, including medical and
8 hospital treatment and related expenses in non-Federal
9 hospitals; maintenance, operation, and repairs to struc-
10 tures and facilities; hire of passenger motor vehicles; per-
11 sonnel services in the National Guard Bureau; travel ex-
12 penses (other than mileage), as authorized by law for
13 Army personnel on active duty, for Army National Guard
14 division, regimental, and battalion commanders while in-
15 specting units in compliance with National Guard Bureau
16 regulations when specifically authorized by the Chief, Na-
17 tional Guard Bureau; supplying and equipping the Army
18 National Guard as authorized by law; and expenses of re-
19 pair, modification, maintenance, and issue of supplies and
20 equipment (including aircraft), \$7,714,473,000.

21 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 tures and facilities; transportation of things, hire of pas-
2 senger motor vehicles; supplying and equipping the Air
3 National Guard, as authorized by law; expenses for repair,
4 modification, maintenance, and issue of supplies and
5 equipment, including those furnished from stocks under
6 the control of agencies of the Department of Defense;
7 travel expenses (other than mileage) on the same basis as
8 authorized by law for Air National Guard personnel on
9 active Federal duty, for Air National Guard commanders
10 while inspecting units in compliance with National Guard
11 Bureau regulations when specifically authorized by the
12 Chief, National Guard Bureau, \$6,786,420,000.

13 UNITED STATES COURT OF APPEALS FOR THE ARMED
14 FORCES

15 For salaries and expenses necessary for the United
16 States Court of Appeals for the Armed Forces,
17 \$15,589,000, of which not to exceed \$15,000 may be used
18 for official representation purposes.

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

21 For the Department of the Army, \$299,008,000, to
22 remain available until transferred: *Provided*, That the Sec-
23 retary of the Army shall, upon determining that such
24 funds are required for environmental restoration, reduc-
25 tion and recycling of hazardous waste, removal of unsafe

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

14 ENVIRONMENTAL RESTORATION, NAVY

15 (INCLUDING TRANSFER OF FUNDS)

16 For the Department of the Navy, \$390,113,000, to
17 remain available until transferred: *Provided*, That the Sec-
18 retary of the Navy shall, upon determining that such
19 funds are required for environmental restoration, reduc-
20 tion and recycling of hazardous waste, removal of unsafe
21 buildings and debris of the Department of the Navy, or
22 for similar purposes, transfer the funds made available by
23 this appropriation to other appropriations made available
24 to the Department of the Navy, to be merged with and
25 to be available for the same purposes and for the same

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

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

11 For the Department of the Air Force, \$522,010,000,
12 to remain available until transferred: *Provided*, That the
13 Secretary of the Air Force shall, upon determining that
14 such funds are required for environmental restoration, re-
15 duction and recycling of hazardous waste, removal of un-
16 safe buildings and debris of the Department of the Air
17 Force, or for similar purposes, transfer the funds made
18 available by this appropriation to other appropriations
19 made available to the Department of the Air Force, to be
20 merged with and to be available for the same purposes
21 and for the same time period as the appropriations to
22 which transferred: *Provided further*, That upon a deter-
23 mination that all or part of the funds transferred from
24 this appropriation are not necessary for the purposes pro-
25 vided herein, such amounts may be transferred back to

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

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

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

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

4 For the Department of the Army, \$292,580,000, to
5 remain available until transferred: *Provided*, That the Sec-
6 retary of the Army shall, upon determining that such
7 funds are required for environmental restoration, reduc-
8 tion and recycling of hazardous waste, removal of unsafe
9 buildings and debris at sites formerly used by the Depart-
10 ment of Defense, transfer the funds made available by this
11 appropriation to other appropriations made available to
12 the Department of the Army, to be merged with and to
13 be available for the same purposes and for the same time
14 period as the appropriations to which transferred: *Pro-*
15 *vided further*, That upon a determination that all or part
16 of the funds transferred from this appropriation are not
17 necessary for the purposes provided herein, such amounts
18 may be transferred back to this appropriation: *Provided*
19 *further*, That the transfer authority provided under this
20 heading is in addition to any other transfer authority pro-
21 vided elsewhere in this Act.

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

23 For expenses relating to the Overseas Humanitarian,
24 Disaster, and Civic Aid programs of the Department of
25 Defense (consisting of the programs provided under sec-

1 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
2 United States Code), \$160,051,000, to remain available
3 until September 30, 2023: *Provided*, That such amounts
4 shall not be subject to the limitation in section 407(e)(3)
5 of title 10, United States Code.

6 COOPERATIVE THREAT REDUCTION ACCOUNT

7 For assistance, including assistance provided by con-
8 tract or by grants, under programs and activities of the
9 Department of Defense Cooperative Threat Reduction
10 Program authorized under the Department of Defense Co-
11 operative Threat Reduction Act, \$344,849,000, to remain
12 available until September 30, 2024.

13 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

14 DEVELOPMENT ACCOUNT

15 For the Department of Defense Acquisition Work-
16 force Development Account, \$56,679,000, to remain avail-
17 able for obligation until September 30, 2022: *Provided*,
18 That no other amounts may be otherwise credited or
19 transferred to the Account, or deposited into the Account,
20 in fiscal year 2022 pursuant to section 1705(d) of title
21 10, United States Code.

1 TITLE III
2 PROCUREMENT
3 AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$3,295,431,000, to remain available
17 for obligation until September 30, 2024.

18 MISSILE PROCUREMENT, ARMY

19 For construction, procurement, production, modifica-
20 tion, and modernization of missiles, equipment, including
21 ordnance, ground handling equipment, spare parts, and
22 accessories therefor; specialized equipment and training
23 devices; expansion of public and private plants, including
24 the land necessary therefor, for the foregoing purposes,
25 and such lands and interests therein, may be acquired,

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$2,276,667,000, to remain
15 available for obligation until September 30, 2024.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; communications and
21 electronic equipment; other support equipment; spare
22 parts, ordnance, and accessories therefor; specialized
23 equipment and training devices; expansion of public and
24 private plants, including the land necessary therefor, for
25 the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$9,453,524,000, to remain available for obligation until
8 September 30, 2024.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of aircraft, equipment, including
12 ordnance, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, includ-
14 ing the land necessary therefor, and such lands and inter-
15 ests therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$17,799,321,000, to remain available for obligation until
21 September 30, 2024.

22 WEAPONS PROCUREMENT, NAVY

23 For construction, procurement, production, modifica-
24 tion, and modernization of missiles, torpedoes, other weap-
25 ons, and related support equipment including spare parts,

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$3,982,657,000, to remain available for obliga-
9 tion until September 30, 2024.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
11 CORPS

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$845,289,000, to remain avail-
25 able for obligation until September 30, 2024.

1 SHIPBUILDING AND CONVERSION, NAVY

2 For expenses necessary for the construction, acquisi-
3 tion, or conversion of vessels as authorized by law, includ-
4 ing armor and armament thereof, plant equipment, appli-
5 ances, and machine tools and installation thereof in public
6 and private plants; reserve plant and Government and con-
7 tractor-owned equipment layaway; procurement of critical,
8 long lead time components and designs for vessels to be
9 constructed or converted in the future; and expansion of
10 public and private plants, including land necessary there-
11 for, and such lands and interests therein, may be acquired,
12 and construction prosecuted thereon prior to approval of
13 title, as follows:

14 Columbia Class Submarine, \$3,003,000,000;

15 Columbia Class Submarine (AP),
16 \$1,773,980,000;

17 Carrier Replacement Program (CVN-80),
18 \$1,062,205,000;

19 Carrier Replacement Program (CVN-81),
20 \$1,287,719,000;

21 Virginia Class Submarine, \$4,234,240,000;

22 Virginia Class Submarine (AP),
23 \$2,105,407,000;

24 CVN Refueling Overhauls, \$2,424,218,000;

25 CVN Refueling Overhauls (AP), \$66,262,000;

1 DDG-1000 Program, \$56,597,000;
2 DDG-51 Destroyer, \$3,675,987,000;
3 DDG-51 Destroyer (AP), \$120,000,000;
4 FFG-Frigate, \$1,090,900,000;
5 LPD Flight II, \$60,636,000;
6 LPD Flight II (AP), \$250,000,000;
7 Expeditionary Sea Base, \$577,000,000;
8 LHA Replacement, \$68,637,000;
9 Expeditionary Fast Transport, \$590,000,000;
10 TAO Fleet Oiler, \$1,463,784,000;
11 TAGOS SURTASS Ships, \$434,384,000;
12 Towing, Salvage, and Rescue Ship,
13 \$183,800,000;
14 LCU 1700, \$67,928,000;
15 Ship to Shore Connector, \$391,838,000;
16 Service Craft, \$67,866,000;
17 LCAC SLEP, \$32,712,000;
18 Auxiliary Vessels, \$299,900,000;
19 For outfitting, post delivery, conversions, and
20 first destination transportation, \$614,731,000; and
21 Completion of Prior Year Shipbuilding Pro-
22 grams, \$660,795,000.
23 In all: \$26,664,526,000, to remain available for obli-
24 gation until September 30, 2026: *Provided*, That addi-
25 tional obligations may be incurred after September 30,

1 2026, for engineering services, tests, evaluations, and
2 other such budgeted work that must be performed in the
3 final stage of ship construction: *Provided further*, That
4 none of the funds provided under this heading for the con-
5 struction or conversion of any naval vessel to be con-
6 structed in shipyards in the United States shall be ex-
7 pended in foreign facilities for the construction of major
8 components of such vessel: *Provided further*, That none
9 of the funds provided under this heading shall be used
10 for the construction of any naval vessel in foreign ship-
11 yards: *Provided further*, That funds appropriated or other-
12 wise made available by this Act for Columbia Class Sub-
13 marine (AP) may be available for the purposes authorized
14 by subsections (f), (g), (h) or (i) of section 2218a of title
15 10, United States Code, only in accordance with the provi-
16 sions of the applicable subsection: *Provided further*, That
17 prior to entering into a contract for more than one am-
18 phibious ship, the Secretary of Defense shall provide to
19 the congressional defense committees the future years de-
20 fense program which displays the funding programmed for
21 all shipbuilding programs currently or anticipated to be
22 under a multiyear contract, block buy contract, or other
23 contract involving economic order quantity.

1 OTHER PROCUREMENT, NAVY

2 For procurement, production, and modernization of
3 support equipment and materials not otherwise provided
4 for, Navy ordnance (except ordnance for new aircraft, new
5 ships, and ships authorized for conversion); the purchase
6 of passenger motor vehicles for replacement only; expan-
7 sion of public and private plants, including the land nec-
8 essary therefor, and such lands and interests therein, may
9 be acquired, and construction prosecuted thereon prior to
10 approval of title; and procurement and installation of
11 equipment, appliances, and machine tools in public and
12 private plants; reserve plant and Government and con-
13 tractor-owned equipment layaway, \$11,072,651,000, to
14 remain available for obligation until September 30, 2024:
15 *Provided*, That such funds are also available for the main-
16 tenance, repair, and modernization of ships under a pilot
17 program established for such purposes.

18 PROCUREMENT, MARINE CORPS

19 For expenses necessary for the procurement, manu-
20 facture, and modification of missiles, armament, military
21 equipment, spare parts, and accessories therefor; plant
22 equipment, appliances, and machine tools, and installation
23 thereof in public and private plants; reserve plant and
24 Government and contractor-owned equipment layaway; ve-
25 hicles for the Marine Corps, including the purchase of pas-

1 senger motor vehicles for replacement only; and expansion
2 of public and private plants, including land necessary
3 therefor, and such lands and interests therein, may be ac-
4 quired, and construction prosecuted thereon prior to ap-
5 proval of title, \$3,093,770,000, to remain available for ob-
6 ligation until September 30, 2024.

7 AIRCRAFT PROCUREMENT, AIR FORCE

8 For construction, procurement, and modification of
9 aircraft and equipment, including armor and armament,
10 specialized ground handling equipment, and training de-
11 vices, spare parts, and accessories therefor; specialized
12 equipment; expansion of public and private plants, Gov-
13 ernment-owned equipment and installation thereof in such
14 plants, erection of structures, and acquisition of land, for
15 the foregoing purposes, and such lands and interests
16 therein, may be acquired, and construction prosecuted
17 thereon prior to approval of title; reserve plant and Gov-
18 ernment and contractor-owned equipment layaway; and
19 other expenses necessary for the foregoing purposes in-
20 cluding rents and transportation of things,
21 \$18,383,946,000, to remain available for obligation until
22 September 30, 2024.

23 MISSILE PROCUREMENT, AIR FORCE

24 For construction, procurement, and modification of
25 missiles, rockets, and related equipment, including spare

1 parts and accessories therefor; ground handling equip-
2 ment, and training devices; expansion of public and pri-
3 vate plants, Government-owned equipment and installa-
4 tion thereof in such plants, erection of structures, and ac-
5 quisition of land, for the foregoing purposes, and such
6 lands and interests therein, may be acquired, and con-
7 struction prosecuted thereon prior to approval of title; re-
8 serve plant and Government and contractor-owned equip-
9 ment layaway; and other expenses necessary for the fore-
10 going purposes including rents and transportation of
11 things, \$2,475,206,000, to remain available for obligation
12 until September 30, 2024.

13 PROCUREMENT OF AMMUNITION, AIR FORCE

14 For construction, procurement, production, and
15 modification of ammunition, and accessories therefor; spe-
16 cialized equipment and training devices; expansion of pub-
17 lic and private plants, including ammunition facilities, au-
18 thorized by section 2854 of title 10, United States Code,
19 and the land necessary therefor, for the foregoing pur-
20 poses, and such lands and interests therein, may be ac-
21 quired, and construction prosecuted thereon prior to ap-
22 proval of title; and procurement and installation of equip-
23 ment, appliances, and machine tools in public and private
24 plants; reserve plant and Government and contractor-
25 owned equipment layaway; and other expenses necessary

1 for the foregoing purposes, \$665,977,000, to remain avail-
2 able for obligation until September 30, 2024.

3 OTHER PROCUREMENT, AIR FORCE

4 For procurement and modification of equipment (in-
5 cluding ground guidance and electronic control equipment,
6 and ground electronic and communication equipment),
7 and supplies, materials, and spare parts therefor, not oth-
8 erwise provided for; the purchase of passenger motor vehi-
9 cles for replacement only; lease of passenger motor vehi-
10 cles; and expansion of public and private plants, Govern-
11 ment-owned equipment and installation thereof in such
12 plants, erection of structures, and acquisition of land, for
13 the foregoing purposes, and such lands and interests
14 therein, may be acquired, and construction prosecuted
15 thereon, prior to approval of title; reserve plant and Gov-
16 ernment and contractor-owned equipment layaway,
17 \$26,615,079,000, to remain available for obligation until
18 September 30, 2024.

19 PROCUREMENT, SPACE FORCE

20 For construction, procurement, and modification of
21 spacecraft, rockets, and related equipment, including
22 spare parts and accessories therefor; ground handling
23 equipment, and training devices; expansion of public and
24 private plants, Government-owned equipment and installa-
25 tion thereof in such plants, erection of structures, and ac-

1 quisition of land, for the foregoing purposes, and such
2 lands and interests therein, may be acquired, and con-
3 struction prosecuted thereon prior to approval of title; re-
4 serve plant and Government and contractor-owned equip-
5 ment layaway; and other expenses necessary for the fore-
6 going purposes including rents and transportation of
7 things, \$3,023,408,000, to remain available for obligation
8 until September 30, 2024.

9 PROCUREMENT, DEFENSE-WIDE

10 For expenses of activities and agencies of the Depart-
11 ment of Defense (other than the military departments)
12 necessary for procurement, production, and modification
13 of equipment, supplies, materials, and spare parts there-
14 for, not otherwise provided for; the purchase of passenger
15 motor vehicles for replacement only; expansion of public
16 and private plants, equipment, and installation thereof in
17 such plants, erection of structures, and acquisition of land
18 for the foregoing purposes, and such lands and interests
19 therein, may be acquired, and construction prosecuted
20 thereon prior to approval of title; reserve plant and Gov-
21 ernment and contractor-owned equipment layaway,
22 \$6,177,561,000, to remain available for obligation until
23 September 30, 2024.

1 DEFENSE PRODUCTION ACT PURCHASES

2 For activities by the Department of Defense pursuant
3 to sections 108, 301, 302, and 303 of the Defense Produc-
4 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
5 \$388,327,000, to remain available until expended, which
6 shall be obligated and expended by the Secretary of De-
7 fense as if delegated the necessary authorities conferred
8 by the Defense Production Act of 1950.

9 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

10 For procurement of rotary-wing aircraft; combat, tac-
11 tical and support vehicles; other weapons; and other pro-
12 curement items for the reserve components of the Armed
13 Forces, \$950,000,000, to remain available for obligation
14 until September 30, 2024: *Provided*, That the Chiefs of
15 National Guard and Reserve components shall, not later
16 than 30 days after enactment of this Act, individually sub-
17 mit to the congressional defense committees the mod-
18 ernization priority assessment for their respective Na-
19 tional Guard or Reserve component: *Provided further*,
20 That none of the funds made available by this paragraph
21 may be used to procure manned fixed wing aircraft, or
22 procure or modify missiles, munitions, or ammunition.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$14,539,417,000, to remain avail-
10 able for obligation until September 30, 2023.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$22,139,080,000, to remain avail-
17 able for obligation until September 30, 2023: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
22 AIR FORCE

23 For expenses necessary for basic and applied sci-
24 entific research, development, test and evaluation, includ-
25 ing maintenance, rehabilitation, lease, and operation of fa-

1 cilities and equipment, \$41,592,913,000, to remain avail-
2 able for obligation until September 30, 2023.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 SPACE FORCE

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$11,597,405,000, to remain avail-
9 able until September 30, 2023.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-
13 ment of Defense (other than the military departments),
14 necessary for basic and applied scientific research, devel-
15 opment, test and evaluation; advanced research projects
16 as may be designated and determined by the Secretary
17 of Defense, pursuant to law; maintenance, rehabilitation,
18 lease, and operation of facilities and equipment,
19 \$29,065,786,000, to remain available for obligation until
20 September 30, 2023.

21 OPERATIONAL TEST AND EVALUATION, DEFENSE

22 For expenses, not otherwise provided for, necessary
23 for the independent activities of the Director, Operational
24 Test and Evaluation, in the direction and supervision of
25 operational test and evaluation, including initial oper-

1 ational test and evaluation which is conducted prior to,
2 and in support of, production decisions; joint operational
3 testing and evaluation; and administrative expenses in
4 connection therewith, \$276,591,000, to remain available
5 for obligation until September 30, 2023.

6

TITLE V

7

REVOLVING AND MANAGEMENT FUNDS

8

DEFENSE WORKING CAPITAL FUNDS

9

For the Defense Working Capital Funds,

10 \$2,017,000,000.

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense
6 as authorized by law, \$37,350,182,000; of which
7 \$33,957,986,000 shall be for operation and maintenance,
8 of which not to exceed one percent shall remain available
9 for obligation until September 30, 2023, and of which up
10 to \$17,977,979,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$758,708,000, to remain available for obligation until Sep-
13 tember 30, 2024, shall be for procurement; and of which
14 \$2,633,488,000, to remain available for obligation until
15 September 30, 2023, shall be for research, development,
16 test and evaluation: *Provided*, That, notwithstanding any
17 other provision of law, of the amount made available under
18 this heading for research, development, test and evalua-
19 tion, not less than \$10,000,000 shall be available for HIV
20 prevention educational activities undertaken in connection
21 with United States military training, exercises, and hu-
22 manitarian assistance activities conducted primarily in Af-
23 rican nations: *Provided further*, That of the funds provided
24 under this heading for research, development, test and
25 evaluation, not less than \$1,536,000,000 shall be made

1 available to the United States Army Medical Research and
2 Development Command to carry out the congressionally
3 directed medical research programs: *Provided further*,
4 That the Secretary of Defense shall submit to the congress-
5 sional defense committees quarterly reports on the current
6 status of the deployment of the electronic health record:
7 *Provided further*, That the Secretary of Defense shall pro-
8 vide notice to the congressional defense committees not
9 later than 10 business days after delaying the proposed
10 timeline of such deployment if such delay is longer than
11 1 week: *Provided further*, That the Comptroller General
12 of the United States shall perform quarterly performance
13 reviews of such deployment.

14 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
15 DEFENSE

16 For expenses, not otherwise provided for, necessary
17 for the destruction of the United States stockpile of lethal
18 chemical agents and munitions in accordance with the pro-
19 visions of section 1412 of the Department of Defense Au-
20 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
21 struction of other chemical warfare materials that are not
22 in the chemical weapon stockpile, \$1,094,352,000, of
23 which \$93,121,000 shall be for operation and mainte-
24 nance, of which no less than \$48,668,000 shall be for the
25 Chemical Stockpile Emergency Preparedness Program,

1 consisting of \$22,134,000 for activities on military instal-
2 lations and \$26,534,000, to remain available until Sep-
3 tember 30, 2023, to assist State and local governments;
4 and \$1,001,231,000, to remain available until September
5 30, 2023, shall be for research, development, test and eval-
6 uation, of which \$995,011,000 shall only be for the As-
7 sembled Chemical Weapons Alternatives program.

8 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
9 DEFENSE

10 (INCLUDING TRANSFER OF FUNDS)

11 For drug interdiction and counter-drug activities of
12 the Department of Defense, for transfer to appropriations
13 available to the Department of Defense for military per-
14 sonnel of the reserve components serving under the provi-
15 sions of title 10 and title 32, United States Code; for oper-
16 ation and maintenance; for procurement; and for research,
17 development, test and evaluation, \$925,649,000, of which
18 \$579,750,000 shall be for counter-narcotics support;
19 \$126,024,000 shall be for the drug demand reduction pro-
20 gram; \$194,211,000 shall be for the National Guard
21 counter-drug program; and \$25,664,000 shall be for the
22 National Guard counter-drug schools program: *Provided,*
23 That the funds appropriated under this heading shall be
24 available for obligation for the same time period and for
25 the same purpose as the appropriation to which trans-

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

8 OFFICE OF THE INSPECTOR GENERAL

9 For expenses and activities of the Office of the In-
10 spector General in carrying out the provisions of the In-
11 spector General Act of 1978, as amended, \$438,363,000,
12 of which \$435,918,000 shall be for operation and mainte-
13 nance, of which not to exceed \$700,000 is available for
14 emergencies and extraordinary expenses to be expended
15 upon the approval or authority of the Inspector General,
16 and payments may be made upon the Inspector General's
17 certificate of necessity for confidential military purposes;
18 of which \$80,000, to remain available for obligation until
19 September 30, 2024, shall be for procurement; and of
20 which \$2,365,000, to remain available until September 30,
21 2023, shall be for research, development, test and evalua-
22 tion.

1 TITLE VII
2 RELATED AGENCIES
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-
6 tirement and Disability System Fund, to maintain the
7 proper funding level for continuing the operation of the
8 Central Intelligence Agency Retirement and Disability
9 System, \$514,000,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

11 For necessary expenses of the Intelligence Commu-
12 nity Management Account, \$587,100,000.

1 TITLE VIII

2 GENERAL PROVISIONS

3 SEC. 8001. No part of any appropriation contained
4 in this Act shall be used for publicity or propaganda pur-
5 poses not authorized by the Congress.

6 SEC. 8002. During the current fiscal year, provisions
7 of law prohibiting the payment of compensation to, or em-
8 ployment of, any person not a citizen of the United States
9 shall not apply to personnel of the Department of Defense:
10 *Provided*, That salary increases granted to direct and indi-
11 rect hire foreign national employees of the Department of
12 Defense funded by this Act shall not be at a rate in excess
13 of the percentage increase authorized by law for civilian
14 employees of the Department of Defense whose pay is
15 computed under the provisions of section 5332 of title 5,
16 United States Code, or at a rate in excess of the percent-
17 age increase provided by the appropriate host nation to
18 its own employees, whichever is higher: *Provided further*,
19 That this section shall not apply to Department of De-
20 fense foreign service national employees serving at United
21 States diplomatic missions whose pay is set by the Depart-
22 ment of State under the Foreign Service Act of 1980: *Pro-*
23 *vided further*, That the limitations of this provision shall
24 not apply to foreign national employees of the Department
25 of Defense in the Republic of Turkey.

1 appropriated and in no case where the item for which
2 funds are requested has been denied by the Congress: *Pro-*
3 *vided further*, That the Secretary of Defense shall notify
4 the Congress promptly of all transfers made pursuant to
5 this authority or any other authority in this Act: *Provided*
6 *further*, That no part of the funds in this Act shall be
7 available to prepare or present a request to the Commit-
8 tees on Appropriations of the House of Representatives
9 and the Senate for reprogramming of funds, unless for
10 higher priority items, based on unforeseen military re-
11 quirements, than those for which originally appropriated
12 and in no case where the item for which reprogramming
13 is requested has been denied by the Congress: *Provided*
14 *further*, That a request for multiple reprogrammings of
15 funds using authority provided in this section shall be
16 made prior to June 30, 2022: *Provided further*, That
17 transfers among military personnel appropriations shall
18 not be taken into account for purposes of the limitation
19 on the amount of funds that may be transferred under
20 this section.

21 SEC. 8006. (a) With regard to the list of specific pro-
22 grams, projects, and activities (and the dollar amounts
23 and adjustments to budget activities corresponding to
24 such programs, projects, and activities) contained in the
25 tables titled Explanation of Project Level Adjustments in

1 the explanatory statement regarding this Act and the ta-
2 bles contained in the classified annex accompanying this
3 Act, the obligation and expenditure of amounts appro-
4 priated or otherwise made available in this Act for those
5 programs, projects, and activities for which the amounts
6 appropriated exceed the amounts requested are hereby re-
7 quired by law to be carried out in the manner provided
8 by such tables to the same extent as if the tables were
9 included in the text of this Act.

10 (b) Amounts specified in the referenced tables de-
11 scribed in subsection (a) shall not be treated as subdivi-
12 sions of appropriations for purposes of section 8005 of this
13 Act: *Provided*, That section 8005 shall apply when trans-
14 fers of the amounts described in subsection (a) occur be-
15 tween appropriation accounts.

16 SEC. 8007. (a) Not later than 60 days after the date
17 of the enactment of this Act, the Department of Defense
18 shall submit a report to the congressional defense commit-
19 tees to establish the baseline for application of reprogram-
20 ming and transfer authorities for fiscal year 2022: *Pro-*
21 *vided*, That the report shall include—

22 (1) a table for each appropriation with a sepa-
23 rate column to display the President's budget re-
24 quest, adjustments made by Congress, adjustments

1 due to enacted rescissions, if appropriate, and the
2 fiscal year enacted level;

3 (2) a delineation in the table for each appro-
4 priation both by budget activity and program,
5 project, and activity as detailed in the Budget Ap-
6 pendix; and

7 (3) an identification of items of special congres-
8 sional interest.

9 (b) Notwithstanding section 8005 of this Act, none
10 of the funds provided in this Act shall be available for
11 reprogramming or transfer until the report identified in
12 subsection (a) is submitted to the congressional defense
13 committees, unless the Secretary of Defense certifies in
14 writing to the congressional defense committees that such
15 reprogramming or transfer is necessary as an emergency
16 requirement: *Provided*, That this subsection shall not
17 apply to transfers from the following appropriations ac-
18 counts:

19 (1) “Environmental Restoration, Army”;

20 (2) “Environmental Restoration, Navy”;

21 (3) “Environmental Restoration, Air Force”;

22 (4) “Environmental Restoration, Defense-
23 Wide”;

24 (5) “Environmental Restoration, Formerly
25 Used Defense Sites”; and

1 SEC. 8009. Funds appropriated by this Act may not
2 be used to initiate a special access program without prior
3 notification 30 calendar days in advance to the congress-
4 sional defense committees.

5 SEC. 8010. None of the funds provided in this Act
6 shall be available to initiate: (1) a multiyear contract that
7 employs economic order quantity procurement in excess of
8 \$20,000,000 in any one year of the contract or that in-
9 cludes an unfunded contingent liability in excess of
10 \$20,000,000; or (2) a contract for advance procurement
11 leading to a multiyear contract that employs economic
12 order quantity procurement in excess of \$20,000,000 in
13 any one year, unless the congressional defense committees
14 have been notified at least 30 days in advance of the pro-
15 posed contract award: *Provided*, That no part of any ap-
16 propriation contained in this Act shall be available to ini-
17 tiate a multiyear contract for which the economic order
18 quantity advance procurement is not funded at least to
19 the limits of the Government's liability: *Provided further*,
20 That no part of any appropriation contained in this Act
21 shall be available to initiate multiyear procurement con-
22 tracts for any systems or component thereof if the value
23 of the multiyear contract would exceed \$500,000,000 un-
24 less specifically provided in this Act: *Provided further*,
25 That no multiyear procurement contract can be termi-

1 nated without 30-day prior notification to the congres-
2 sional defense committees: *Provided further*, That the exe-
3 cution of multiyear authority shall require the use of a
4 present value analysis to determine lowest cost compared
5 to an annual procurement: *Provided further*, That none of
6 the funds provided in this Act may be used for a multiyear
7 contract executed after the date of the enactment of this
8 Act unless in the case of any such contract—

9 (1) the Secretary of Defense has submitted to
10 Congress a budget request for full funding of units
11 to be procured through the contract and, in the case
12 of a contract for procurement of aircraft, that in-
13 cludes, for any aircraft unit to be procured through
14 the contract for which procurement funds are re-
15 quested in that budget request for production be-
16 yond advance procurement activities in the fiscal
17 year covered by the budget, full funding of procure-
18 ment of such unit in that fiscal year;

19 (2) cancellation provisions in the contract do
20 not include consideration of recurring manufacturing
21 costs of the contractor associated with the produc-
22 tion of unfunded units to be delivered under the con-
23 tract;

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

4 (4) the contract does not provide for a price ad-
5 justment based on a failure to award a follow-on
6 contract.

7 Funds appropriated in title III of this Act may be used
8 for multiyear procurement contracts for the UH/HH-60M
9 Black Hawk helicopter and the AH-64E Apache heli-
10 copter.

11 SEC. 8011. Within the funds appropriated for the op-
12 eration and maintenance of the Armed Forces, funds are
13 hereby appropriated pursuant to section 401 of title 10,
14 United States Code, for humanitarian and civic assistance
15 costs under chapter 20 of title 10, United States Code.
16 Such funds may also be obligated for humanitarian and
17 civic assistance costs incidental to authorized operations
18 and pursuant to authority granted in section 401 of title
19 10, United States Code, and these obligations shall be re-
20 ported as required by section 401(d) of title 10, United
21 States Code: *Provided*, That funds available for operation
22 and maintenance shall be available for providing humani-
23 tarian and similar assistance by using Civic Action Teams
24 in the Trust Territories of the Pacific Islands and freely
25 associated states of Micronesia, pursuant to the Compact

1 of Free Association as authorized by Public Law 99–239:
2 *Provided further*, That upon a determination by the Sec-
3 retary of the Army that such action is beneficial for grad-
4 uate medical education programs conducted at Army med-
5 ical facilities located in Hawaii, the Secretary of the Army
6 may authorize the provision of medical services at such
7 facilities and transportation to such facilities, on a nonre-
8 imburseable basis, for civilian patients from American
9 Samoa, the Commonwealth of the Northern Mariana Is-
10 lands, the Marshall Islands, the Federated States of Mi-
11 cronesia, Palau, and Guam.

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

19 (1) the total force management policies and
20 procedures established under section 129a of title
21 10, United States Code;

22 (2) the workload required to carry out the func-
23 tions and activities of the Department; and

24 (3) the funds made available to the Department
25 for such fiscal year.

1 (b) None of the funds appropriated by this Act may
2 be used to reduce the civilian workforce programmed full
3 time equivalent levels absent the appropriate analysis of
4 the impacts of these reductions on workload, military force
5 structure, lethality, readiness, operational effectiveness,
6 stress on the military force, and fully burdened costs.

7 (c) A projection of the number of full-time equivalent
8 positions shall not be considered a constraint or limitation
9 for purposes of subsection (a) and reducing funding for
10 under-execution of such a projection shall not be consid-
11 ered managing based on a constraint or limitation for pur-
12 poses of such subsection.

13 (d) The fiscal year 2023 budget request for the De-
14 partment of Defense, and any justification material and
15 other documentation supporting such request, shall be
16 prepared and submitted to Congress as if subsections (a)
17 and (b) were effective with respect to such fiscal year.

18 (e) Nothing in this section shall be construed to apply
19 to military (civilian) technicians.

20 SEC. 8013. None of the funds made available by this
21 Act shall be used in any way, directly or indirectly, to in-
22 fluence congressional action on any legislation or appro-
23 priation matters pending before the Congress.

24 SEC. 8014. None of the funds appropriated by this
25 Act shall be available for the basic pay and allowances of

1 any member of the Army participating as a full-time stu-
2 dent and receiving benefits paid by the Secretary of Vet-
3 erans Affairs from the Department of Defense Education
4 Benefits Fund when time spent as a full-time student is
5 credited toward completion of a service commitment: *Pro-*
6 *vided*, That this section shall not apply to those members
7 who have reenlisted with this option prior to October 1,
8 1987: *Provided further*, That this section applies only to
9 active components of the Army.

10 (TRANSFER OF FUNDS)

11 SEC. 8015. (a) Funds appropriated in title III of this
12 Act for the Department of Defense Pilot Mentor-Protégé
13 Program may be transferred to any other appropriation
14 contained in this Act solely for the purpose of imple-
15 menting a Mentor-Protégé Program developmental assist-
16 ance agreement pursuant to section 831 of the National
17 Defense Authorization Act for Fiscal Year 1991 (Public
18 Law 101–510; 10 U.S.C. 2302 note), as amended, under
19 the authority of this provision or any other transfer au-
20 thority contained in this Act.

21 (b) The Secretary of Defense shall include with the
22 budget justification documents in support of the budget
23 for fiscal year 2023 (as submitted to Congress pursuant
24 to section 1105 of title 31, United States Code) a descrip-
25 tion of each transfer under this section that occurred dur-

1 ing the last fiscal year before the fiscal year in which such
2 budget is submitted.

3 SEC. 8016. None of the funds in this Act may be
4 available for the purchase by the Department of Defense
5 (and its departments and agencies) of welded shipboard
6 anchor and mooring chain unless the anchor and mooring
7 chain are manufactured in the United States from compo-
8 nents which are substantially manufactured in the United
9 States: *Provided*, That for the purpose of this section, the
10 term “manufactured” shall include cutting, heat treating,
11 quality control, testing of chain and welding (including the
12 forging and shot blasting process): *Provided further*, That
13 for the purpose of this section substantially all of the com-
14 ponents of anchor and mooring chain shall be considered
15 to be produced or manufactured in the United States if
16 the aggregate cost of the components produced or manu-
17 factured in the United States exceeds the aggregate cost
18 of the components produced or manufactured outside the
19 United States: *Provided further*, That when adequate do-
20 mestic supplies are not available to meet Department of
21 Defense requirements on a timely basis, the Secretary of
22 the Service responsible for the procurement may waive this
23 restriction on a case-by-case basis by certifying in writing
24 to the Committees on Appropriations of the House of Rep-
25 resentatives and the Senate that such an acquisition must

1 be made in order to acquire capability for national security
2 purposes.

3 SEC. 8017. None of the funds appropriated by this
4 Act shall be used for the support of any nonappropriated
5 funds activity of the Department of Defense that procures
6 malt beverages and wine with nonappropriated funds for
7 resale (including such alcoholic beverages sold by the
8 drink) on a military installation located in the United
9 States unless such malt beverages and wine are procured
10 within that State, or in the case of the District of Colum-
11 bia, within the District of Columbia, in which the military
12 installation is located: *Provided*, That, in a case in which
13 the military installation is located in more than one State,
14 purchases may be made in any State in which the installa-
15 tion is located: *Provided further*, That such local procure-
16 ment requirements for malt beverages and wine shall
17 apply to all alcoholic beverages only for military installa-
18 tions in States which are not contiguous with another
19 State: *Provided further*, That alcoholic beverages other
20 than wine and malt beverages, in contiguous States and
21 the District of Columbia shall be procured from the most
22 competitive source, price and other factors considered.

23 SEC. 8018. None of the funds available to the De-
24 partment of Defense may be used to demilitarize or dis-
25 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,

1 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
2 to demilitarize or destroy small arms ammunition or am-
3 munition components that are not otherwise prohibited
4 from commercial sale under Federal law, unless the small
5 arms ammunition or ammunition components are certified
6 by the Secretary of the Army or designee as unserviceable
7 or unsafe for further use.

8 SEC. 8019. No more than \$500,000 of the funds ap-
9 propriated or made available in this Act shall be used dur-
10 ing a single fiscal year for any single relocation of an orga-
11 nization, unit, activity or function of the Department of
12 Defense into or within the National Capital Region: *Pro-*
13 *vided*, That the Secretary of Defense may waive this re-
14 striction on a case-by-case basis by certifying in writing
15 to the congressional defense committees that such a relo-
16 cation is required in the best interest of the Government.

17 SEC. 8020. In addition to the funds provided else-
18 where in this Act, \$25,000,000 is appropriated only for
19 incentive payments authorized by section 504 of the In-
20 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
21 That a prime contractor or a subcontractor at any tier
22 that makes a subcontract award to any subcontractor or
23 supplier as defined in section 1544 of title 25, United
24 States Code, or a small business owned and controlled by
25 an individual or individuals defined under section 4221(9)

1 of title 25, United States Code, shall be considered a con-
2 tractor for the purposes of being allowed additional com-
3 pensation under section 504 of the Indian Financing Act
4 of 1974 (25 U.S.C. 1544) whenever the prime contract
5 or subcontract amount is over \$500,000 and involves the
6 expenditure of funds appropriated by an Act making ap-
7 propriations for the Department of Defense with respect
8 to any fiscal year: *Provided further*, That notwithstanding
9 section 1906 of title 41, United States Code, this section
10 shall be applicable to any Department of Defense acquisi-
11 tion of supplies or services, including any contract and any
12 subcontract at any tier for acquisition of commercial items
13 produced or manufactured, in whole or in part, by any
14 subcontractor or supplier defined in section 1544 of title
15 25, United States Code, or a small business owned and
16 controlled by an individual or individuals defined under
17 section 4221(9) of title 25, United States Code.

18 SEC. 8021. (a) Notwithstanding any other provision
19 of law, the Secretary of the Air Force may convey at no
20 cost to the Air Force, without consideration, to Indian
21 tribes located in the States of Nevada, Idaho, North Da-
22 kota, South Dakota, Montana, Oregon, Minnesota, and
23 Washington relocatable military housing units located at
24 Grand Forks Air Force Base, Malmstrom Air Force Base,
25 Mountain Home Air Force Base, Ellsworth Air Force

1 Base, and Minot Air Force Base that are excess to the
2 needs of the Air Force.

3 (b) The Secretary of the Air Force shall convey, at
4 no cost to the Air Force, military housing units under sub-
5 section (a) in accordance with the request for such units
6 that are submitted to the Secretary by the Operation
7 Walking Shield Program on behalf of Indian tribes located
8 in the States of Nevada, Idaho, North Dakota, South Da-
9 kota, Montana, Oregon, Minnesota, and Washington. Any
10 such conveyance shall be subject to the condition that the
11 housing units shall be removed within a reasonable period
12 of time, as determined by the Secretary.

13 (c) The Operation Walking Shield Program shall re-
14 solve any conflicts among requests of Indian tribes for
15 housing units under subsection (a) before submitting re-
16 quests to the Secretary of the Air Force under subsection
17 (b).

18 (d) In this section, the term “Indian tribe” means
19 any recognized Indian tribe included on the current list
20 published by the Secretary of the Interior under section
21 104 of the Federally Recognized Indian Tribe Act of 1994
22 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

23 SEC. 8022. Of the funds appropriated to the Depart-
24 ment of Defense under the heading “Operation and Main-
25 tenance, Defense-Wide”, not less than \$12,000,000 shall

1 be made available only for the mitigation of environmental
2 impacts, including training and technical assistance to
3 tribes, related administrative support, the gathering of in-
4 formation, documenting of environmental damage, and de-
5 veloping a system for prioritization of mitigation and cost
6 to complete estimates for mitigation, on Indian lands re-
7 sulting from Department of Defense activities.

8 SEC. 8023. Funds appropriated by this Act for the
9 Defense Media Activity shall not be used for any national
10 or international political or psychological activities.

11 SEC. 8024. None of the funds available in this Act
12 to the Department of Defense, other than appropriations
13 made for necessary or routine refurbishments, upgrades
14 or maintenance activities, shall be used to reduce or to
15 prepare to reduce the number of deployed and non-de-
16 ployed strategic delivery vehicles and launchers below the
17 levels set forth in the report submitted to Congress in ac-
18 cordance with section 1042 of the National Defense Au-
19 thorization Act for Fiscal Year 2012.

20 SEC. 8025. Of the amounts appropriated for “Work-
21 ing Capital Fund, Army”, \$115,000,000 shall be available
22 to maintain competitive rates at the arsenals.

23 SEC. 8026. (a) Of the funds made available in this
24 Act, not less than \$60,500,000 shall be available for the
25 Civil Air Patrol Corporation, of which—

1 (1) \$47,300,000 shall be available from “Oper-
2 ation and Maintenance, Air Force” to support Civil
3 Air Patrol Corporation operation and maintenance,
4 readiness, counter-drug activities, and drug demand
5 reduction activities involving youth programs;

6 (2) \$11,400,000 shall be available from “Air-
7 craft Procurement, Air Force”; and

8 (3) \$1,800,000 shall be available from “Other
9 Procurement, Air Force” for vehicle procurement.

10 (b) The Secretary of the Air Force should waive reim-
11 bursement for any funds used by the Civil Air Patrol for
12 counter-drug activities in support of Federal, State, and
13 local government agencies.

14 SEC. 8027. (a) None of the funds appropriated in this
15 Act are available to establish a new Department of De-
16 fense (department) federally funded research and develop-
17 ment center (FFRDC), either as a new entity, or as a
18 separate entity administrated by an organization man-
19 aging another FFRDC, or as a nonprofit membership cor-
20 poration consisting of a consortium of other FFRDCs and
21 other nonprofit entities.

22 (b) No member of a Board of Directors, Trustees,
23 Overseers, Advisory Group, Special Issues Panel, Visiting
24 Committee, or any similar entity of a defense FFRDC,
25 and no paid consultant to any defense FFRDC, except

1 when acting in a technical advisory capacity, may be com-
2 pensated for his or her services as a member of such enti-
3 ty, or as a paid consultant by more than one FFRDC in
4 a fiscal year: *Provided*, That a member of any such entity
5 referred to previously in this subsection shall be allowed
6 travel expenses and per diem as authorized under the Fed-
7 eral Joint Travel Regulations, when engaged in the per-
8 formance of membership duties.

9 (c) Notwithstanding any other provision of law, none
10 of the funds available to the department from any source
11 during the current fiscal year may be used by a defense
12 FFRDC, through a fee or other payment mechanism, for
13 construction of new buildings not located on a military in-
14 stallation, for payment of cost sharing for projects funded
15 by Government grants, for absorption of contract over-
16 runs, or for certain charitable contributions, not to include
17 employee participation in community service and/or devel-
18 opment.

19 (d) Notwithstanding any other provision of law, of
20 the funds available to the department during fiscal year
21 2022, not more than 6,119 staff years of technical effort
22 (staff years) may be funded for defense FFRDCs: *Pro-*
23 *vided*, That within such funds for 6,119 staff years, funds
24 shall be available only for 1,148 staff years for the defense
25 studies and analysis FFRDCs: *Provided further*, That this

1 subsection shall not apply to staff years funded in the Na-
2 tional Intelligence Program and the Military Intelligence
3 Program: *Provided further*, That the limit on staff years
4 in the matter preceding the first proviso in this subsection
5 may be increased to 6,184, from within funds available
6 to the Department during fiscal year 2022, no sooner than
7 60 days after the Secretary of Defense submits in writing
8 to the congressional defense committees—

9 (1) a complete breakdown of actual staff years
10 by program and primary sponsor for fiscal years
11 2020 and 2021;

12 (2) a complete breakdown of the estimated
13 6,184 staff years by program and primary sponsor
14 for fiscal year 2022;

15 (3) a list of corrective actions planned and im-
16 plemented following the 2019 Under Secretary of
17 Defense (Research and Engineering)-led FFRDC
18 management review regarding the implementation of
19 a strategic management process and continued inde-
20 pendence of defense FFRDCs; and

21 (4) a plan to commission a near-term inde-
22 pendent review and assessment of current FFRDC
23 and potentially competitive non-FFRDC entities'
24 core competencies as compared to new or emerging
25 requirements:

1 *Provided further*, That the Secretary of Defense shall pro-
2 vide a plan to commission a near-term independent review
3 of current Department of Defense and military service
4 workforce core competencies as compared to new or
5 emerging requirements, to include a review of current and
6 proposed workforce development, talent management, and
7 professional military education initiatives and career op-
8 tions by June 15, 2022.

9 (e) The Secretary of Defense shall, with the submis-
10 sion of the department's fiscal year 2023 budget request,
11 submit a report presenting the specific amounts of staff
12 years of technical effort to be allocated for each defense
13 FFRDC by program during that fiscal year and the asso-
14 ciated budget estimates.

15 (f) Notwithstanding any other provision of this Act,
16 the total amount appropriated in this Act for FFRDCs
17 is hereby reduced by \$63,840,000: *Provided*, That this
18 subsection shall not apply to appropriations for the Na-
19 tional Intelligence Program and Military Intelligence Pro-
20 gram.

21 SEC. 8028. For the purposes of this Act, the term
22 "congressional defense committees" means the Armed
23 Services Committee of the House of Representatives, the
24 Armed Services Committee of the Senate, the Sub-
25 committee on Defense of the Committee on Appropriations

1 of the Senate, and the Subcommittee on Defense of the
2 Committee on Appropriations of the House of Representa-
3 tives.

4 SEC. 8029. For the purposes of this Act, the term
5 “congressional intelligence committees” means the Perma-
6 nent Select Committee on Intelligence of the House of
7 Representatives, the Select Committee on Intelligence of
8 the Senate, the Subcommittee on Defense of the Com-
9 mittee on Appropriations of the House of Representatives,
10 and the Subcommittee on Defense of the Committee on
11 Appropriations of the Senate.

12 SEC. 8030. During the current fiscal year, the De-
13 partment of Defense may acquire the modification, depot
14 maintenance and repair of aircraft, vehicles and vessels
15 as well as the production of components and other De-
16 fense-related articles, through competition between De-
17 partment of Defense depot maintenance activities and pri-
18 vate firms: *Provided*, That the Senior Acquisition Execu-
19 tive of the military department or Defense Agency con-
20 cerned, with power of delegation, shall certify that success-
21 ful bids include comparable estimates of all direct and in-
22 direct costs for both public and private bids: *Provided fur-*
23 *ther*, That Office of Management and Budget Circular A-
24 76 shall not apply to competitions conducted under this
25 section.

1 SEC. 8031. (a) None of the funds appropriated in this
2 Act may be expended by an entity of the Department of
3 Defense unless the entity, in expending the funds, com-
4 plies with the Buy American Act. For purposes of this
5 subsection, the term “Buy American Act” means chapter
6 83 of title 41, United States Code.

7 (b) If the Secretary of Defense determines that a per-
8 son has been convicted of intentionally affixing a label
9 bearing a “Made in America” inscription to any product
10 sold in or shipped to the United States that is not made
11 in America, the Secretary shall determine, in accordance
12 with section 2410f of title 10, United States Code, wheth-
13 er the person should be debarred from contracting with
14 the Department of Defense.

15 (c) In the case of any equipment or products pur-
16 chased with appropriations provided under this Act, it is
17 the sense of the Congress that any entity of the Depart-
18 ment of Defense, in expending the appropriation, purchase
19 only American-made equipment and products, provided
20 that American-made equipment and products are cost-
21 competitive, quality competitive, and available in a timely
22 fashion.

23 SEC. 8032. None of the funds appropriated or made
24 available in this Act shall be used to procure carbon, alloy,
25 or armor steel plate for use in any Government-owned fa-

1 cility or property under the control of the Department of
2 Defense which were not melted and rolled in the United
3 States or Canada: *Provided*, That these procurement re-
4 strictions shall apply to any and all Federal Supply Class
5 9515, American Society of Testing and Materials (ASTM)
6 or American Iron and Steel Institute (AISI) specifications
7 of carbon, alloy or armor steel plate: *Provided further*,
8 That the Secretary of the military department responsible
9 for the procurement may waive this restriction on a case-
10 by-case basis by certifying in writing to the Committees
11 on Appropriations of the House of Representatives and the
12 Senate that adequate domestic supplies are not available
13 to meet Department of Defense requirements on a timely
14 basis and that such an acquisition must be made in order
15 to acquire capability for national security purposes: *Pro-*
16 *vided further*, That these restrictions shall not apply to
17 contracts which are in being as of the date of the enact-
18 ment of this Act.

19 SEC. 8033. (a)(1) If the Secretary of Defense, after
20 consultation with the United States Trade Representative,
21 determines that a foreign country which is party to an
22 agreement described in paragraph (2) has violated the
23 terms of the agreement by discriminating against certain
24 types of products produced in the United States that are
25 covered by the agreement, the Secretary of Defense shall

1 rescind the Secretary’s blanket waiver of the Buy Amer-
2 ican Act with respect to such types of products produced
3 in that foreign country.

4 (2) An agreement referred to in paragraph (1) is any
5 reciprocal defense procurement memorandum of under-
6 standing, between the United States and a foreign country
7 pursuant to which the Secretary of Defense has prospec-
8 tively waived the Buy American Act for certain products
9 in that country.

10 (b) The Secretary of Defense shall submit to the Con-
11 gress a report on the amount of Department of Defense
12 purchases from foreign entities in fiscal year 2022. Such
13 report shall separately indicate the dollar value of items
14 for which the Buy American Act was waived pursuant to
15 any agreement described in subsection (a)(2), the Trade
16 Agreements Act of 1979 (19 U.S.C. 2501 et seq.), or any
17 international agreement to which the United States is a
18 party.

19 (c) For purposes of this section, the term “Buy
20 American Act” means chapter 83 of title 41, United
21 States Code.

22 SEC. 8034. None of the funds appropriated by this
23 Act may be used for the procurement of ball and roller
24 bearings other than those produced by a domestic source
25 and of domestic origin: *Provided*, That the Secretary of

1 the military department responsible for such procurement
2 may waive this restriction on a case-by-case basis by certi-
3 fying in writing to the Committees on Appropriations of
4 the House of Representatives and the Senate, that ade-
5 quate domestic supplies are not available to meet Depart-
6 ment of Defense requirements on a timely basis and that
7 such an acquisition must be made in order to acquire ca-
8 pability for national security purposes: *Provided further*,
9 That this restriction shall not apply to the purchase of
10 “commercial products”, as defined by section 103 of title
11 41, United States Code, except that the restriction shall
12 apply to ball or roller bearings purchased as end items.

13 SEC. 8035. In addition to any other funds made
14 available for such purposes, including pursuant to section
15 98h of title 50, United States Code, or elsewhere in this
16 Act, there is appropriated \$125,000,000, for an additional
17 amount for “National Defense Stockpile Transaction
18 Fund”, to remain available until September 30, 2024,
19 which shall only be used for the acquisition and retention
20 of certain materials, as specified in the classified annex
21 accompanying this Act: *Provided*, That none of the funds
22 provided under this section may be obligated or expended
23 until 90 days after the Secretary of Defense provides the
24 congressional defense committees a detailed execution plan
25 for these funds.

1 SEC. 8036. None of the funds in this Act may be
2 used to purchase any supercomputer which is not manu-
3 factured in the United States, unless the Secretary of De-
4 fense certifies to the congressional defense committees
5 that such an acquisition must be made in order to acquire
6 capability for national security purposes that is not avail-
7 able from United States manufacturers.

8 SEC. 8037. (a) The Secretary of Defense may, on a
9 case-by-case basis, waive with respect to a foreign country
10 each limitation on the procurement of defense items from
11 foreign sources provided in law if the Secretary determines
12 that the application of the limitation with respect to that
13 country would invalidate cooperative programs entered
14 into between the Department of Defense and the foreign
15 country, or would invalidate reciprocal trade agreements
16 for the procurement of defense items entered into under
17 section 2531 of title 10, United States Code, and the
18 country does not discriminate against the same or similar
19 defense items produced in the United States for that coun-
20 try.

21 (b) Subsection (a) applies with respect to—

22 (1) contracts and subcontracts entered into on
23 or after the date of the enactment of this Act; and

24 (2) options for the procurement of items that
25 are exercised after such date under contracts that

1 are entered into before such date if the option prices
2 are adjusted for any reason other than the applica-
3 tion of a waiver granted under subsection (a).

4 (c) Subsection (a) does not apply to a limitation re-
5 garding construction of public vessels, ball and roller bear-
6 ings, food, and clothing or textile materials as defined by
7 section XI (chapters 50–65) of the Harmonized Tariff
8 Schedule of the United States and products classified
9 under headings 4010, 4202, 4203, 6401 through 6406,
10 6505, 7019, 7218 through 7229, 7304.41 through
11 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,
12 8211, 8215, and 9404.

13 SEC. 8038. None of the funds made available in this
14 Act, or any subsequent Act making appropriations for the
15 Department of Defense, may be used for the purchase or
16 manufacture of a flag of the United States unless such
17 flags are treated as covered items under section 2533a(b)
18 of title 10, United States Code.

19 SEC. 8039. During the current fiscal year, amounts
20 contained in the Department of Defense Overseas Military
21 Facility Investment Recovery Account shall be available
22 until expended for the payments specified by section
23 2687a(b)(2) of title 10, United States Code.

24 SEC. 8040. During the current fiscal year, appropria-
25 tions which are available to the Department of Defense

1 for operation and maintenance may be used to purchase
2 items having an investment item unit cost of not more
3 than \$250,000: *Provided*, That upon determination by the
4 Secretary of Defense that such action is necessary to meet
5 the operational requirements of a Commander of a Com-
6 batant Command engaged in a named contingency oper-
7 ation overseas, such funds may be used to purchase items
8 having an investment item unit cost of not more than
9 \$500,000.

10 SEC. 8041. Amounts appropriated or otherwise made
11 available to the Department of Defense in this Act, may
12 not be obligated or expended for the retirement or divesti-
13 ture of the RQ-4 Global Hawk Block 40 aircraft: *Pro-*
14 *vided*, That the Secretary of the Air Force is prohibited
15 from deactivating the corresponding squadrons responsible
16 for the operations of the aforementioned aircraft.

17 SEC. 8042. Up to \$11,120,000 of the funds appro-
18 priated under the heading “Operation and Maintenance,
19 Navy” may be made available for the Asia Pacific Re-
20 gional Initiative Program for the purpose of enabling the
21 United States Indo-Pacific Command to execute Theater
22 Security Cooperation activities such as humanitarian as-
23 sistance, and payment of incremental and personnel costs
24 of training and exercising with foreign security forces:
25 *Provided*, That funds made available for this purpose may

1 be used, notwithstanding any other funding authorities for
2 humanitarian assistance, security assistance or combined
3 exercise expenses: *Provided further*, That funds may not
4 be obligated to provide assistance to any foreign country
5 that is otherwise prohibited from receiving such type of
6 assistance under any other provision of law.

7 SEC. 8043. The Secretary of Defense shall issue reg-
8 ulations to prohibit the sale of any tobacco or tobacco-
9 related products in military resale outlets in the United
10 States, its territories and possessions at a price below the
11 most competitive price in the local community: *Provided*,
12 That such regulations shall direct that the prices of to-
13 bacco or tobacco-related products in overseas military re-
14 tail outlets shall be within the range of prices established
15 for military retail system stores located in the United
16 States.

17 SEC. 8044. (a) During the current fiscal year, none
18 of the appropriations or funds available to the Department
19 of Defense Working Capital Funds shall be used for the
20 purchase of an investment item for the purpose of acquir-
21 ing a new inventory item for sale or anticipated sale dur-
22 ing the current fiscal year or a subsequent fiscal year to
23 customers of the Department of Defense Working Capital
24 Funds if such an item would not have been chargeable
25 to the Department of Defense Business Operations Fund

1 during fiscal year 1994 and if the purchase of such an
2 investment item would be chargeable during the current
3 fiscal year to appropriations made to the Department of
4 Defense for procurement.

5 (b) The fiscal year 2023 budget request for the De-
6 partment of Defense as well as all justification material
7 and other documentation supporting the fiscal year 2023
8 Department of Defense budget shall be prepared and sub-
9 mitted to the Congress on the basis that any equipment
10 which was classified as an end item and funded in a pro-
11 curement appropriation contained in this Act shall be
12 budgeted for in a proposed fiscal year 2023 procurement
13 appropriation and not in the supply management business
14 area or any other area or category of the Department of
15 Defense Working Capital Funds.

16 SEC. 8045. None of the funds appropriated by this
17 Act for programs of the Central Intelligence Agency shall
18 remain available for obligation beyond the current fiscal
19 year, except for funds appropriated for the Reserve for
20 Contingencies, which shall remain available until Sep-
21 tember 30, 2023: *Provided*, That funds appropriated,
22 transferred, or otherwise credited to the Central Intel-
23 ligence Agency Central Services Working Capital Fund
24 during this or any prior or subsequent fiscal year shall
25 remain available until expended: *Provided further*, That

1 any funds appropriated or transferred to the Central Intel-
2 ligence Agency for advanced research and development ac-
3 quisition, for agent operations, and for covert action pro-
4 grams authorized by the President under section 503 of
5 the National Security Act of 1947 (50 U.S.C. 3093) shall
6 remain available until September 30, 2023: *Provided fur-*
7 *ther*, That any funds appropriated or transferred to the
8 Central Intelligence Agency for the construction, improve-
9 ment, or alteration of facilities, including leased facilities,
10 to be used primarily by personnel of the intelligence com-
11 munity shall remain available until September 30, 2024.

12 SEC. 8046. (a) Except as provided in subsections (b)
13 and (c), none of the funds made available by this Act may
14 be used—

15 (1) to establish a field operating agency; or
16 (2) to pay the basic pay of a member of the
17 Armed Forces or civilian employee of the depart-
18 ment who is transferred or reassigned from a head-
19 quarters activity if the member or employee's place
20 of duty remains at the location of that headquarters.

21 (b) The Secretary of Defense or Secretary of a mili-
22 tary department may waive the limitations in subsection
23 (a), on a case-by-case basis, if the Secretary determines,
24 and certifies to the Committees on Appropriations of the
25 House of Representatives and the Senate that the grant-

1 ing of the waiver will reduce the personnel requirements
2 or the financial requirements of the department.

3 (c) This section does not apply to—

4 (1) field operating agencies funded within the
5 National Intelligence Program;

6 (2) an Army field operating agency established
7 to eliminate, mitigate, or counter the effects of im-
8 proved explosive devices, and, as determined by the
9 Secretary of the Army, other similar threats;

10 (3) an Army field operating agency established
11 to improve the effectiveness and efficiencies of bio-
12 metric activities and to integrate common biometric
13 technologies throughout the Department of Defense;
14 or

15 (4) an Air Force field operating agency estab-
16 lished to administer the Air Force Mortuary Affairs
17 Program and Mortuary Operations for the Depart-
18 ment of Defense and authorized Federal entities.

19 SEC. 8047. (a) None of the funds appropriated by
20 this Act shall be available to convert to contractor per-
21 formance an activity or function of the Department of De-
22 fense that, on or after the date of the enactment of this
23 Act, is performed by Department of Defense civilian em-
24 ployees unless—

1 (1) the conversion is based on the result of a
2 public-private competition that includes a most effi-
3 cient and cost effective organization plan developed
4 by such activity or function;

5 (2) the Competitive Sourcing Official deter-
6 mines that, over all performance periods stated in
7 the solicitation of offers for performance of the ac-
8 tivity or function, the cost of performance of the ac-
9 tivity or function by a contractor would be less costly
10 to the Department of Defense by an amount that
11 equals or exceeds the lesser of—

12 (A) 10 percent of the most efficient organi-
13 zation's personnel-related costs for performance
14 of that activity or function by Federal employ-
15 ees; or

16 (B) \$10,000,000; and

17 (3) the contractor does not receive an advan-
18 tage for a proposal that would reduce costs for the
19 Department of Defense by—

20 (A) not making an employer-sponsored
21 health insurance plan available to the workers
22 who are to be employed in the performance of
23 that activity or function under the contract; or

24 (B) offering to such workers an employer-
25 sponsored health benefits plan that requires the

1 employer to contribute less towards the pre-
2 mium or subscription share than the amount
3 that is paid by the Department of Defense for
4 health benefits for civilian employees under
5 chapter 89 of title 5, United States Code.

6 (b)(1) The Department of Defense, without regard
7 to subsection (a) of this section or subsection (a), (b), or
8 (c) of section 2461 of title 10, United States Code, and
9 notwithstanding any administrative regulation, require-
10 ment, or policy to the contrary shall have full authority
11 to enter into a contract for the performance of any com-
12 mercial or industrial type function of the Department of
13 Defense that—

14 (A) is included on the procurement list estab-
15 lished pursuant to section 2 of the Javits-Wagner-
16 O'Day Act (section 8503 of title 41, United States
17 Code);

18 (B) is planned to be converted to performance
19 by a qualified nonprofit agency for the blind or by
20 a qualified nonprofit agency for other severely handi-
21 capped individuals in accordance with that Act; or

22 (C) is planned to be converted to performance
23 by a qualified firm under at least 51 percent owner-
24 ship by an Indian tribe, as defined in section 4(e)
25 of the Indian Self-Determination and Education As-

1 “Missile Procurement, Army”, 2020/2022,
2 \$6,953,000;
3 “Procurement of Weapons and Tracked Combat
4 Vehicles, Army”, 2020/2022, \$4,500,000;
5 “Other Procurement, Army”, 2020/2022,
6 \$13,000,000;
7 “Other Procurement, Navy”, 2020/2022,
8 \$3,500,000;
9 “Aircraft Procurement, Air Force”, 2020/2022,
10 \$153,485,000;
11 “Missile Procurement, Air Force”, 2020/2022,
12 \$40,000,000;
13 “Other Procurement, Air Force”, 2020/2022,
14 \$38,000,000;
15 “Operation and Maintenance, Defense-Wide”,
16 2021/2022, \$101,000,000;
17 “Afghanistan Security Forces Fund”, 2021/
18 2022, \$700,000,000;
19 “Counter-ISIS Train and Equip Fund”, 2021/
20 2022, \$250,000,000;
21 “Aircraft Procurement, Army”, 2021/2023,
22 \$5,000,000;
23 “Procurement of Weapons and Tracked Combat
24 Vehicles, Army”, 2021/2023, \$4,533,000;

1 “Procurement of Ammunition, Army”, 2021/
2 2023, \$64,754,000;

3 “Other Procurement, Army”, 2021/2023,
4 \$3,177,000;

5 “Aircraft Procurement, Navy”, 2021/2023,
6 \$51,782,000;

7 “Weapons Procurement, Navy”, 2021/2023,
8 \$37,035,000;

9 “Procurement of Ammunition, Navy and Ma-
10 rine Corps”, 2021/2023, \$5,194,000;

11 “Shipbuilding and Conversion, Navy: DDG-51
12 Destroyer (AP)”, 2021/2025, \$130,000,000;

13 “Other Procurement, Navy”, 2021/2023,
14 \$49,325,000;

15 “Procurement, Marine Corps”, 2021/2023,
16 \$80,109,000;

17 “Aircraft Procurement, Air Force”, 2021/2023,
18 \$690,775,000;

19 “Procurement, Space Force”, 2021/2023,
20 \$35,700,000;

21 “Procurement of Ammunition, Air Force”,
22 2021/2023, \$351,689,000;

23 “Other Procurement, Air Force”, 2021/2023,
24 \$79,390,000;

1 “Research, Development, Test and Evaluation,
2 Army”, 2021/2022, \$79,585,000;

3 “Research, Development, Test and Evaluation,
4 Navy”, 2021/2022, \$68,022,000;

5 “Research, Development, Test and Evaluation,
6 Space Force”, 2021/2022, \$120,500,000;

7 “Research, Development, Test and Evaluation,
8 Defense-Wide”, 2021/2022, \$108,717,000; and

9 “Defense Counterintelligence and Security
10 Agency Working Capital Fund”, 2021/XXXX,
11 \$30,000,000.

12 SEC. 8049. None of the funds available in this Act
13 may be used to reduce the authorized positions for mili-
14 tary technicians (dual status) of the Army National
15 Guard, Air National Guard, Army Reserve and Air Force
16 Reserve for the purpose of applying any administratively
17 imposed civilian personnel ceiling, freeze, or reduction on
18 military technicians (dual status), unless such reductions
19 are a direct result of a reduction in military force struc-
20 ture.

21 SEC. 8050. None of the funds appropriated or other-
22 wise made available in this Act may be obligated or ex-
23 pended for assistance to the Democratic People’s Republic
24 of Korea unless specifically appropriated for that purpose:
25 *Provided*, That this restriction shall not apply to any ac-

1 tivities incidental to the Defense POW/MIA Accounting
2 Agency mission to recover and identify the remains of
3 United States Armed Forces personnel from the Demo-
4 cratic People's Republic of Korea.

5 SEC. 8051. Funds appropriated in this Act for oper-
6 ation and maintenance of the Military Departments, Com-
7 batant Commands and Defense Agencies shall be available
8 for reimbursement of pay, allowances and other expenses
9 which would otherwise be incurred against appropriations
10 for the National Guard and Reserve when members of the
11 National Guard and Reserve provide intelligence or coun-
12 terintelligence support to Combatant Commands, Defense
13 Agencies and Joint Intelligence Activities, including the
14 activities and programs included within the National Intel-
15 ligence Program and the Military Intelligence Program:
16 *Provided*, That nothing in this section authorizes deviation
17 from established Reserve and National Guard personnel
18 and training procedures.

19 SEC. 8052. (a) None of the funds available to the
20 Department of Defense for any fiscal year for drug inter-
21 diction or counter-drug activities may be transferred to
22 any other department or agency of the United States ex-
23 cept as specifically provided in an appropriations law.

24 (b) None of the funds available to the Central Intel-
25 ligence Agency for any fiscal year for drug interdiction or

1 counter-drug activities may be transferred to any other de-
2 partment or agency of the United States except as specifi-
3 cally provided in an appropriations law.

4 SEC. 8053. In addition to the amounts appropriated
5 or otherwise made available elsewhere in this Act,
6 \$49,000,000 is hereby appropriated to the Department of
7 Defense: *Provided*, That upon the determination of the
8 Secretary of Defense that it shall serve the national inter-
9 est, the Secretary shall make grants in the amounts speci-
10 fied as follows: \$24,000,000 to the United Service Organi-
11 zations and \$25,000,000 to the Red Cross.

12 SEC. 8054. Notwithstanding any other provision in
13 this Act, the Small Business Innovation Research program
14 and the Small Business Technology Transfer program set-
15 asides shall be taken proportionally from all programs,
16 projects, or activities to the extent they contribute to the
17 extramural budget. The Secretary of each military depart-
18 ment, the Director of each Defense Agency, and the head
19 of each other relevant component of the Department of
20 Defense shall submit to the congressional defense commit-
21 tees, concurrent with submission of the budget justifica-
22 tion documents to Congress pursuant to section 1105 of
23 title 31, United States Code, a report with a detailed ac-
24 counting of the Small Business Innovation Research pro-
25 gram and the Small Business Technology Transfer pro-

1 gram set-asides taken from programs, projects, or activi-
2 ties within such department, agency, or component during
3 the most recently completed fiscal year.

4 SEC. 8055. None of the funds available to the De-
5 partment of Defense under this Act shall be obligated or
6 expended to pay a contractor under a contract with the
7 Department of Defense for costs of any amount paid by
8 the contractor to an employee when—

9 (1) such costs are for a bonus or otherwise in
10 excess of the normal salary paid by the contractor
11 to the employee; and

12 (2) such bonus is part of restructuring costs as-
13 sociated with a business combination.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 8056. During the current fiscal year, no more
16 than \$30,000,000 of appropriations made in this Act
17 under the heading “Operation and Maintenance, Defense-
18 Wide” may be transferred to appropriations available for
19 the pay of military personnel, to be merged with, and to
20 be available for the same time period as the appropriations
21 to which transferred, to be used in support of such per-
22 sonnel in connection with support and services for eligible
23 organizations and activities outside the Department of De-
24 fense pursuant to section 2012 of title 10, United States
25 Code.

1 SEC. 8057. During the current fiscal year, in the case
2 of an appropriation account of the Department of Defense
3 for which the period of availability for obligation has ex-
4 pired or which has closed under the provisions of section
5 1552 of title 31, United States Code, and which has a
6 negative unliquidated or unexpended balance, an obliga-
7 tion or an adjustment of an obligation may be charged
8 to any current appropriation account for the same purpose
9 as the expired or closed account if—

10 (1) the obligation would have been properly
11 chargeable (except as to amount) to the expired or
12 closed account before the end of the period of avail-
13 ability or closing of that account;

14 (2) the obligation is not otherwise properly
15 chargeable to any current appropriation account of
16 the Department of Defense; and

17 (3) in the case of an expired account, the obli-
18 gation is not chargeable to a current appropriation
19 of the Department of Defense under the provisions
20 of section 1405(b)(8) of the National Defense Au-
21 thorization Act for Fiscal Year 1991, Public Law
22 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
23 *vided*, That in the case of an expired account, if sub-
24 sequent review or investigation discloses that there
25 was not in fact a negative unliquidated or unex-

1 pending balance in the account, any charge to a cur-
2 rent account under the authority of this section shall
3 be reversed and recorded against the expired ac-
4 count: *Provided further*, That the total amount
5 charged to a current appropriation under this sec-
6 tion may not exceed an amount equal to 1 percent
7 of the total appropriation for that account:

8 *Provided*, That the Under Secretary of Defense (Comp-
9 troller) shall include with the budget of the President for
10 fiscal year 2023 (as submitted to Congress pursuant to
11 section 1105 of title 31, United States Code) a statement
12 describing each instance if any, during each of the fiscal
13 years 2016 through 2022 in which the authority in this
14 section was exercised.

15 SEC. 8058. (a) Notwithstanding any other provision
16 of law, the Chief of the National Guard Bureau may per-
17 mit the use of equipment of the National Guard Distance
18 Learning Project by any person or entity on a space-avail-
19 able, reimbursable basis. The Chief of the National Guard
20 Bureau shall establish the amount of reimbursement for
21 such use on a case-by-case basis.

22 (b) Amounts collected under subsection (a) shall be
23 credited to funds available for the National Guard Dis-
24 tance Learning Project and be available to defray the costs
25 associated with the use of equipment of the project under

1 that subsection. Such funds shall be available for such
2 purposes without fiscal year limitation.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8059. Of the funds appropriated in this Act
5 under the heading “Operation and Maintenance, Defense-
6 Wide”, \$47,000,000 shall be for continued implementation
7 and expansion of the Sexual Assault Special Victims’
8 Counsel Program: *Provided*, That the funds are made
9 available for transfer to the Department of the Army, the
10 Department of the Navy, and the Department of the Air
11 Force: *Provided further*, That funds transferred shall be
12 merged with and available for the same purposes and for
13 the same time period as the appropriations to which the
14 funds are transferred: *Provided further*, That this transfer
15 authority is in addition to any other transfer authority
16 provided in this Act.

17 SEC. 8060. None of the funds appropriated in title
18 IV of this Act may be used to procure end-items for deliv-
19 ery to military forces for operational training, operational
20 use or inventory requirements: *Provided*, That this restric-
21 tion does not apply to end-items used in development,
22 prototyping, and test activities preceding and leading to
23 acceptance for operational use: *Provided further*, That this
24 restriction does not apply to programs funded within the
25 National Intelligence Program: *Provided further*, That the

1 Secretary of Defense shall, at the time of the submittal
2 to Congress of the budget of the President for fiscal year
3 2023 pursuant to section 1105 of title 31, United States
4 Code, submit to the congressional defense committees a
5 report detailing the use of funds requested in research,
6 development, test and evaluation accounts for end-items
7 used in development, prototyping and test activities pre-
8 ceding and leading to acceptance for operational use: *Pro-*
9 *vided further*, That the report shall set forth, for each end-
10 item covered by the preceding proviso, a detailed list of
11 the statutory authorities under which amounts in the ac-
12 counts described in that proviso were used for such item:
13 *Provided further*, That the Secretary of Defense shall, at
14 the time of the submittal to Congress of the budget of
15 the President for fiscal year 2023 pursuant to section
16 1105 of title 31, United States Code, submit to the con-
17 gressional defense committees a certification that funds
18 requested for fiscal year 2023 in research, development,
19 test and evaluation are in compliance with this section:
20 *Provided further*, That the Secretary of Defense may waive
21 this restriction on a case-by-case basis by certifying in
22 writing to the Committees on Appropriations of the House
23 of Representatives and the Senate that it is in the national
24 security interest to do so.

1 SEC. 8061. None of the funds appropriated or other-
2 wise made available by this or other Department of De-
3 fense Appropriations Acts may be obligated or expended
4 for the purpose of performing repairs or maintenance to
5 military family housing units of the Department of De-
6 fense, including areas in such military family housing
7 units that may be used for the purpose of conducting offi-
8 cial Department of Defense business.

9 SEC. 8062. Notwithstanding any other provision of
10 law, funds appropriated in this Act under the heading
11 “Research, Development, Test and Evaluation, Defense-
12 Wide” for any new start advanced concept technology
13 demonstration project or joint capability demonstration
14 project may only be obligated 45 days after a report, in-
15 cluding a description of the project, the planned acquisi-
16 tion and transition strategy and its estimated annual and
17 total cost, has been provided in writing to the congres-
18 sional defense committees: *Provided*, That the Secretary
19 of Defense may waive this restriction on a case-by-case
20 basis by certifying to the congressional defense committees
21 that it is in the national interest to do so.

22 SEC. 8063. The Secretary of Defense shall continue
23 to provide a classified quarterly report to the Committees
24 on Appropriations of the House of Representatives and the

1 Senate, Subcommittees on Defense on certain matters as
2 directed in the classified annex accompanying this Act.

3 SEC. 8064. Notwithstanding section 12310(b) of title
4 10, United States Code, a Reserve who is a member of
5 the National Guard serving on full-time National Guard
6 duty under section 502(f) of title 32, United States Code,
7 may perform duties in support of the ground-based ele-
8 ments of the National Ballistic Missile Defense System.

9 SEC. 8065. None of the funds provided in this Act
10 may be used to transfer to any nongovernmental entity
11 ammunition held by the Department of Defense that has
12 a center-fire cartridge and a United States military no-
13 menclature designation of “armor penetrator”, “armor
14 piercing (AP)”, “armor piercing incendiary (API)”, or
15 “armor-piercing incendiary tracer (API-T)”, except to an
16 entity performing demilitarization services for the Depart-
17 ment of Defense under a contract that requires the entity
18 to demonstrate to the satisfaction of the Department of
19 Defense that armor piercing projectiles are either: (1) ren-
20 dered incapable of reuse by the demilitarization process;
21 or (2) used to manufacture ammunition pursuant to a con-
22 tract with the Department of Defense or the manufacture
23 of ammunition for export pursuant to a License for Per-
24 manent Export of Unclassified Military Articles issued by
25 the Department of State.

1 SEC. 8066. Notwithstanding any other provision of
2 law, the Chief of the National Guard Bureau, or his des-
3 ignee, may waive payment of all or part of the consider-
4 ation that otherwise would be required under section 2667
5 of title 10, United States Code, in the case of a lease of
6 personal property for a period not in excess of 1 year to
7 any organization specified in section 508(d) of title 32,
8 United States Code, or any other youth, social, or fra-
9 ternal nonprofit organization as may be approved by the
10 Chief of the National Guard Bureau, or his designee, on
11 a case-by-case basis.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8067. Of the amounts appropriated in this Act
14 under the heading “Operation and Maintenance, Army”,
15 \$152,925,875 shall remain available until expended: *Pro-*
16 *vided*, That, notwithstanding any other provision of law,
17 the Secretary of Defense is authorized to transfer such
18 funds to other activities of the Federal Government: *Pro-*
19 *vided further*, That the Secretary of Defense is authorized
20 to enter into and carry out contracts for the acquisition
21 of real property, construction, personal services, and oper-
22 ations related to projects carrying out the purposes of this
23 section: *Provided further*, That contracts entered into
24 under the authority of this section may provide for such
25 indemnification as the Secretary determines to be nec-

1 essary: *Provided further*, That projects authorized by this
2 section shall comply with applicable Federal, State, and
3 local law to the maximum extent consistent with the na-
4 tional security, as determined by the Secretary of Defense.

5 SEC. 8068. (a) None of the funds appropriated in this
6 or any other Act may be used to take any action to mod-
7 ify—

8 (1) the appropriations account structure for the
9 National Intelligence Program budget, including
10 through the creation of a new appropriation or new
11 appropriation account;

12 (2) how the National Intelligence Program
13 budget request is presented in the unclassified P–1,
14 R–1, and O–1 documents supporting the Depart-
15 ment of Defense budget request;

16 (3) the process by which the National Intel-
17 ligence Program appropriations are apportioned to
18 the executing agencies; or

19 (4) the process by which the National Intel-
20 ligence Program appropriations are allotted, obli-
21 gated and disbursed.

22 (b) Nothing in subsection (a) shall be construed to
23 prohibit the merger of programs or changes to the Na-
24 tional Intelligence Program budget at or below the Ex-

1 penditure Center level, provided such change is otherwise
2 in accordance with paragraphs (1)–(3) of subsection (a).

3 (c) The Director of National Intelligence and the Sec-
4 retary of Defense may jointly, only for the purposes of
5 achieving auditable financial statements and improving
6 fiscal reporting, study and develop detailed proposals for
7 alternative financial management processes. Such study
8 shall include a comprehensive counterintelligence risk as-
9 sessment to ensure that none of the alternative processes
10 will adversely affect counterintelligence.

11 (d) Upon development of the detailed proposals de-
12 fined under subsection (c), the Director of National Intel-
13 ligence and the Secretary of Defense shall—

14 (1) provide the proposed alternatives to all af-
15 fected agencies;

16 (2) receive certification from all affected agen-
17 cies attesting that the proposed alternatives will help
18 achieve auditability, improve fiscal reporting, and
19 will not adversely affect counterintelligence; and

20 (3) not later than 30 days after receiving all
21 necessary certifications under paragraph (2), present
22 the proposed alternatives and certifications to the
23 congressional defense and intelligence committees.

24 SEC. 8069. In addition to amounts provided else-
25 where in this Act, \$5,000,000 is hereby appropriated to

1 the Department of Defense, to remain available for obliga-
2 tion until expended: *Provided*, That notwithstanding any
3 other provision of law, that upon the determination of the
4 Secretary of Defense that it shall serve the national inter-
5 est, these funds shall be available only for a grant to the
6 Fisher House Foundation, Inc., only for the construction
7 and furnishing of additional Fisher Houses to meet the
8 needs of military family members when confronted with
9 the illness or hospitalization of an eligible military bene-
10 ficiary.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8070. In addition to amounts made available
13 elsewhere in this Act, \$200,000,000 is hereby appro-
14 priated to the Department of Defense and made available
15 for transfer to the operation and maintenance accounts
16 and research, development, test and evaluation accounts
17 of the Army, Navy, Marine Corps, Air Force, and Space
18 Force for purposes of improving tactical artificial intel-
19 ligence at the Combatant Commands: *Provided*, That none
20 of the funds provided under this section may be obligated
21 or expended until 90 days after the Secretary of Defense
22 provides to the congressional defense committees an execu-
23 tion plan: *Provided further*, That not less than 30 days
24 prior to any transfer of funds, the Secretary of Defense
25 shall notify the congressional defense committees of the

1 details of any such transfer: *Provided further*, That upon
2 transfer, the funds shall be merged with and available for
3 the same purposes, and for the same time period, as the
4 appropriation to which transferred: *Provided further*, That
5 the transfer authority provided under this section is in ad-
6 dition to any other transfer authority provided elsewhere
7 in this Act.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8071. During the current fiscal year, not to ex-
10 ceed \$11,000,000 from each of the appropriations made
11 in title II of this Act for “Operation and Maintenance,
12 Army”, “Operation and Maintenance, Navy”, and “Oper-
13 ation and Maintenance, Air Force” may be transferred by
14 the military department concerned to its central fund es-
15 tablished for Fisher Houses and Suites pursuant to sec-
16 tion 2493(d) of title 10, United States Code.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8072. Of the amounts appropriated for “Oper-
19 ation and Maintenance, Navy”, up to \$1,000,000 shall be
20 available for transfer to the John C. Stennis Center for
21 Public Service Development Trust Fund established under
22 section 116 of the John C. Stennis Center for Public Serv-
23 ice Training and Development Act (2 U.S.C. 1105).

24 SEC. 8073. None of the funds available to the De-
25 partment of Defense may be obligated to modify command

1 and control relationships to give Fleet Forces Command
2 operational and administrative control of United States
3 Navy forces assigned to the Pacific fleet: *Provided*, That
4 the command and control relationships which existed on
5 October 1, 2004, shall remain in force until a written
6 modification has been proposed to the Committees on Ap-
7 propriations of the House of Representatives and the Sen-
8 ate: *Provided further*, That the proposed modification may
9 be implemented 30 days after the notification unless an
10 objection is received from either the House or Senate Ap-
11 propriations Committees: *Provided further*, That any pro-
12 posed modification shall not preclude the ability of the
13 commander of United States Indo-Pacific Command to
14 meet operational requirements.

15 SEC. 8074. Any notice that is required to be sub-
16 mitted to the Committees on Appropriations of the House
17 of Representatives and the Senate under section 806(e)(4)
18 of the Bob Stump National Defense Authorization Act for
19 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date
20 of the enactment of this Act shall be submitted pursuant
21 to that requirement concurrently to the Subcommittees on
22 Defense of the Committees on Appropriations of the
23 House of Representatives and the Senate.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8075. Of the amounts appropriated in this Act
3 under the headings “Procurement, Defense-Wide” and
4 “Research, Development, Test and Evaluation, Defense-
5 Wide”, \$500,000,000 shall be for the Israeli Cooperative
6 Programs: *Provided*, That of this amount, \$108,000,000
7 shall be for the Secretary of Defense to provide to the Gov-
8 ernment of Israel for the procurement of the Iron Dome
9 defense system to counter short-range rocket threats, sub-
10 ject to the U.S.-Israel Iron Dome Procurement Agree-
11 ment, as amended; \$157,000,000 shall be for the Short
12 Range Ballistic Missile Defense (SRBMD) program, in-
13 cluding cruise missile defense research and development
14 under the SRBMD program, of which \$30,000,000 shall
15 be for co-production activities of SRBMD systems in the
16 United States and in Israel to meet Israel’s defense re-
17 quirements consistent with each nation’s laws, regulations,
18 and procedures, subject to the U.S.-Israeli co-production
19 agreement for SRBMD, as amended; \$62,000,000 shall
20 be for an upper-tier component to the Israeli Missile De-
21 fense Architecture, of which \$62,000,000 shall be for co-
22 production activities of Arrow 3 Upper Tier systems in
23 the United States and in Israel to meet Israel’s defense
24 requirements consistent with each nation’s laws, regula-
25 tions, and procedures, subject to the U.S.-Israeli co-pro-

1 duction agreement for Arrow 3 Upper Tier, as amended;
2 and \$173,000,000 shall be for the Arrow System Improve-
3 ment Program including development of a long range,
4 ground and airborne, detection suite: *Provided further*,
5 That the transfer authority provided under this provision
6 is in addition to any other transfer authority contained
7 in this Act.

8 SEC. 8076. Of the amounts appropriated in this Act
9 under the heading “Shipbuilding and Conversion, Navy”,
10 \$660,795,000 shall be available until September 30, 2022,
11 to fund prior year shipbuilding cost increases for the fol-
12 lowing programs:

13 (1) Under the heading “Shipbuilding and Con-
14 version, Navy”, 2013/2022: Carrier Replacement
15 Program \$291,000,000;

16 (2) Under the heading “Shipbuilding and Con-
17 version, Navy”, 2015/2022: DDG-51 Destroyer
18 \$44,577,000;

19 (3) Under the heading “Shipbuilding and Con-
20 version, Navy”, 2016/2022: DDG-51 Destroyer
21 \$1,176,000;

22 (4) Under the heading “Shipbuilding and Con-
23 version, Navy”, 2016/2022: TAO Fleet Oiler
24 \$23,358,000;

1 (5) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2016/2022: Littoral Combat Ship
3 \$24,860,000;

4 (6) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2016/2022: CVN Refueling Over-
6 hauls \$158,800,000;

7 (7) Under the heading “Shipbuilding and Con-
8 version, Navy”, 2017/2022: LPD-17 \$53,682,000;

9 (8) Under the heading “Shipbuilding and Con-
10 version, Navy”, 2017/2022: Littoral Combat Ship
11 \$20,000,000; and

12 (9) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2018/2022: TAO Fleet Oiler
14 \$43,342,000.

15 SEC. 8077. Funds appropriated by this Act, or made
16 available by the transfer of funds in this Act, for intel-
17 ligence activities are deemed to be specifically authorized
18 by the Congress for purposes of section 504 of the Na-
19 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
20 year 2022 until the enactment of the Intelligence Author-
21 ization Act for Fiscal Year 2022.

22 SEC. 8078. None of the funds provided in this Act
23 shall be available for obligation or expenditure through a
24 reprogramming of funds that creates or initiates a new
25 program, project, or activity unless such program, project,

1 or activity must be undertaken immediately in the interest
2 of national security and only after written prior notifica-
3 tion to the congressional defense committees.

4 SEC. 8079. The budget of the President for fiscal
5 year 2023 submitted to the Congress pursuant to section
6 1105 of title 31, United States Code, shall include sepa-
7 rate budget justification documents for costs of United
8 States Armed Forces' participation in contingency oper-
9 ations for the Military Personnel accounts, the Operation
10 and Maintenance accounts, the Procurement accounts,
11 and the Research, Development, Test and Evaluation ac-
12 counts: *Provided*, That these documents shall include a de-
13 scription of the funding requested for each contingency op-
14 eration, for each military service, to include all Active and
15 Reserve components, and for each appropriations account:
16 *Provided further*, That these documents shall include esti-
17 mated costs for each element of expense or object class,
18 a reconciliation of increases and decreases for each contin-
19 gency operation, and programmatic data including, but
20 not limited to, troop strength for each Active and Reserve
21 component, and estimates of the major weapons systems
22 deployed in support of each contingency: *Provided further*,
23 That these documents shall include budget exhibits OP-
24 5 and OP-32 (as defined in the Department of Defense
25 Financial Management Regulation) for all contingency op-

1 erations for the budget year and the two preceding fiscal
2 years.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8080. In addition to amounts made available
5 elsewhere in this Act, \$50,000,000 is hereby appropriated
6 to the Department of Defense and made available for
7 transfer to the Department of Defense Acquisition Work-
8 force Development Account and the operation and mainte-
9 nance accounts of the Army, Navy, Marine Corps, Air
10 Force, and Space Force for purposes of recruiting and
11 training the Department of Defense artificial intelligence-
12 literate acquisition workforce: *Provided*, That none of the
13 funds provided under this section may be obligated or ex-
14 pended until 90 days after the Secretary of Defense pro-
15 vides to the congressional defense committees an execution
16 plan: *Provided further*, That not less than 30 days prior
17 to any transfer of funds, the Secretary of Defense shall
18 notify the congressional defense committees of the details
19 of any such transfer: *Provided further*, That upon transfer,
20 the funds shall be merged with and be available for the
21 same purposes, and for the same time period, as the ap-
22 propriation to which transferred: *Provided further*, That
23 the transfer authority provided under this section is in ad-
24 dition to any other transfer authority provided elsewhere
25 in this Act.

1 SEC. 8081. None of the funds in this Act may be
2 used for research, development, test, evaluation, procure-
3 ment or deployment of nuclear armed interceptors of a
4 missile defense system.

5 SEC. 8082. The Secretary of Defense may use up to
6 \$650,000,000 of the amounts appropriated or otherwise
7 made available in this Act to the Department of Defense
8 for the rapid acquisition and deployment of supplies and
9 associated support services pursuant to section 806 of the
10 Bob Stump National Defense Authorization Act for Fiscal
11 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note),
12 but only for the purposes specified in clauses (i), (ii), (iii),
13 and (iv) of subsection (c)(3)(B) of such section and sub-
14 ject to the applicable limits specified in clauses (i), (ii),
15 and (iii) of such subsection and, in the case of clause (iv)
16 of such subsection, subject to a limit of \$50,000,000: *Pro-*
17 *vided*, That the Secretary of Defense shall notify the con-
18 gressional defense committees promptly of all uses of this
19 authority.

20 SEC. 8083. None of the funds appropriated or made
21 available in this Act shall be used to reduce or disestablish
22 the operation of the 53rd Weather Reconnaissance Squad-
23 ron of the Air Force Reserve, if such action would reduce
24 the WC–130 Weather Reconnaissance mission below the
25 levels funded in this Act: *Provided*, That the Air Force

1 shall allow the 53rd Weather Reconnaissance Squadron to
2 perform other missions in support of national defense re-
3 quirements during the non-hurricane season.

4 SEC. 8084. None of the funds provided in this Act
5 shall be available for integration of foreign intelligence in-
6 formation unless the information has been lawfully col-
7 lected and processed during the conduct of authorized for-
8 eign intelligence activities: *Provided*, That information
9 pertaining to United States persons shall only be handled
10 in accordance with protections provided in the Fourth
11 Amendment of the United States Constitution as imple-
12 mented through Executive Order No. 12333.

13 SEC. 8085. (a) None of the funds appropriated by
14 this Act may be used to transfer research and develop-
15 ment, acquisition, or other program authority relating to
16 current tactical unmanned aerial vehicles (TUAVs) from
17 the Army.

18 (b) The Army shall retain responsibility for and oper-
19 ational control of the MQ-1C Gray Eagle Unmanned Aer-
20 ial Vehicle (UAV) in order to support the Secretary of De-
21 fense in matters relating to the employment of unmanned
22 aerial vehicles.

23 SEC. 8086. None of the funds appropriated by this
24 Act for programs of the Office of the Director of National
25 Intelligence shall remain available for obligation beyond

1 the current fiscal year, except for funds appropriated for
2 research and technology, which shall remain available until
3 September 30, 2023, and except for funds appropriated
4 for the purchase of real property, which shall remain avail-
5 able until September 30, 2024.

6 SEC. 8087. For purposes of section 1553(b) of title
7 31, United States Code, any subdivision of appropriations
8 made in this Act under the heading “Shipbuilding and
9 Conversion, Navy” shall be considered to be for the same
10 purpose as any subdivision under the heading “Ship-
11 building and Conversion, Navy” appropriations in any
12 prior fiscal year, and the 1 percent limitation shall apply
13 to the total amount of the appropriation.

14 SEC. 8088. (a) Not later than 60 days after the date
15 of the enactment of this Act, the Director of National In-
16 telligence shall submit a report to the congressional intel-
17 ligence committees to establish the baseline for application
18 of reprogramming and transfer authorities for fiscal year
19 2022: *Provided*, That the report shall include—

20 (1) a table for each appropriation with a sepa-
21 rate column to display the President’s budget re-
22 quest, adjustments made by Congress, adjustments
23 due to enacted rescissions, if appropriate, and the
24 fiscal year enacted level;

1 (2) a delineation in the table for each appro-
2 priation by Expenditure Center and project; and

3 (3) an identification of items of special congress-
4 sional interest.

5 (b) None of the funds provided for the National Intel-
6 ligence Program in this Act shall be available for re-
7 programming or transfer until the report identified in sub-
8 section (a) is submitted to the congressional intelligence
9 committees, unless the Director of National Intelligence
10 certifies in writing to the congressional intelligence com-
11 mittees that such reprogramming or transfer is necessary
12 as an emergency requirement.

13 SEC. 8089. Any transfer of amounts appropriated to
14 the Department of Defense Acquisition Workforce Devel-
15 opment Account in or for fiscal year 2022 to a military
16 department or Defense Agency pursuant to section
17 1705(e)(1) of title 10, United States Code, shall be cov-
18 ered by and subject to section 8005 of this Act.

19 SEC. 8090. (a) None of the funds provided for the
20 National Intelligence Program in this or any prior appro-
21 priations Act shall be available for obligation or expendi-
22 ture through a reprogramming or transfer of funds in ac-
23 cordance with section 102A(d) of the National Security
24 Act of 1947 (50 U.S.C. 3024(d)) that—

25 (1) creates a new start effort;

1 (2) terminates a program with appropriated
2 funding of \$10,000,000 or more;

3 (3) transfers funding into or out of the Na-
4 tional Intelligence Program; or

5 (4) transfers funding between appropriations,
6 unless the congressional intelligence committees are
7 notified 30 days in advance of such reprogramming
8 of funds; this notification period may be reduced for
9 urgent national security requirements.

10 (b) None of the funds provided for the National Intel-
11 ligence Program in this or any prior appropriations Act
12 shall be available for obligation or expenditure through a
13 reprogramming or transfer of funds in accordance with
14 section 102A(d) of the National Security Act of 1947 (50
15 U.S.C. 3024(d)) that results in a cumulative increase or
16 decrease of the levels specified in the classified annex ac-
17 companying the Act unless the congressional intelligence
18 committees are notified 30 days in advance of such re-
19 programming of funds; this notification period may be re-
20 duced for urgent national security requirements.

21 SEC. 8091. (a) Any agency receiving funds made
22 available in this Act, shall, subject to subsections (b) and
23 (c), post on the public Web site of that agency any report
24 required to be submitted by the Congress in this or any

1 other Act, upon the determination by the head of the agen-
2 cy that it shall serve the national interest.

3 (b) Subsection (a) shall not apply to a report if—

4 (1) the public posting of the report com-
5 promises national security; or

6 (2) the report contains proprietary information.

7 (c) The head of the agency posting such report shall
8 do so only after such report has been made available to
9 the requesting Committee or Committees of Congress for
10 no less than 45 days.

11 SEC. 8092. (a) None of the funds appropriated or
12 otherwise made available by this Act may be expended for
13 any Federal contract for an amount in excess of
14 \$1,000,000, unless the contractor agrees not to—

15 (1) enter into any agreement with any of its
16 employees or independent contractors that requires,
17 as a condition of employment, that the employee or
18 independent contractor agree to resolve through ar-
19 bitration any claim under title VII of the Civil
20 Rights Act of 1964 or any tort related to or arising
21 out of sexual assault or harassment, including as-
22 sault and battery, intentional infliction of emotional
23 distress, false imprisonment, or negligent hiring, su-
24 pervision, or retention; or

1 (2) take any action to enforce any provision of
2 an existing agreement with an employee or inde-
3 pendent contractor that mandates that the employee
4 or independent contractor resolve through arbitra-
5 tion any claim under title VII of the Civil Rights Act
6 of 1964 or any tort related to or arising out of sex-
7 ual assault or harassment, including assault and
8 battery, intentional infliction of emotional distress,
9 false imprisonment, or negligent hiring, supervision,
10 or retention.

11 (b) None of the funds appropriated or otherwise
12 made available by this Act may be expended for any Fed-
13 eral contract unless the contractor certifies that it requires
14 each covered subcontractor to agree not to enter into, and
15 not to take any action to enforce any provision of, any
16 agreement as described in paragraphs (1) and (2) of sub-
17 section (a), with respect to any employee or independent
18 contractor performing work related to such subcontract.
19 For purposes of this subsection, a “covered subcon-
20 tractor” is an entity that has a subcontract in excess of
21 \$1,000,000 on a contract subject to subsection (a).

22 (c) The prohibitions in this section do not apply with
23 respect to a contractor’s or subcontractor’s agreements
24 with employees or independent contractors that may not
25 be enforced in a court of the United States.

1 (d) The Secretary of Defense may waive the applica-
2 tion of subsection (a) or (b) to a particular contractor or
3 subcontractor for the purposes of a particular contract or
4 subcontract if the Secretary or the Deputy Secretary per-
5 sonally determines that the waiver is necessary to avoid
6 harm to national security interests of the United States,
7 and that the term of the contract or subcontract is not
8 longer than necessary to avoid such harm. The determina-
9 tion shall set forth with specificity the grounds for the
10 waiver and for the contract or subcontract term selected,
11 and shall state any alternatives considered in lieu of a
12 waiver and the reasons each such alternative would not
13 avoid harm to national security interests of the United
14 States. The Secretary of Defense shall transmit to Con-
15 gress, and simultaneously make public, any determination
16 under this subsection not less than 15 business days be-
17 fore the contract or subcontract addressed in the deter-
18 mination may be awarded.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8093. From within the funds appropriated for
21 operation and maintenance for the Defense Health Pro-
22 gram in this Act, up to \$137,000,000, shall be available
23 for transfer to the Joint Department of Defense-Depart-
24 ment of Veterans Affairs Medical Facility Demonstration
25 Fund in accordance with the provisions of section 1704

1 of the National Defense Authorization Act for Fiscal Year
2 2010, Public Law 111–84: *Provided*, That for purposes
3 of section 1704(b), the facility operations funded are oper-
4 ations of the integrated Captain James A. Lovell Federal
5 Health Care Center, consisting of the North Chicago Vet-
6 erans Affairs Medical Center, the Navy Ambulatory Care
7 Center, and supporting facilities designated as a combined
8 Federal medical facility as described by section 706 of
9 Public Law 110–417: *Provided further*, That additional
10 funds may be transferred from funds appropriated for op-
11 eration and maintenance for the Defense Health Program
12 to the Joint Department of Defense-Department of Vet-
13 erans Affairs Medical Facility Demonstration Fund upon
14 written notification by the Secretary of Defense to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate.

17 SEC. 8094. None of the funds appropriated or other-
18 wise made available by this Act may be used by the De-
19 partment of Defense or a component thereof in contraven-
20 tion of the provisions of section 130h of title 10, United
21 States Code.

22 SEC. 8095. Appropriations available to the Depart-
23 ment of Defense may be used for the purchase of heavy
24 and light armored vehicles for the physical security of per-
25 sonnel or for force protection purposes up to a limit of

1 \$450,000 per vehicle, notwithstanding price or other limi-
2 tations applicable to the purchase of passenger carrying
3 vehicles.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8096. Upon a determination by the Director of
6 National Intelligence that such action is necessary and in
7 the national interest, the Director may, with the approval
8 of the Office of Management and Budget, transfer not to
9 exceed \$1,500,000,000 of the funds made available in this
10 Act for the National Intelligence Program: *Provided*, That
11 such authority to transfer may not be used unless for
12 higher priority items, based on unforeseen intelligence re-
13 quirements, than those for which originally appropriated
14 and in no case where the item for which funds are re-
15 quested has been denied by the Congress: *Provided further*,
16 That a request for multiple reprogrammings of funds
17 using authority provided in this section shall be made
18 prior to June 30, 2022.

19 SEC. 8097. Of the amounts appropriated in this Act
20 for “Shipbuilding and Conversion, Navy”, \$299,900,000,
21 to remain available for obligation until September 30,
22 2026, may be used for the purchase of five used sealift
23 vessels for the National Defense Reserve Fleet, established
24 under section 11 of the Merchant Ship Sales Act of 1946
25 (46 U.S.C. 57100): *Provided*, That such amounts are

1 available for reimbursements to the Ready Reserve Force,
2 Maritime Administration account of the United States De-
3 partment of Transportation for programs, projects, activi-
4 ties, and expenses related to the National Defense Reserve
5 Fleet: *Provided further*, That notwithstanding section
6 2218 of title 10, United States Code, none of these funds
7 shall be transferred to the National Defense Sealift Fund
8 for execution.

9 SEC. 8098. The Secretary of Defense shall post grant
10 awards on a public website in a searchable format.

11 SEC. 8099. None of the funds made available by this
12 Act may be used by the National Security Agency to—

13 (1) conduct an acquisition pursuant to section
14 702 of the Foreign Intelligence Surveillance Act of
15 1978 for the purpose of targeting a United States
16 person; or

17 (2) acquire, monitor, or store the contents (as
18 such term is defined in section 2510(8) of title 18,
19 United States Code) of any electronic communica-
20 tion of a United States person from a provider of
21 electronic communication services to the public pur-
22 suant to section 501 of the Foreign Intelligence Sur-
23 veillance Act of 1978.

24 SEC. 8100. None of the funds made available in this
25 or any other Act may be used to pay the salary of any

1 officer or employee of any agency funded by this Act who
2 approves or implements the transfer of administrative re-
3 sponsibilities or budgetary resources of any program,
4 project, or activity financed by this Act to the jurisdiction
5 of another Federal agency not financed by this Act with-
6 out the express authorization of Congress: *Provided*, That
7 this limitation shall not apply to transfers of funds ex-
8 pressly provided for in Defense Appropriations Acts, or
9 provisions of Acts providing supplemental appropriations
10 for the Department of Defense.

11 SEC. 8101. Of the amounts appropriated in this Act
12 for “Operation and Maintenance, Navy”, \$435,032,000,
13 to remain available until expended, may be used for any
14 purposes related to the National Defense Reserve Fleet
15 established under section 11 of the Merchant Ship Sales
16 Act of 1946 (46 U.S.C. 57100): *Provided*, That such
17 amounts are available for reimbursements to the Ready
18 Reserve Force, Maritime Administration account of the
19 United States Department of Transportation for pro-
20 grams, projects, activities, and expenses related to the Na-
21 tional Defense Reserve Fleet.

22 SEC. 8102. None of the funds made available in this
23 Act may be obligated for activities authorized under sec-
24 tion 1208 of the Ronald W. Reagan National Defense Au-
25 thorization Act for Fiscal Year 2005 (Public Law 112–

1 81; 125 Stat. 1621) to initiate support for, or expand sup-
2 port to, foreign forces, irregular forces, groups, or individ-
3 uals unless the congressional defense committees are noti-
4 fied in accordance with the direction contained in the clas-
5 sified annex accompanying this Act, not less than 15 days
6 before initiating such support: *Provided*, That none of the
7 funds made available in this Act may be used under sec-
8 tion 1208 for any activity that is not in support of an
9 ongoing military operation being conducted by United
10 States Special Operations Forces to combat terrorism:
11 *Provided further*, That the Secretary of Defense may waive
12 the prohibitions in this section if the Secretary determines
13 that such waiver is required by extraordinary cir-
14 cumstances and, by not later than 72 hours after making
15 such waiver, notifies the congressional defense committees
16 of such waiver.

17 SEC. 8103. (a) None of the funds provided in this
18 Act for the TAO Fleet Oiler program shall be used to
19 award a new contract that provides for the acquisition of
20 the following components unless those components are
21 manufactured in the United States: Auxiliary equipment
22 (including pumps) for shipboard services; propulsion
23 equipment (including engines, reduction gears, and propel-
24 lers); shipboard cranes; spreaders for shipboard cranes;

1 and anchor chains specifically for the seventh and subse-
2 quent ships of the fleet.

3 (b) None of the funds provided in this Act for the
4 FFG(X) Frigate program shall be used to award a new
5 contract that provides for the acquisition of the following
6 components unless those components are manufactured in
7 the United States: Air circuit breakers; gyrocompasses;
8 electronic navigation chart systems; steering controls;
9 pumps; propulsion and machinery control systems; totally
10 enclosed lifeboats; auxiliary equipment pumps; shipboard
11 cranes; auxiliary chill water systems; and propulsion pro-
12 pellers: *Provided*, That the Secretary of the Navy shall in-
13 corporate United States manufactured propulsion engines
14 and propulsion reduction gears into the FFG(X) Frigate
15 program beginning not later than with the eleventh ship
16 of the program.

17 SEC. 8104. None of the funds provided in this Act
18 for requirements development, performance specification
19 development, concept design and development, ship con-
20 figuration development, systems engineering, naval archi-
21 tecture, marine engineering, operations research analysis,
22 industry studies, preliminary design, development of the
23 Detailed Design and Construction Request for Proposals
24 solicitation package, or related activities for the T-
25 ARC(X) Cable Laying and Repair Ship or the T-

1 AGOS(X) Oceanographic Surveillance Ship may be used
2 to award a new contract for such activities unless these
3 contracts include specifications that all auxiliary equip-
4 ment, including pumps and propulsion shafts, are manu-
5 factured in the United States.

6 SEC. 8105. None of the funds made available by this
7 Act may be obligated or expended for the purpose of de-
8 commissioning the USS *Fort Worth*, the USS *Detroit*, or
9 the USS *Little Rock*.

10 SEC. 8106. No amounts credited or otherwise made
11 available in this or any other Act to the Department of
12 Defense Acquisition Workforce Development Account may
13 be transferred to:

14 (1) the Rapid Prototyping Fund established
15 under section 804(d) of the National Defense Au-
16 thorization Act for Fiscal Year 2016 (10 U.S.C.
17 2302 note); or

18 (2) credited to a military-department specific
19 fund established under section 804(d)(2) of the Na-
20 tional Defense Authorization Act for Fiscal Year
21 2016 (as amended by section 897 of the National
22 Defense Authorization Act for Fiscal Year 2017).

23 SEC. 8107. None of the funds made available by this
24 Act may be used for Government Travel Charge Card ex-
25 penses by military or civilian personnel of the Department

1 of Defense for gaming, or for entertainment that includes
2 topless or nude entertainers or participants, as prohibited
3 by Department of Defense FMR, Volume 9, Chapter 3
4 and Department of Defense Instruction 1015.10 (enclo-
5 sure 3, 14a and 14b).

6 SEC. 8108. (a) None of the funds made available in
7 this Act may be used to maintain or establish a computer
8 network unless such network is designed to block access
9 to pornography websites.

10 (b) Nothing in subsection (a) shall limit the use of
11 funds necessary for any Federal, State, tribal, or local law
12 enforcement agency or any other entity carrying out crimi-
13 nal investigations, prosecution, or adjudication activities,
14 or for any activity necessary for the national defense, in-
15 cluding intelligence activities.

16 SEC. 8109. In addition to amounts provided else-
17 where in this Act, there is appropriated \$516,233,000, for
18 an additional amount for “Operation and Maintenance,
19 Defense-Wide”, to remain available until expended: *Pro-*
20 *vided*, That such funds shall only be available to the Sec-
21 retary of Defense, acting through the Office of Local De-
22 fense Community Cooperation of the Department of De-
23 fense, or for transfer to the Secretary of Education, not-
24 withstanding any other provision of law, to make grants,
25 conclude cooperative agreements, or supplement other

1 Federal funds to construct, renovate, repair, or expand el-
2 ementary and secondary public schools on military instal-
3 lations in order to address capacity or facility condition
4 deficiencies at such schools: *Provided further*, That in
5 making such funds available, the Office of Local Defense
6 Community Cooperation or the Secretary of Education
7 shall give priority consideration to those military installa-
8 tions with schools having the most serious capacity or fa-
9 cility condition deficiencies as determined by the Secretary
10 of Defense: *Provided further*, That as a condition of receiv-
11 ing funds under this section a local educational agency or
12 State shall provide a matching share as described in the
13 notice titled “Department of Defense Program for Con-
14 struction, Renovation, Repair or Expansion of Public
15 Schools Located on Military Installations” published by
16 the Department of Defense in the Federal Register on
17 September 9, 2011 (76 Fed. Reg. 55883 et seq.): *Provided*
18 *further*, That these provisions apply to funds provided
19 under this section, and to funds previously provided by
20 Congress to construct, renovate, repair, or expand elemen-
21 tary and secondary public schools on military installations
22 in order to address capacity or facility condition defi-
23 ciencies at such schools to the extent such funds remain
24 unobligated on the date of enactment of this section.

1 SEC. 8110. In carrying out the program described in
2 the memorandum on the subject of “Policy for Assisted
3 Reproductive Services for the Benefit of Seriously or Se-
4 verely Ill/Injured (Category II or III) Active Duty Service
5 Members” issued by the Assistant Secretary of Defense
6 for Health Affairs on April 3, 2012, and the guidance
7 issued to implement such memorandum, the Secretary of
8 Defense shall apply such policy and guidance, except
9 that—

10 (1) the limitation on periods regarding embryo
11 cryopreservation and storage set forth in part III(G)
12 and in part IV(H) of such memorandum shall not
13 apply; and

14 (2) the term “assisted reproductive technology”
15 shall include embryo cryopreservation and storage
16 without limitation on the duration of such
17 cryopreservation and storage.

18 SEC. 8111. None of the funds provided for, or other-
19 wise made available, in this or any other Act, may be obli-
20 gated or expended by the Secretary of Defense to provide
21 motorized vehicles, aviation platforms, munitions other
22 than small arms and munitions appropriate for customary
23 ceremonial honors, operational military units, or oper-
24 ational military platforms if the Secretary determines that
25 providing such units, platforms, or equipment would un-

1 dermine the readiness of such units, platforms, or equip-
2 ment.

3 SEC. 8112. The Secretary of Defense may obligate
4 and expend funds made available under this Act for pro-
5 curement or for research, development, test and evaluation
6 for the F-35 Joint Strike Fighter to modify up to six F-
7 35 aircraft, including up to two F-35 aircraft of each vari-
8 ant, to a test configuration: *Provided*, That the Secretary
9 of Defense shall, with the concurrence of the Secretary
10 of the Air Force and the Secretary of the Navy, notify
11 the congressional defense committees not fewer than 30
12 days prior to obligating and expending funds under this
13 section: *Provided further*, That any transfer of funds pur-
14 suant to the authority provided in this section shall be
15 made in accordance with section 8005 of this Act: *Pro-*
16 *vided further*, That aircraft referred to previously in this
17 section are not additional to aircraft referred to in section
18 8135 of the Department of Defense Appropriations Act,
19 2019, section 8126 of the Department of Defense Appro-
20 priations Act, 2020, and section 8122 of the Department
21 of Defense Appropriations Act, 2021.

22 SEC. 8113. (a) None of the funds made available by
23 this or any other Act may be used to enter into a contract,
24 memorandum of understanding, or cooperative agreement
25 with, make a grant to, or provide a loan or loan guarantee

1 to any corporation that has any unpaid Federal tax liabil-
2 ity that has been assessed, for which all judicial and ad-
3 ministrative remedies have been exhausted or have lapsed,
4 and that is not being paid in a timely manner pursuant
5 to an agreement with the authority responsible for col-
6 lecting such tax liability, provided that the applicable Fed-
7 eral agency is aware of the unpaid Federal tax liability.

8 (b) Subsection (a) shall not apply if the applicable
9 Federal agency has considered suspension or debarment
10 of the corporation described in such subsection and has
11 made a determination that such suspension or debarment
12 is not necessary to protect the interests of the Federal
13 Government.

14 SEC. 8114. None of the funds appropriated or other-
15 wise made available by this Act may be used to transfer
16 the National Reconnaissance Office to the Space Force:
17 *Provided*, That nothing in this Act shall be construed to
18 limit or prohibit cooperation, collaboration, and coordina-
19 tion between the National Reconnaissance Office and the
20 Space Force or any other elements of the Department of
21 Defense.

22 SEC. 8115. None of the funds appropriated or other-
23 wise made available by this Act may be used to transfer
24 any element of the Department of the Army, the Depart-
25 ment of the Navy, or a Department of Defense agency

1 to the Space Force unless, concurrent with the fiscal year
2 2023 budget submission (as submitted to Congress pursu-
3 ant to section 1105 of title 31, United States Code), the
4 Secretary of Defense, not to be delegated, provides a re-
5 port to the Committees on Appropriations of the House
6 of Representatives and the Senate, detailing any plans to
7 transfer appropriate space elements of the Department of
8 the Army, the Department of the Navy, or a Department
9 of Defense agency to the Space Force and certifies in writ-
10 ing to the Committees on Appropriations of the House of
11 Representatives and the Senate that such transfer is con-
12 sistent with the mission of the Space Force and will not
13 have an adverse impact on the Department or agency from
14 which such element is being transferred: *Provided*, That
15 such report shall include fiscal year 2023 budget and fu-
16 ture years defense program adjustments associated with
17 such planned transfers.

18 SEC. 8116. None of the funds appropriated or other-
19 wise made available by this Act may be used to establish
20 a field operating agency of the Space Force.

21 SEC. 8117. During fiscal year 2022, the monetary
22 limitation imposed by section 2208(l)(3) of title 10,
23 United States Code may be exceeded by up to
24 \$1,000,000,000.

1 SEC. 8118. Funds appropriated in title I of this Act
2 under headings for “Military Personnel” may be used for
3 expenses described therein for members of the Space
4 Force on active duty: *Provided*, That amounts appro-
5 priated under such headings may be used for payments
6 pursuant to section 156 of Public Law 97–377, as amend-
7 ed (42 U.S.C. 402 note), and to the Department of De-
8 fense Military Retirement Fund.

9 SEC. 8119. (a) Amounts appropriated under title IV
10 of this Act, as detailed in budget activity eight of the ta-
11 bles in the explanatory statement regarding this Act, may
12 be used for expenses for the agile research, development,
13 test and evaluation, procurement, production, modifica-
14 tion, and operation and maintenance, only for the fol-
15 lowing Software and Digital Technology Pilot programs—

16 (1) Defensive Cyber—Software Prototype De-
17 velopment (PE 0608041A);

18 (2) Risk Management Information (PE
19 0608013N);

20 (3) Maritime Tactical Command Control (PE
21 0608231N);

22 (4) JSpOC Mission System (PE 1203614SF);

23 (5) National Background Investigation Services
24 (PE 0608197V);

1 (6) Global Command and Control System-Joint
2 (PE 0308150K);

3 (7) Algorithmic Warfare Cross Functional
4 Team (PE 0308588D8Z); and

5 (8) Acquisition Visibility (PE 0608648D8Z).

6 (b) None of the funds appropriated by this or prior
7 Department of Defense Appropriations Acts may be obli-
8 gated or expended to initiate additional Software and Dig-
9 ital Technology Pilot Programs in fiscal year 2022.

10 SEC. 8120. Of the amounts appropriated in this Act
11 under the heading “Operation and Maintenance, Defense-
12 Wide”, \$75,000,000, to remain available until September
13 30, 2025: *Provided*, That such funds shall only be avail-
14 able to the Secretary of Defense, acting through the Office
15 of Local Defense Community Cooperation of the Depart-
16 ment of Defense, to make grants to communities impacted
17 by military aviation noise for the purpose of installing
18 noise mitigating insulation at covered facilities: *Provided*
19 *further*, That \$56,250,000 shall be allocated to address
20 programs at or near active military installations: *Provided*
21 *further*, That \$18,750,000 shall be allocated for programs
22 at or near reserve component installations, of which
23 \$5,000,000 shall be for grants to communities for which
24 a nearby military installation has transitioned to a new
25 type or model of aircraft after January 1, 2019: *Provided*

1 *further*, That, to be eligible to receive a grant under the
2 program, a community must enter into an agreement with
3 the Secretary under which the community prioritizes the
4 use of funds for the installation of noise mitigation at cov-
5 ered facilities in the community: *Provided further*, That
6 as a condition of receiving funds under this section a State
7 or local entity shall provide a matching share of ten per-
8 cent: *Provided further*, That grants under the program
9 may be used to meet the Federal match requirement under
10 the airport improvement program established under sub-
11 chapter I of chapter 471 and subchapter I of chapter 475
12 of title 49, United States Code: *Provided further*, That,
13 in carrying out the program, the Secretary of Defense
14 shall coordinate with the Secretary of Transportation to
15 minimize duplication of efforts with any other noise miti-
16 gation program compliant with part 150 of title 14, Code
17 of Federal Regulations: *Provided further*, That, in this sec-
18 tion, the term “covered facilities” means hospitals,
19 daycare facilities, schools, facilities serving senior citizens,
20 and private residences that are located within one mile or
21 a day-night average sound level of 65 or greater of a mili-
22 tary installation or another location at which military air-
23 craft are stationed or are located in an area impacted by
24 military aviation noise within one mile or a day-night aver-
25 age sound level of 65 or greater, as determined by the

1 Department of Defense or Federal Aviation Administra-
2 tion noise modeling programs.

3 SEC. 8121. None of the funds made available in this
4 Act may be used in contravention of the following laws
5 enacted or regulations promulgated to implement the
6 United Nations Convention Against Torture and Other
7 Cruel, Inhuman or Degrading Treatment or Punishment
8 (done at New York on December 10, 1984):

9 (1) Section 2340A of title 18, United States
10 Code.

11 (2) Section 2242 of the Foreign Affairs Reform
12 and Restructuring Act of 1998 (division G of Public
13 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
14 note) and regulations prescribed thereto, including
15 regulations under part 208 of title 8, Code of Fed-
16 eral Regulations, and part 95 of title 22, Code of
17 Federal Regulations.

18 (3) Sections 1002 and 1003 of the Department
19 of Defense, Emergency Supplemental Appropriations
20 to Address Hurricanes in the Gulf of Mexico, and
21 Pandemic Influenza Act, 2006 (Public Law 109–
22 148).

23 SEC. 8122. During the current fiscal year, the De-
24 partment of Defense is authorized to incur obligations of
25 not to exceed \$350,000,000 for purposes specified in sec-

1 tion 2350j(c) of title 10, United States Code, in anticipa-
2 tion of receipt of contributions, only from the Government
3 of Kuwait, under that section: *Provided*, That, upon re-
4 ceipt, such contributions from the Government of Kuwait
5 shall be credited to the appropriations or fund which in-
6 curred such obligations.

7 SEC. 8123. The Secretary of Defense shall notify the
8 congressional defense committees in writing not more than
9 30 days after the receipt of any contribution of funds re-
10 ceived from the government of a foreign country for any
11 purpose relating to the stationing or operations of the
12 United States Armed Forces: *Provided*, That such notifi-
13 cation shall include the amount of the contribution; the
14 purpose for which such contribution was made; and the
15 authority under which such contribution was accepted by
16 the Secretary of Defense: *Provided further*, That not fewer
17 than 15 days prior to obligating such funds, the Secretary
18 of Defense shall submit to the congressional defense com-
19 mittees in writing a notification of the planned use of such
20 contributions, including whether such contributions would
21 support existing or new stationing or operations of the
22 United States Armed Forces.

23 SEC. 8124. From funds made available in title II of
24 this Act, the Secretary of Defense may purchase for use
25 by military and civilian employees of the Department of

1 Defense in the United States Central Command area of
2 responsibility: (1) passenger motor vehicles up to a limit
3 of \$75,000 per vehicle; and (2) heavy and light armored
4 vehicles for the physical security of personnel or for force
5 protection purposes up to a limit of \$450,000 per vehicle,
6 notwithstanding price or other limitations applicable to the
7 purchase of passenger carrying vehicles.

8 SEC. 8125. None of the funds made available by this
9 Act may be used in contravention of the War Powers Res-
10 olution (50 U.S.C. 1541 et seq.).

11 SEC. 8126. None of the funds made available by this
12 Act may be used with respect to Iraq in contravention of
13 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
14 cluding for the introduction of United States Armed
15 Forces into hostilities in Iraq, into situations in Iraq
16 where imminent involvement in hostilities is clearly indi-
17 cated by the circumstances, or into Iraqi territory, air-
18 space, or waters while equipped for combat, in contraven-
19 tion of the congressional consultation and reporting re-
20 quirements of sections 3 and 4 of such Resolution (50
21 U.S.C. 1542 and 1543).

22 SEC. 8127. None of the funds made available by this
23 Act may be used with respect to Syria in contravention
24 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
25 including for the introduction of United States armed or

1 military forces into hostilities in Syria, into situations in
2 Syria where imminent involvement in hostilities is clearly
3 indicated by the circumstances, or into Syrian territory,
4 airspace, or waters while equipped for combat, in con-
5 travention of the congressional consultation and reporting
6 requirements of sections 3 and 4 of that law (50 U.S.C.
7 1542 and 1543).

8 SEC. 8128. Nothing in this Act may be construed as
9 authorizing the use of force against Iran or the Demo-
10 cratic People’s Republic of Korea.

11 SEC. 8129. None of the funds appropriated or other-
12 wise made available by this or any other Act shall be obli-
13 gated or expended by the United States Government for
14 a purpose as follows:

15 (1) To establish any military installation or
16 base for the purpose of providing for the permanent
17 stationing of United States Armed Forces in Iraq.

18 (2) To exercise United States control over any
19 oil resource of Iraq or Syria.

20 SEC. 8130. None of the funds made available by this
21 Act under the heading “Counter-ISIS Train and Equip
22 Fund”, and under the heading “Operation and Mainte-
23 nance, Defense-Wide” for Department of Defense security
24 cooperation grant programs, may be used to procure or
25 transfer man-portable air defense systems.

1 SEC. 8131. None of the funds made available by this
2 Act for excess defense articles, assistance under section
3 333 of title 10, United States Code, or peacekeeping oper-
4 ations for the countries designated annually to be in viola-
5 tion of the standards of the Child Soldiers Prevention Act
6 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
7 be used to support any military training or operation that
8 includes child soldiers, as defined by the Child Soldiers
9 Prevention Act of 2008, unless such assistance is other-
10 wise permitted under section 404 of the Child Soldiers
11 Prevention Act of 2008.

12 SEC. 8132. None of the funds made available by this
13 Act may be made available for any member of the Taliban.

14 SEC. 8133. Notwithstanding any other provision of
15 law, any transfer of funds, appropriated or otherwise made
16 available by this Act, for support to friendly foreign coun-
17 tries in connection with the conduct of operations in which
18 the United States is not participating, pursuant to section
19 331(d) of title 10, United States Code, shall be made in
20 accordance with section 8005 of this Act.

21 SEC. 8134. Funds appropriated in this Act under the
22 heading “Operation and Maintenance, Defense-Wide”, for
23 the Defense Security Cooperation Agency, may be used,
24 notwithstanding any other provision of law, to provide
25 supplies, services, transportation, including airlift and sea-

1 lift, and other logistical support to coalition forces to
2 counter the Islamic State of Iraq and Syria: *Provided*,
3 That the Secretary of Defense shall provide quarterly re-
4 ports to the congressional defense committees regarding
5 support provided under this section.

6 SEC. 8135. Of the amounts appropriated in this Act
7 under the heading “Operation and Maintenance, Defense-
8 Wide”, for the Defense Security Cooperation Agency,
9 \$1,299,386,000, to remain available until September 30,
10 2023, shall be available for International Security Co-
11 operation Programs and other programs to provide sup-
12 port and assistance to foreign security forces or other
13 groups or individuals to conduct, support or facilitate
14 counterterrorism, crisis response, or building partner ca-
15 pacity programs: *Provided*, That the Secretary of Defense
16 shall, not less than 15 days prior to obligating funds made
17 available in this section, notify the congressional defense
18 committees in writing of the details of any planned obliga-
19 tion: *Provided further*, That the Secretary of Defense shall
20 provide quarterly reports to the Committees on Appropria-
21 tions of the House of Representatives and the Senate on
22 the use and status of funds made available in this section.

23 SEC. 8136. Of the amounts appropriated in this Act
24 under the heading “Operation and Maintenance, Defense-
25 Wide”, for the Defense Security Cooperation Agency,

1 \$50,000,000, to remain available until September 30,
2 2023, shall be for payments to reimburse key cooperating
3 nations for logistical, military, and other support, includ-
4 ing access, provided to United States military and stability
5 operations in Afghanistan and to counter the Islamic
6 State of Iraq and Syria: *Provided*, That such reimburse-
7 ment payments may be made in such amounts as the Sec-
8 retary of Defense, with the concurrence of the Secretary
9 of State, and in consultation with the Director of the Of-
10 fice of Management and Budget, may determine, based
11 on documentation determined by the Secretary of Defense
12 to adequately account for the support provided, and such
13 determination is final and conclusive upon the accounting
14 officers of the United States, and 15 days following writ-
15 ten notification to the appropriate congressional commit-
16 tees: *Provided further*, That these funds may be used for
17 the purpose of providing specialized training and pro-
18 curing supplies and specialized equipment and providing
19 such supplies and loaning such equipment on a non-reim-
20 bursable basis to coalition forces supporting United States
21 military and stability operations in Afghanistan and to
22 counter the Islamic State of Iraq and Syria, and 15 days
23 following written notification to the appropriate congres-
24 sional committees: *Provided further*, That the Secretary of
25 Defense shall provide quarterly reports to the Committees

1 on Appropriations of the House of Representatives and the
2 Senate on the use and status of funds made available in
3 this section.

4 SEC. 8137. Of the amounts appropriated in this Act
5 under the heading “Operation and Maintenance, Defense-
6 Wide”, for the Defense Security Cooperation Agency,
7 \$370,000,000, to remain available until September 30,
8 2023, shall be available to reimburse Jordan, Lebanon,
9 Egypt, Tunisia, and Oman under section 1226 of the Na-
10 tional Defense Authorization Act for Fiscal Year 2016 (22
11 U.S.C. 2151 note), for enhanced border security, of which
12 not less than \$150,000,000 shall be for Jordan: *Provided*,
13 That the Secretary of Defense shall, not less than 15 days
14 prior to obligating funds made available in this section,
15 notify the congressional defense committees in writing of
16 the details of any planned obligation and the nature of
17 the expenses incurred: *Provided further*, That the Sec-
18 retary of Defense shall provide quarterly reports to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate on the use and status of funds made
21 available in this section.

22 SEC. 8138. Up to \$500,000,000 of funds appro-
23 priated by this Act for the Defense Security Cooperation
24 Agency in “Operation and Maintenance, Defense-Wide”
25 may be used to provide assistance to the Government of

1 Jordan to support the armed forces of Jordan and to en-
2 hance security along its borders.

3 SEC. 8139. Of the amounts appropriated in this Act
4 under the heading “Operation and Maintenance, Defense-
5 Wide”, for the Defense Security Cooperation Agency,
6 \$300,000,000, to remain available until September 30,
7 2023, shall be for the Ukraine Security Assistance Initia-
8 tive: *Provided*, That such funds shall be available to the
9 Secretary of Defense, with the concurrence of the Sec-
10 retary of State, to provide assistance, including training;
11 equipment; lethal assistance; logistics support, supplies
12 and services; salaries and stipends; sustainment; and intel-
13 ligence support to the military and national security forces
14 of Ukraine, and to other forces or groups recognized by
15 and under the authority of the Government of Ukraine,
16 including governmental entities within Ukraine, engaged
17 in resisting Russian aggression against Ukraine, for re-
18 placement of any weapons or articles provided to the Gov-
19 ernment of Ukraine from the inventory of the United
20 States, and to recover or dispose of equipment procured
21 using funds made available in this section in this or prior
22 Acts: *Provided further*, That such funds may be obligated
23 and expended notwithstanding section 1250 of the Na-
24 tional Defense Authorization Act for Fiscal Year 2016
25 (Public Law 114-92): *Provided further*, That the Secretary

1 of Defense shall, not less than 15 days prior to obligating
2 funds made available in this section (or if the Secretary
3 of Defense determines, on a case-by-case basis, that ex-
4 traordinary circumstances exist that impact the national
5 security of the United States, as far in advance as is prac-
6 ticable) notify the congressional defense committees in
7 writing of the details of any such obligation: *Provided fur-*
8 *ther*, That the Secretary of Defense shall, not more than
9 60 days after such notification is made, inform such com-
10 mittees if such funds have not been obligated and the rea-
11 sons therefor: *Provided further*, That the Secretary of De-
12 fense shall consult with such committees in advance of the
13 provision of support provided to other forces or groups
14 recognized by and under the authority of the Government
15 of Ukraine: *Provided further*, That the United States may
16 accept equipment procured using funds made available in
17 this section in this or prior Acts transferred to the security
18 forces of Ukraine and returned by such forces to the
19 United States: *Provided further*, That equipment procured
20 using funds made available in this section in this or prior
21 Acts, and not yet transferred to the military or national
22 security forces of Ukraine or to other assisted entities, or
23 returned by such forces or other assisted entities to the
24 United States, may be treated as stocks of the Depart-
25 ment of Defense upon written notification to the congress-

1 sional defense committees: *Provided further*, That the Sec-
2 retary of Defense shall provide quarterly reports to the
3 congressional defense committees on the use and status
4 of funds made available in this section.

5 SEC. 8140. (a) None of the funds appropriated or
6 otherwise made available by this or any other Act may
7 be used by the Secretary of Defense, or any other official
8 or officer of the Department of Defense, to enter into a
9 contract, memorandum of understanding, or cooperative
10 agreement with, or make a grant to, or provide a loan
11 or loan guarantee to Rosoboronexport or any subsidiary
12 of Rosoboronexport.

13 (b) The Secretary of Defense may waive the limita-
14 tion in subsection (a) if the Secretary, in consultation with
15 the Secretary of State and the Director of National Intel-
16 ligence, determines that it is in the vital national security
17 interest of the United States to do so, and certifies in writ-
18 ing to the congressional defense committees that—

19 (1) Rosoboronexport has ceased the transfer of
20 lethal military equipment to, and the maintenance of
21 existing lethal military equipment for, the Govern-
22 ment of the Syrian Arab Republic;

23 (2) the armed forces of the Russian Federation
24 have withdrawn from Crimea, other than armed
25 forces present on military bases subject to agree-

1 ments in force between the Government of the Rus-
2 sian Federation and the Government of Ukraine;
3 and

4 (3) agents of the Russian Federation have
5 ceased taking active measures to destabilize the con-
6 trol of the Government of Ukraine over eastern
7 Ukraine.

8 (c) The Inspector General of the Department of De-
9 fense shall conduct a review of any action involving
10 Rosoboronexport with respect to a waiver issued by the
11 Secretary of Defense pursuant to subsection (b), and not
12 later than 90 days after the date on which such a waiver
13 is issued by the Secretary of Defense, the Inspector Gen-
14 eral shall submit to the congressional defense committees
15 a report containing the results of the review conducted
16 with respect to such waiver.

17 SEC. 8141. None of the funds made available by this
18 Act may be used to provide arms, training, or other assist-
19 ance to the Azov Battalion.

20 SEC. 8142. In addition to amounts provided else-
21 where in this Act, there is appropriated \$1,000,000,000,
22 for an additional amount for “Procurement, Defense-
23 Wide”, to remain available until September 30, 2024,
24 which shall be for the Secretary of Defense to provide to
25 the Government of Israel for the procurement of the Iron

1 Dome defense system to counter short-range rocket
2 threats: *Provided*, That such funds shall be transferred
3 pursuant to an exchange of letters and are in addition to
4 funds provided pursuant to the U.S.-Israel Iron Dome
5 Procurement Agreement, as amended: *Provided further*,
6 That nothing in the preceding proviso shall be construed
7 to apply to appropriations in this or prior Acts for the
8 procurement of the Iron Dome defense system.

9 SEC. 8143. None of the funds appropriated or other-
10 wise made available by this Act may be used in contraven-
11 tion of the First Amendment of the Constitution.

12 SEC. 8144. None of the funds appropriated or made
13 available in this Act shall be used to support any activity
14 conducted by, or associated with, the Wuhan Institute of
15 Virology.

16 SEC. 8145. None of the funds appropriated or other-
17 wise made available in this or any other Act may be used
18 to transfer, release, or assist in the transfer or release to
19 or within the United States, its territories, or possessions
20 Khalid Sheikh Mohammed or any other detainee who—

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

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

1 SEC. 8146. None of the funds appropriated or other-
2 wise made available in this Act may be used to transfer
3 any individual detained at United States Naval Station
4 Guantánamo Bay, Cuba, to the custody or control of the
5 individual's country of origin, any other foreign country,
6 or any other foreign entity except in accordance with sec-
7 tion 1034 of the National Defense Authorization Act for
8 Fiscal Year 2016 (Public Law 114–92) and section 1035
9 of the John S. McCain National Defense Authorization
10 Act for Fiscal Year 2019 (Public Law 115–232).

11 SEC. 8147. (a) None of the funds appropriated or
12 otherwise made available in this or any other Act may be
13 used to construct, acquire, or modify any facility in the
14 United States, its territories, or possessions to house any
15 individual described in subsection (c) for the purposes of
16 detention or imprisonment in the custody or under the ef-
17 fective control of the Department of Defense.

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

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

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

4 (2) is—

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

7 (B) otherwise under detention at United
8 States Naval Station, Guantánamo Bay, Cuba.

9 SEC. 8148. None of the funds made available by this
10 Act may be used to carry out the closure or realignment
11 of the United States Naval Station, Guantánamo Bay,
12 Cuba.

13 SEC. 8149. Section 165 of the Continuing Appropria-
14 tions Act, 2022 (division A of Public Law 117–43) shall
15 be amended by striking “\$53,000,000” and inserting
16 “\$85,250,000”.

17 SEC. 8150. In addition to amounts otherwise made
18 available, there is appropriated \$100,000,000 to the De-
19 partment of Defense, to remain available until expended,
20 for the same purposes and under the same authorities and
21 conditions as amounts made available in section 165(c) of
22 the Continuing Appropriations Act, 2022 (division A of
23 Public Law 117–43).

24 SEC. 8151. (a) COMMISSION ON PLANNING, PRO-
25 GRAMMING, BUDGETING, AND EXECUTION REFORM.—

1 Section 1004 of the National Defense Authorization Act
2 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
3 1884) is amended—

4 (1) in subsection (a)(2), by striking “not later”;
5 and

6 (2) in subsection (b)—

7 (A) in paragraph (3), by striking “30” and
8 inserting “45”; and

9 (B) in paragraph (4), by striking “sub-
10 section (a)(2)” and inserting “paragraph (3)”.

11 (b) AFGHANISTAN WAR COMMISSION.—Section 1094
12 of the National Defense Authorization Act for Fiscal Year
13 2022 (Public Law 117–81; 135 Stat. 1942) is amended—

14 (1) in subsection (c)(2)(D)(i), by striking “60”
15 and inserting “90”; and

16 (2) in subsection (f)(5)(B)(ii), by striking “sub-
17 section (g)(1)” and inserting “clause (i)”.

18 (c) CONGRESSIONAL COMMISSION ON THE STRA-
19 TEGIC POSTURE OF THE UNITED STATES.—Section 1687
20 of the National Defense Authorization Act for Fiscal Year
21 2022 (Public Law 117–81; 135 Stat. 2126) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (2)(A)(ii), by inserting
24 “(other than experts or consultants the services
25 of which are procured under section 3109 of

1 title 5, United States Code)” after “Federal
2 Government”; and

3 (B) in paragraph (3)(A), by striking “45
4 days after the date of the enactment of this
5 Act” and inserting “April 11, 2022”; and

6 (2) in subsection (d)(1), by striking “December
7 31, 2022” and inserting “February 28, 2023”.

8 This division may be cited as the “Department of De-
9 fense Appropriations Act, 2022”.

1 **DIVISION D—ENERGY AND WATER DEVEL-**
2 **OPMENT AND RELATED AGENCIES AP-**
3 **PROPRIATIONS ACT, 2022**

4 TITLE I

5 CORPS OF ENGINEERS—CIVIL

6 DEPARTMENT OF THE ARMY

7 CORPS OF ENGINEERS—CIVIL

8 The following appropriations shall be expended under
9 the direction of the Secretary of the Army and the super-
10 vision of the Chief of Engineers for authorized civil func-
11 tions of the Department of the Army pertaining to river
12 and harbor, flood and storm damage reduction, shore pro-
13 tection, aquatic ecosystem restoration, and related efforts.

14 INVESTIGATIONS

15 For expenses necessary where authorized by law for
16 the collection and study of basic information pertaining
17 to river and harbor, flood and storm damage reduction,
18 shore protection, aquatic ecosystem restoration, and re-
19 lated needs; for surveys and detailed studies, and plans
20 and specifications of proposed river and harbor, flood and
21 storm damage reduction, shore protection, and aquatic
22 ecosystem restoration projects, and related efforts prior to
23 construction; for restudy of authorized projects; and for
24 miscellaneous investigations, and, when authorized by law,
25 surveys and detailed studies, and plans and specifications

1 of projects prior to construction, \$143,000,000, to remain
2 available until expended: *Provided*, That the Secretary
3 shall not deviate from the work plan, once the plan has
4 been submitted to the Committees on Appropriations of
5 both Houses of Congress.

6 CONSTRUCTION

7 For expenses necessary for the construction of river
8 and harbor, flood and storm damage reduction, shore pro-
9 tection, aquatic ecosystem restoration, and related
10 projects authorized by law; for conducting detailed studies,
11 and plans and specifications, of such projects (including
12 those involving participation by States, local governments,
13 or private groups) authorized or made eligible for selection
14 by law (but such detailed studies, and plans and specifica-
15 tions, shall not constitute a commitment of the Govern-
16 ment to construction); \$2,492,800,000, to remain avail-
17 able until expended; of which \$97,539,000, to be derived
18 from the Harbor Maintenance Trust Fund, shall be to
19 cover the Federal share of construction costs for facilities
20 under the Dredged Material Disposal Facilities program;
21 and of which such sums as are necessary to cover 35 per-
22 cent of the costs of construction, replacement, rehabilita-
23 tion, and expansion of inland waterways projects shall be
24 derived from the Inland Waterways Trust Fund, except
25 as otherwise specifically provided for in law: *Provided*,

1 That the Secretary shall not deviate from the work plan,
2 once the plan has been submitted to the Committees on
3 Appropriations of both Houses of Congress.

4 MISSISSIPPI RIVER AND TRIBUTARIES

5 For expenses necessary for flood damage reduction
6 projects and related efforts in the Mississippi River allu-
7 vial valley below Cape Girardeau, Missouri, as authorized
8 by law, \$370,000,000, to remain available until expended,
9 of which \$10,312,000, to be derived from the Harbor
10 Maintenance Trust Fund, shall be to cover the Federal
11 share of eligible operation and maintenance costs for in-
12 land harbors: *Provided*, That the Secretary shall not devi-
13 ate from the work plan, once the plan has been submitted
14 to the Committees on Appropriations of both Houses of
15 Congress.

16 OPERATION AND MAINTENANCE

17 For expenses necessary for the operation, mainte-
18 nance, and care of existing river and harbor, flood and
19 storm damage reduction, aquatic ecosystem restoration,
20 and related projects authorized by law; providing security
21 for infrastructure owned or operated by the Corps, includ-
22 ing administrative buildings and laboratories; maintaining
23 harbor channels provided by a State, municipality, or
24 other public agency that serve essential navigation needs
25 of general commerce, where authorized by law; surveying

1 and charting northern and northwestern lakes and con-
2 necting waters; clearing and straightening channels; and
3 removing obstructions to navigation, \$4,570,000,000, to
4 remain available until expended, of which \$1,941,442,000,
5 to be derived from the Harbor Maintenance Trust Fund,
6 shall be to cover the Federal share of eligible operations
7 and maintenance costs for coastal harbors and channels,
8 and for inland harbors; of which such sums as become
9 available from the special account for the Corps of Engi-
10 neers established by the Land and Water Conservation
11 Fund Act of 1965 shall be derived from that account for
12 resource protection, research, interpretation, and mainte-
13 nance activities related to resource protection in the areas
14 at which outdoor recreation is available; of which such
15 sums as become available from fees collected under section
16 217 of Public Law 104–303 shall be used to cover the
17 cost of operation and maintenance of the dredged material
18 disposal facilities for which such fees have been collected;
19 and of which \$50,000,000, to be derived from the general
20 fund of the Treasury, shall be to carry out subsection (c)
21 of section 2106 of the Water Resources Reform and Devel-
22 opment Act of 2014 (33 U.S.C. 2238c) and shall be des-
23 ignated as being for such purpose pursuant to paragraph
24 (2)(B) of section 14003 of division B of the Coronavirus
25 Aid, Relief, and Economic Security Act (Public Law 116–

1 136): *Provided*, That 1 percent of the total amount of
2 funds provided for each of the programs, projects, or ac-
3 tivities funded under this heading shall not be allocated
4 to a field operating activity prior to the beginning of the
5 fourth quarter of the fiscal year and shall be available for
6 use by the Chief of Engineers to fund such emergency ac-
7 tivities as the Chief of Engineers determines to be nec-
8 essary and appropriate, and that the Chief of Engineers
9 shall allocate during the fourth quarter any remaining
10 funds which have not been used for emergency activities
11 proportionally in accordance with the amounts provided
12 for the programs, projects, or activities: *Provided further*,
13 That the Secretary shall not deviate from the work plan,
14 once the plan has been submitted to the Committees on
15 Appropriations of both Houses of Congress: *Provided fur-*
16 *ther*, That none of the funds provided under this heading
17 in this Act may be used for the projects specified in the
18 table referenced in the succeeding proviso: *Provided fur-*
19 *ther*, That in addition to any amounts otherwise available
20 for necessary expenses to dredge Federal navigation
21 projects in response to, and repair damages to Corps of
22 Engineers Federal projects caused by, natural disasters,
23 available amounts provided under the heading “Operation
24 and Maintenance” in title IV of the Disaster Relief Sup-
25 plemental Appropriations Act, 2022 shall be used for such

1 purposes in the amounts specified and for the projects
2 specified in the table titled “Corps of Engineers—Damage
3 Repairs” in the explanatory statement described in section
4 4 (in the matter preceding division A of this consolidated
5 Act): *Provided further*, That expenditures made or obliga-
6 tions incurred under the heading “Corps of Engineers—
7 Civil—Operation and Maintenance” pursuant to the Con-
8 tinuing Appropriations Act, 2022 for necessary expenses
9 to dredge Federal navigation projects in response to, and
10 repair damages to Corps of Engineers Federal projects
11 caused by, natural disasters shall be charged to available
12 amounts provided under the heading “Operation and
13 Maintenance” in title IV of the Disaster Relief Supple-
14 mental Appropriations Act, 2022, consistent with the pre-
15 ceding proviso: *Provided further*, That each amount
16 repurposed under this heading in this Act that was pre-
17 viously designated by the Congress as an emergency re-
18 quirement pursuant to the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985 or a concurrent resolu-
20 tion on the budget is designated by the Congress as an
21 emergency requirement pursuant to section 4001(a)(1)
22 and section 4001(b) of S. Con. Res. 14 (117th Congress),
23 the concurrent resolution on the budget for fiscal year
24 2022.

1 REGULATORY PROGRAM

2 For expenses necessary for administration of laws
3 pertaining to regulation of navigable waters and wetlands,
4 \$212,000,000, to remain available until September 30,
5 2023.

6 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

7 For expenses necessary to clean up contamination
8 from sites in the United States resulting from work per-
9 formed as part of the Nation's early atomic energy pro-
10 gram, \$300,000,000, to remain available until expended.

11 FLOOD CONTROL AND COASTAL EMERGENCIES

12 For expenses necessary to prepare for flood, hurri-
13 cane, and other natural disasters and support emergency
14 operations, repairs, and other activities in response to
15 such disasters as authorized by law, \$35,000,000, to re-
16 main available until expended.

17 EXPENSES

18 For expenses necessary for the supervision and gen-
19 eral administration of the civil works program in the head-
20 quarters of the Corps of Engineers and the offices of the
21 Division Engineers; and for costs of management and op-
22 eration of the Humphreys Engineer Center Support Activ-
23 ity, the Institute for Water Resources, the United States
24 Army Engineer Research and Development Center, and
25 the United States Army Corps of Engineers Finance Cen-

1 ter allocable to the civil works program, \$208,000,000, to
2 remain available until September 30, 2023, of which not
3 to exceed \$5,000 may be used for official reception and
4 representation purposes and only during the current fiscal
5 year: *Provided*, That no part of any other appropriation
6 provided in this title shall be available to fund the civil
7 works activities of the Office of the Chief of Engineers
8 or the civil works executive direction and management ac-
9 tivities of the division offices: *Provided further*, That any
10 Flood Control and Coastal Emergencies appropriation
11 may be used to fund the supervision and general adminis-
12 tration of emergency operations, repairs, and other activi-
13 ties in response to any flood, hurricane, or other natural
14 disaster.

15 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY

16 FOR CIVIL WORKS

17 For the Office of the Assistant Secretary of the Army
18 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
19 \$5,000,000, to remain available until September 30, 2023:
20 *Provided*, That not more than 75 percent of such amount
21 may be obligated or expended until the Assistant Sec-
22 retary submits to the Committees on Appropriations of
23 both Houses of Congress the report required under section
24 101(d) of this Act and a work plan that allocates at least
25 95 percent of the additional funding provided under each

1 heading in the explanatory statement described in section
2 4 (in the matter preceding division A of this consolidated
3 Act), to specific programs, projects, or activities.

4 WATER INFRASTRUCTURE FINANCE AND INNOVATION
5 PROGRAM ACCOUNT

6 For the cost of direct loans and for the cost of guar-
7 anteed loans, as authorized by the Water Infrastructure
8 Finance and Innovation Act of 2014, \$5,000,000, to re-
9 main available until expended, for safety projects to main-
10 tain, upgrade, and repair dams identified in the National
11 Inventory of Dams with a primary owner type of state,
12 local government, public utility, or private: *Provided*, That
13 no project may be funded with amounts provided under
14 this heading for a dam that is identified as jointly owned
15 in the National Inventory of Dams and where one of those
16 joint owners is the Federal Government: *Provided further*,
17 That such costs, including the cost of modifying such
18 loans, shall be as defined in section 502 of the Congres-
19 sional Budget Act of 1974: *Provided further*, That these
20 funds are available to subsidize gross obligations for the
21 principal amount of direct loans, including capitalized in-
22 terest, and total loan principal, including capitalized inter-
23 est, any part of which is to be guaranteed, not to exceed
24 \$500,000,000: *Provided further*, That within 30 days of
25 enactment of this Act, the Secretary, in consultation with

1 the Office of Management and Budget, shall transmit a
2 report to the Committees on Appropriations of the House
3 of Representatives and the Senate that provides: (1) an
4 analysis of how subsidy rates will be determined for loans
5 financed by appropriations provided under this heading in
6 this Act; (2) a comparison of the factors that will be con-
7 sidered in estimating subsidy rates for loans financed
8 under this heading in this Act with factors that will be
9 considered in estimates of subsidy rates for other projects
10 authorized by the Water Infrastructure Finance and Inno-
11 vation Act of 2014, including an analysis of how both sets
12 of rates will be determined; and (3) an analysis of the
13 process for developing draft regulations for the Water In-
14 frastructure Finance and Innovation program, including
15 a crosswalk from the statutory requirements for such pro-
16 gram, and a timetable for publishing such regulations:
17 *Provided further*, That the use of direct loans or loan guar-
18 antee authority under this heading for direct loans or com-
19 mitments to guarantee loans for any project shall be in
20 accordance with the criteria published in the Federal Reg-
21 ister on June 30, 2020 (85 FR 39189) pursuant to the
22 fourth proviso under the heading “Water Infrastructure
23 Finance and Innovation Program Account” in division D
24 of the Further Consolidated Appropriations Act, 2020
25 (Public Law 116–94): *Provided further*, That none of the

1 direct loans or loan guarantee authority made available
2 under this heading shall be available for any project unless
3 the Secretary and the Director of the Office of Manage-
4 ment and Budget have certified in advance in writing that
5 the direct loan or loan guarantee, as applicable, and the
6 project comply with the criteria referenced in the previous
7 proviso: *Provided further*, That any references to the Envi-
8 ronmental Protection Agency (EPA) or the Administrator
9 in the criteria referenced in the previous two provisos shall
10 be deemed to be references to the Army Corps of Engi-
11 neers or the Secretary of the Army, respectively, for pur-
12 poses of the direct loans or loan guarantee authority made
13 available under this heading: *Provided further*, That for
14 the purposes of carrying out the Congressional Budget Act
15 of 1974, the Director of the Congressional Budget Office
16 may request, and the Secretary shall promptly provide,
17 documentation and information relating to a project iden-
18 tified in a Letter of Interest submitted to the Secretary
19 pursuant to a Notice of Funding Availability for applica-
20 tions for credit assistance under the Water Infrastructure
21 Finance and Innovation Act Program, including with re-
22 spect to a project that was initiated or completed before
23 the date of enactment of this Act.

24 In addition, fees authorized to be collected pursuant
25 to sections 5029 and 5030 of the Water Infrastructure

1 Finance and Innovation Act of 2014 shall be deposited
2 in this account, to remain available until expended.

3 In addition, for administrative expenses to carry out
4 the direct and guaranteed loan programs, \$2,200,000, to
5 remain available until September 30, 2023.

6 GENERAL PROVISIONS—CORPS OF
7 ENGINEERS—CIVIL

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 101. (a) None of the funds provided in title I
10 of this Act, or provided by previous appropriations Acts
11 to the agencies or entities funded in title I of this Act
12 that remain available for obligation or expenditure in fiscal
13 year 2022, shall be available for obligation or expenditure
14 through a reprogramming of funds that:

15 (1) creates or initiates a new program, project,
16 or activity;

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

18 (3) increases funds or personnel for any pro-
19 gram, project, or activity for which funds have been
20 denied or restricted by this Act, unless prior ap-
21 proval is received from the Committees on Appro-
22 priations of both Houses of Congress;

23 (4) proposes to use funds directed for a specific
24 activity for a different purpose, unless prior approval

1 is received from the Committees on Appropriations
2 of both Houses of Congress;

3 (5) augments or reduces existing programs,
4 projects, or activities in excess of the amounts con-
5 tained in paragraphs (6) through (10), unless prior
6 approval is received from the Committees on Appro-
7 priations of both Houses of Congress;

8 (6) INVESTIGATIONS.—For a base level over
9 \$100,000, reprogramming of 25 percent of the base
10 amount up to a limit of \$150,000 per project, study
11 or activity is allowed: *Provided*, That for a base level
12 less than \$100,000, the reprogramming limit is
13 \$25,000: *Provided further*, That up to \$25,000 may
14 be reprogrammed into any continuing study or activ-
15 ity that did not receive an appropriation for existing
16 obligations and concomitant administrative expenses;

17 (7) CONSTRUCTION.—For a base level over
18 \$2,000,000, reprogramming of 15 percent of the
19 base amount up to a limit of \$3,000,000 per project,
20 study or activity is allowed: *Provided*, That for a
21 base level less than \$2,000,000, the reprogramming
22 limit is \$300,000: *Provided further*, That up to
23 \$3,000,000 may be reprogrammed for settled con-
24 tractor claims, changed conditions, or real estate de-
25 ficiency judgments: *Provided further*, That up to

1 \$300,000 may be reprogrammed into any continuing
2 study or activity that did not receive an appropria-
3 tion for existing obligations and concomitant admin-
4 istrative expenses;

5 (8) OPERATION AND MAINTENANCE.—Unlim-
6 ited reprogramming authority is granted for the
7 Corps to be able to respond to emergencies: *Pro-*
8 *vided*, That the Chief of Engineers shall notify the
9 Committees on Appropriations of both Houses of
10 Congress of these emergency actions as soon there-
11 after as practicable: *Provided further*, That for a
12 base level over \$1,000,000, reprogramming of 15
13 percent of the base amount up to a limit of
14 \$5,000,000 per project, study, or activity is allowed:
15 *Provided further*, That for a base level less than
16 \$1,000,000, the reprogramming limit is \$150,000:
17 *Provided further*, That \$150,000 may be repro-
18 grammed into any continuing study or activity that
19 did not receive an appropriation;

20 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
21 The reprogramming guidelines in paragraphs (6),
22 (7), and (8) shall apply to the Investigations, Con-
23 struction, and Operation and Maintenance portions
24 of the Mississippi River and Tributaries Account, re-
25 spectively; and

1 (10) FORMERLY UTILIZED SITES REMEDIAL AC-
2 TION PROGRAM.—Reprogramming of up to 15 per-
3 cent of the base of the receiving project is permitted.

4 (b) DE MINIMUS REPROGRAMMINGS.—In no case
5 should a reprogramming for less than \$50,000 be sub-
6 mitted to the Committees on Appropriations of both
7 Houses of Congress.

8 (c) CONTINUING AUTHORITIES PROGRAM.—Sub-
9 section (a)(1) shall not apply to any project or activity
10 funded under the continuing authorities program.

11 (d) Not later than 60 days after the date of enact-
12 ment of this Act, the Secretary shall submit a report to
13 the Committees on Appropriations of both Houses of Con-
14 gress to establish the baseline for application of re-
15 programming and transfer authorities for the current fis-
16 cal year which shall include:

17 (1) A table for each appropriation with a sepa-
18 rate column to display the President’s budget re-
19 quest, adjustments made by Congress, adjustments
20 due to enacted rescissions, if applicable, and the fis-
21 cal year enacted level; and

22 (2) A delineation in the table for each appro-
23 priation both by object class and program, project
24 and activity as detailed in the budget appendix for
25 the respective appropriations; and

1 (3) An identification of items of special congres-
2 sional interest.

3 SEC. 102. The Secretary shall allocate funds made
4 available in this Act solely in accordance with the provi-
5 sions of this Act and in the explanatory statement de-
6 scribed in section 4 (in the matter preceding division A
7 of this consolidated Act).

8 SEC. 103. None of the funds made available in this
9 title may be used to award or modify any contract that
10 commits funds beyond the amounts appropriated for that
11 program, project, or activity that remain unobligated, ex-
12 cept that such amounts may include any funds that have
13 been made available through reprogramming pursuant to
14 section 101.

15 SEC. 104. The Secretary of the Army may transfer
16 to the Fish and Wildlife Service, and the Fish and Wildlife
17 Service may accept and expend, up to \$5,400,000 of funds
18 provided in this title under the heading “Operation and
19 Maintenance” to mitigate for fisheries lost due to Corps
20 of Engineers projects.

21 SEC. 105. None of the funds in this Act shall be used
22 for an open lake placement alternative for dredged mate-
23 rial, after evaluating the least costly, environmentally ac-
24 ceptable manner for the disposal or management of
25 dredged material originating from Lake Erie or tributaries

1 thereto, unless it is approved under a State water quality
2 certification pursuant to section 401 of the Federal Water
3 Pollution Control Act (33 U.S.C. 1341): *Provided*, That
4 until an open lake placement alternative for dredged mate-
5 rial is approved under a State water quality certification,
6 the Corps of Engineers shall continue upland placement
7 of such dredged material consistent with the requirements
8 of section 101 of the Water Resources Development Act
9 of 1986 (33 U.S.C. 2211).

10 SEC. 106. None of the funds made available by this
11 Act may be used to carry out any water supply reallocation
12 study under the Wolf Creek Dam, Lake Cumberland, Ken-
13 tucky, project authorized under the Act of July 24, 1946
14 (60 Stat. 636, ch. 595).

15 SEC. 107. None of the funds made available by this
16 Act or any other Act may be used to reorganize or to
17 transfer the Civil Works functions or authority of the
18 Corps of Engineers or the Secretary of the Army to an-
19 other department or agency.

20 SEC. 108. Additional funding provided in this Act
21 shall be allocated only to projects determined to be eligible
22 by the Chief of Engineers.

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT

4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$23,000,000, to remain
7 available until expended, of which \$5,000,000 shall be de-
8 posited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission: *Provided*, That of
11 the amount provided under this heading, \$1,550,000 shall
12 be available until September 30, 2023, for expenses nec-
13 essary in carrying out related responsibilities of the Sec-
14 retary of the Interior: *Provided further*, That for fiscal
15 year 2022, of the amount made available to the Commis-
16 sion under this Act or any other Act, the Commission may
17 use an amount not to exceed \$1,850,000 for administra-
18 tive expenses.

19 BUREAU OF RECLAMATION

20 The following appropriations shall be expended to
21 execute authorized functions of the Bureau of Reclama-
22 tion:

1 WATER AND RELATED RESOURCES

2 (INCLUDING TRANSFERS OF FUNDS)

3 For management, development, and restoration of
4 water and related natural resources and for related activi-
5 ties, including the operation, maintenance, and rehabilita-
6 tion of reclamation and other facilities, participation in
7 fulfilling related Federal responsibilities to Native Ameri-
8 cans, and related grants to, and cooperative and other
9 agreements with, State and local governments, federally
10 recognized Indian Tribes, and others, \$1,747,101,000, to
11 remain available until expended, of which \$71,217,000
12 shall be available for transfer to the Upper Colorado River
13 Basin Fund and \$19,606,000 shall be available for trans-
14 fer to the Lower Colorado River Basin Development Fund;
15 of which such amounts as may be necessary may be ad-
16 vanced to the Colorado River Dam Fund: *Provided*, That
17 \$40,000,000 shall be available for transfer into the Black-
18 feet Water Settlement Implementation Fund established
19 by section 3717 of Public Law 114–322: *Provided further*,
20 That \$100,000 shall be available for transfer into the
21 Aging Infrastructure Account established by section
22 9603(d)(1) of the Omnibus Public Land Management Act
23 of 2009, as amended (43 U.S.C. 510b(d)(1)): *Provided*
24 *further*, That such transfers, except for the transfer au-
25 thorized by the preceding proviso, may be increased or de-

1 creased within the overall appropriation under this head-
2 ing: *Provided further*, That of the total appropriated, the
3 amount for program activities that can be financed by the
4 Reclamation Fund, the Water Storage Enhancement Re-
5 ceipts account established by section 4011(e) of Public
6 Law 114–322, or the Bureau of Reclamation special fee
7 account established by 16 U.S.C. 6806 shall be derived
8 from that Fund or account: *Provided further*, That funds
9 contributed under 43 U.S.C. 395 are available until ex-
10 pended for the purposes for which the funds were contrib-
11 uted: *Provided further*, That funds advanced under 43
12 U.S.C. 397a shall be credited to this account and are
13 available until expended for the same purposes as the
14 sums appropriated under this heading: *Provided further*,
15 That of the amounts made available under this heading,
16 \$10,000,000 shall be deposited in the San Gabriel Basin
17 Restoration Fund established by section 110 of title I of
18 division B of appendix D of Public Law 106–554: *Pro-*
19 *vided further*, That of the amounts provided herein, funds
20 may be used for high-priority projects which shall be car-
21 ried out by the Youth Conservation Corps, as authorized
22 by 16 U.S.C. 1706: *Provided further*, That within available
23 funds, \$250,000 shall be for grants and financial assist-
24 ance for educational activities.

1 CENTRAL VALLEY PROJECT RESTORATION FUND

2 For carrying out the programs, projects, plans, habi-
3 tat restoration, improvement, and acquisition provisions of
4 the Central Valley Project Improvement Act, \$56,499,000,
5 to be derived from such sums as may be collected in the
6 Central Valley Project Restoration Fund pursuant to sec-
7 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
8 102–575, to remain available until expended: *Provided*,
9 That the Bureau of Reclamation is directed to assess and
10 collect the full amount of the additional mitigation and
11 restoration payments authorized by section 3407(d) of
12 Public Law 102–575: *Provided further*, That none of the
13 funds made available under this heading may be used for
14 the acquisition or leasing of water for in-stream purposes
15 if the water is already committed to in-stream purposes
16 by a court adopted decree or order.

17 CALIFORNIA BAY-DELTA RESTORATION

18 (INCLUDING TRANSFERS OF FUNDS)

19 For carrying out activities authorized by the Water
20 Supply, Reliability, and Environmental Improvement Act,
21 consistent with plans to be approved by the Secretary of
22 the Interior, \$33,000,000, to remain available until ex-
23 pended, of which such amounts as may be necessary to
24 carry out such activities may be transferred to appropriate
25 accounts of other participating Federal agencies to carry

1 out authorized purposes: *Provided*, That funds appro-
2 priated herein may be used for the Federal share of the
3 costs of CALFED Program management: *Provided fur-*
4 *ther*, That CALFED implementation shall be carried out
5 in a balanced manner with clear performance measures
6 demonstrating concurrent progress in achieving the goals
7 and objectives of the Program.

8 POLICY AND ADMINISTRATION

9 For expenses necessary for policy, administration,
10 and related functions in the Office of the Commissioner,
11 the Denver office, and offices in the six regions of the Bu-
12 reau of Reclamation, to remain available until September
13 30, 2023, \$64,400,000, to be derived from the Reclama-
14 tion Fund and be nonreimbursable as provided in 43
15 U.S.C. 377: *Provided*, That no part of any other appro-
16 priation in this Act shall be available for activities or func-
17 tions budgeted as policy and administration expenses.

18 ADMINISTRATIVE PROVISION

19 Appropriations for the Bureau of Reclamation shall
20 be available for purchase and replacement of not to exceed
21 30 motor vehicles, which are for replacement only.

22 GENERAL PROVISIONS—DEPARTMENT OF THE
23 INTERIOR

24 SEC. 201. (a) None of the funds provided in title II
25 of this Act for Water and Related Resources, or provided

1 by previous or subsequent appropriations Acts to the agen-
2 cies or entities funded in title II of this Act for Water
3 and Related Resources that remain available for obligation
4 or expenditure in fiscal year 2022, shall be available for
5 obligation or expenditure through a reprogramming of
6 funds that—

7 (1) initiates or creates a new program, project,
8 or activity;

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

10 (3) increases funds for any program, project, or
11 activity for which funds have been denied or re-
12 stricted by this Act, unless prior approval is received
13 from the Committees on Appropriations of both
14 Houses of Congress;

15 (4) restarts or resumes any program, project or
16 activity for which funds are not provided in this Act,
17 unless prior approval is received from the Commit-
18 tees on Appropriations of both Houses of Congress;

19 (5) transfers funds in excess of the following
20 limits, unless prior approval is received from the
21 Committees on Appropriations of both Houses of
22 Congress:

23 (A) 15 percent for any program, project or
24 activity for which \$2,000,000 or more is avail-
25 able at the beginning of the fiscal year; or

1 (B) \$400,000 for any program, project or
2 activity for which less than \$2,000,000 is avail-
3 able at the beginning of the fiscal year;

4 (6) transfers more than \$500,000 from either
5 the Facilities Operation, Maintenance, and Rehabili-
6 tation category or the Resources Management and
7 Development category to any program, project, or
8 activity in the other category, unless prior approval
9 is received from the Committees on Appropriations
10 of both Houses of Congress; or

11 (7) transfers, where necessary to discharge legal
12 obligations of the Bureau of Reclamation, more than
13 \$5,000,000 to provide adequate funds for settled
14 contractor claims, increased contractor earnings due
15 to accelerated rates of operations, and real estate de-
16 ficiency judgments, unless prior approval is received
17 from the Committees on Appropriations of both
18 Houses of Congress.

19 (b) Subsection (a)(5) shall not apply to any transfer
20 of funds within the Facilities Operation, Maintenance, and
21 Rehabilitation category.

22 (c) For purposes of this section, the term “transfer”
23 means any movement of funds into or out of a program,
24 project, or activity.

1 (d) Except as provided in subsections (a) and (b), the
2 amounts made available in this title under the heading
3 “Bureau of Reclamation—Water and Related Resources”
4 shall be expended for the programs, projects, and activities
5 specified in the “Final Bill” columns in the “Water and
6 Related Resources” table included under the heading
7 “Title II—Department of the Interior” in the explanatory
8 statement described in section 4 (in the matter preceding
9 division A of this consolidated Act).

10 (e) The Bureau of Reclamation shall submit reports
11 on a quarterly basis to the Committees on Appropriations
12 of both Houses of Congress detailing all the funds repro-
13 grammed between programs, projects, activities, or cat-
14 egories of funding. The first quarterly report shall be sub-
15 mitted not later than 60 days after the date of enactment
16 of this Act.

17 SEC. 202. (a) None of the funds appropriated or oth-
18 erwise made available by this Act may be used to deter-
19 mine the final point of discharge for the interceptor drain
20 for the San Luis Unit until development by the Secretary
21 of the Interior and the State of California of a plan, which
22 shall conform to the water quality standards of the State
23 of California as approved by the Administrator of the En-
24 vironmental Protection Agency, to minimize any detri-
25 mental effect of the San Luis drainage waters.

1 (b) The costs of the Kesterson Reservoir Cleanup
2 Program and the costs of the San Joaquin Valley Drain-
3 age Program shall be classified by the Secretary of the
4 Interior as reimbursable or nonreimbursable and collected
5 until fully repaid pursuant to the “Cleanup Program—
6 Alternative Repayment Plan” and the “SJVDP—Alter-
7 native Repayment Plan” described in the report entitled
8 “Repayment Report, Kesterson Reservoir Cleanup Pro-
9 gram and San Joaquin Valley Drainage Program, Feb-
10 ruary 1995”, prepared by the Department of the Interior,
11 Bureau of Reclamation. Any future obligations of funds
12 by the United States relating to, or providing for, drainage
13 service or drainage studies for the San Luis Unit shall
14 be fully reimbursable by San Luis Unit beneficiaries of
15 such service or studies pursuant to Federal reclamation
16 law.

17 SEC. 203. Section 9504(e) of the Omnibus Public
18 Land Management Act of 2009 (42 U.S.C. 10364(e)) is
19 amended by striking “\$610,000,000” and inserting
20 “\$750,000,000”.

21 SEC. 204. Title I of Public Law 108–361 (the
22 CALFED Bay-Delta Authorization Act) (118 Stat. 1681),
23 as amended by section 204 of division D of Public Law
24 116–260, is amended by striking “2021” each place it ap-
25 pears and inserting “2022”.

1 SEC. 205. Section 9106(g)(2) of Public Law 111–11
2 (Omnibus Public Land Management Act of 2009) is
3 amended by striking “2021” and inserting “2022”.

4 SEC. 206. (a) Section 104(c) of the Reclamation
5 States Emergency Drought Relief Act of 1991 (43 U.S.C.
6 2214(c)) is amended by striking “2021” and inserting
7 “2022”.

8 (b) Section 301 of the Reclamation States Emergency
9 Drought Relief Act of 1991 (43 U.S.C. 2241) is amended
10 by striking “2021” and inserting “2022”.

11 SEC. 207. Section 1101(d) of the Reclamation
12 Projects Authorization and Adjustment Act of 1992 (Pub-
13 lic Law 102–575) is amended by striking “\$10,000,000”
14 and inserting “\$13,000,000”.

15 SEC. 208. None of the funds made available by this
16 Act may be used for pre-construction or construction ac-
17 tivities for any project recommended after enactment of
18 the Energy and Water Development and Related Agencies
19 Appropriations Act, 2020 and prior to enactment of this
20 Act by the Secretary of the Interior and transmitted to
21 the appropriate committees of Congress pursuant to sec-
22 tion 4007 of the Water Infrastructure Improvements for
23 the Nation Act (Public Law 114–322) if such project is
24 not named in this Act, Public Law 116–260, or Public
25 Law 117–43.

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TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$3,200,000,000, to remain available until expended: *Provided*, That of such amount, \$209,453,000 shall be available until September 30, 2023, for program direction: *Provided further*, That of the amount appropriated in this paragraph, \$77,047,000 shall be used for projects specified in the table that appears under the heading “Congressionally Directed Spending Energy Efficiency and Renewable Energy Projects” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That section 366(e) of the Energy Policy and Conservation Act (42 U.S.C. 6326(e)) shall not apply to Federal financial assistance provided under part D of title III of the Energy Pol-

1 icy and Conservation Act (42 U.S.C. 6321 et seq.) from
2 amounts made available under this heading in this Act.

3 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
4 RESPONSE

5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for energy
8 sector cybersecurity, energy security, and emergency re-
9 sponse activities in carrying out the purposes of the De-
10 partment of Energy Organization Act (42 U.S.C. 7101 et
11 seq.), including the acquisition or condemnation of any
12 real property or any facility or for plant or facility acquisi-
13 tion, construction, or expansion, \$185,804,000, to remain
14 available until expended: *Provided*, That of such amount,
15 \$16,000,000 shall be available until September 30, 2023,
16 for program direction: *Provided further*, That of the
17 amount appropriated in this paragraph, \$3,000,000 shall
18 be used for projects specified in the table that appears
19 under the heading “Congressionally Directed Spending
20 Cybersecurity, Energy Security, and Emergency Response
21 Projects” in the explanatory statement described in sec-
22 tion 4 (in the matter preceding division A of this consoli-
23 dated Act).

1 ELECTRICITY

2 For Department of Energy expenses including the
3 purchase, construction, and acquisition of plant and cap-
4 ital equipment, and other expenses necessary for elec-
5 tricity activities in carrying out the purposes of the De-
6 partment of Energy Organization Act (42 U.S.C. 7101 et
7 seq.), including the acquisition or condemnation of any
8 real property or any facility or for plant or facility acquisi-
9 tion, construction, or expansion, \$277,000,000, to remain
10 available until expended: *Provided*, That of such amount,
11 \$20,000,000 shall be available until September 30, 2023,
12 for program direction: *Provided further*, That of the
13 amount appropriated in this paragraph, \$2,850,000 shall
14 be used for projects specified in the table that appears
15 under the heading “Congressionally Directed Spending
16 Electricity Projects” in the explanatory statement de-
17 scribed in section 4 (in the matter preceding division A
18 of this consolidated Act).

19 NUCLEAR ENERGY

20 For Department of Energy expenses including the
21 purchase, construction, and acquisition of plant and cap-
22 ital equipment, and other expenses necessary for nuclear
23 energy activities in carrying out the purposes of the De-
24 partment of Energy Organization Act (42 U.S.C. 7101 et
25 seq.), including the acquisition or condemnation of any

1 real property or any facility or for plant or facility acquisi-
2 tion, construction, or expansion, \$1,654,800,000, to re-
3 main available until expended: *Provided*, That of such
4 amount, \$80,000,000 shall be available until September
5 30, 2023, for program direction: *Provided further*, That
6 for the purpose of section 954(a)(6) of the Energy Policy
7 Act of 2005, as amended, the only amount available shall
8 be from the amount specified as including that purpose
9 in the “Final Bill” column in the “Department of Energy”
10 table included under the heading “Title III—Department
11 of Energy” in the explanatory statement described in sec-
12 tion 4 (in the matter preceding division A of this consoli-
13 dated Act).

14 FOSSIL ENERGY AND CARBON MANAGEMENT

15 For Department of Energy expenses necessary in car-
16 rying out fossil energy and carbon management research
17 and development activities, under the authority of the De-
18 partment of Energy Organization Act (42 U.S.C. 7101 et
19 seq.), including the acquisition of interest, including defea-
20 sible and equitable interests in any real property or any
21 facility or for plant or facility acquisition or expansion,
22 and for conducting inquiries, technological investigations
23 and research concerning the extraction, processing, use,
24 and disposal of mineral substances without objectionable
25 social and environmental costs (30 U.S.C. 3, 1602, and

1 1603), \$825,000,000, to remain available until expended:
2 *Provided*, That of such amount \$66,800,000 shall be avail-
3 able until September 30, 2023, for program direction: *Pro-*
4 *vided further*, That of the amount appropriated in this
5 paragraph, \$20,199,000 shall be used for projects speci-
6 fied in the table that appears under the heading “Congres-
7 sionally Directed Spending Fossil Energy and Carbon
8 Management Projects” in the explanatory statement de-
9 scribed in section 4 (in the matter preceding division A
10 of this consolidated Act).

11 NAVAL PETROLEUM AND OIL SHALE RESERVES

12 For Department of Energy expenses necessary to
13 carry out naval petroleum and oil shale reserve activities,
14 \$13,650,000, to remain available until expended: *Pro-*
15 *vided*, That notwithstanding any other provision of law,
16 unobligated funds remaining from prior years shall be
17 available for all naval petroleum and oil shale reserve ac-
18 tivities.

19 STRATEGIC PETROLEUM RESERVE

20 For Department of Energy expenses necessary for
21 Strategic Petroleum Reserve facility development and op-
22 erations and program management activities pursuant to
23 the Energy Policy and Conservation Act (42 U.S.C. 6201
24 et seq.), \$219,000,000, to remain available until expended.

1 SPR PETROLEUM ACCOUNT

2 For the acquisition, transportation, and injection of
3 petroleum products, and for other necessary expenses pur-
4 suant to the Energy Policy and Conservation Act of 1975,
5 as amended (42 U.S.C. 6201 et seq.), sections 403 and
6 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
7 6241, 6239 note), and section 5010 of the 21st Century
8 Cures Act (Public Law 114–255), \$7,350,000, to remain
9 available until expended.

10 NORTHEAST HOME HEATING OIL RESERVE

11 For Department of Energy expenses necessary for
12 Northeast Home Heating Oil Reserve storage, operation,
13 and management activities pursuant to the Energy Policy
14 and Conservation Act (42 U.S.C. 6201 et seq.),
15 \$6,500,000, to remain available until expended.

16 ENERGY INFORMATION ADMINISTRATION

17 For Department of Energy expenses necessary in car-
18 rying out the activities of the Energy Information Admin-
19 istration, \$129,087,000, to remain available until ex-
20 pended.

21 NON-DEFENSE ENVIRONMENTAL CLEANUP

22 For Department of Energy expenses, including the
23 purchase, construction, and acquisition of plant and cap-
24 ital equipment and other expenses necessary for non-de-
25 fense environmental cleanup activities in carrying out the

1 purposes of the Department of Energy Organization Act
2 (42 U.S.C. 7101 et seq.), including the acquisition or con-
3 demnation of any real property or any facility or for plant
4 or facility acquisition, construction, or expansion,
5 \$333,863,000, to remain available until expended: *Pro-*
6 *vided*, That, in addition, fees collected pursuant to sub-
7 section (b)(1) of section 6939f of title 42, United States
8 Code, and deposited under this heading in fiscal year 2022
9 pursuant to section 309 of title III of division C of Public
10 Law 116–94 are appropriated, to remain available until
11 expended, for mercury storage costs.

12 URANIUM ENRICHMENT DECONTAMINATION AND
13 DECOMMISSIONING FUND

14 For Department of Energy expenses necessary in car-
15 rying out uranium enrichment facility decontamination
16 and decommissioning, remedial actions, and other activi-
17 ties of title II of the Atomic Energy Act of 1954, and
18 title X, subtitle A, of the Energy Policy Act of 1992,
19 \$860,000,000, to be derived from the Uranium Enrich-
20 ment Decontamination and Decommissioning Fund, to re-
21 main available until expended, of which \$16,155,000 shall
22 be available in accordance with title X, subtitle A, of the
23 Energy Policy Act of 1992.

1 SCIENCE

2 For Department of Energy expenses including the
3 purchase, construction, and acquisition of plant and cap-
4 ital equipment, and other expenses necessary for science
5 activities in carrying out the purposes of the Department
6 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
7 cluding the acquisition or condemnation of any real prop-
8 erty or any facility or for plant or facility acquisition, con-
9 struction, or expansion, and purchase of not more than
10 35 passenger motor vehicles, including one ambulance, for
11 replacement only, \$7,475,000,000, to remain available
12 until expended: *Provided*, That of such amount,
13 \$202,000,000 shall be available until September 30, 2023,
14 for program direction.

15 NUCLEAR WASTE DISPOSAL

16 For Department of Energy expenses necessary for
17 nuclear waste disposal activities to carry out the purposes
18 of the Nuclear Waste Policy Act of 1982, Public Law 97-
19 425, as amended, including interim storage activities,
20 \$27,500,000, to remain available until expended, of which
21 \$7,500,000 shall be derived from the Nuclear Waste
22 Fund.

23 TECHNOLOGY TRANSITIONS

24 For Department of Energy expenses necessary for
25 carrying out the activities of technology transitions,

1 \$19,470,000, to remain available until expended: *Pro-*
2 *vided*, That of such amount, \$8,375,000 shall be available
3 until September 30, 2023, for program direction.

4 CLEAN ENERGY DEMONSTRATIONS

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other expenses necessary for clean en-
8 ergy demonstrations in carrying out the purposes of the
9 Department of Energy Organization Act (42 U.S.C. 7101
10 et seq.), including the acquisition or condemnation of any
11 real property or any facility or for plant or facility acquisi-
12 tion, construction, or expansion, \$20,000,000, to remain
13 available until expended: *Provided*, That of such amount,
14 \$8,000,000 shall be available until September 30, 2023,
15 for program direction.

16 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

17 For Department of Energy expenses necessary in car-
18 rying out the activities authorized by section 5012 of the
19 America COMPETES Act (Public Law 110–69),
20 \$450,000,000, to remain available until expended: *Pro-*
21 *vided*, That of such amount, \$36,000,000 shall be avail-
22 able until September 30, 2023, for program direction.

1 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
2 PROGRAM

3 Such sums as are derived from amounts received
4 from borrowers pursuant to section 1702(b) of the Energy
5 Policy Act of 2005 under this heading in prior Acts, shall
6 be collected in accordance with section 502(7) of the Con-
7 gressional Budget Act of 1974: *Provided*, That for nec-
8 essary administrative expenses of the Title 17 Innovative
9 Technology Loan Guarantee Program, as authorized,
10 \$32,000,000 is appropriated, to remain available until
11 September 30, 2023: *Provided further*, That up to
12 \$32,000,000 of fees collected in fiscal year 2022 pursuant
13 to section 1702(h) of the Energy Policy Act of 2005 shall
14 be credited as offsetting collections under this heading and
15 used for necessary administrative expenses in this appro-
16 priation and shall remain available until September 30,
17 2023: *Provided further*, That to the extent that fees col-
18 lected in fiscal year 2022 exceed \$32,000,000, those ex-
19 cess amounts shall be credited as offsetting collections
20 under this heading and available in future fiscal years only
21 to the extent provided in advance in appropriations Acts:
22 *Provided further*, That the sum herein appropriated from
23 the general fund shall be reduced (1) as such fees are re-
24 ceived during fiscal year 2022 (estimated at \$3,000,000)
25 and (2) to the extent that any remaining general fund ap-

1 appropriations can be derived from fees collected in previous
2 fiscal years that are not otherwise appropriated, so as to
3 result in a final fiscal year 2022 appropriation from the
4 general fund estimated at \$0: *Provided further*, That the
5 Department of Energy shall not subordinate any loan obli-
6 gation to other financing in violation of section 1702 of
7 the Energy Policy Act of 2005 or subordinate any Guar-
8 teed Obligation to any loan or other debt obligations in
9 violation of section 609.10 of title 10, Code of Federal
10 Regulations.

11 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
12 LOAN PROGRAM

13 For Department of Energy administrative expenses
14 necessary in carrying out the Advanced Technology Vehi-
15 cles Manufacturing Loan Program, \$5,000,000, to remain
16 available until September 30, 2023.

17 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

18 For Department of Energy administrative expenses
19 necessary in carrying out the Tribal Energy Loan Guar-
20 antee Program, \$2,000,000, to remain available until Sep-
21 tember 30, 2023: *Provided*, That under section 2602(c)
22 of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)),
23 the Secretary of Energy may also provide direct loans, as
24 defined in section 502 of the Congressional Budget Act
25 of 1974 (2 U.S.C. 661a): *Provided further*, That such di-

1 rect loans shall be made through the Federal Financing
2 Bank, with the full faith and credit of the United States
3 Government on the principal and interest: *Provided fur-*
4 *ther*, That any funds previously appropriated for the cost
5 of loan guarantees under section 2602(c) of the Energy
6 Policy Act of 1992 (25 U.S.C. 3502(c)) may also be used
7 for the cost of direct loans provided under such section
8 of such Act.

9 INDIAN ENERGY POLICY AND PROGRAMS

10 For necessary expenses for Indian Energy activities
11 in carrying out the purposes of the Department of Energy
12 Organization Act (42 U.S.C. 7101 et seq.), \$58,000,000,
13 to remain available until expended: *Provided*, That of the
14 amount appropriated under this heading, \$5,523,000 shall
15 be available until September 30, 2023, for program direc-
16 tion.

17 DEPARTMENTAL ADMINISTRATION

18 For salaries and expenses of the Department of En-
19 ergy necessary for departmental administration in car-
20 rying out the purposes of the Department of Energy Orga-
21 nization Act (42 U.S.C. 7101 et seq.), \$340,578,000, to
22 remain available until September 30, 2023, including the
23 hire of passenger motor vehicles and official reception and
24 representation expenses not to exceed \$30,000, plus such
25 additional amounts as necessary to cover increases in the

1 estimated amount of cost of work for others notwith-
2 standing the provisions of the Anti-Deficiency Act (31
3 U.S.C. 1511 et seq.): *Provided*, That such increases in
4 cost of work are offset by revenue increases of the same
5 or greater amount: *Provided further*, That moneys received
6 by the Department for miscellaneous revenues estimated
7 to total \$100,578,000 in fiscal year 2022 may be retained
8 and used for operating expenses within this account, as
9 authorized by section 201 of Public Law 95–238, notwith-
10 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
11 *ther*, That the sum herein appropriated shall be reduced
12 as collections are received during the fiscal year so as to
13 result in a final fiscal year 2022 appropriation from the
14 general fund estimated at not more than \$240,000,000.

15 OFFICE OF THE INSPECTOR GENERAL

16 For expenses necessary for the Office of the Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$78,000,000, to remain available
19 until September 30, 2023.

20 ATOMIC ENERGY DEFENSE ACTIVITIES

21 NATIONAL NUCLEAR SECURITY

22 ADMINISTRATION

23 WEAPONS ACTIVITIES

24 For Department of Energy expenses, including the
25 purchase, construction, and acquisition of plant and cap-

1 ital equipment and other incidental expenses necessary for
2 atomic energy defense weapons activities in carrying out
3 the purposes of the Department of Energy Organization
4 Act (42 U.S.C. 7101 et seq.), including the acquisition or
5 condemnation of any real property or any facility or for
6 plant or facility acquisition, construction, or expansion,
7 and the purchase of not to exceed one ambulance, for re-
8 placement only, \$15,920,000,000, to remain available
9 until expended: *Provided*, That of such amount,
10 \$117,060,000 shall be available until September 30, 2023,
11 for program direction.

12 DEFENSE NUCLEAR NONPROLIFERATION

13 For Department of Energy expenses, including the
14 purchase, construction, and acquisition of plant and cap-
15 ital equipment and other incidental expenses necessary for
16 defense nuclear nonproliferation activities, in carrying out
17 the purposes of the Department of Energy Organization
18 Act (42 U.S.C. 7101 et seq.), including the acquisition or
19 condemnation of any real property or any facility or for
20 plant or facility acquisition, construction, or expansion,
21 \$2,354,000,000, to remain available until expended.

22 NAVAL REACTORS

23 (INCLUDING TRANSFER OF FUNDS)

24 For Department of Energy expenses necessary for
25 naval reactors activities to carry out the Department of

1 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
2 ing the acquisition (by purchase, condemnation, construc-
3 tion, or otherwise) of real property, plant, and capital
4 equipment, facilities, and facility expansion,
5 \$1,918,000,000, to remain available until expended, of
6 which, \$92,747,000 shall be transferred to “Department
7 of Energy—Energy Programs—Nuclear Energy”, for the
8 Advanced Test Reactor: *Provided*, That of such amount,
9 \$55,579,000 shall be available until September 30, 2023,
10 for program direction.

11 FEDERAL SALARIES AND EXPENSES

12 For expenses necessary for Federal Salaries and Ex-
13 penses in the National Nuclear Security Administration,
14 \$464,000,000, to remain available until September 30,
15 2023, including official reception and representation ex-
16 penses not to exceed \$17,000.

17 ENVIRONMENTAL AND OTHER DEFENSE

18 ACTIVITIES

19 DEFENSE ENVIRONMENTAL CLEANUP

20 For Department of Energy expenses, including the
21 purchase, construction, and acquisition of plant and cap-
22 ital equipment and other expenses necessary for atomic
23 energy defense environmental cleanup activities in car-
24 rying out the purposes of the Department of Energy Orga-
25 nization Act (42 U.S.C. 7101 et seq.), including the acqui-

1 sition or condemnation of any real property or any facility
2 or for plant or facility acquisition, construction, or expan-
3 sion, and the purchase of not to exceed one passenger
4 minivan for replacement only, \$6,710,000,000, to remain
5 available until expended: *Provided*, That of such amount,
6 \$305,207,000 shall be available until September 30, 2023,
7 for program direction.

8 DEFENSE URANIUM ENRICHMENT DECONTAMINATION
9 AND DECOMMISSIONING
10 (INCLUDING TRANSFER OF FUNDS)

11 For an additional amount for atomic energy defense
12 environmental cleanup activities for Department of En-
13 ergy contributions for uranium enrichment decontamina-
14 tion and decommissioning activities, \$573,333,000, to be
15 deposited into the Defense Environmental Cleanup ac-
16 count, which shall be transferred to the “Uranium Enrich-
17 ment Decontamination and Decommissioning Fund”.

18 OTHER DEFENSE ACTIVITIES

19 For Department of Energy expenses, including the
20 purchase, construction, and acquisition of plant and cap-
21 ital equipment and other expenses, necessary for atomic
22 energy defense, other defense activities, and classified ac-
23 tivities, in carrying out the purposes of the Department
24 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
25 cluding the acquisition or condemnation of any real prop-

1 erty or any facility or for plant or facility acquisition, con-
2 struction, or expansion, \$985,000,000, to remain available
3 until expended: *Provided*, That of such amount,
4 \$337,636,000 shall be available until September 30, 2023,
5 for program direction.

6 POWER MARKETING ADMINISTRATIONS

7 BONNEVILLE POWER ADMINISTRATION FUND

8 Expenditures from the Bonneville Power Administra-
9 tion Fund, established pursuant to Public Law 93-454,
10 are approved for the Umatilla Hatchery Facility project
11 and, in addition, for official reception and representation
12 expenses in an amount not to exceed \$5,000: *Provided*,
13 That during fiscal year 2022, no new direct loan obliga-
14 tions may be made.

15 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
16 ADMINISTRATION

17 For expenses necessary for operation and mainte-
18 nance of power transmission facilities and for marketing
19 electric power and energy, including transmission wheeling
20 and ancillary services, pursuant to section 5 of the Flood
21 Control Act of 1944 (16 U.S.C. 825s), as applied to the
22 southeastern power area, \$7,184,000, including official re-
23 ception and representation expenses in an amount not to
24 exceed \$1,500, to remain available until expended: *Pro-*
25 *vided*, That notwithstanding 31 U.S.C. 3302 and section

1 5 of the Flood Control Act of 1944, up to \$7,184,000 col-
2 lected by the Southeastern Power Administration from the
3 sale of power and related services shall be credited to this
4 account as discretionary offsetting collections, to remain
5 available until expended for the sole purpose of funding
6 the annual expenses of the Southeastern Power Adminis-
7 tration: *Provided further*, That the sum herein appro-
8 priated for annual expenses shall be reduced as collections
9 are received during the fiscal year so as to result in a final
10 fiscal year 2022 appropriation estimated at not more than
11 \$0: *Provided further*, That notwithstanding 31 U.S.C.
12 3302, up to \$53,000,000 collected by the Southeastern
13 Power Administration pursuant to the Flood Control Act
14 of 1944 to recover purchase power and wheeling expenses
15 shall be credited to this account as offsetting collections,
16 to remain available until expended for the sole purpose
17 of making purchase power and wheeling expenditures:
18 *Provided further*, That for purposes of this appropriation,
19 annual expenses means expenditures that are generally re-
20 covered in the same year that they are incurred (excluding
21 purchase power and wheeling expenses).

22 OPERATION AND MAINTENANCE, SOUTHWESTERN
23 POWER ADMINISTRATION

24 For expenses necessary for operation and mainte-
25 nance of power transmission facilities and for marketing

1 electric power and energy, for construction and acquisition
2 of transmission lines, substations and appurtenant facili-
3 ties, and for administrative expenses, including official re-
4 ception and representation expenses in an amount not to
5 exceed \$1,500 in carrying out section 5 of the Flood Con-
6 trol Act of 1944 (16 U.S.C. 825s), as applied to the
7 Southwestern Power Administration, \$48,324,000, to re-
8 main available until expended: *Provided*, That notwith-
9 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
10 trol Act of 1944 (16 U.S.C. 825s), up to \$37,924,000 col-
11 lected by the Southwestern Power Administration from
12 the sale of power and related services shall be credited to
13 this account as discretionary offsetting collections, to re-
14 main available until expended, for the sole purpose of
15 funding the annual expenses of the Southwestern Power
16 Administration: *Provided further*, That the sum herein ap-
17 propriated for annual expenses shall be reduced as collec-
18 tions are received during the fiscal year so as to result
19 in a final fiscal year 2022 appropriation estimated at not
20 more than \$10,400,000: *Provided further*, That notwith-
21 standing 31 U.S.C. 3302, up to \$39,000,000 collected by
22 the Southwestern Power Administration pursuant to the
23 Flood Control Act of 1944 to recover purchase power and
24 wheeling expenses shall be credited to this account as off-
25 setting collections, to remain available until expended for

1 the sole purpose of making purchase power and wheeling
2 expenditures: *Provided further*, That for purposes of this
3 appropriation, annual expenses means expenditures that
4 are generally recovered in the same year that they are in-
5 curred (excluding purchase power and wheeling expenses).

6 CONSTRUCTION, REHABILITATION, OPERATION AND
7 MAINTENANCE, WESTERN AREA POWER ADMINIS-
8 TRATION

9 For carrying out the functions authorized by title III,
10 section 302(a)(1)(E) of the Act of August 4, 1977 (42
11 U.S.C. 7152), and other related activities including con-
12 servation and renewable resources programs as author-
13 ized, \$285,237,000, including official reception and rep-
14 resentation expenses in an amount not to exceed \$1,500,
15 to remain available until expended, of which \$285,237,000
16 shall be derived from the Department of the Interior Rec-
17 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
18 3302, section 5 of the Flood Control Act of 1944 (16
19 U.S.C. 825s), and section 1 of the Interior Department
20 Appropriation Act, 1939 (43 U.S.C. 392a), up to
21 \$194,465,000 collected by the Western Area Power Ad-
22 ministration from the sale of power and related services
23 shall be credited to this account as discretionary offsetting
24 collections, to remain available until expended, for the sole
25 purpose of funding the annual expenses of the Western

1 Area Power Administration: *Provided further*, That the
2 sum herein appropriated for annual expenses shall be re-
3 duced as collections are received during the fiscal year so
4 as to result in a final fiscal year 2022 appropriation esti-
5 mated at not more than \$90,772,000, of which
6 \$90,772,000 is derived from the Reclamation Fund: *Pro-*
7 *vided further*, That notwithstanding 31 U.S.C. 3302, up
8 to \$170,000,000 collected by the Western Area Power Ad-
9 ministration pursuant to the Flood Control Act of 1944
10 and the Reclamation Project Act of 1939 to recover pur-
11 chase power and wheeling expenses shall be credited to
12 this account as offsetting collections, to remain available
13 until expended for the sole purpose of making purchase
14 power and wheeling expenditures: *Provided further*, That
15 for purposes of this appropriation, annual expenses means
16 expenditures that are generally recovered in the same year
17 that they are incurred (excluding purchase power and
18 wheeling expenses).

19 FALCON AND AMISTAD OPERATING AND MAINTENANCE
20 FUND

21 For operation, maintenance, and emergency costs for
22 the hydroelectric facilities at the Falcon and Amistad
23 Dams, \$5,808,000, to remain available until expended,
24 and to be derived from the Falcon and Amistad Operating
25 and Maintenance Fund of the Western Area Power Ad-

1 ministration, as provided in section 2 of the Act of June
2 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
3 the provisions of that Act and of 31 U.S.C. 3302, up to
4 \$5,580,000 collected by the Western Area Power Adminis-
5 tration from the sale of power and related services from
6 the Falcon and Amistad Dams shall be credited to this
7 account as discretionary offsetting collections, to remain
8 available until expended for the sole purpose of funding
9 the annual expenses of the hydroelectric facilities of these
10 Dams and associated Western Area Power Administration
11 activities: *Provided further*, That the sum herein appro-
12 priated for annual expenses shall be reduced as collections
13 are received during the fiscal year so as to result in a final
14 fiscal year 2022 appropriation estimated at not more than
15 \$228,000: *Provided further*, That for purposes of this ap-
16 propriation, annual expenses means expenditures that are
17 generally recovered in the same year that they are in-
18 curred: *Provided further*, That for fiscal year 2022, the
19 Administrator of the Western Area Power Administration
20 may accept up to \$1,737,000 in funds contributed by
21 United States power customers of the Falcon and Amistad
22 Dams for deposit into the Falcon and Amistad Operating
23 and Maintenance Fund, and such funds shall be available
24 for the purpose for which contributed in like manner as
25 if said sums had been specifically appropriated for such

1 purpose: *Provided further*, That any such funds shall be
2 available without further appropriation and without fiscal
3 year limitation for use by the Commissioner of the United
4 States Section of the International Boundary and Water
5 Commission for the sole purpose of operating, maintain-
6 ing, repairing, rehabilitating, replacing, or upgrading the
7 hydroelectric facilities at these Dams in accordance with
8 agreements reached between the Administrator, Commis-
9 sioner, and the power customers.

10 FEDERAL ENERGY REGULATORY COMMISSION

11 SALARIES AND EXPENSES

12 For expenses necessary for the Federal Energy Regu-
13 latory Commission to carry out the provisions of the De-
14 partment of Energy Organization Act (42 U.S.C. 7101 et
15 seq.), including services as authorized by 5 U.S.C. 3109,
16 official reception and representation expenses not to ex-
17 ceed \$3,000, and the hire of passenger motor vehicles,
18 \$466,426,000, to remain available until expended: *Pro-*
19 *vided*, That notwithstanding any other provision of law,
20 not to exceed \$466,426,000 of revenues from fees and an-
21 nual charges, and other services and collections in fiscal
22 year 2022 shall be retained and used for expenses nec-
23 essary in this account, and shall remain available until ex-
24 pended: *Provided further*, That the sum herein appro-
25 priated from the general fund shall be reduced as revenues

1 (C) issue a letter of intent to make an alloca-
2 tion, award, or Agreement in excess of the limits in
3 subparagraph (A) or (B); or

4 (D) announce publicly the intention to make an
5 allocation, award, or Agreement in excess of the lim-
6 its in subparagraph (A) or (B).

7 (2) The Secretary of Energy shall submit to the Com-
8 mittees on Appropriations of both Houses of Congress
9 within 15 days of the conclusion of each quarter a report
10 detailing each grant allocation or discretionary grant
11 award totaling less than \$1,000,000 provided during the
12 previous quarter.

13 (3) The notification required by paragraph (1) and
14 the report required by paragraph (2) shall include the re-
15 cipient of the award, the amount of the award, the fiscal
16 year for which the funds for the award were appropriated,
17 the account and program, project, or activity from which
18 the funds are being drawn, the title of the award, and
19 a brief description of the activity for which the award is
20 made.

21 (c) The Department of Energy may not, with respect
22 to any program, project, or activity that uses budget au-
23 thority made available in this title under the heading “De-
24 partment of Energy—Energy Programs”, enter into a

1 multiyear contract, award a multiyear grant, or enter into
2 a multiyear cooperative agreement unless—

3 (1) the contract, grant, or cooperative agree-
4 ment is funded for the full period of performance as
5 anticipated at the time of award; or

6 (2) the contract, grant, or cooperative agree-
7 ment includes a clause conditioning the Federal Gov-
8 ernment's obligation on the availability of future
9 year budget authority and the Secretary notifies the
10 Committees on Appropriations of both Houses of
11 Congress at least 3 days in advance.

12 (d) Except as provided in subsections (e), (f), and (g),
13 the amounts made available by this title shall be expended
14 as authorized by law for the programs, projects, and ac-
15 tivities specified in the "Final Bill" column in the "De-
16 partment of Energy" table included under the heading
17 "Title III—Department of Energy" in the explanatory
18 statement described in section 4 (in the matter preceding
19 division A of this consolidated Act).

20 (e) The amounts made available by this title may be
21 reprogrammed for any program, project, or activity, and
22 the Department shall notify, and obtain the prior approval
23 of, the Committees on Appropriations of both Houses of
24 Congress at least 30 days prior to the use of any proposed
25 reprogramming that would cause any program, project, or

1 activity funding level to increase or decrease by more than
2 \$5,000,000 or 10 percent, whichever is less, during the
3 time period covered by this Act.

4 (f) None of the funds provided in this title shall be
5 available for obligation or expenditure through a re-
6 programming of funds that—

7 (1) creates, initiates, or eliminates a program,
8 project, or activity;

9 (2) increases funds or personnel for any pro-
10 gram, project, or activity for which funds are denied
11 or restricted by this Act; or

12 (3) reduces funds that are directed to be used
13 for a specific program, project, or activity by this
14 Act.

15 (g)(1) The Secretary of Energy may waive any re-
16 quirement or restriction in this section that applies to the
17 use of funds made available for the Department of Energy
18 if compliance with such requirement or restriction would
19 pose a substantial risk to human health, the environment,
20 welfare, or national security.

21 (2) The Secretary of Energy shall notify the Commit-
22 tees on Appropriations of both Houses of Congress of any
23 waiver under paragraph (1) as soon as practicable, but
24 not later than 3 days after the date of the activity to which
25 a requirement or restriction would otherwise have applied.

1 Such notice shall include an explanation of the substantial
2 risk under paragraph (1) that permitted such waiver.

3 (h) The unexpended balances of prior appropriations
4 provided for activities in this Act may be available to the
5 same appropriation accounts for such activities established
6 pursuant to this title. Available balances may be merged
7 with funds in the applicable established accounts and
8 thereafter may be accounted for as one fund for the same
9 time period as originally enacted.

10 SEC. 302. Funds appropriated by this or any other
11 Act, or made available by the transfer of funds in this
12 Act, for intelligence activities are deemed to be specifically
13 authorized by the Congress for purposes of section 504
14 of the National Security Act of 1947 (50 U.S.C. 3094)
15 during fiscal year 2022 until the enactment of the Intel-
16 ligence Authorization Act for fiscal year 2022.

17 SEC. 303. None of the funds made available in this
18 title shall be used for the construction of facilities classi-
19 fied as high-hazard nuclear facilities under 10 CFR Part
20 830 unless independent oversight is conducted by the Of-
21 fice of Enterprise Assessments to ensure the project is in
22 compliance with nuclear safety requirements.

23 SEC. 304. None of the funds made available in this
24 title may be used to approve critical decision-2 or critical
25 decision-3 under Department of Energy Order 413.3B, or

1 any successive departmental guidance, for construction
2 projects where the total project cost exceeds
3 \$100,000,000, until a separate independent cost estimate
4 has been developed for the project for that critical deci-
5 sion.

6 SEC. 305. Notwithstanding section 161 of the Energy
7 Policy and Conservation Act (42 U.S.C. 6241), upon a
8 determination by the President in this fiscal year that a
9 regional supply shortage of refined petroleum product of
10 significant scope and duration exists, that a severe in-
11 crease in the price of refined petroleum product will likely
12 result from such shortage, and that a draw down and sale
13 of refined petroleum product would assist directly and sig-
14 nificantly in reducing the adverse impact of such shortage,
15 the Secretary of Energy may draw down and sell refined
16 petroleum product from the Strategic Petroleum Reserve.
17 Proceeds from a sale under this section shall be deposited
18 into the SPR Petroleum Account established in section
19 167 of the Energy Policy and Conservation Act (42 U.S.C.
20 6247), and such amounts shall be available for obligation,
21 without fiscal year limitation, consistent with that section.

22 SEC. 306. No funds shall be transferred directly from
23 “Department of Energy—Power Marketing Administra-
24 tion—Colorado River Basins Power Marketing Fund,

1 Western Area Power Administration” to the general fund
2 of the Treasury in the current fiscal year.

3 SEC. 307. (a) Of the unobligated balances available
4 to the Department of Energy from amounts appropriated
5 in prior Acts, the following funds are hereby rescinded
6 from the following accounts and programs in the specified
7 amounts—

8 (1) “Defense Nuclear Nonproliferation” for the
9 construction project “99-D-143”, \$282,133,000;
10 and

11 (2) “Naval Reactors”, \$6,000,000.

12 (b) No amounts may be rescinded under subsection
13 (a) from amounts that were previously designated by the
14 Congress as an emergency requirement pursuant to a con-
15 current resolution on the budget or the Balanced Budget
16 and Emergency Deficit Control Act of 1985.

17 SEC. 308. Of the unavailable collections currently in
18 the United States Enrichment Corporation Fund,
19 \$841,000,000 shall be transferred to and merged with the
20 Uranium Enrichment Decontamination and Decommis-
21 sioning Fund and shall be available only to the extent pro-
22 vided in advance in appropriations Acts.

1 TITLE IV
2 INDEPENDENT AGENCIES
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-
5 thorized by the Appalachian Regional Development Act of
6 1965, as amended, notwithstanding 40 U.S.C. 14704, and
7 for expenses necessary for the Federal Co-Chairman and
8 the Alternate on the Appalachian Regional Commission,
9 for payment of the Federal share of the administrative ex-
10 penses of the Commission, including services as authorized
11 by 5 U.S.C. 3109, and hire of passenger motor vehicles,
12 \$195,000,000, to remain available until expended.

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
14 SALARIES AND EXPENSES

15 For expenses necessary for the Defense Nuclear Fa-
16 cilities Safety Board in carrying out activities authorized
17 by the Atomic Energy Act of 1954, as amended by Public
18 Law 100–456, section 1441, \$36,000,000, to remain
19 available until September 30, 2023.

20 DELTA REGIONAL AUTHORITY
21 SALARIES AND EXPENSES

22 For expenses necessary for the Delta Regional Au-
23 thority and to carry out its activities, as authorized by
24 the Delta Regional Authority Act of 2000, notwith-

1 standing sections 382F(d), 382M, and 382N of said Act,
2 \$30,100,000, to remain available until expended.

3 DENALI COMMISSION

4 For expenses necessary for the Denali Commission
5 including the purchase, construction, and acquisition of
6 plant and capital equipment as necessary and other ex-
7 penses, \$15,100,000, to remain available until expended,
8 notwithstanding the limitations contained in section
9 306(g) of the Denali Commission Act of 1998: *Provided*,
10 That funds shall be available for construction projects for
11 which the Denali Commission is the sole or primary fund-
12 ing source in an amount not to exceed 80 percent of total
13 project cost for distressed communities, as defined by sec-
14 tion 307 of the Denali Commission Act of 1998 (division
15 C, title III, Public Law 105–277), as amended by section
16 701 of appendix D, title VII, Public Law 106–113 (113
17 Stat. 1501A–280), and an amount not to exceed 50 per-
18 cent for non-distressed communities: *Provided further*,
19 That notwithstanding any other provision of law regarding
20 payment of a non-Federal share in connection with a
21 grant-in-aid program, amounts under this heading shall
22 be available for the payment of such a non-Federal share
23 for any project for which the Denali Commission is not
24 the sole or primary funding source, provided that such
25 project is consistent with the purposes of the Commission.

1 NORTHERN BORDER REGIONAL COMMISSION

2 For expenses necessary for the Northern Border Re-
3 gional Commission in carrying out activities authorized by
4 subtitle V of title 40, United States Code, \$35,000,000,
5 to remain available until expended: *Provided*, That such
6 amounts shall be available for administrative expenses,
7 notwithstanding section 15751(b) of title 40, United
8 States Code.

9 SOUTHEAST CRESCENT REGIONAL COMMISSION

10 For expenses necessary for the Southeast Crescent
11 Regional Commission in carrying out activities authorized
12 by subtitle V of title 40, United States Code, \$5,000,000,
13 to remain available until expended.

14 SOUTHWEST BORDER REGIONAL COMMISSION

15 For expenses necessary for the Southwest Border Re-
16 gional Commission in carrying out activities authorized by
17 subtitle V of title 40, United States Code, \$2,500,000, to
18 remain available until expended.

19 NUCLEAR REGULATORY COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary for the Commission in car-
22 rying out the purposes of the Energy Reorganization Act
23 of 1974 and the Atomic Energy Act of 1954,
24 \$873,901,000, including official representation expenses
25 not to exceed \$25,000, to remain available until expended:

1 *Provided*, That of the amount appropriated herein, not
2 more than \$9,500,000 may be made available for salaries,
3 travel, and other support costs for the Office of the Com-
4 mission, to remain available until September 30, 2023:
5 *Provided further*, That revenues from licensing fees, in-
6 spection services, and other services and collections esti-
7 mated at \$745,258,000 in fiscal year 2022 shall be re-
8 tained and used for necessary salaries and expenses in this
9 account, notwithstanding 31 U.S.C. 3302, and shall re-
10 main available until expended: *Provided further*, That the
11 sum herein appropriated shall be reduced by the amount
12 of revenues received during fiscal year 2022 so as to result
13 in a final fiscal year 2022 appropriation estimated at not
14 more than \$128,643,000.

15 OFFICE OF INSPECTOR GENERAL

16 For expenses necessary for the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$13,799,000, to remain available
19 until September 30, 2023: *Provided*, That revenues from
20 licensing fees, inspection services, and other services and
21 collections estimated at \$11,442,000 in fiscal year 2022
22 shall be retained and be available until September 30,
23 2023, for necessary salaries and expenses in this account,
24 notwithstanding section 3302 of title 31, United States
25 Code: *Provided further*, That the sum herein appropriated

1 shall be reduced by the amount of revenues received dur-
2 ing fiscal year 2022 so as to result in a final fiscal year
3 2022 appropriation estimated at not more than
4 \$2,357,000: *Provided further*, That of the amounts appro-
5 priated under this heading, \$1,146,000 shall be for In-
6 spector General services for the Defense Nuclear Facilities
7 Safety Board.

8 NUCLEAR WASTE TECHNICAL REVIEW BOARD
9 SALARIES AND EXPENSES

10 For expenses necessary for the Nuclear Waste Tech-
11 nical Review Board, as authorized by Public Law 100-
12 203, section 5051, \$3,800,000, to be derived from the Nu-
13 clear Waste Fund, to remain available until September 30,
14 2023.

15 GENERAL PROVISIONS—INDEPENDENT
16 AGENCIES

17 SEC. 401. The Nuclear Regulatory Commission shall
18 comply with the July 5, 2011, version of Chapter VI of
19 its Internal Commission Procedures when responding to
20 Congressional requests for information, consistent with
21 Department of Justice guidance for all Federal agencies.

22 SEC. 402. (a) The amounts made available by this
23 title for the Nuclear Regulatory Commission may be re-
24 programmed for any program, project, or activity, and the
25 Commission shall notify the Committees on Appropria-

1 tions of both Houses of Congress at least 30 days prior
2 to the use of any proposed reprogramming that would
3 cause any program funding level to increase or decrease
4 by more than \$500,000 or 10 percent, whichever is less,
5 during the time period covered by this Act.

6 (b)(1) The Nuclear Regulatory Commission may
7 waive the notification requirement in subsection (a) if
8 compliance with such requirement would pose a substan-
9 tial risk to human health, the environment, welfare, or na-
10 tional security.

11 (2) The Nuclear Regulatory Commission shall notify
12 the Committees on Appropriations of both Houses of Con-
13 gress of any waiver under paragraph (1) as soon as prac-
14 ticable, but not later than 3 days after the date of the
15 activity to which a requirement or restriction would other-
16 wise have applied. Such notice shall include an explanation
17 of the substantial risk under paragraph (1) that permitted
18 such waiver and shall provide a detailed report to the
19 Committees of such waiver and changes to funding levels
20 to programs, projects, or activities.

21 (c) Except as provided in subsections (a), (b), and
22 (d), the amounts made available by this title for “Nuclear
23 Regulatory Commission—Salaries and Expenses” shall be
24 expended as directed in the explanatory statement de-

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

3 (d) None of the funds provided for the Nuclear Regu-
4 latory Commission shall be available for obligation or ex-
5 penditure through a reprogramming of funds that in-
6 creases funds or personnel for any program, project, or
7 activity for which funds are denied or restricted by this
8 Act.

9 (e) The Commission shall provide a monthly report
10 to the Committees on Appropriations of both Houses of
11 Congress, which includes the following for each program,
12 project, or activity, including any prior year appropria-
13 tions—

- 14 (1) total budget authority;
- 15 (2) total unobligated balances; and
- 16 (3) total unliquidated obligations.

1 TITLE V
2 GENERAL PROVISIONS
3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 501. None of the funds appropriated by this Act
5 may be used in any way, directly or indirectly, to influence
6 congressional action on any legislation or appropriation
7 matters pending before Congress, other than to commu-
8 nicate to Members of Congress as described in 18 U.S.C.
9 1913.

10 SEC. 502. (a) None of the funds made available in
11 title III of this Act may be transferred to any department,
12 agency, or instrumentality of the United States Govern-
13 ment, except pursuant to a transfer made by or transfer
14 authority provided in this Act or any other appropriations
15 Act for any fiscal year, transfer authority referenced in
16 the explanatory statement described in section 4 (in the
17 matter preceding division A of this consolidated Act), or
18 any authority whereby a department, agency, or instru-
19 mentality of the United States Government may provide
20 goods or services to another department, agency, or in-
21 strumentality.

22 (b) None of the funds made available for any depart-
23 ment, agency, or instrumentality of the United States
24 Government may be transferred to accounts funded in title
25 III of this Act, except pursuant to a transfer made by or

1 transfer authority provided in this Act or any other appro-
2 priations Act for any fiscal year, transfer authority ref-
3 erenced in the explanatory statement described in section
4 4 (in the matter preceding division A of this consolidated
5 Act), or any authority whereby a department, agency, or
6 instrumentality of the United States Government may
7 provide goods or services to another department, agency,
8 or instrumentality.

9 (c) The head of any relevant department or agency
10 funded in this Act utilizing any transfer authority shall
11 submit to the Committees on Appropriations of both
12 Houses of Congress a semiannual report detailing the
13 transfer authorities, except for any authority whereby a
14 department, agency, or instrumentality of the United
15 States Government may provide goods or services to an-
16 other department, agency, or instrumentality, used in the
17 previous 6 months and in the year-to-date. This report
18 shall include the amounts transferred and the purposes
19 for which they were transferred, and shall not replace or
20 modify existing notification requirements for each author-
21 ity.

22 SEC. 503. None of the funds made available by this
23 Act may be used in contravention of Executive Order No.
24 12898 of February 11, 1994 (Federal Actions to Address

1 Environmental Justice in Minority Populations and Low-
2 Income Populations).

3 SEC. 504. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network blocks the viewing,
6 downloading, and exchanging of pornography.

7 (b) Nothing in subsection (a) shall limit the use of
8 funds necessary for any Federal, State, Tribal, or local
9 law enforcement agency or any other entity carrying out
10 criminal investigations, prosecution, or adjudication activi-
11 ties.

12 SEC. 505. The nineteenth proviso under the heading
13 “Fossil Energy and Carbon Management” in title III of
14 division J of Public Law 117–58 is amended by striking
15 “(b)” each place it appears and inserting “(h)”: *Provided*,
16 That amounts repurposed pursuant to this section that
17 were previously designated by the Congress as an emer-
18 gency requirement pursuant to section 4112(a) of H. Con.
19 Res. 71 (115th Congress), the concurrent resolution on
20 the budget for fiscal year 2018, and to section 251(b) of
21 the Balanced Budget and Emergency Deficit Control Act
22 of 1985 are designated by the Congress as an emergency
23 requirement pursuant to section 4001(a)(1) and section
24 4001(b) of S. Con. Res. 14 (117th Congress), the concur-
25 rent resolution on the budget for fiscal year 2022.

1 This division may be cited as the “Energy and Water
2 Development and Related Agencies Appropriations Act,
3 2022”.

1 **DIVISION E—FINANCIAL SERVICES AND**
2 **GENERAL GOVERNMENT APPROPRIA-**
3 **TIONS ACT, 2022**

4 TITLE I

5 DEPARTMENT OF THE TREASURY

6 DEPARTMENTAL OFFICES

7 SALARIES AND EXPENSES

8 For necessary expenses of the Departmental Offices
9 including operation and maintenance of the Treasury
10 Building and Freedman’s Bank Building; hire of pas-
11 senger motor vehicles; maintenance, repairs, and improve-
12 ments of, and purchase of commercial insurance policies
13 for, real properties leased or owned overseas, when nec-
14 essary for the performance of official business; executive
15 direction program activities; international affairs and eco-
16 nomic policy activities; domestic finance and tax policy ac-
17 tivities, including technical assistance to State, local, and
18 territorial entities; and Treasury-wide management poli-
19 cies and programs activities, \$243,109,000: *Provided,*
20 That of the amount appropriated under this heading—

21 (1) not to exceed \$350,000 is for official recep-
22 tion and representation expenses;

23 (2) not to exceed \$258,000 is for unforeseen
24 emergencies of a confidential nature to be allocated
25 and expended under the direction of the Secretary of

1 the Treasury and to be accounted for solely on the
2 Secretary's certificate; and

3 (3) not to exceed \$34,000,000 shall remain
4 available until September 30, 2023, for—

5 (A) the Treasury-wide Financial Statement
6 Audit and Internal Control Program;

7 (B) information technology modernization
8 requirements;

9 (C) the audit, oversight, and administra-
10 tion of the Gulf Coast Restoration Trust Fund;

11 (D) the development and implementation
12 of programs within the Office of Cybersecurity
13 and Critical Infrastructure Protection, including
14 entering into cooperative agreements;

15 (E) operations and maintenance of facili-
16 ties; and

17 (F) international operations.

18 COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED

19 STATES FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Committee on Foreign
22 Investment in the United States, \$20,000,000, to remain
23 available until expended: *Provided*, That the chairperson
24 of the Committee may transfer such amounts to any de-
25 partment or agency represented on the Committee (includ-

1 ing the Department of the Treasury) subject to advance
2 notification to the Committees on Appropriations of the
3 House of Representatives and the Senate: *Provided fur-*
4 *ther*, That amounts so transferred shall remain available
5 until expended for expenses of implementing section 721
6 of the Defense Production Act of 1950, as amended (50
7 U.S.C. 4565), and shall be available in addition to any
8 other funds available to any department or agency: *Pro-*
9 *vided further*, That fees authorized by section 721(p) of
10 such Act shall be credited to this appropriation as offset-
11 ting collections: *Provided further*, That the total amount
12 appropriated under this heading from the general fund
13 shall be reduced as such offsetting collections are received
14 during fiscal year 2022, so as to result in a total appro-
15 priation from the general fund estimated at not more than
16 \$0.

17 OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

18 SALARIES AND EXPENSES

19 For the necessary expenses of the Office of Terrorism
20 and Financial Intelligence to safeguard the financial sys-
21 tem against illicit use and to combat rogue nations, ter-
22 rorist facilitators, weapons of mass destruction
23 proliferators, human rights abusers, money launderers,
24 drug kingpins, and other national security threats,
25 \$195,192,000, of which not less than \$3,000,000 shall be

1 available for addressing human rights violations and cor-
2 ruption, including activities authorized by the Global
3 Magnitsky Human Rights Accountability Act (22 U.S.C.
4 2656 note): *Provided*, That of the amounts appropriated
5 under this heading, up to \$20,000,000 shall remain avail-
6 able until September 30, 2023.

7 CYBERSECURITY ENHANCEMENT ACCOUNT

8 For salaries and expenses for enhanced cybersecurity
9 for systems operated by the Department of the Treasury,
10 \$80,000,000, to remain available until September 30,
11 2024: *Provided*, That such funds shall supplement and not
12 supplant any other amounts made available to the Treas-
13 ury offices and bureaus for cybersecurity: *Provided fur-*
14 *ther*, That of the total amount made available under this
15 heading \$4,000,000 shall be available for administrative
16 expenses for the Treasury Chief Information Officer to
17 provide oversight of the investments made under this
18 heading: *Provided further*, That such funds shall supple-
19 ment and not supplant any other amounts made available
20 to the Treasury Chief Information Officer.

21 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

22 INVESTMENTS PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For development and acquisition of automatic data
25 processing equipment, software, and services and for re-

1 pairs and renovations to buildings owned by the Depart-
2 ment of the Treasury, \$6,118,000, to remain available
3 until September 30, 2024: *Provided*, That these funds
4 shall be transferred to accounts and in amounts as nec-
5 essary to satisfy the requirements of the Department's of-
6 fices, bureaus, and other organizations: *Provided further*,
7 That this transfer authority shall be in addition to any
8 other transfer authority provided in this Act: *Provided fur-*
9 *ther*, That none of the funds appropriated under this head-
10 ing shall be used to support or supplement "Internal Rev-
11 enue Service, Operations Support" or "Internal Revenue
12 Service, Business Systems Modernization".

13 OFFICE OF INSPECTOR GENERAL

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, \$42,275,000, including hire of pas-
18 senger motor vehicles; of which not to exceed \$100,000
19 shall be available for unforeseen emergencies of a con-
20 fidential nature, to be allocated and expended under the
21 direction of the Inspector General of the Treasury; of
22 which up to \$2,800,000 to remain available until Sep-
23 tember 30, 2023, shall be for audits and investigations
24 conducted pursuant to section 1608 of the Resources and
25 Ecosystems Sustainability, Tourist Opportunities, and Re-

1 vived Economies of the Gulf Coast States Act of 2012 (33
2 U.S.C. 1321 note); and of which not to exceed \$1,000
3 shall be available for official reception and representation
4 expenses.

5 TREASURY INSPECTOR GENERAL FOR TAX

6 ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Treasury Inspector
9 General for Tax Administration in carrying out the In-
10 spector General Act of 1978, as amended, including pur-
11 chase and hire of passenger motor vehicles (31 U.S.C.
12 1343(b)); and services authorized by 5 U.S.C. 3109, at
13 such rates as may be determined by the Inspector General
14 for Tax Administration; \$174,250,000, of which
15 \$5,000,000 shall remain available until September 30,
16 2023; of which not to exceed \$6,000,000 shall be available
17 for official travel expenses; of which not to exceed
18 \$500,000 shall be available for unforeseen emergencies of
19 a confidential nature, to be allocated and expended under
20 the direction of the Inspector General for Tax Administra-
21 tion; and of which not to exceed \$1,500 shall be available
22 for official reception and representation expenses.

1 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED
2 ASSET RELIEF PROGRAM
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of the Special
5 Inspector General in carrying out the provisions of the
6 Emergency Economic Stabilization Act of 2008 (Public
7 Law 110–343), \$16,000,000.

8 FINANCIAL CRIMES ENFORCEMENT NETWORK
9 SALARIES AND EXPENSES

10 For necessary expenses of the Financial Crimes En-
11 forcement Network, including hire of passenger motor ve-
12 hicles; travel and training expenses of non-Federal and
13 foreign government personnel to attend meetings and
14 training concerned with domestic and foreign financial in-
15 telligence activities, law enforcement, and financial regula-
16 tion; services authorized by 5 U.S.C. 3109; not to exceed
17 \$25,000 for official reception and representation expenses;
18 and for assistance to Federal law enforcement agencies,
19 with or without reimbursement, \$161,000,000, of which
20 not to exceed \$55,000,000 shall remain available until
21 September 30, 2024.

22 BUREAU OF THE FISCAL SERVICE
23 SALARIES AND EXPENSES

24 For necessary expenses of operations of the Bureau
25 of the Fiscal Service, \$355,936,000; of which not to ex-

1 ceed \$8,000,000, to remain available until September 30,
2 2024, is for information systems modernization initiatives;
3 and of which \$5,000 shall be available for official reception
4 and representation expenses.

5 In addition, \$165,000, to be derived from the Oil
6 Spill Liability Trust Fund to reimburse administrative
7 and personnel expenses for financial management of the
8 Fund, as authorized by section 1012 of Public Law 101–
9 380.

10 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

11 SALARIES AND EXPENSES

12 For necessary expenses of carrying out section 1111
13 of the Homeland Security Act of 2002, including hire of
14 passenger motor vehicles, \$128,067,000; of which not to
15 exceed \$6,000 shall be available for official reception and
16 representation expenses; and of which not to exceed
17 \$50,000 shall be available for cooperative research and de-
18 velopment programs for laboratory services; and provision
19 of laboratory assistance to State and local agencies with
20 or without reimbursement: *Provided*, That of the amount
21 appropriated under this heading, \$5,000,000 shall be for
22 the costs of accelerating the processing of formula and
23 label applications: *Provided further*, That of the amount
24 appropriated under this heading, \$5,000,000, to remain
25 available until September 30, 2023, shall be for the costs

1 associated with enforcement of and education regarding
2 the trade practice provisions of the Federal Alcohol Ad-
3 ministration Act (27 U.S.C. 201 et seq.).

4 UNITED STATES MINT

5 UNITED STATES MINT PUBLIC ENTERPRISE FUND

6 Pursuant to section 5136 of title 31, United States
7 Code, the United States Mint is provided funding through
8 the United States Mint Public Enterprise Fund for costs
9 associated with the production of circulating coins, numis-
10 matic coins, and protective services, including both oper-
11 ating expenses and capital investments: *Provided*, That
12 the aggregate amount of new liabilities and obligations in-
13 curred during fiscal year 2022 under such section 5136
14 for circulating coinage and protective service capital in-
15 vestments of the United States Mint shall not exceed
16 \$50,000,000.

17 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

18 FUND PROGRAM ACCOUNT

19 To carry out the Riegle Community Development and
20 Regulatory Improvement Act of 1994 (subtitle A of title
21 I of Public Law 103–325), including services authorized
22 by section 3109 of title 5, United States Code, but at rates
23 for individuals not to exceed the per diem rate equivalent
24 to the rate for EX–III, \$295,000,000. Of the amount ap-
25 propriated under this heading—

1 (1) not less than \$173,383,000, notwith-
2 standing section 108(e) of Public Law 103–325 (12
3 U.S.C. 4707(e)) with regard to Small and/or Emerg-
4 ing Community Development Financial Institutions
5 Assistance awards, is available until September 30,
6 2023, for financial assistance and technical assist-
7 ance under subparagraphs (A) and (B) of section
8 108(a)(1), respectively, of Public Law 103–325 (12
9 U.S.C. 4707(a)(1)(A) and (B)), of which up to
10 \$1,600,000 may be available for training and out-
11 reach under section 109 of Public Law 103–325 (12
12 U.S.C. 4708), of which up to \$3,153,750 may be
13 used for the cost of direct loans, of which up to
14 \$10,000,000, notwithstanding subsection (d) of sec-
15 tion 108 of Public Law 103–325 (12 U.S.C. 4707
16 (d)), may be available to provide financial assistance,
17 technical assistance, training, and outreach to com-
18 munity development financial institutions to expand
19 investments that benefit individuals with disabilities,
20 and of which not less than \$2,000,000 shall be for
21 the Economic Mobility Corps to be operated in con-
22 junction with the Corporation for National and
23 Community Service, pursuant to 42 U.S.C. 12571:
24 *Provided*, That the cost of direct and guaranteed
25 loans, including the cost of modifying such loans,

1 shall be as defined in section 502 of the Congres-
2 sional Budget Act of 1974: *Provided further*, That
3 these funds are available to subsidize gross obliga-
4 tions for the principal amount of direct loans not to
5 exceed \$25,000,000: *Provided further*, That of the
6 funds provided under this paragraph, excluding
7 those made to community development financial in-
8 stitutions to expand investments that benefit individ-
9 uals with disabilities and those made to community
10 development financial institutions that serve popu-
11 lations living in persistent poverty counties, the
12 CDFI Fund shall prioritize Financial Assistance
13 awards to organizations that invest and lend in high-
14 poverty areas: *Provided further*, That for purposes of
15 this section, the term “high-poverty area” means
16 any census tract with a poverty rate of at least 20
17 percent as measured by the 2011–2015 5-year data
18 series available from the American Community Sur-
19 vey of the Bureau of the Census for all States and
20 Puerto Rico or with a poverty rate of at least 20
21 percent as measured by the 2010 Island areas De-
22 cennial Census data for any territory or possession
23 of the United States;

24 (2) not less than \$21,500,000, notwithstanding
25 section 108(e) of Public Law 103–325 (12 U.S.C.

1 4707(e)), is available until September 30, 2023, for
2 financial assistance, technical assistance, training,
3 and outreach programs designed to benefit Native
4 American, Native Hawaiian, and Alaska Native com-
5 munities and provided primarily through qualified
6 community development lender organizations with
7 experience and expertise in community development
8 banking and lending in Indian country, Native
9 American organizations, Tribes and Tribal organiza-
10 tions, and other suitable providers;

11 (3) not less than \$35,000,000 is available until
12 September 30, 2023, for the Bank Enterprise Award
13 program;

14 (4) not less than \$23,000,000, notwithstanding
15 subsections (d) and (e) of section 108 of Public Law
16 103–325 (12 U.S.C. 4707(d) and (e)), is available
17 until September 30, 2023, for a Healthy Food Fi-
18 nancing Initiative to provide financial assistance,
19 technical assistance, training, and outreach to com-
20 munity development financial institutions for the
21 purpose of offering affordable financing and tech-
22 nical assistance to expand the availability of healthy
23 food options in distressed communities;

24 (5) not less than \$8,500,000 is available until
25 September 30, 2023, to provide grants for loan loss

1 reserve funds and to provide technical assistance for
2 small dollar loan programs under section 122 of
3 Public Law 103–325 (12 U.S.C. 4719): *Provided*,
4 That sections 108(d) and 122(b)(2) of such Public
5 Law shall not apply to the provision of such grants
6 and technical assistance;

7 (6) up to \$33,617,000 is available for adminis-
8 trative expenses, including administration of CDFI
9 Fund programs and the New Markets Tax Credit
10 Program, of which not less than \$1,000,000 is for
11 the development of tools to better assess and inform
12 CDFI investment performance and CDFI program
13 impacts, and up to \$300,000 is for administrative
14 expenses to carry out the direct loan program; and

15 (7) during fiscal year 2022, none of the funds
16 available under this heading are available for the
17 cost, as defined in section 502 of the Congressional
18 Budget Act of 1974, of commitments to guarantee
19 bonds and notes under section 114A of the Riegle
20 Community Development and Regulatory Improve-
21 ment Act of 1994 (12 U.S.C. 4713a): *Provided*,
22 That commitments to guarantee bonds and notes
23 under such section 114A shall not exceed
24 \$500,000,000: *Provided further*, That such section
25 114A shall remain in effect until December 31,

1 2022: *Provided further*, That of the funds awarded
2 under this heading, except those provided for the
3 Economic Mobility Corps, not less than 10 percent
4 shall be used for awards that support investments
5 that serve populations living in persistent poverty
6 counties: *Provided further*, That for the purposes of
7 this paragraph and paragraph (1), the term “per-
8 sistent poverty counties” means any county, includ-
9 ing county equivalent areas in Puerto Rico, that has
10 had 20 percent or more of its population living in
11 poverty over the past 30 years, as measured by the
12 1990 and 2000 decennial censuses and the 2011–
13 2015 5-year data series available from the American
14 Community Survey of the Bureau of the Census or
15 any other territory or possession of the United
16 States that has had 20 percent or more of its popu-
17 lation living in poverty over the past 30 years, as
18 measured by the 1990, 2000 and 2010 Island Areas
19 Decennial Censuses, or equivalent data, of the Bu-
20 reau of the Census.

21 INTERNAL REVENUE SERVICE

22 TAXPAYER SERVICES

23 For necessary expenses of the Internal Revenue Serv-
24 ice to provide taxpayer services, including pre-filing assist-
25 ance and education, filing and account services, taxpayer

1 advocacy services, and other services as authorized by 5
2 U.S.C. 3109, at such rates as may be determined by the
3 Commissioner, \$2,780,606,000, of which not to exceed
4 \$100,000,000 shall remain available until September 30,
5 2023, of which not less than \$11,000,000 shall be for the
6 Tax Counseling for the Elderly Program, of which not less
7 than \$13,000,000 shall be available for low-income tax-
8 payer clinic grants, of which not less than \$30,000,000,
9 to remain available until September 30, 2023, shall be
10 available for the Community Volunteer Income Tax Assist-
11 ance Matching Grants Program for tax return preparation
12 assistance, and of which not less than \$221,000,000 shall
13 be available for operating expenses of the Taxpayer Advo-
14 cate Service: *Provided*, That of the amounts made avail-
15 able for the Taxpayer Advocate Service, not less than
16 \$5,500,000 shall be for identity theft and refund fraud
17 casework.

18 ENFORCEMENT

19 For necessary expenses for tax enforcement activities
20 of the Internal Revenue Service to determine and collect
21 owed taxes, to provide legal and litigation support, to con-
22 duct criminal investigations, to enforce criminal statutes
23 related to violations of internal revenue laws and other fi-
24 nancial crimes, to purchase and hire passenger motor vehi-
25 cles (31 U.S.C. 1343(b)), and to provide other services

1 as authorized by 5 U.S.C. 3109, at such rates as may be
2 determined by the Commissioner, \$5,437,622,000, of
3 which not to exceed \$250,000,000 shall remain available
4 until September 30, 2023; of which not less than
5 \$60,257,000 shall be for the Interagency Crime and Drug
6 Enforcement program; of which not to exceed
7 \$21,000,000 shall be for investigative technology for the
8 Criminal Investigation Division; and of which not more
9 than \$75,000,000 shall be available to address the Inter-
10 nal Revenue Service's paper inventory of amended returns,
11 correspondence and adjustments to return filings: *Pro-*
12 *vided*, That the amount made available for addressing
13 paper inventory shall be in addition to amounts made
14 available for such purpose under the "Taxpayer Services"
15 heading: *Provided further*, That the amount made avail-
16 able for investigative technology for the Criminal Inves-
17 tigation Division shall be in addition to amounts made
18 available for the Criminal Investigation Division under the
19 "Operations Support" heading.

20 OPERATIONS SUPPORT

21 For necessary expenses of the Internal Revenue Serv-
22 ice to support taxpayer services and enforcement pro-
23 grams, including rent payments; facilities services; print-
24 ing; postage; physical security; headquarters and other
25 IRS-wide administration activities; research and statistics

1 of income; telecommunications; information technology de-
2 velopment, enhancement, operations, maintenance, and se-
3 curity; the hire of passenger motor vehicles (31 U.S.C.
4 1343(b)); the operations of the Internal Revenue Service
5 Oversight Board; and other services as authorized by 5
6 U.S.C. 3109, at such rates as may be determined by the
7 Commissioner; \$4,100,826,000, of which not to exceed
8 \$275,000,000 shall remain available until September 30,
9 2023; of which not to exceed \$10,000,000 shall remain
10 available until expended for acquisition of equipment and
11 construction, repair and renovation of facilities; of which
12 not to exceed \$1,000,000 shall remain available until Sep-
13 tember 30, 2024, for research; of which not less than
14 \$10,000,000, to remain available until expended, shall be
15 available for establishment of an application through
16 which entities registering and renewing registrations in
17 the System for Award Management may request an au-
18 thenticated electronic certification stating that the entity
19 does or does not have a seriously delinquent tax debt; of
20 which not to exceed \$20,000 shall be for official reception
21 and representation expenses; and of which not more than
22 \$5,000,000 shall be available to address the Internal Rev-
23 enue Service's paper inventory of amended returns, cor-
24 respondence and adjustments to return filings: *Provided*,
25 That the amount made available for addressing paper in-

1 ventory shall be in addition to amounts made available for
2 such purpose under the “Taxpayer Services” heading:
3 *Provided further*, That not later than 30 days after the
4 end of each quarter, the Internal Revenue Service shall
5 submit a report to the Committees on Appropriations of
6 the House of Representatives and the Senate and the
7 Comptroller General of the United States detailing major
8 information technology investments in the Internal Rev-
9 enue Service Integrated Modernization Business Plan
10 portfolio, including detailed, plain language summaries on
11 the status of plans, costs, and results; prior results and
12 actual expenditures of the prior quarter; upcoming
13 deliverables and costs for the fiscal year; risks and mitiga-
14 tion strategies associated with ongoing work; reasons for
15 any cost or schedule variances; and total expenditures by
16 fiscal year: *Provided further*, That the Internal Revenue
17 Service shall include, in its budget justification for fiscal
18 year 2023, a summary of cost and schedule performance
19 information for its major information technology systems.

20 BUSINESS SYSTEMS MODERNIZATION

21 For necessary expenses of the Internal Revenue Serv-
22 ice’s business systems modernization program,
23 \$275,000,000, to remain available until September 30,
24 2024, and shall be for the capital asset acquisition of in-
25 formation technology systems, including management and

1 related contractual costs of said acquisitions, including re-
2 lated Internal Revenue Service labor costs, and contrac-
3 tual costs associated with operations authorized by 5
4 U.S.C. 3109: *Provided*, That not later than 30 days after
5 the end of each quarter, the Internal Revenue Service shall
6 submit a report to the Committees on Appropriations of
7 the House of Representatives and the Senate and the
8 Comptroller General of the United States detailing major
9 information technology investments in the Internal Rev-
10 enue Service Integrated Modernization Business Plan
11 portfolio, including detailed, plain language summaries on
12 the status of plans, costs, and results; prior results and
13 actual expenditures of the prior quarter; upcoming
14 deliverables and costs for the fiscal year; risks and mitiga-
15 tion strategies associated with ongoing work; reasons for
16 any cost or schedule variances; and total expenditures by
17 fiscal year.

18 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

19 SERVICE

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 101. Not to exceed 4 percent of the appropria-
22 tion made available in this Act to the Internal Revenue
23 Service under the “Enforcement” heading, and not to ex-
24 ceed 5 percent of any other appropriation made available
25 in this Act to the Internal Revenue Service, may be trans-

1 ferred to any other Internal Revenue Service appropria-
2 tion upon the advance approval of the Committees on Ap-
3 propriations of the House of Representatives and the Sen-
4 ate.

5 SEC. 102. The Internal Revenue Service shall main-
6 tain an employee training program, which shall include the
7 following topics: taxpayers' rights, dealing courteously
8 with taxpayers, cross-cultural relations, ethics, and the im-
9 partial application of tax law.

10 SEC. 103. The Internal Revenue Service shall insti-
11 tute and enforce policies and procedures that will safe-
12 guard the confidentiality of taxpayer information and pro-
13 tect taxpayers against identity theft.

14 SEC. 104. Funds made available by this or any other
15 Act to the Internal Revenue Service shall be available for
16 improved facilities and increased staffing to provide suffi-
17 cient and effective 1–800 help line service for taxpayers.
18 The Commissioner shall continue to make improvements
19 to the Internal Revenue Service 1–800 help line service
20 a priority and allocate resources necessary to enhance the
21 response time to taxpayer communications, particularly
22 with regard to victims of tax-related crimes.

23 SEC. 105. The Internal Revenue Service shall issue
24 a notice of confirmation of any address change relating
25 to an employer making employment tax payments, and

1 such notice shall be sent to both the employer's former
2 and new address and an officer or employee of the Internal
3 Revenue Service shall give special consideration to an
4 offer-in-compromise from a taxpayer who has been the vic-
5 tim of fraud by a third party payroll tax preparer.

6 SEC. 106. None of the funds made available under
7 this Act may be used by the Internal Revenue Service to
8 target citizens of the United States for exercising any
9 right guaranteed under the First Amendment to the Con-
10 stitution of the United States.

11 SEC. 107. None of the funds made available in this
12 Act may be used by the Internal Revenue Service to target
13 groups for regulatory scrutiny based on their ideological
14 beliefs.

15 SEC. 108. None of funds made available by this Act
16 to the Internal Revenue Service shall be obligated or ex-
17 pended on conferences that do not adhere to the proce-
18 dures, verification processes, documentation requirements,
19 and policies issued by the Chief Financial Officer, Human
20 Capital Office, and Agency-Wide Shared Services as a re-
21 sult of the recommendations in the report published on
22 May 31, 2013, by the Treasury Inspector General for Tax
23 Administration entitled "Review of the August 2010 Small
24 Business/Self-Employed Division's Conference in Ana-
25 heim, California" (Reference Number 2013-10-037).

1 SEC. 109. None of the funds made available in this
2 Act to the Internal Revenue Service may be obligated or
3 expended—

4 (1) to make a payment to any employee under
5 a bonus, award, or recognition program; or

6 (2) under any hiring or personnel selection
7 process with respect to re-hiring a former employee;
8 unless such program or process takes into account the
9 conduct and Federal tax compliance of such employee or
10 former employee.

11 SEC. 110. None of the funds made available by this
12 Act may be used in contravention of section 6103 of the
13 Internal Revenue Code of 1986 (relating to confidentiality
14 and disclosure of returns and return information).

15 SEC. 111. The Secretary of the Treasury (or the Sec-
16 retary's delegate) may use the funds made available in this
17 Act, subject to such policies as the Secretary (or the Sec-
18 retary's delegate) may establish, to utilize direct hire au-
19 thority to recruit and appoint qualified applicants, without
20 regard to any notice or preference requirements, directly
21 to positions in the competitive service to process back-
22 logged tax returns and return information.

1 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE
2 TREASURY

3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 112. Appropriations to the Department of the
5 Treasury in this Act shall be available for uniforms or al-
6 lowances therefor, as authorized by law (5 U.S.C. 5901),
7 including maintenance, repairs, and cleaning; purchase of
8 insurance for official motor vehicles operated in foreign
9 countries; purchase of motor vehicles without regard to the
10 general purchase price limitations for vehicles purchased
11 and used overseas for the current fiscal year; entering into
12 contracts with the Department of State for the furnishing
13 of health and medical services to employees and their de-
14 pendants serving in foreign countries; and services author-
15 ized by 5 U.S.C. 3109.

16 SEC. 113. Not to exceed 2 percent of any appropria-
17 tions in this title made available under the headings “De-
18 partmental Offices—Salaries and Expenses”, “Office of
19 Inspector General”, “Special Inspector General for the
20 Troubled Asset Relief Program”, “Financial Crimes En-
21 forcement Network”, “Bureau of the Fiscal Service”, and
22 “Alcohol and Tobacco Tax and Trade Bureau” may be
23 transferred between such appropriations upon the advance
24 approval of the Committees on Appropriations of the
25 House of Representatives and the Senate: *Provided*, That

1 no transfer under this section may increase or decrease
2 any such appropriation by more than 2 percent.

3 SEC. 114. Not to exceed 2 percent of any appropria-
4 tion made available in this Act to the Internal Revenue
5 Service may be transferred to the Treasury Inspector Gen-
6 eral for Tax Administration's appropriation upon the ad-
7 vance approval of the Committees on Appropriations of
8 the House of Representatives and the Senate: *Provided*,
9 That no transfer may increase or decrease any such appro-
10 priation by more than 2 percent.

11 SEC. 115. None of the funds appropriated in this Act
12 or otherwise available to the Department of the Treasury
13 or the Bureau of Engraving and Printing may be used
14 to redesign the \$1 Federal Reserve note.

15 SEC. 116. The Secretary of the Treasury may trans-
16 fer funds from the "Bureau of the Fiscal Service—Sala-
17 ries and Expenses" to the Debt Collection Fund as nec-
18 essary to cover the costs of debt collection: *Provided*, That
19 such amounts shall be reimbursed to such salaries and ex-
20 penses account from debt collections received in the Debt
21 Collection Fund.

22 SEC. 117. None of the funds appropriated or other-
23 wise made available by this or any other Act may be used
24 by the United States Mint to construct or operate any mu-
25 seum without the explicit approval of the Committees on

1 Appropriations of the House of Representatives and the
2 Senate, the House Committee on Financial Services, and
3 the Senate Committee on Banking, Housing, and Urban
4 Affairs.

5 SEC. 118. None of the funds appropriated or other-
6 wise made available by this or any other Act or source
7 to the Department of the Treasury, the Bureau of Engrav-
8 ing and Printing, and the United States Mint, individually
9 or collectively, may be used to consolidate any or all func-
10 tions of the Bureau of Engraving and Printing and the
11 United States Mint without the explicit approval of the
12 House Committee on Financial Services; the Senate Com-
13 mittee on Banking, Housing, and Urban Affairs; and the
14 Committees on Appropriations of the House of Represent-
15 atives and the Senate.

16 SEC. 119. Funds appropriated by this Act, or made
17 available by the transfer of funds in this Act, for the De-
18 partment of the Treasury's intelligence or intelligence re-
19 lated activities are deemed to be specifically authorized by
20 the Congress for purposes of section 504 of the National
21 Security Act of 1947 (50 U.S.C. 414) during fiscal year
22 2022 until the enactment of the Intelligence Authorization
23 Act for Fiscal Year 2022.

24 SEC. 120. Not to exceed \$5,000 shall be made avail-
25 able from the Bureau of Engraving and Printing's Indus-

1 trial Revolving Fund for necessary official reception and
2 representation expenses.

3 SEC. 121. The Secretary of the Treasury shall submit
4 a Capital Investment Plan to the Committees on Appro-
5 priations of the House of Representatives and the Senate
6 not later than 30 days following the submission of the an-
7 nual budget submitted by the President: *Provided*, That
8 such Capital Investment Plan shall include capital invest-
9 ment spending from all accounts within the Department
10 of the Treasury, including but not limited to the Depart-
11 ment-wide Systems and Capital Investment Programs ac-
12 count, Treasury Franchise Fund account, and the Treas-
13 ury Forfeiture Fund account: *Provided further*, That such
14 Capital Investment Plan shall include expenditures occur-
15 ring in previous fiscal years for each capital investment
16 project that has not been fully completed.

17 SEC. 122. Within 45 days after the date of enactment
18 of this Act, the Secretary of the Treasury shall submit
19 an itemized report to the Committees on Appropriations
20 of the House of Representatives and the Senate on the
21 amount of total funds charged to each office by the Fran-
22 chise Fund including the amount charged for each service
23 provided by the Franchise Fund to each office, a detailed
24 description of the services, a detailed explanation of how
25 each charge for each service is calculated, and a descrip-

1 tion of the role customers have in governing in the Fran-
2 chise Fund.

3 SEC. 123. During fiscal year 2022—

4 (1) none of the funds made available in this or
5 any other Act may be used by the Department of
6 the Treasury, including the Internal Revenue Serv-
7 ice, to issue, revise, or finalize any regulation, rev-
8 enue ruling, or other guidance not limited to a par-
9 ticular taxpayer relating to the standard which is
10 used to determine whether an organization is oper-
11 ated exclusively for the promotion of social welfare
12 for purposes of section 501(c)(4) of the Internal
13 Revenue Code of 1986 (including the proposed regu-
14 lations published at 78 Fed. Reg. 71535 (November
15 29, 2013)); and

16 (2) the standard and definitions as in effect on
17 January 1, 2010, which are used to make such de-
18 terminations shall apply after the date of the enact-
19 ment of this Act for purposes of determining status
20 under section 501(c)(4) of such Code of organiza-
21 tions created on, before, or after such date.

22 SEC. 124. (a) Not later than 60 days after the end
23 of each quarter, the Office of Financial Stability and the
24 Office of Financial Research shall submit reports on their
25 activities to the Committees on Appropriations of the

1 House of Representatives and the Senate, the Committee
2 on Financial Services of the House of Representatives and
3 the Senate Committee on Banking, Housing, and Urban
4 Affairs.

5 (b) The reports required under subsection (a) shall
6 include—

7 (1) the obligations made during the previous
8 quarter by object class, office, and activity;

9 (2) the estimated obligations for the remainder
10 of the fiscal year by object class, office, and activity;

11 (3) the number of full-time equivalents within
12 each office during the previous quarter;

13 (4) the estimated number of full-time equiva-
14 lents within each office for the remainder of the fis-
15 cal year; and

16 (5) actions taken to achieve the goals, objec-
17 tives, and performance measures of each office.

18 (c) At the request of any such Committees specified
19 in subsection (a), the Office of Financial Stability and the
20 Office of Financial Research shall make officials available
21 to testify on the contents of the reports required under
22 subsection (a).

23 SEC. 125. In addition to amounts otherwise available,
24 there is appropriated to the Special Inspector General for
25 Pandemic Recovery, \$8,000,000, to remain available until

1 expended, for necessary expenses in carrying out section
2 4018 of the Coronavirus Aid, Relief, and Economic Secu-
3 rity Act of 2020 (Public Law 116–136).

4 This title may be cited as the “Department of the
5 Treasury Appropriations Act, 2022”.

501

1 TITLE II
2 EXECUTIVE OFFICE OF THE PRESIDENT AND
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 THE WHITE HOUSE
5 SALARIES AND EXPENSES

6 For necessary expenses for the White House as au-
7 thorized by law, including not to exceed \$3,850,000 for
8 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
9 subsistence expenses as authorized by 3 U.S.C. 105, which
10 shall be expended and accounted for as provided in that
11 section; hire of passenger motor vehicles, and travel (not
12 to exceed \$100,000 to be expended and accounted for as
13 provided by 3 U.S.C. 103); and not to exceed \$19,000 for
14 official reception and representation expenses, to be avail-
15 able for allocation within the Executive Office of the Presi-
16 dent; and for necessary expenses of the Office of Policy
17 Development, including services as authorized by 5 U.S.C.
18 3109 and 3 U.S.C. 107, \$65,000,000.

19 EXECUTIVE RESIDENCE AT THE WHITE HOUSE
20 OPERATING EXPENSES

21 For necessary expenses of the Executive Residence
22 at the White House, \$14,050,000, to be expended and ac-
23 counted for as provided by 3 U.S.C. 105, 109, 110, and
24 112–114.

1 REIMBURSABLE EXPENSES

2 For the reimbursable expenses of the Executive Resi-
3 dence at the White House, such sums as may be nec-
4 essary: *Provided*, That all reimbursable operating expenses
5 of the Executive Residence shall be made in accordance
6 with the provisions of this paragraph: *Provided further*,
7 That, notwithstanding any other provision of law, such
8 amount for reimbursable operating expenses shall be the
9 exclusive authority of the Executive Residence to incur ob-
10 ligations and to receive offsetting collections, for such ex-
11 penses: *Provided further*, That the Executive Residence
12 shall require each person sponsoring a reimbursable polit-
13 ical event to pay in advance an amount equal to the esti-
14 mated cost of the event, and all such advance payments
15 shall be credited to this account and remain available until
16 expended: *Provided further*, That the Executive Residence
17 shall require the national committee of the political party
18 of the President to maintain on deposit \$25,000, to be
19 separately accounted for and available for expenses relat-
20 ing to reimbursable political events sponsored by such
21 committee during such fiscal year: *Provided further*, That
22 the Executive Residence shall ensure that a written notice
23 of any amount owed for a reimbursable operating expense
24 under this paragraph is submitted to the person owing
25 such amount within 60 days after such expense is in-

1 curred, and that such amount is collected within 30 days
2 after the submission of such notice: *Provided further*, That
3 the Executive Residence shall charge interest and assess
4 penalties and other charges on any such amount that is
5 not reimbursed within such 30 days, in accordance with
6 the interest and penalty provisions applicable to an out-
7 standing debt on a United States Government claim under
8 31 U.S.C. 3717: *Provided further*, That each such amount
9 that is reimbursed, and any accompanying interest and
10 charges, shall be deposited in the Treasury as miscella-
11 neous receipts: *Provided further*, That the Executive Resi-
12 dence shall prepare and submit to the Committees on Ap-
13 propriations, by not later than 90 days after the end of
14 the fiscal year covered by this Act, a report setting forth
15 the reimbursable operating expenses of the Executive Res-
16 idence during the preceding fiscal year, including the total
17 amount of such expenses, the amount of such total that
18 consists of reimbursable official and ceremonial events, the
19 amount of such total that consists of reimbursable political
20 events, and the portion of each such amount that has been
21 reimbursed as of the date of the report: *Provided further*,
22 That the Executive Residence shall maintain a system for
23 the tracking of expenses related to reimbursable events
24 within the Executive Residence that includes a standard
25 for the classification of any such expense as political or

1 nonpolitical: *Provided further*, That no provision of this
2 paragraph may be construed to exempt the Executive Res-
3 idence from any other applicable requirement of sub-
4 chapter I or II of chapter 37 of title 31, United States
5 Code.

6 WHITE HOUSE REPAIR AND RESTORATION

7 For the repair, alteration, and improvement of the
8 Executive Residence at the White House pursuant to 3
9 U.S.C. 105(d), \$2,500,000, to remain available until ex-
10 pended, for required maintenance, resolution of safety and
11 health issues, and continued preventative maintenance.

12 COUNCIL OF ECONOMIC ADVISERS

13 SALARIES AND EXPENSES

14 For necessary expenses of the Council of Economic
15 Advisers in carrying out its functions under the Employ-
16 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,120,000.

17 NATIONAL SECURITY COUNCIL AND HOMELAND

18 SECURITY COUNCIL

19 SALARIES AND EXPENSES

20 For necessary expenses of the National Security
21 Council and the Homeland Security Council, including
22 services as authorized by 5 U.S.C. 3109, \$12,500,000, of
23 which not to exceed \$6,000 shall be available for official
24 reception and representation expenses.

1 OFFICE OF ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Administra-
4 tion, including services as authorized by 5 U.S.C. 3109
5 and 3 U.S.C. 107, and hire of passenger motor vehicles,
6 \$106,500,000, of which not to exceed \$12,800,000 shall
7 remain available until expended for continued moderniza-
8 tion of information resources within the Executive Office
9 of the President: *Provided*, That of the amounts provided
10 under this heading, up to \$4,500,000 shall be available
11 for a program to provide payments (such as stipends, sub-
12 sistence allowances, cost reimbursements, or awards) to
13 students, recent graduates, and veterans recently dis-
14 charged from active duty who are performing voluntary
15 services in the Executive Office of the President under sec-
16 tion 3111(b) of title 5, United States Code, or comparable
17 authority and shall be in addition to amounts otherwise
18 available to pay or compensate such individuals: *Provided*
19 *further*, That such payments shall not be considered com-
20 pensation for purposes of such section 3111(b) and may
21 be paid in advance.

22 OFFICE OF MANAGEMENT AND BUDGET

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of Management
25 and Budget, including hire of passenger motor vehicles

1 and services as authorized by 5 U.S.C. 3109, to carry out
2 the provisions of chapter 35 of title 44, United States
3 Code, and to prepare and submit the budget of the United
4 States Government, in accordance with section 1105(a) of
5 title 31, United States Code, \$116,000,000, of which not
6 to exceed \$3,000 shall be available for official representa-
7 tion expenses: *Provided*, That none of the funds appro-
8 priated in this Act for the Office of Management and
9 Budget may be used for the purpose of reviewing any agri-
10 cultural marketing orders or any activities or regulations
11 under the provisions of the Agricultural Marketing Agree-
12 ment Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*,
13 That none of the funds made available for the Office of
14 Management and Budget by this Act may be expended for
15 the altering of the transcript of actual testimony of wit-
16 nesses, except for testimony of officials of the Office of
17 Management and Budget, before the Committees on Ap-
18 propriations or their subcommittees: *Provided further*,
19 That none of the funds made available for the Office of
20 Management and Budget by this Act may be expended for
21 the altering of the annual work plan developed by the
22 Corps of Engineers for submission to the Committees on
23 Appropriations: *Provided further*, That none of the funds
24 provided in this or prior Acts shall be used, directly or
25 indirectly, by the Office of Management and Budget, for

1 evaluating or determining if water resource project or
2 study reports submitted by the Chief of Engineers acting
3 through the Secretary of the Army are in compliance with
4 all applicable laws, regulations, and requirements relevant
5 to the Civil Works water resource planning process: *Pro-*
6 *vided further*, That the Office of Management and Budget
7 shall have not more than 60 days in which to perform
8 budgetary policy reviews of water resource matters on
9 which the Chief of Engineers has reported: *Provided fur-*
10 *ther*, That the Director of the Office of Management and
11 Budget shall notify the appropriate authorizing and ap-
12 propriating committees when the 60-day review is initi-
13 ated: *Provided further*, That if water resource reports have
14 not been transmitted to the appropriate authorizing and
15 appropriating committees within 15 days after the end of
16 the Office of Management and Budget review period based
17 on the notification from the Director, Congress shall as-
18 sume Office of Management and Budget concurrence with
19 the report and act accordingly: *Provided further*, That no
20 later than 14 days after the submission of the budget of
21 the United States Government for fiscal year 2023, the
22 Director of the Office of Management and Budget shall
23 make publicly available on a website a tabular list for each
24 agency that submits budget justification materials (as de-
25 fined in section 3 of the Federal Funding Accountability

1 and Transparency Act of 2006) that shall include, at min-
2 imum, the name of the agency, the date on which the
3 budget justification materials of the agency were sub-
4 mitted to Congress, and a uniform resource locator where
5 the budget justification materials are published on the
6 website of the agency.

7 INTELLECTUAL PROPERTY ENFORCEMENT

8 COORDINATOR

9 For necessary expenses of the Office of the Intellec-
10 tual Property Enforcement Coordinator, as authorized by
11 title III of the Prioritizing Resources and Organization for
12 Intellectual Property Act of 2008 (Public Law 110–403),
13 including services authorized by 5 U.S.C. 3109,
14 \$1,838,000.

15 OFFICE OF NATIONAL DRUG CONTROL POLICY

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of National
18 Drug Control Policy; for research activities pursuant to
19 the Office of National Drug Control Policy Reauthoriza-
20 tion Act of 1998, as amended; not to exceed \$10,000 for
21 official reception and representation expenses; and for par-
22 ticipation in joint projects or in the provision of services
23 on matters of mutual interest with nonprofit, research, or
24 public organizations or agencies, with or without reim-
25 bursement, \$18,952,000: *Provided*, That the Office is au-

1 thORIZED to accept, hold, administer, and utilize gifts, both
2 real and personal, public and private, without fiscal year
3 limitation, for the purpose of aiding or facilitating the
4 work of the Office.

5 FEDERAL DRUG CONTROL PROGRAMS

6 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

7 (INCLUDING TRANSFERS OF FUNDS)

8 For necessary expenses of the Office of National
9 Drug Control Policy's High Intensity Drug Trafficking
10 Areas Program, \$296,600,000, to remain available until
11 September 30, 2023, for drug control activities consistent
12 with the approved strategy for each of the designated
13 High Intensity Drug Trafficking Areas ("HIDTAs"), of
14 which not less than 51 percent shall be transferred to
15 State and local entities for drug control activities and shall
16 be obligated not later than 120 days after enactment of
17 this Act: *Provided*, That up to 49 percent may be trans-
18 ferred to Federal agencies and departments in amounts
19 determined by the Director of the Office of National Drug
20 Control Policy, of which up to \$5,800,000 may be used
21 for auditing services and associated activities and
22 \$3,500,000 shall be for a new Grants Management System
23 for use by the Office of National Drug Control Policy: *Pro-*
24 *vided further*, That any unexpended funds obligated prior
25 to fiscal year 2020 may be used for any other approved

1 activities of that HIDTA, subject to reprogramming re-
2 quirements: *Provided further*, That each HIDTA des-
3 igned as of September 30, 2021, shall be funded at not
4 less than the fiscal year 2021 base level, unless the Direc-
5 tor submits to the Committees on Appropriations of the
6 House of Representatives and the Senate justification for
7 changes to those levels based on clearly articulated prior-
8 ities and published Office of National Drug Control Policy
9 performance measures of effectiveness: *Provided further*,
10 That the Director shall notify the Committees on Appro-
11 priations of the initial allocation of fiscal year 2022 fund-
12 ing among HIDTAs not later than 45 days after enact-
13 ment of this Act, and shall notify the Committees of
14 planned uses of discretionary HIDTA funding, as deter-
15 mined in consultation with the HIDTA Directors, not
16 later than 90 days after enactment of this Act: *Provided*
17 *further*, That upon a determination that all or part of the
18 funds so transferred from this appropriation are not nec-
19 essary for the purposes provided herein and upon notifica-
20 tion to the Committees on Appropriations of the House
21 of Representatives and the Senate, such amounts may be
22 transferred back to this appropriation.

1 OTHER FEDERAL DRUG CONTROL PROGRAMS

2 (INCLUDING TRANSFERS OF FUNDS)

3 For other drug control activities authorized by the
4 Anti-Drug Abuse Act of 1988 and the Office of National
5 Drug Control Policy Reauthorization Act of 1998, as
6 amended, \$133,617,000, to remain available until ex-
7 pended, which shall be available as follows: \$106,000,000
8 for the Drug-Free Communities Program, of which not
9 more than \$11,250,000 is for administrative expenses,
10 and of which \$2,500,000 shall be made available as di-
11 rected by section 4 of Public Law 107–82, as amended
12 by section 8204 of Public Law 115–271; \$3,000,000 for
13 drug court training and technical assistance; \$15,000,000
14 for anti-doping activities; up to \$3,167,000 for the United
15 States membership dues to the World Anti-Doping Agen-
16 cy; \$1,250,000 for the Model Acts Program; and
17 \$5,200,000 for activities authorized by section 103 of
18 Public Law 114–198: *Provided*, That amounts made avail-
19 able under this heading may be transferred to other Fed-
20 eral departments and agencies to carry out such activities:
21 *Provided further*, That the Director of the Office of Na-
22 tional Drug Control Policy shall, not fewer than 30 days
23 prior to obligating funds under this heading for United
24 States membership dues to the World Anti-Doping Agen-
25 cy, submit to the Committees on Appropriations of the

1 House of Representatives and the Senate a spending plan
2 and explanation of the proposed uses of these funds.

3 UNANTICIPATED NEEDS

4 For expenses necessary to enable the President to
5 meet unanticipated needs, in furtherance of the national
6 interest, security, or defense which may arise at home or
7 abroad during the current fiscal year, as authorized by
8 3 U.S.C. 108, \$1,000,000, to remain available until Sep-
9 tember 30, 2023.

10 INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses for the furtherance of inte-
13 grated, efficient, secure, and effective uses of information
14 technology in the Federal Government, \$8,000,000, to re-
15 main available until expended: *Provided*, That the Director
16 of the Office of Management and Budget may transfer
17 these funds to one or more other agencies to carry out
18 projects to meet these purposes.

19 SPECIAL ASSISTANCE TO THE PRESIDENT

20 SALARIES AND EXPENSES

21 For necessary expenses to enable the Vice President
22 to provide assistance to the President in connection with
23 specially assigned functions; services as authorized by 5
24 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
25 penses as authorized by 3 U.S.C. 106, which shall be ex-

1 pended and accounted for as provided in that section; and
2 hire of passenger motor vehicles, \$4,839,000.

3 OFFICIAL RESIDENCE OF THE VICE PRESIDENT
4 OPERATING EXPENSES
5 (INCLUDING TRANSFER OF FUNDS)

6 For the care, operation, refurnishing, improvement,
7 and to the extent not otherwise provided for, heating and
8 lighting, including electric power and fixtures, of the offi-
9 cial residence of the Vice President; the hire of passenger
10 motor vehicles; and not to exceed \$90,000 pursuant to 3
11 U.S.C. 106(b)(2), \$311,000: *Provided*, That advances, re-
12 payments, or transfers from this appropriation may be
13 made to any department or agency for expenses of car-
14 rying out such activities.

15 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
16 THE PRESIDENT AND FUNDS APPROPRIATED TO
17 THE PRESIDENT
18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 201. From funds made available in this Act
20 under the headings “The White House”, “Executive Resi-
21 dence at the White House”, “White House Repair and
22 Restoration”, “Council of Economic Advisers”, “National
23 Security Council and Homeland Security Council”, “Of-
24 fice of Administration”, “Special Assistance to the Presi-
25 dent”, and “Official Residence of the Vice President”, the

1 Director of the Office of Management and Budget (or
2 such other officer as the President may designate in writ-
3 ing), may, with advance approval of the Committees on
4 Appropriations of the House of Representatives and the
5 Senate, transfer not to exceed 10 percent of any such ap-
6 propriation to any other such appropriation, to be merged
7 with and available for the same time and for the same
8 purposes as the appropriation to which transferred: *Pro-*
9 *vided*, That the amount of an appropriation shall not be
10 increased by more than 50 percent by such transfers: *Pro-*
11 *vided further*, That no amount shall be transferred from
12 “Special Assistance to the President” or “Official Resi-
13 dence of the Vice President” without the approval of the
14 Vice President.

15 SEC. 202. (a) During fiscal year 2022, any Executive
16 order or Presidential memorandum issued or revoked by
17 the President shall be accompanied by a written statement
18 from the Director of the Office of Management and Budg-
19 et on the budgetary impact, including costs, benefits, and
20 revenues, of such order or memorandum.

21 (b) Any such statement shall include—

22 (1) a narrative summary of the budgetary im-
23 pact of such order or memorandum on the Federal
24 Government;

1 (2) the impact on mandatory and discretionary
2 obligations and outlays as the result of such order
3 or memorandum, listed by Federal agency, for each
4 year in the 5-fiscal-year period beginning in fiscal
5 year 2022; and

6 (3) the impact on revenues of the Federal Gov-
7 ernment as the result of such order or memorandum
8 over the 5-fiscal-year period beginning in fiscal year
9 2022.

10 (c) If an Executive order or Presidential memo-
11 randum is issued during fiscal year 2022 due to a national
12 emergency, the Director of the Office of Management and
13 Budget may issue the statement required by subsection
14 (a) not later than 15 days after the date that such order
15 or memorandum is issued.

16 (d) The requirement for cost estimates for Presi-
17 dential memoranda shall only apply for Presidential
18 memoranda estimated to have a regulatory cost in excess
19 of \$100,000,000.

20 SEC. 203. Not later than 30 days after the date of
21 enactment of this Act, the Director of the Office of Man-
22 agement and Budget shall issue a memorandum to all
23 Federal departments, agencies, and corporations directing
24 compliance with the provisions in title VII of this Act.

1 SEC. 204. (a) Beginning not later than 10 days after
2 the date of enactment of this Act and until the require-
3 ments of subsection (b) are completed, the Office of Man-
4 agement and Budget shall provide to the Committees on
5 Appropriations and the Budget of the House of Represent-
6 atives and the Senate each document apportioning an ap-
7 propriation, pursuant to section 1513(b) of title 31,
8 United States Code, approved by the Office of Manage-
9 ment and Budget, including any associated footnotes, not
10 later than 2 business days after the date of approval of
11 such apportionment by the Office of Management and
12 Budget.

13 (b) Not later than 120 days after the date of enact-
14 ment of this Act, the Office of Management and Budget
15 shall complete implementation of an automated system to
16 post each document apportioning an appropriation, pursu-
17 ant to section 1513(b) of title 31, United States Code,
18 including any associated footnotes, in a format that quali-
19 fies each such document as an Open Government Data
20 Asset (as defined in section 3502 of title 44, United States
21 Code), not later than 2 business days after the date of
22 approval of such apportionment, and shall place on such
23 website each document apportioning an appropriation,
24 pursuant to such section 1513(b), including any associated
25 footnotes, already approved the current fiscal year, and

1 shall report the date of completion of such requirements
2 to the Committees on Appropriations and the Budget of
3 the House of Representatives and Senate.

4 (c) Each document apportioning an appropriation
5 pursuant to section 1513(b) of title 31, United States
6 Code, that is posted on a publicly accessible website pursu-
7 ant to such section shall also include a written explanation
8 by the official approving each such apportionment stating
9 the rationale for any footnotes for apportioned amounts:
10 *Provided*, That the Office of Management and Budget or
11 the applicable department or agency shall make available
12 classified documentation referenced in any apportionment
13 at the request of the chair or ranking member of any ap-
14 propriate congressional committee or subcommittee.

15 (d)(1) Not later than 15 days after the date of enact-
16 ment of this Act, any delegation of apportionment author-
17 ity pursuant to section 1513(b) of title 31, United States
18 Code, that is in effect as of such date shall be submitted
19 for publication in the Federal Register: *Provided*, That
20 any delegation of such apportionment authority after the
21 date of enactment of this section shall, on the date of such
22 delegation, be submitted for publication in the Federal
23 Register: *Provided further*, That the Office of Management
24 and Budget shall publish such delegations in a format that
25 qualifies such publications as an Open Government Data

1 Asset (as defined in section 3502 of title 44, United States
2 Code) on a public Internet website, which shall be continu-
3 ously updated with the position of each Federal officer or
4 employee to whom apportionment authority has been dele-
5 gated.

6 (2) Not later than 5 days after any change in the
7 position of the approving official with respect to such dele-
8 gated apportionment authority for any account is made,
9 the Office shall submit a report to the appropriate con-
10 gressional committees explaining why such change was
11 made.

12 This title may be cited as the “Executive Office of
13 the President Appropriations Act, 2022”.

1 TITLE III
2 THE JUDICIARY
3 SUPREME COURT OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For expenses necessary for the operation of the Su-
6 preme Court, as required by law, excluding care of the
7 building and grounds, including hire of passenger motor
8 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
9 to exceed \$10,000 for official reception and representation
10 expenses; and for miscellaneous expenses, to be expended
11 as the Chief Justice may approve, \$98,338,000, of which
12 \$1,500,000 shall remain available until expended.

13 In addition, there are appropriated such sums as may
14 be necessary under current law for the salaries of the chief
15 justice and associate justices of the court.

16 CARE OF THE BUILDING AND GROUNDS

17 For such expenditures as may be necessary to enable
18 the Architect of the Capitol to carry out the duties im-
19 posed upon the Architect by 40 U.S.C. 6111 and 6112,
20 \$14,434,000, to remain available until expended.

1 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
2 CIRCUIT
3 SALARIES AND EXPENSES

4 For salaries of officers and employees, and for nec-
5 essary expenses of the court, as authorized by law,
6 \$34,280,000.

7 In addition, there are appropriated such sums as may
8 be necessary under current law for the salaries of the chief
9 judge and judges of the court.

10 UNITED STATES COURT OF INTERNATIONAL TRADE
11 SALARIES AND EXPENSES

12 For salaries of officers and employees of the court,
13 services, and necessary expenses of the court, as author-
14 ized by law, \$20,600,000.

15 In addition, there are appropriated such sums as may
16 be necessary under current law for the salaries of the chief
17 judge and judges of the court.

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
19 JUDICIAL SERVICES
20 SALARIES AND EXPENSES

21 For the salaries of judges of the United States Court
22 of Federal Claims, magistrate judges, and all other offi-
23 cers and employees of the Federal Judiciary not otherwise
24 specifically provided for, necessary expenses of the courts,
25 and the purchase, rental, repair, and cleaning of uniforms

1 for Probation and Pretrial Services Office staff, as author-
2 ized by law, \$5,580,052,000 (including the purchase of
3 firearms and ammunition); of which not to exceed
4 \$27,817,000 shall remain available until expended for
5 space alteration projects and for furniture and furnishings
6 related to new space alteration and construction projects.

7 In addition, there are appropriated such sums as may
8 be necessary under current law for the salaries of circuit
9 and district judges (including judges of the territorial
10 courts of the United States), bankruptcy judges, and jus-
11 tices and judges retired from office or from regular active
12 service.

13 In addition, for expenses of the United States Court
14 of Federal Claims associated with processing cases under
15 the National Childhood Vaccine Injury Act of 1986 (Pub-
16 lic Law 99-660), not to exceed \$9,850,000, to be appro-
17 priated from the Vaccine Injury Compensation Trust
18 Fund.

19 DEFENDER SERVICES

20 For the operation of Federal Defender organizations;
21 the compensation and reimbursement of expenses of attor-
22 neys appointed to represent persons under 18 U.S.C.
23 3006A and 3599, and for the compensation and reim-
24 bursement of expenses of persons furnishing investigative,
25 expert, and other services for such representations as au-

1 thORIZED by law; the compensation (in accordance with the
2 maximums under 18 U.S.C. 3006A) and reimbursement
3 of expenses of attorneys appointed to assist the court in
4 criminal cases where the defendant has waived representa-
5 tion by counsel; the compensation and reimbursement of
6 expenses of attorneys appointed to represent jurors in civil
7 actions for the protection of their employment, as author-
8 ized by 28 U.S.C. 1875(d)(1); the compensation and reim-
9 bursement of expenses of attorneys appointed under 18
10 U.S.C. 983(b)(1) in connection with certain judicial civil
11 forfeiture proceedings; the compensation and reimburse-
12 ment of travel expenses of guardians ad litem appointed
13 under 18 U.S.C. 4100(b); and for necessary training and
14 general administrative expenses, \$1,343,175,000, to re-
15 main available until expended.

16 FEES OF JURORS AND COMMISSIONERS

17 For fees and expenses of jurors as authorized by 28
18 U.S.C. 1871 and 1876; compensation of jury commis-
19 sioners as authorized by 28 U.S.C. 1863; and compensa-
20 tion of commissioners appointed in condemnation cases
21 pursuant to rule 71.1(h) of the Federal Rules of Civil Pro-
22 cedure (28 U.S.C. Appendix Rule 71.1(h)), \$32,603,000,
23 to remain available until expended: *Provided*, That the
24 compensation of land commissioners shall not exceed the

1 daily equivalent of the highest rate payable under 5 U.S.C.
2 5332.

3 COURT SECURITY
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses, not otherwise provided for,
6 incident to the provision of protective guard services for
7 United States courthouses and other facilities housing
8 Federal court or Administrative Office of the United
9 States Courts operations, the procurement, installation,
10 and maintenance of security systems and equipment for
11 United States courthouses and other facilities housing
12 Federal court or Administrative Office of the United
13 States Courts operations, building ingress-egress control,
14 inspection of mail and packages, directed security patrols,
15 perimeter security, basic security services provided by the
16 Federal Protective Service, and other similar activities as
17 authorized by section 1010 of the Judicial Improvement
18 and Access to Justice Act (Public Law 100-702),
19 \$704,800,000, of which not to exceed \$20,000,000 shall
20 remain available until expended, to be expended directly
21 or transferred to the United States Marshals Service,
22 which shall be responsible for administering the Judicial
23 Facility Security Program consistent with standards or
24 guidelines agreed to by the Director of the Administrative
25 Office of the United States Courts and the Attorney Gen-

1 eral: *Provided*, That funds made available under this head-
2 ing may be used for managing a Judiciary-wide program
3 to facilitate security and emergency management services
4 among the Judiciary, United States Marshals Service,
5 Federal Protective Service, General Services Administra-
6 tion, other Federal agencies, state and local governments
7 and the public; and, notwithstanding sections 331,
8 566(e)(1), and 566(i) of title 28, United States Code, for
9 identifying and pursuing the voluntary redaction and re-
10 duction of personally identifiable information on the inter-
11 net of judges and other familial relatives who live at the
12 judge's domicile.

13 ADMINISTRATIVE OFFICE OF THE UNITED STATES

14 COURTS

15 SALARIES AND EXPENSES

16 For necessary expenses of the Administrative Office
17 of the United States Courts as authorized by law, includ-
18 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
19 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
20 advertising and rent in the District of Columbia and else-
21 where, \$98,545,000, of which not to exceed \$8,500 is au-
22 thorized for official reception and representation expenses.

1 FEDERAL JUDICIAL CENTER

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Judicial Cen-
4 ter, as authorized by Public Law 90–219, \$29,885,000;
5 of which \$1,800,000 shall remain available through Sep-
6 tember 30, 2023, to provide education and training to
7 Federal court personnel; and of which not to exceed
8 \$1,500 is authorized for official reception and representa-
9 tion expenses.

10 UNITED STATES SENTENCING COMMISSION

11 SALARIES AND EXPENSES

12 For the salaries and expenses necessary to carry out
13 the provisions of chapter 58 of title 28, United States
14 Code, \$20,564,000, of which not to exceed \$1,000 is au-
15 thorized for official reception and representation expenses.

16 ADMINISTRATIVE PROVISIONS—THE JUDICIARY

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 301. Appropriations and authorizations made in
19 this title which are available for salaries and expenses shall
20 be available for services as authorized by 5 U.S.C. 3109.

21 SEC. 302. Not to exceed 5 percent of any appropria-
22 tion made available for the current fiscal year for the Judi-
23 ciary in this Act may be transferred between such appro-
24 priations, but no such appropriation, except “Courts of
25 Appeals, District Courts, and Other Judicial Services, De-

1 fender Services” and “Courts of Appeals, District Courts,
2 and Other Judicial Services, Fees of Jurors and Commis-
3 sioners”, shall be increased by more than 10 percent by
4 any such transfers: *Provided*, That any transfer pursuant
5 to this section shall be treated as a reprogramming of
6 funds under sections 604 and 608 of this Act and shall
7 not be available for obligation or expenditure except in
8 compliance with the procedures set forth in section 608.

9 SEC. 303. Notwithstanding any other provision of
10 law, the salaries and expenses appropriation for “Courts
11 of Appeals, District Courts, and Other Judicial Services”
12 shall be available for official reception and representation
13 expenses of the Judicial Conference of the United States:
14 *Provided*, That such available funds shall not exceed
15 \$11,000 and shall be administered by the Director of the
16 Administrative Office of the United States Courts in the
17 capacity as Secretary of the Judicial Conference.

18 SEC. 304. Section 3315(a) of title 40, United States
19 Code, shall be applied by substituting “Federal” for “exec-
20 utive” each place it appears.

21 SEC. 305. In accordance with 28 U.S.C. 561–569,
22 and notwithstanding any other provision of law, the
23 United States Marshals Service shall provide, for such
24 courthouses as its Director may designate in consultation
25 with the Director of the Administrative Office of the

1 United States Courts, for purposes of a pilot program, the
2 security services that 40 U.S.C. 1315 authorizes the De-
3 partment of Homeland Security to provide, except for the
4 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
5 ing-specific security services at these courthouses, the Di-
6 rector of the Administrative Office of the United States
7 Courts shall reimburse the United States Marshals Service
8 rather than the Department of Homeland Security.

9 SEC. 306. (a) Section 203(c) of the Judicial Improve-
10 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
11 note), is amended in the matter following paragraph 12—

12 (1) in the second sentence (relating to the Dis-
13 trict of Kansas), by striking “30 years and 6
14 months” and inserting “31 years and 6 months”;
15 and

16 (2) in the sixth sentence (relating to the Dis-
17 trict of Hawaii), by striking “27 years and 6
18 months” and inserting “28 years and 6 months”.

19 (b) Section 406 of the Transportation, Treasury,
20 Housing and Urban Development, the Judiciary, the Dis-
21 trict of Columbia, and Independent Agencies Appropria-
22 tions Act, 2006 (Public Law 109–115; 119 Stat. 2470;
23 28 U.S.C. 133 note) is amended in the second sentence
24 (relating to the eastern District of Missouri) by striking

1 “28 years and 6 months” and inserting “29 years and
2 6 months”.

3 (c) Section 312(c)(2) of the 21st Century Depart-
4 ment of Justice Appropriations Authorization Act (Public
5 Law 107–273; 28 U.S.C. 133 note), is amended—

6 (1) in the first sentence by striking “19 years”
7 and inserting “20 years”;

8 (2) in the second sentence (relating to the cen-
9 tral District of California), by striking “18 years
10 and 6 months” and inserting “19 years and 6
11 months”; and

12 (3) in the third sentence (relating to the west-
13 ern district of North Carolina), by striking “17
14 years” and inserting “18 years”.

15 This title may be cited as the “Judiciary Appropria-
16 tions Act, 2022”.

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TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$40,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account

1 shall be under the control of the District of Columbia
2 Chief Financial Officer, who shall use those funds solely
3 for the purposes of carrying out the Resident Tuition Sup-
4 port Program: *Provided further*, That the Office of the
5 Chief Financial Officer shall provide a quarterly financial
6 report to the Committees on Appropriations of the House
7 of Representatives and the Senate for these funds show-
8 ing, by object class, the expenditures made and the pur-
9 pose therefor.

10 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
11 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

12 For a Federal payment of necessary expenses, as de-
13 termined by the Mayor of the District of Columbia in writ-
14 ten consultation with the elected county or city officials
15 of surrounding jurisdictions, \$25,000,000, to remain
16 available until expended, for the costs of providing public
17 safety at events related to the presence of the National
18 Capital in the District of Columbia, including support re-
19 quested by the Director of the United States Secret Serv-
20 ice in carrying out protective duties under the direction
21 of the Secretary of Homeland Security, and for the costs
22 of providing support to respond to immediate and specific
23 terrorist threats or attacks in the District of Columbia or
24 surrounding jurisdictions.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

2 COURTS

3 For salaries and expenses for the District of Colum-
4 bia Courts, \$257,591,000 to be allocated as follows: for
5 the District of Columbia Court of Appeals, \$14,366,000,
6 of which not to exceed \$2,500 is for official reception and
7 representation expenses; for the Superior Court of the
8 District of Columbia, \$133,829,000, of which not to ex-
9 ceed \$2,500 is for official reception and representation ex-
10 penses; for the District of Columbia Court System,
11 \$83,443,000, of which not to exceed \$2,500 is for official
12 reception and representation expenses; and \$25,953,000,
13 to remain available until September 30, 2023, for capital
14 improvements for District of Columbia courthouse facili-
15 ties: *Provided*, That funds made available for capital im-
16 provements shall be expended consistent with the District
17 of Columbia Courts master plan study and facilities condi-
18 tion assessment: *Provided further*, That, in addition to the
19 amounts appropriated herein, fees received by the District
20 of Columbia Courts for administering bar examinations
21 and processing District of Columbia bar admissions may
22 be retained and credited to this appropriation, to remain
23 available until expended, for salaries and expenses associ-
24 ated with such activities, notwithstanding section 450 of
25 the District of Columbia Home Rule Act (D.C. Official

1 Code, sec. 1–204.50): *Provided further*, That notwith-
2 standing any other provision of law, all amounts under
3 this heading shall be apportioned quarterly by the Office
4 of Management and Budget and obligated and expended
5 in the same manner as funds appropriated for salaries and
6 expenses of other Federal agencies: *Provided further*, That
7 30 days after providing written notice to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate, the District of Columbia Courts may reallocate
10 not more than \$9,000,000 of the funds provided under
11 this heading among the items and entities funded under
12 this heading: *Provided further*, That the Joint Committee
13 on Judicial Administration in the District of Columbia
14 may, by regulation, establish a program substantially simi-
15 lar to the program set forth in subchapter II of chapter
16 35 of title 5, United States Code, for employees of the
17 District of Columbia Courts.

18 FEDERAL PAYMENT FOR DEFENDER SERVICES IN

19 DISTRICT OF COLUMBIA COURTS

20 For payments authorized under section 11–2604 and
21 section 11–2605, D.C. Official Code (relating to represen-
22 tation provided under the District of Columbia Criminal
23 Justice Act), payments for counsel appointed in pro-
24 ceedings in the Family Court of the Superior Court of the
25 District of Columbia under chapter 23 of title 16, D.C.

1 Official Code, or pursuant to contractual agreements to
2 provide guardian ad litem representation, training, tech-
3 nical assistance, and such other services as are necessary
4 to improve the quality of guardian ad litem representation,
5 payments for counsel appointed in adoption proceedings
6 under chapter 3 of title 16, D.C. Official Code, and pay-
7 ments authorized under section 21–2060, D.C. Official
8 Code (relating to services provided under the District of
9 Columbia Guardianship, Protective Proceedings, and Du-
10 rable Power of Attorney Act of 1986), \$46,005,000, to
11 remain available until expended: *Provided*, That funds
12 provided under this heading shall be administered by the
13 Joint Committee on Judicial Administration in the Dis-
14 trict of Columbia: *Provided further*, That, notwithstanding
15 any other provision of law, this appropriation shall be ap-
16 portioned quarterly by the Office of Management and
17 Budget and obligated and expended in the same manner
18 as funds appropriated for expenses of other Federal agen-
19 cies.

20 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
21 FENDER SUPERVISION AGENCY FOR THE DISTRICT
22 OF COLUMBIA

23 For salaries and expenses, including the transfer and
24 hire of motor vehicles, of the Court Services and Offender
25 Supervision Agency for the District of Columbia, as au-

1 thORIZED by the National Capital Revitalization and Self-
2 Government Improvement Act of 1997, \$286,426,000, of
3 which not to exceed \$2,000 is for official reception and
4 representation expenses related to Community Supervision
5 and Pretrial Services Agency programs, and of which not
6 to exceed \$25,000 is for dues and assessments relating
7 to the implementation of the Court Services and Offender
8 Supervision Agency Interstate Supervision Act of 2002:
9 *Provided, That,* of the funds appropriated under this head-
10 ing, \$206,006,000 shall be for necessary expenses of Com-
11 munity Supervision and Sex Offender Registration, to in-
12 clude expenses relating to the supervision of adults subject
13 to protection orders or the provision of services for or re-
14 lated to such persons, of which \$14,747,000 shall remain
15 available until September 30, 2024, for costs associated
16 with the relocation under replacement leases for head-
17 quarters offices, field offices and related facilities: *Pro-*
18 *vided further,* That, of the funds appropriated under this
19 heading, \$80,420,000 shall be available to the Pretrial
20 Services Agency, of which \$7,304,000 shall remain avail-
21 able until September 30, 2024, for costs associated with
22 relocation under a replacement lease for headquarters of-
23 fices, field offices, and related facilities: *Provided further,*
24 That notwithstanding any other provision of law, all
25 amounts under this heading shall be apportioned quarterly

1 by the Office of Management and Budget and obligated
2 and expended in the same manner as funds appropriated
3 for salaries and expenses of other Federal agencies: *Pro-*
4 *vided further*, That amounts under this heading may be
5 used for programmatic incentives for defendants to suc-
6 cessfully complete their terms of supervision.

7 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

8 PUBLIC DEFENDER SERVICE

9 For salaries and expenses, including the transfer and
10 hire of motor vehicles, of the District of Columbia Public
11 Defender Service, as authorized by the National Capital
12 Revitalization and Self-Government Improvement Act of
13 1997, \$52,598,000, of which \$5,175,000 shall remain
14 available until September 30, 2024, for salaries and ex-
15 penses associated with providing representation pursuant
16 to title III of the Comprehensive Youth Justice Amend-
17 ment Act of 2016 (D.C. Law 21–238; D.C. Official Code,
18 sec. 24–403.03), as amended by title VI of the Omnibus
19 Public Safety and Justice Amendment Act of 2020 (D.C.
20 Law 23–274): *Provided*, That notwithstanding any other
21 provision of law, all amounts under this heading shall be
22 apportioned quarterly by the Office of Management and
23 Budget and obligated and expended in the same manner
24 as funds appropriated for salaries and expenses of Federal
25 agencies: *Provided further*, That the District of Columbia

1 Public Defender Service may establish for employees of
2 the District of Columbia Public Defender Service a pro-
3 gram substantially similar to the program set forth in sub-
4 chapter II of chapter 35 of title 5, United States Code,
5 except that the maximum amount of the payment made
6 under the program to any individual may not exceed the
7 amount referred to in section 3523(b)(3)(B) of title 5,
8 United States Code: *Provided further*, That for the pur-
9 poses of engaging with, and receiving services from, Fed-
10 eral Franchise Fund Programs established in accordance
11 with section 403 of the Government Management Reform
12 Act of 1994, as amended, the District of Columbia Public
13 Defender Service shall be considered an agency of the
14 United States Government: *Provided further*, That the
15 District of Columbia Public Defender Service may enter
16 into contracts for the procurement of severable services
17 and multiyear contracts for the acquisition of property and
18 services to the same extent and under the same conditions
19 as an executive agency under sections 3902 and 3903 of
20 title 41, United States Code.

21 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

22 COORDINATING COUNCIL

23 For a Federal payment to the Criminal Justice Co-
24 ordinating Council, \$2,150,000, to remain available until
25 expended, to support initiatives related to the coordination

1 of Federal and local criminal justice resources in the Dis-
2 trict of Columbia.

3 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

4 For a Federal payment, to remain available until
5 September 30, 2023, to the Commission on Judicial Dis-
6 abilities and Tenure, \$330,000, and for the Judicial Nomi-
7 nation Commission, \$288,000.

8 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

9 For a Federal payment for a school improvement pro-
10 gram in the District of Columbia, \$52,500,000, to remain
11 available until expended, for payments authorized under
12 the Scholarships for Opportunity and Results Act (division
13 C of Public Law 112–10): *Provided*, That, to the extent
14 that funds are available for opportunity scholarships and
15 following the priorities included in section 3006 of such
16 Act, the Secretary of Education shall make scholarships
17 available to students eligible under section 3013(3) of such
18 Act (Public Law 112–10; 125 Stat. 211) including stu-
19 dents who were not offered a scholarship during any pre-
20 vious school year: *Provided further*, That within funds pro-
21 vided for opportunity scholarships up to \$1,750,000 shall
22 be for the activities specified in sections 3007(b) through
23 3007(d) of the Act and up to \$500,000 shall be for the
24 activities specified in section 3009 of the Act.

1 FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA

2 NATIONAL GUARD

3 For a Federal payment to the District of Columbia
4 National Guard, \$600,000, to remain available until ex-
5 pended for the Major General David F. Wherley, Jr. Dis-
6 trict of Columbia National Guard Retention and College
7 Access Program.

8 FEDERAL PAYMENT FOR TESTING AND TREATMENT OF

9 HIV/AIDS

10 For a Federal payment to the District of Columbia
11 for the testing of individuals for, and the treatment of in-
12 dividuals with, human immunodeficiency virus and ac-
13 quired immunodeficiency syndrome in the District of Co-
14 lumbia, \$4,000,000.

15 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

16 WATER AND SEWER AUTHORITY

17 For a Federal payment to the District of Columbia
18 Water and Sewer Authority, \$8,000,000, to remain avail-
19 able until expended, to continue implementation of the
20 Combined Sewer Overflow Long-Term Plan: *Provided*,
21 That the District of Columbia Water and Sewer Authority
22 provides a 100 percent match for this payment.

23 DISTRICT OF COLUMBIA FUNDS

24 Local funds are appropriated for the District of Co-
25 lumbia for the current fiscal year out of the General Fund

1 of the District of Columbia (“General Fund”) for pro-
2 grams and activities set forth in the Fiscal Year 2022
3 Local Budget Act of 2021 (D.C. Act 24–173) and at rates
4 set forth under such Act, as amended as of the date of
5 enactment of this Act: *Provided*, That notwithstanding
6 any other provision of law, except as provided in section
7 450A of the District of Columbia Home Rule Act (section
8 1–204.50a, D.C. Official Code), sections 816 and 817 of
9 the Financial Services and General Government Appro-
10 priations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C.
11 Official Code), and provisions of this Act, the total amount
12 appropriated in this Act for operating expenses for the
13 District of Columbia for fiscal year 2022 under this head-
14 ing shall not exceed the estimates included in the Fiscal
15 Year 2022 Local Budget Act of 2021, as amended as of
16 the date of enactment of this Act or the sum of the total
17 revenues of the District of Columbia for such fiscal year:
18 *Provided further*, That the amount appropriated may be
19 increased by proceeds of one-time transactions, which are
20 expended for emergency or unanticipated operating or
21 capital needs: *Provided further*, That such increases shall
22 be approved by enactment of local District law and shall
23 comply with all reserve requirements contained in the Dis-
24 trict of Columbia Home Rule Act: *Provided further*, That
25 the Chief Financial Officer of the District of Columbia

1 shall take such steps as are necessary to assure that the
2 District of Columbia meets these requirements, including
3 the apportioning by the Chief Financial Officer of the ap-
4 propriations and funds made available to the District dur-
5 ing fiscal year 2022, except that the Chief Financial Offi-
6 cer may not reprogram for operating expenses any funds
7 derived from bonds, notes, or other obligations issued for
8 capital projects.

9 This title may be cited as the “District of Columbia
10 Appropriations Act, 2022”.

1 TITLE V
2 INDEPENDENT AGENCIES
3 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For necessary expenses of the Administrative Con-
6 ference of the United States, authorized by 5 U.S.C. 591
7 et seq., \$3,400,000, to remain available until September
8 30, 2023, of which not to exceed \$1,000 is for official re-
9 ception and representation expenses.

10 CONSUMER PRODUCT SAFETY COMMISSION
11 SALARIES AND EXPENSES

12 For necessary expenses of the Consumer Product
13 Safety Commission, including hire of passenger motor ve-
14 hicles, services as authorized by 5 U.S.C. 3109, but at
15 rates for individuals not to exceed the per diem rate equiv-
16 alent to the maximum rate payable under 5 U.S.C. 5376,
17 purchase of nominal awards to recognize non-Federal offi-
18 cials' contributions to Commission activities, and not to
19 exceed \$4,000 for official reception and representation ex-
20 penses, \$139,050,000, of which \$2,000,000 shall remain
21 available until expended, to carry out the program, includ-
22 ing administrative costs, required by section 1405 of the
23 Virginia Graeme Baker Pool and Spa Safety Act (Public
24 Law 110-140; 15 U.S.C. 8004).

1 ADMINISTRATIVE PROVISION—CONSUMER PRODUCT
2 SAFETY COMMISSION

3 SEC. 501. During fiscal year 2022, none of the
4 amounts made available by this Act may be used to final-
5 ize or implement the Safety Standard for Recreational
6 Off-Highway Vehicles published by the Consumer Product
7 Safety Commission in the Federal Register on November
8 19, 2014 (79 Fed. Reg. 68964) until after—

9 (1) the National Academy of Sciences, in con-
10 sultation with the National Highway Traffic Safety
11 Administration and the Department of Defense,
12 completes a study to determine—

13 (A) the technical validity of the lateral sta-
14 bility and vehicle handling requirements pro-
15 posed by such standard for purposes of reduc-
16 ing the risk of Recreational Off-Highway Vehi-
17 cle (referred to in this section as “ROV”) roll-
18 overs in the off-road environment, including the
19 repeatability and reproducibility of testing for
20 compliance with such requirements;

21 (B) the number of ROV rollovers that
22 would be prevented if the proposed require-
23 ments were adopted;

24 (C) whether there is a technical basis for
25 the proposal to provide information on a point-

1 of-sale hangtag about a ROV's rollover resist-
2 ance on a progressive scale; and

3 (D) the effect on the utility of ROVs used
4 by the United States military if the proposed
5 requirements were adopted; and

6 (2) a report containing the results of the study
7 completed under paragraph (1) is delivered to—

8 (A) the Committee on Commerce, Science,
9 and Transportation of the Senate;

10 (B) the Committee on Energy and Com-
11 merce of the House of Representatives;

12 (C) the Committee on Appropriations of
13 the Senate; and

14 (D) the Committee on Appropriations of
15 the House of Representatives.

16 ELECTION ASSISTANCE COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses to carry out the Help Amer-
19 ica Vote Act of 2002 (Public Law 107–252), \$20,000,000,
20 of which \$1,500,000 shall be made available to the Na-
21 tional Institute of Standards and Technology for election
22 reform activities authorized under the Help America Vote
23 Act of 2002.

1 ELECTION SECURITY GRANTS

2 Notwithstanding section 104(c)(2)(B) of the Help
3 America Vote Act of 2002 (52 U.S.C. 20904(c)(2)(B)),
4 \$75,000,000 is provided to the Election Assistance Com-
5 mission for necessary expenses to make payments to
6 States for activities to improve the administration of elec-
7 tions for Federal office, including to enhance election tech-
8 nology and make election security improvements, as au-
9 thorized by sections 101, 103, and 104 of such Act: *Pro-*
10 *vided*, That for purposes of applying such sections, the
11 Commonwealth of the Northern Mariana Islands shall be
12 deemed to be a State and, for purposes of sections
13 101(d)(2) and 103(a) shall be treated in the same manner
14 as the Commonwealth of Puerto Rico, Guam, American
15 Samoa, and the United States Virgin Islands: *Provided*
16 *further*, That each reference to the “Administrator of Gen-
17 eral Services” or the “Administrator” in sections 101 and
18 103 shall be deemed to refer to the “Election Assistance
19 Commission”: *Provided further*, That each reference to
20 “\$5,000,000” in section 103 shall be deemed to refer to
21 “\$1,000,000” and each reference to “\$1,000,000” in sec-
22 tion 103 shall be deemed to refer to “\$200,000”: *Provided*
23 *further*, That not later than 45 days after the date of en-
24 actment of this Act, the Election Assistance Commission
25 shall make the payments to States under this heading:

1 *Provided further*, That not later than two years after re-
2 ceiving a payment under this heading, a State shall make
3 available funds for such activities in an amount equal to
4 20 percent of the total amount of the payment made to
5 the State under this heading: *Provided further*, That
6 States shall submit quarterly financial reports and annual
7 progress reports.

8 FEDERAL COMMUNICATIONS COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Federal Communica-
11 tions Commission, as authorized by law, including uni-
12 forms and allowances therefor, as authorized by 5 U.S.C.
13 5901–5902; not to exceed \$4,000 for official reception and
14 representation expenses; purchase and hire of motor vehi-
15 cles; special counsel fees; and services as authorized by
16 5 U.S.C. 3109, \$381,950,000, to remain available until
17 expended: *Provided*, That \$381,950,000 of offsetting col-
18 lections shall be assessed and collected pursuant to section
19 9 of title I of the Communications Act of 1934, shall be
20 retained and used for necessary expenses and shall remain
21 available until expended: *Provided further*, That the sum
22 herein appropriated shall be reduced as such offsetting
23 collections are received during fiscal year 2022 so as to
24 result in a final fiscal year 2022 appropriation estimated
25 at \$0: *Provided further*, That, notwithstanding 47 U.S.C.

1 309(j)(8)(B), proceeds from the use of a competitive bid-
2 ding system that may be retained and made available for
3 obligation shall not exceed \$128,621,000 for fiscal year
4 2022: *Provided further*, That, of the amount appropriated
5 under this heading, not less than \$11,854,000 shall be for
6 the salaries and expenses of the Office of Inspector Gen-
7 eral.

8 ADMINISTRATIVE PROVISIONS—FEDERAL
9 COMMUNICATIONS COMMISSION

10 SEC. 510. Section 302 of the Universal Service
11 Antideficiency Temporary Suspension Act is amended by
12 striking “December 31, 2021” each place it appears and
13 inserting “December 31, 2022”.

14 SEC. 511. None of the funds appropriated by this Act
15 may be used by the Federal Communications Commission
16 to modify, amend, or change its rules or regulations for
17 universal service support payments to implement the Feb-
18 ruary 27, 2004, recommendations of the Federal-State
19 Joint Board on Universal Service regarding single connec-
20 tion or primary line restrictions on universal service sup-
21 port payments.

22 FEDERAL DEPOSIT INSURANCE CORPORATION
23 OFFICE OF THE INSPECTOR GENERAL

24 For necessary expenses of the Office of Inspector
25 General in carrying out the provisions of the Inspector

1 General Act of 1978, \$46,500,000, to be derived from the
2 Deposit Insurance Fund or, only when appropriate, the
3 FSLIC Resolution Fund.

4 FEDERAL ELECTION COMMISSION
5 SALARIES AND EXPENSES

6 For necessary expenses to carry out the provisions
7 of the Federal Election Campaign Act of 1971,
8 \$74,500,000, of which not to exceed \$5,000 shall be avail-
9 able for reception and representation expenses.

10 FEDERAL LABOR RELATIONS AUTHORITY
11 SALARIES AND EXPENSES

12 For necessary expenses to carry out functions of the
13 Federal Labor Relations Authority, pursuant to Reorga-
14 nization Plan Numbered 2 of 1978, and the Civil Service
15 Reform Act of 1978, including services authorized by 5
16 U.S.C. 3109, and including hire of experts and consult-
17 ants, hire of passenger motor vehicles, and including offi-
18 cial reception and representation expenses (not to exceed
19 \$1,500) and rental of conference rooms in the District of
20 Columbia and elsewhere, \$27,398,000: *Provided*, That
21 public members of the Federal Service Impasses Panel
22 may be paid travel expenses and per diem in lieu of sub-
23 sistence as authorized by law (5 U.S.C. 5703) for persons
24 employed intermittently in the Government service, and
25 compensation as authorized by 5 U.S.C. 3109: *Provided*

1 *further*, That, notwithstanding 31 U.S.C. 3302, funds re-
2 ceived from fees charged to non-Federal participants at
3 labor-management relations conferences shall be credited
4 to and merged with this account, to be available without
5 further appropriation for the costs of carrying out these
6 conferences.

7 FEDERAL PERMITTING IMPROVEMENT STEERING

8 COUNCIL

9 ENVIRONMENTAL REVIEW IMPROVEMENT FUND

10 For necessary expenses of the Environmental Review
11 Improvement Fund established pursuant to 42 U.S.C.
12 4370m-8(d), \$10,000,000, to remain available until ex-
13 pended.

14 FEDERAL TRADE COMMISSION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Federal Trade Com-
17 mission, including uniforms or allowances therefor, as au-
18 thorized by 5 U.S.C. 5901-5902; services as authorized
19 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
20 not to exceed \$2,000 for official reception and representa-
21 tion expenses, \$376,530,000, to remain available until ex-
22 pended: *Provided*, That not to exceed \$300,000 shall be
23 available for use to contract with a person or persons for
24 collection services in accordance with the terms of 31
25 U.S.C. 3718: *Provided further*, That, notwithstanding any

1 other provision of law, not to exceed \$138,000,000 of off-
2 setting collections derived from fees collected for
3 premerger notification filings under the Hart-Scott-Ro-
4 dino Antitrust Improvements Act of 1976 (15 U.S.C.
5 18a), regardless of the year of collection, shall be retained
6 and used for necessary expenses in this appropriation:
7 *Provided further*, That, notwithstanding any other provi-
8 sion of law, not to exceed \$20,000,000 in offsetting collec-
9 tions derived from fees sufficient to implement and enforce
10 the Telemarketing Sales Rule, promulgated under the
11 Telemarketing and Consumer Fraud and Abuse Preven-
12 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
13 account, and be retained and used for necessary expenses
14 in this appropriation: *Provided further*, That the sum here-
15 in appropriated from the general fund shall be reduced
16 as such offsetting collections are received during fiscal
17 year 2022, so as to result in a final fiscal year 2022 appro-
18 priation from the general fund estimated at not more than
19 \$218,530,000: *Provided further*, That none of the funds
20 made available to the Federal Trade Commission may be
21 used to implement subsection (e)(2)(B) of section 43 of
22 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

1 GENERAL SERVICES ADMINISTRATION

2 REAL PROPERTY ACTIVITIES

3 FEDERAL BUILDINGS FUND

4 LIMITATIONS ON AVAILABILITY OF REVENUE

5 (INCLUDING TRANSFERS OF FUNDS)

6 Amounts in the Fund, including revenues and collec-
7 tions deposited into the Fund, shall be available for nec-
8 essary expenses of real property management and related
9 activities not otherwise provided for, including operation,
10 maintenance, and protection of federally owned and leased
11 buildings; rental of buildings in the District of Columbia;
12 restoration of leased premises; moving governmental agen-
13 cies (including space adjustments and telecommunications
14 relocation expenses) in connection with the assignment, al-
15 location, and transfer of space; contractual services inci-
16 dent to cleaning or servicing buildings, and moving; repair
17 and alteration of federally owned buildings, including
18 grounds, approaches, and appurtenances; care and safe-
19 guarding of sites; maintenance, preservation, demolition,
20 and equipment; acquisition of buildings and sites by pur-
21 chase, condemnation, or as otherwise authorized by law;
22 acquisition of options to purchase buildings and sites; con-
23 version and extension of federally owned buildings; pre-
24 liminary planning and design of projects by contract or
25 otherwise; construction of new buildings (including equip-

1 ment for such buildings); and payment of principal, inter-
2 est, and any other obligations for public buildings acquired
3 by installment purchase and purchase contract; in the ag-
4 gregate amount of \$9,342,205,000, of which—

5 (1) \$299,476,000 shall remain available until
6 expended for new construction and acquisition (in-
7 cluding funds for sites and expenses, and associated
8 design and construction services and feasibility stud-
9 ies), and demolition and related site and security ex-
10 penses, of which—

11 (A) \$245,976,000 is for new construction
12 and acquisition, as follows:

13 Connecticut:

14 Hartford, U.S. Courthouse, \$138,000,000;

15 Puerto Rico:

16 San Juan, U.S. Courthouse, \$22,476,000;

17 Tennessee:

18 Chattanooga, U.S. Courthouse, \$85,500,000;

19 (B) \$52,000,000 is for demolition of the
20 buildings located at 202-220 South State Street
21 in Chicago, Illinois, and protection of the adja-
22 cent buildings during the demolition process, se-
23 curing the vacant site of the demolished build-
24 ings, and landscaping the vacant site following
25 demolition; and

1 (C) \$1,500,000 is for feasibility studies to
2 assess goals, scope, customer need, and alter-
3 natives for the following projects:

4 Arizona:

5 Nogales, Dennis DeConcini U.S. Land Port of
6 Entry, \$500,000;

7 Georgia:

8 Atlanta, Chamblee Campus, \$500,000;

9 New Mexico:

10 Santa Teresa, U.S. Land Port of Entry,
11 \$500,000:

12 *Provided*, That each of the foregoing limits of costs
13 on new construction and acquisition projects may be
14 exceeded to the extent that savings are effected in
15 other such projects, but not to exceed 10 percent of
16 the amounts included in a transmitted prospectus, if
17 required, unless advance approval is obtained from
18 the Committees on Appropriations of the House of
19 Representatives and the Senate of a greater amount;

20 (2) \$581,581,000 shall remain available until
21 expended for repairs and alterations, including asso-
22 ciated design and construction services, of which—

23 (A) \$139,893,000 is for Major Repairs and
24 Alterations as follows:

25 Alabama:

1 Selma, U.S. Federal Building and Courthouse,
2 \$4,200,000;

3 District of Columbia:

4 Regional Office Building, Phase 2, \$4,941,000;

5 Maryland:

6 Suitland, Suitland Federal Campus,
7 \$20,000,000;

8 Michigan:

9 Detroit, Patrick V. McNamara Federal Build-
10 ing Garage, \$1,208,000;

11 Mississippi:

12 Hattiesburg, William M. Colmer Federal Build-
13 ing and U.S. Courthouse, \$27,000,000;

14 Vicksburg, Mississippi River Commission Build-
15 ing, \$23,749,000;

16 Washington:

17 Tacoma, Tacoma Union Station, \$3,395,000;

18 West Virginia:

19 Clarksburg, Clarksburg Post Office and U.S.
20 Courthouse, \$55,400,000;

21 (B) \$388,710,000 is for Basic Repairs and
22 Alterations; and

23 (C) \$52,978,000 is for Special Emphasis
24 Programs as follows:

1 Childcare Facilities Security and Systems Im-
2 provements, \$15,000,000;

3 Consolidation Activities, \$8,178,000;

4 Fire Protection and Life Safety, \$10,000,000;

5 and

6 Judiciary Capital Security Program,
7 \$19,800,000:

8 *Provided*, That funds made available in this or any
9 previous Act in the Federal Buildings Fund for Re-
10 pairs and Alterations shall, for prospectus projects,
11 be limited to the amount identified for each project,
12 except each project in this or any previous Act may
13 be increased by an amount not to exceed 10 percent
14 unless advance approval is obtained from the Com-
15 mittees on Appropriations of the House of Rep-
16 resentatives and the Senate of a greater amount:

17 *Provided further*, That additional projects for which
18 prospectuses have been fully approved may be fund-
19 ed under this category only if advance approval is
20 obtained from the Committees on Appropriations of
21 the House of Representatives and the Senate: *Pro-*
22 *vided further*, That the amounts provided in this or
23 any prior Act for “Repairs and Alterations” may be
24 used to fund costs associated with implementing se-
25 curity improvements to buildings necessary to meet

1 the minimum standards for security in accordance
2 with current law and in compliance with the re-
3 programming guidelines of the appropriate Commit-
4 tees of the House and Senate: *Provided further*,
5 That the difference between the funds appropriated
6 and expended on any projects in this or any prior
7 Act, under the heading “Repairs and Alterations”,
8 may be transferred to “Basic Repairs and Alter-
9 ations” or used to fund authorized increases in pro-
10 spectus projects: *Provided further*, That the amount
11 provided in this or any prior Act for “Basic Repairs
12 and Alterations” may be used to pay claims against
13 the Government arising from any projects under the
14 heading “Repairs and Alterations” or used to fund
15 authorized increases in prospectus projects;

16 (3) \$5,665,148,000 for rental of space to re-
17 main available until expended; and

18 (4) \$2,796,000,000 for building operations to
19 remain available until expended: *Provided*, That the
20 total amount of funds made available from this
21 Fund to the General Services Administration shall
22 not be available for expenses of any construction, re-
23 pair, alteration and acquisition project for which a
24 prospectus, if required by 40 U.S.C. 3307(a), has
25 not been approved, except that necessary funds may

1 be expended for each project for required expenses
2 for the development of a proposed prospectus: *Pro-*
3 *vided further*, That funds available in the Federal
4 Buildings Fund may be expended for emergency re-
5 pairs when advance approval is obtained from the
6 Committees on Appropriations of the House of Rep-
7 resentatives and the Senate: *Provided further*, That
8 amounts necessary to provide reimbursable special
9 services to other agencies under 40 U.S.C. 592(b)(2)
10 and amounts to provide such reimbursable fencing,
11 lighting, guard booths, and other facilities on private
12 or other property not in Government ownership or
13 control as may be appropriate to enable the United
14 States Secret Service to perform its protective func-
15 tions pursuant to 18 U.S.C. 3056, shall be available
16 from such revenues and collections: *Provided further*,
17 That revenues and collections and any other sums
18 accruing to this Fund during fiscal year 2022, ex-
19 cluding reimbursements under 40 U.S.C. 592(b)(2),
20 in excess of the aggregate new obligational authority
21 authorized for Real Property Activities of the Fed-
22 eral Buildings Fund in this Act shall remain in the
23 Fund and shall not be available for expenditure ex-
24 cept as authorized in appropriations Acts.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General and service authorized by 5 U.S.C. 3109,
4 \$69,000,000: *Provided*, That not to exceed \$50,000 shall
5 be available for payment for information and detection of
6 fraud against the Government, including payment for re-
7 covery of stolen Government property: *Provided further*,
8 That not to exceed \$2,500 shall be available for awards
9 to employees of other Federal agencies and private citizens
10 in recognition of efforts and initiatives resulting in en-
11 hanced Office of Inspector General effectiveness.

12 ALLOWANCES AND OFFICE STAFF FOR FORMER

13 PRESIDENTS

14 For carrying out the provisions of the Act of August
15 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,
16 \$5,000,000.

17 FEDERAL CITIZEN SERVICES FUND

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses of the Office of Products and
20 Programs, including services authorized by 40 U.S.C. 323
21 and 44 U.S.C. 3604; and for necessary expenses in sup-
22 port of interagency projects that enable the Federal Gov-
23 ernment to enhance its ability to conduct activities elec-
24 tronically, through the development and implementation of
25 innovative uses of information technology; \$55,000,000, to

1 be deposited into the Federal Citizen Services Fund: *Pro-*
2 *vided*, That the previous amount may be transferred to
3 Federal agencies to carry out the purpose of the Federal
4 Citizen Services Fund: *Provided further*, That the appro-
5 priations, revenues, reimbursements, and collections de-
6 posited into the Fund shall be available until expended for
7 necessary expenses of Federal Citizen Services and other
8 activities that enable the Federal Government to enhance
9 its ability to conduct activities electronically in the aggre-
10 gate amount not to exceed \$150,000,000: *Provided fur-*
11 *ther*, That appropriations, revenues, reimbursements, and
12 collections accruing to this Fund during fiscal year 2022
13 in excess of such amount shall remain in the Fund and
14 shall not be available for expenditure except as authorized
15 in appropriations Acts: *Provided further*, That the transfer
16 authorities provided herein shall be in addition to any
17 other transfer authority provided in this Act: *Provided fur-*
18 *ther*, That of the total amount appropriated, up to
19 \$5,000,000 shall be available for support functions and
20 full-time hires to support activities related to the Adminis-
21 tration's requirements under Title II of the Foundations
22 for Evidence-Based Policy-making Act of 2018 (Public
23 Law 115-435).

1 ASSET PROCEEDS AND SPACE MANAGEMENT FUND

2 For carrying out section 16(b) of the Federal Assets
3 Sale and Transfer Act of 2016 (40 U.S.C. 1303 note),
4 \$4,000,000, to remain available until expended.

5 WORKING CAPITAL FUND

6 For the Working Capital Fund of the General Serv-
7 ices Administration, \$4,000,000, to remain available until
8 expended, for necessary costs incurred by the Adminis-
9 trator to modernize rulemaking systems and to provide
10 support services for Federal rulemaking agencies.

11 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

12 ADMINISTRATION

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 520. Funds available to the General Services
15 Administration shall be available for the hire of passenger
16 motor vehicles.

17 SEC. 521. Funds in the Federal Buildings Fund
18 made available for fiscal year 2022 for Federal Buildings
19 Fund activities may be transferred between such activities
20 only to the extent necessary to meet program require-
21 ments: *Provided*, That any proposed transfers shall be ap-
22 proved in advance by the Committees on Appropriations
23 of the House of Representatives and the Senate.

24 SEC. 522. Except as otherwise provided in this title,
25 funds made available by this Act shall be used to transmit

1 a fiscal year 2023 request for United States Courthouse
2 construction only if the request: (1) meets the design guide
3 standards for construction as established and approved by
4 the General Services Administration, the Judicial Con-
5 ference of the United States, and the Office of Manage-
6 ment and Budget; (2) reflects the priorities of the Judicial
7 Conference of the United States as set out in its approved
8 Courthouse Project Priorities plan; and (3) includes a
9 standardized courtroom utilization study of each facility
10 to be constructed, replaced, or expanded.

11 SEC. 523. None of the funds provided in this Act may
12 be used to increase the amount of occupiable square feet,
13 provide cleaning services, security enhancements, or any
14 other service usually provided through the Federal Build-
15 ings Fund, to any agency that does not pay the rate per
16 square foot assessment for space and services as deter-
17 mined by the General Services Administration in consider-
18 ation of the Public Buildings Amendments Act of 1972
19 (Public Law 92–313).

20 SEC. 524. From funds made available under the
21 heading “Federal Buildings Fund, Limitations on Avail-
22 ability of Revenue”, claims against the Government of less
23 than \$250,000 arising from direct construction projects
24 and acquisition of buildings may be liquidated from sav-
25 ings effected in other construction projects with prior noti-

1 fication to the Committees on Appropriations of the House
2 of Representatives and the Senate.

3 SEC. 525. In any case in which the Committee on
4 Transportation and Infrastructure of the House of Rep-
5 resentatives and the Committee on Environment and Pub-
6 lic Works of the Senate adopt a resolution granting lease
7 authority pursuant to a prospectus transmitted to Con-
8 gress by the Administrator of the General Services Admin-
9 istration under 40 U.S.C. 3307, the Administrator shall
10 ensure that the delineated area of procurement is identical
11 to the delineated area included in the prospectus for all
12 lease agreements, except that, if the Administrator deter-
13 mines that the delineated area of the procurement should
14 not be identical to the delineated area included in the pro-
15 spectus, the Administrator shall provide an explanatory
16 statement to each of such committees and the Committees
17 on Appropriations of the House of Representatives and the
18 Senate prior to exercising any lease authority provided in
19 the resolution.

20 SEC. 526. With respect to E-Government projects
21 funded under the heading “Federal Citizen Services
22 Fund”, the Administrator of General Services shall submit
23 a spending plan and explanation for each project to be
24 undertaken to the Committees on Appropriations of the

1 House of Representatives and the Senate not later than
2 60 days after the date of enactment of this Act.

3 SEC. 527. Section 323 of title 40, United States
4 Code, is amended by adding at the end a new subsection:

5 “(f) The Administrator may enter into agreements
6 with federal agencies to provide services through the Fund
7 on a fully reimbursable basis.”.

8 SEC. 528. Section 3173(d)(1) of title 40, United
9 States Code, is amended by inserting before the period the
10 following: “or for agency-wide acquisition of equipment or
11 systems or the acquisition of services in lieu thereof, as
12 necessary to implement the Act”.

13 SEC. 529. Section 3173(b)(1) of title 40, United
14 States Code, is amended by inserting “, including advance
15 payments,” after “Amounts received”.

16 SEC. 530. (a) The Administrator of the General Serv-
17 ices Administration shall select a site from one of the three
18 listed in the General Services Administration Fiscal Year
19 2017 PNCR–FBI–NCR17 prospectus for a new fully con-
20 solidated Federal Bureau of Investigations (FBI) head-
21 quarters. Such decision shall be made in as expeditious
22 manner as possible.

23 (b) Within 180 days of selecting a site, the General
24 Services Administrator shall transmit to the Committees
25 on Appropriations of the House of Representatives and the

1 Senate, the Committee on Transportation and Infrastruc-
2 ture of the House of Representatives, and the Committee
3 on Environment and Public Works of the Senate, a report
4 on the construction of a new headquarters for the FBI
5 in the National Capital Region.

6 (c) The report transmitted under subsection (b) shall
7 be consistent with the requirements of section 3307(b) of
8 title 40, United States Code, and include a summary of
9 the material provisions of the construction and consolida-
10 tion of the FBI in a new headquarters facility, including
11 all the costs associated design, management, and inspec-
12 tion, and a description of all buildings and infrastructure
13 needed to complete the project.

14 HARRY S TRUMAN SCHOLARSHIP FOUNDATION

15 SALARIES AND EXPENSES

16 For payment to the Harry S Truman Scholarship
17 Foundation Trust Fund, established by section 10 of Pub-
18 lic Law 93-642, \$2,500,000, to remain available until ex-
19 pended.

20 MERIT SYSTEMS PROTECTION BOARD

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses to carry out functions of the
24 Merit Systems Protection Board pursuant to Reorganiza-
25 tion Plan Numbered 2 of 1978, the Civil Service Reform

1 Act of 1978, and the Whistleblower Protection Act of
2 1989 (5 U.S.C. 5509 note), including services as author-
3 ized by 5 U.S.C. 3109, rental of conference rooms in the
4 District of Columbia and elsewhere, hire of passenger
5 motor vehicles, direct procurement of survey printing, and
6 not to exceed \$2,000 for official reception and representa-
7 tion expenses, \$45,825,000, to remain available until Sep-
8 tember 30, 2023, and in addition not to exceed
9 \$2,345,000, to remain available until September 30, 2023,
10 for administrative expenses to adjudicate retirement ap-
11 peals to be transferred from the Civil Service Retirement
12 and Disability Fund in amounts determined by the Merit
13 Systems Protection Board.

14 MORRIS K. UDALL AND STEWART L. UDALL
15 FOUNDATION

16 MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND
17 (INCLUDING TRANSFER OF FUNDS)

18 For payment to the Morris K. Udall and Stewart L.
19 Udall Foundation, pursuant to the Morris K. Udall and
20 Stewart L. Udall Foundation Act (20 U.S.C. 5601 et
21 seq.), \$1,800,000, to remain available until expended, of
22 which, notwithstanding sections 8 and 9 of such Act, up
23 to \$1,000,000 shall be available to carry out the activities
24 authorized by section 6(7) of Public Law 102-259 and
25 section 817(a) of Public Law 106-568 (20 U.S.C.

1 5604(7)): *Provided*, That all current and previous
2 amounts transferred to the Office of Inspector General of
3 the Department of the Interior will remain available until
4 expended for audits and investigations of the Morris K.
5 Udall and Stewart L. Udall Foundation, consistent with
6 the Inspector General Act of 1978 (5 U.S.C. App.), as
7 amended, and for annual independent financial audits of
8 the Morris K. Udall and Stewart L. Udall Foundation
9 pursuant to the Accountability of Tax Dollars Act of 2002
10 (Public Law 107–289): *Provided further*, That previous
11 amounts transferred to the Office of Inspector General of
12 the Department of the Interior may be transferred to the
13 Morris K. Udall and Stewart L. Udall Foundation for an-
14 nual independent financial audits pursuant to the Ac-
15 countability of Tax Dollars Act of 2002 (Public Law 107–
16 289).

17 ENVIRONMENTAL DISPUTE RESOLUTION FUND

18 For payment to the Environmental Dispute Resolu-
19 tion Fund to carry out activities authorized in the Envi-
20 ronmental Policy and Conflict Resolution Act of 1998,
21 \$3,296,000, to remain available until expended.

22 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

23 OPERATING EXPENSES

24 For necessary expenses in connection with the admin-
25 istration of the National Archives and Records Adminis-

1 tration and archived Federal records and related activities,
2 as provided by law, and for expenses necessary for the re-
3 view and declassification of documents, the activities of
4 the Public Interest Declassification Board, the operations
5 and maintenance of the electronic records archives, the
6 hire of passenger motor vehicles, and for uniforms or al-
7 lowances therefor, as authorized by law (5 U.S.C. 5901),
8 including maintenance, repairs, and cleaning,
9 \$388,310,000, of which \$29,000,000 shall remain avail-
10 able until expended for expenses necessary to enhance the
11 Federal Government's ability to electronically preserve,
12 manage, and store Government records, and of which up
13 to \$2,000,000 shall remain available until expended to im-
14 plement the Civil Rights Cold Case Records Collection Act
15 of 2018 (Public Law 115-426).

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Reform Act of 2008, Public Law 110-409, 122
20 Stat. 4302-16 (2008), and the Inspector General Act of
21 1978 (5 U.S.C. App.), and for the hire of passenger motor
22 vehicles, \$4,968,000.

1 REPAIRS AND RESTORATION

2 (INCLUDING TRANSFER OF FUNDS)

3 For the repair, alteration, and improvement of ar-
4 chives facilities and museum exhibits, related equipment
5 for public spaces, and to provide adequate storage for
6 holdings, \$71,000,000, to remain available until expended,
7 of which \$11,500,000 is for the Harry S. Truman Library
8 Institute for National and International Affairs in Kansas
9 City, Missouri, and of which \$20,000,000 is for the Ulys-
10 ses S. Grant Presidential Library in Starkville, Mis-
11 sissippi: *Provided*, That such funds may be transferred di-
12 rectly to the Truman Library Institute and to Mississippi
13 State University and maybe used for improvements to li-
14 brary grounds and construction and related activities.

15 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

16 COMMISSION

17 GRANTS PROGRAM

18 For necessary expenses for allocations and grants for
19 historical publications and records as authorized by 44
20 U.S.C. 2504, \$7,000,000, to remain available until ex-
21 pended.

22 ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND

23 RECORDS ADMINISTRATION

24 SEC. 531. For an additional amount for “National
25 Historical Publications and Records Commission Grants

1 Program”, \$5,265,000, which shall be for initiatives in the
2 amounts and for the projects specified in the table that
3 appears under the heading “Administrative Provisions—
4 National Archives and Records Administration” in the ex-
5 planatory statement described in section 4 (in the matter
6 preceding division A of this consolidated Act): *Provided*,
7 That none of the funds made available by this section may
8 be transferred for any other purpose.

9 NATIONAL CREDIT UNION ADMINISTRATION

10 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

11 For the Community Development Revolving Loan
12 Fund program as authorized by 42 U.S.C. 9812, 9822
13 and 9910, \$1,545,000 shall be available until September
14 30, 2023, for technical assistance to low-income des-
15 ignated credit unions.

16 OFFICE OF GOVERNMENT ETHICS

17 SALARIES AND EXPENSES

18 For necessary expenses to carry out functions of the
19 Office of Government Ethics pursuant to the Ethics in
20 Government Act of 1978, the Ethics Reform Act of 1989,
21 and the Representative Louise McIntosh Slaughter Stop
22 Trading on Congressional Knowledge Act, including serv-
23 ices as authorized by 5 U.S.C. 3109, rental of conference
24 rooms in the District of Columbia and elsewhere, hire of
25 passenger motor vehicles, and not to exceed \$1,500 for

1 official reception and representation expenses,
2 \$19,158,000.

3 OFFICE OF PERSONNEL MANAGEMENT
4 SALARIES AND EXPENSES
5 (INCLUDING TRANSFERS OF TRUST FUNDS)

6 For necessary expenses to carry out functions of the
7 Office of Personnel Management (OPM) pursuant to Re-
8 organization Plan Numbered 2 of 1978 and the Civil Serv-
9 ice Reform Act of 1978, including services as authorized
10 by 5 U.S.C. 3109; medical examinations performed for
11 veterans by private physicians on a fee basis; rental of con-
12 ference rooms in the District of Columbia and elsewhere;
13 hire of passenger motor vehicles; not to exceed \$2,500 for
14 official reception and representation expenses; and pay-
15 ment of per diem and/or subsistence allowances to employ-
16 ees where Voting Rights Act activities require an employee
17 to remain overnight at his or her post of duty,
18 \$164,934,000: *Provided*, That of the total amount made
19 available under this heading, \$8,842,000 shall remain
20 available until expended, for information technology infra-
21 structure modernization and Trust Fund Federal Finan-
22 cial System migration or modernization, and shall be in
23 addition to funds otherwise made available for such pur-
24 poses: *Provided further*, That of the total amount made
25 available under this heading, \$1,073,201 may be made

1 available for strengthening the capacity and capabilities
2 of the acquisition workforce (as defined by the Office of
3 Federal Procurement Policy Act, as amended (41 U.S.C.
4 4001 et seq.)), including the recruitment, hiring, training,
5 and retention of such workforce and information tech-
6 nology in support of acquisition workforce effectiveness or
7 for management solutions to improve acquisition manage-
8 ment; and in addition \$174,714,000 for administrative ex-
9 penses, to be transferred from the appropriate trust funds
10 of OPM without regard to other statutes, including direct
11 procurement of printed materials, for the retirement and
12 insurance programs: *Provided further*, That the provisions
13 of this appropriation shall not affect the authority to use
14 applicable trust funds as provided by sections
15 8348(a)(1)(B), 8958(f)(2)(A), 8988(f)(2)(A), and
16 9004(f)(2)(A) of title 5, United States Code: *Provided fur-*
17 *ther*, That no part of this appropriation shall be available
18 for salaries and expenses of the Legal Examining Unit of
19 OPM established pursuant to Executive Order No. 9358
20 of July 1, 1943, or any successor unit of like purpose:
21 *Provided further*, That the President's Commission on
22 White House Fellows, established by Executive Order No.
23 11183 of October 3, 1964, may, during fiscal year 2022,
24 accept donations of money, property, and personal serv-
25 ices: *Provided further*, That such donations, including

1 those from prior years, may be used for the development
2 of publicity materials to provide information about the
3 White House Fellows, except that no such donations shall
4 be accepted for travel or reimbursement of travel expenses,
5 or for the salaries of employees of such Commission: *Pro-*
6 *vided further*, That not to exceed 5 percent of amounts
7 made available under this heading may be transferred to
8 an information technology working capital fund estab-
9 lished for purposes authorized by subtitle G of title X of
10 division A of the National Defense Authorization Act for
11 Fiscal Year 2018 (Public Law 115–91; 40 U.S.C. 11301
12 note): *Provided further*, That the Director of the OPM
13 shall notify, and receive approval from, the Committees
14 on Appropriations of the House of Representatives and the
15 Senate at least 15 days in advance of any transfer under
16 the preceding proviso: *Provided further*, That amounts
17 transferred to such a fund under such transfer authority
18 from any organizational category of the OPM shall not
19 exceed 5 percent of each such organizational category’s
20 budget as identified in the report required by section 608
21 of this Act: *Provided further*, That amounts transferred
22 to such a fund shall remain available for obligation
23 through September 30, 2025.

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF TRUST FUNDS)

4 For necessary expenses of the Office of Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, including services as authorized by
7 5 U.S.C. 3109, hire of passenger motor vehicles,
8 \$5,150,000, and in addition, not to exceed \$28,083,000
9 for administrative expenses to audit, investigate, and pro-
10 vide other oversight of the Office of Personnel Manage-
11 ment's retirement and insurance programs, to be trans-
12 ferred from the appropriate trust funds of the Office of
13 Personnel Management, as determined by the Inspector
14 General: *Provided*, That the Inspector General is author-
15 ized to rent conference rooms in the District of Columbia
16 and elsewhere.

17 OFFICE OF SPECIAL COUNSEL
18 SALARIES AND EXPENSES

19 For necessary expenses to carry out functions of the
20 Office of Special Counsel, including services as authorized
21 by 5 U.S.C. 3109, payment of fees and expenses for wit-
22 nesses, rental of conference rooms in the District of Co-
23 lumbia and elsewhere, and hire of passenger motor vehi-
24 cles, \$30,385,000.

1 POSTAL REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Postal Regulatory
5 Commission in carrying out the provisions of the Postal
6 Accountability and Enhancement Act (Public Law 109–
7 435), \$17,510,000, to be derived by transfer from the
8 Postal Service Fund and expended as authorized by sec-
9 tion 603(a) of such Act.

10 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

11 SALARIES AND EXPENSES

12 For necessary expenses of the Privacy and Civil Lib-
13 erties Oversight Board, as authorized by section 1061 of
14 the Intelligence Reform and Terrorism Prevention Act of
15 2004 (42 U.S.C. 2000ee), \$9,800,000, to remain available
16 until September 30, 2023.

17 PUBLIC BUILDINGS REFORM BOARD

18 SALARIES AND EXPENSES

19 For salaries and expenses of the Public Buildings Re-
20 form Board in carrying out the Federal Assets Sale and
21 Transfer Act of 2016 (Public Law 114–287), \$3,605,000,
22 to remain available until expended.

1 SECURITIES AND EXCHANGE COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Securities and Ex-
4 change Commission, including services as authorized by
5 5 U.S.C. 3109, the rental of space (to include multiple
6 year leases) in the District of Columbia and elsewhere, and
7 not to exceed \$3,500 for official reception and representa-
8 tion expenses, \$1,988,550,000, to remain available until
9 expended; of which not less than \$17,649,400 shall be for
10 the Office of Inspector General; of which not to exceed
11 \$75,000 shall be available for a permanent secretariat for
12 the International Organization of Securities Commissions;
13 and of which not to exceed \$100,000 shall be available
14 for expenses for consultations and meetings hosted by the
15 Commission with foreign governmental and other regu-
16 latory officials, members of their delegations and staffs to
17 exchange views concerning securities matters, such ex-
18 penses to include necessary logistic and administrative ex-
19 penses and the expenses of Commission staff and foreign
20 invitees in attendance including: (1) incidental expenses
21 such as meals; (2) travel and transportation; and (3) re-
22 lated lodging or subsistence.

23 In addition to the foregoing appropriation, for move,
24 replication, and related costs associated with a replace-
25 ment lease for the Commission's Fort Worth Regional Of-

1 fice facilities, not to exceed \$6,746,000, to remain avail-
2 able until expended; and for move, replication, and related
3 costs associated with a replacement lease for the Commis-
4 sion's San Francisco Regional Office facilities, not to ex-
5 ceed \$4,367,000, to remain available until expended.

6 For purposes of calculating the fee rate under section
7 31(j) of the Securities Exchange Act of 1934 (15 U.S.C.
8 78ee(j)) for fiscal year 2022, all amounts appropriated
9 under this heading shall be deemed to be the regular ap-
10 propriation to the Commission for fiscal year 2022: *Pro-*
11 *vided*, That fees and charges authorized by section 31 of
12 the Securities Exchange Act of 1934 (15 U.S.C. 78ee)
13 shall be credited to this account as offsetting collections:
14 *Provided further*, That not to exceed \$1,988,550,000 of
15 such offsetting collections shall be available until expended
16 for necessary expenses of this account; not to exceed
17 \$6,746,000 of such offsetting collections shall be available
18 until expended for move, replication, and related costs
19 under this heading associated with a replacement lease for
20 the Commission's Fort Worth Regional Office facilities;
21 and not to exceed \$4,367,000 of such offsetting collections
22 shall be available until expended for move, replication, and
23 related costs under this heading associated with a replace-
24 ment lease for the Commission's San Francisco Regional
25 Office facilities: *Provided further*, That the total amount

1 appropriated under this heading from the general fund for
2 fiscal year 2022 shall be reduced as such offsetting fees
3 are received so as to result in a final total fiscal year 2022
4 appropriation from the general fund estimated at not more
5 than \$0: *Provided further*, That if any amount of the ap-
6 propriation for move, replication, and related costs associ-
7 ated with a replacement lease for the Commission's Fort
8 Worth Regional Office facilities or if any amount of the
9 appropriation for move, replication, and related costs asso-
10 ciated with a replacement lease for the Commission's San
11 Francisco Regional Office facilities is subsequently de-obli-
12 gated by the Commission, such amount that was derived
13 from the general fund shall be returned to the general
14 fund, and such amounts that were derived from fees or
15 assessments collected for such purpose shall be paid to
16 each national securities exchange and national securities
17 association, respectively, in proportion to any fees or as-
18 sessments paid by such national securities exchange or na-
19 tional securities association under section 31 of the Securi-
20 ties Exchange Act of 1934 (15 U.S.C. 78ee) in fiscal year
21 2022.

22 SELECTIVE SERVICE SYSTEM

23 SALARIES AND EXPENSES

24 For necessary expenses of the Selective Service Sys-
25 tem, including expenses of attendance at meetings and of

1 training for uniformed personnel assigned to the Selective
2 Service System, as authorized by 5 U.S.C. 4101–4118 for
3 civilian employees; hire of passenger motor vehicles; serv-
4 ices as authorized by 5 U.S.C. 3109; and not to exceed
5 \$750 for official reception and representation expenses;
6 \$29,200,000: *Provided*, That during the current fiscal
7 year, the President may exempt this appropriation from
8 the provisions of 31 U.S.C. 1341, whenever the President
9 deems such action to be necessary in the interest of na-
10 tional defense: *Provided further*, That none of the funds
11 appropriated by this Act may be expended for or in con-
12 nection with the induction of any person into the Armed
13 Forces of the United States.

14 SMALL BUSINESS ADMINISTRATION

15 SALARIES AND EXPENSES

16 For necessary expenses, not otherwise provided for,
17 of the Small Business Administration, including hire of
18 passenger motor vehicles as authorized by sections 1343
19 and 1344 of title 31, United States Code, and not to ex-
20 ceed \$3,500 for official reception and representation ex-
21 penses, \$278,378,000, of which not less than \$12,000,000
22 shall be available for examinations, reviews, and other
23 lender oversight activities: *Provided*, That the Adminis-
24 trator is authorized to charge fees to cover the cost of pub-
25 lications developed by the Small Business Administration,

1 and certain loan program activities, including fees author-
2 ized by section 5(b) of the Small Business Act: *Provided*
3 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
4 received from all such activities shall be credited to this
5 account, to remain available until expended, for carrying
6 out these purposes without further appropriations: *Pro-*
7 *vided further*, That the Small Business Administration
8 may accept gifts in an amount not to exceed \$4,000,000
9 and may co-sponsor activities, each in accordance with sec-
10 tion 132(a) of division K of Public Law 108–447, during
11 fiscal year 2022: *Provided further*, That \$6,100,000 shall
12 be available for the Loan Modernization and Accounting
13 System, to be available until September 30, 2023.

14 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

15 For necessary expenses of programs supporting en-
16 trepreneurial and small business development,
17 \$290,150,000, to remain available until September 30,
18 2023: *Provided*, That \$138,000,000 shall be available to
19 fund grants for performance in fiscal year 2022 or fiscal
20 year 2023 as authorized by section 21 of the Small Busi-
21 ness Act: *Provided further*, That \$37,000,000 shall be for
22 marketing, management, and technical assistance under
23 section 7(m) of the Small Business Act (15 U.S.C.
24 636(m)(4)) by intermediaries that make microloans under
25 the microloan program: *Provided further*, That

1 \$20,000,000 shall be available for grants to States to
2 carry out export programs that assist small business con-
3 cerns authorized under section 22(l) of the Small Business
4 Act (15 U.S.C. 649(l)).

5 OFFICE OF INSPECTOR GENERAL

6 For necessary expenses of the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978, \$22,671,000.

9 OFFICE OF ADVOCACY

10 For necessary expenses of the Office of Advocacy in
11 carrying out the provisions of title II of Public Law 94-
12 305 (15 U.S.C. 634a et seq.) and the Regulatory Flexi-
13 bility Act of 1980 (5 U.S.C. 601 et seq.), \$9,466,000, to
14 remain available until expended.

15 BUSINESS LOANS PROGRAM ACCOUNT

16 (INCLUDING TRANSFER OF FUNDS)

17 For the cost of direct loans, \$6,000,000, to remain
18 available until expended: *Provided*, That such costs, in-
19 cluding the cost of modifying such loans, shall be as de-
20 fined in section 502 of the Congressional Budget Act of
21 1974: *Provided further*, That subject to section 502 of the
22 Congressional Budget Act of 1974, during fiscal year
23 2022 commitments to guarantee loans under section 503
24 of the Small Business Investment Act of 1958 shall not
25 exceed \$11,000,000,000: *Provided further*, That during

1 fiscal year 2022 commitments for general business loans
2 authorized under paragraphs (1) through (35) of section
3 7(a) of the Small Business Act shall not exceed
4 \$30,000,000,000 for a combination of amortizing term
5 loans and the aggregated maximum line of credit provided
6 by revolving loans: *Provided further*, That during fiscal
7 year 2022 commitments for loans authorized under sub-
8 paragraph (C) of section 502(7) of the Small Business In-
9 vestment Act of 1958 (15 U.S.C. 696(7)) shall not exceed
10 \$4,000,000,000: *Provided further*, That during fiscal year
11 2022 commitments to guarantee loans for debentures
12 under section 303(b) of the Small Business Investment
13 Act of 1958 shall not exceed \$5,000,000,000: *Provided*
14 *further*, That during fiscal year 2022, guarantees of trust
15 certificates authorized by section 5(g) of the Small Busi-
16 ness Act shall not exceed a principal amount of
17 \$13,000,000,000. In addition, for administrative expenses
18 to carry out the direct and guaranteed loan programs,
19 \$163,000,000, which may be transferred to and merged
20 with the appropriations for Salaries and Expenses.

21 DISASTER LOANS PROGRAM ACCOUNT

22 (INCLUDING TRANSFERS OF FUNDS)

23 For administrative expenses to carry out the direct
24 loan program authorized by section 7(b) of the Small
25 Business Act, \$178,000,000, to be available until ex-

1 pended, of which \$1,600,000 is for the Office of Inspector
2 General of the Small Business Administration for audits
3 and reviews of disaster loans and the disaster loan pro-
4 grams and shall be transferred to and merged with the
5 appropriations for the Office of Inspector General; of
6 which \$168,000,000 is for direct administrative expenses
7 of loan making and servicing to carry out the direct loan
8 program, which may be transferred to and merged with
9 the appropriations for Salaries and Expenses; and of
10 which \$8,400,000 is for indirect administrative expenses
11 for the direct loan program, which may be transferred to
12 and merged with the appropriations for Salaries and Ex-
13 penses: *Provided*, That, of the funds provided under this
14 heading, \$143,000,000 shall be for major disasters de-
15 clared pursuant to the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42 U.S.C. 5122(2)): *Pro-*
17 *vided further*, That the amount for major disasters under
18 this heading is designated by Congress as being for dis-
19 aster relief pursuant to section 4004(b)(6) and section
20 4005(f) of S. Con. Res. 14 (117th Congress), the concur-
21 rent resolution on the budget for fiscal year 2022.

1 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

2 ADMINISTRATION

3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 540. Not to exceed 5 percent of any appropria-
5 tion made available for the current fiscal year for the
6 Small Business Administration in this Act may be trans-
7 ferred between such appropriations, but no such appro-
8 priation shall be increased by more than 10 percent by
9 any such transfers: *Provided*, That any transfer pursuant
10 to this paragraph shall be treated as a reprogramming of
11 funds under section 608 of this Act and shall not be avail-
12 able for obligation or expenditure except in compliance
13 with the procedures set forth in that section.

14 SEC. 541. Not to exceed 3 percent of any appropria-
15 tion made available in this Act for the Small Business Ad-
16 ministration under the headings “Salaries and Expenses”
17 and “Business Loans Program Account” may be trans-
18 ferred to the Administration’s information technology sys-
19 tem modernization and working capital fund (IT WCF),
20 as authorized by section 1077(b)(1) of title X of division
21 A of the National Defense Authorization Act for Fiscal
22 Year 2018, for the purposes specified in section
23 1077(b)(3) of such Act, upon the advance approval of the
24 Committees on Appropriations of the House of Represent-
25 atives and the Senate: *Provided*, That amounts transferred

1 to the IT WCF under this section shall remain available
2 for obligation through September 30, 2025.

3 SEC. 542. For an additional amount for “Small Busi-
4 ness Administration—Salaries and Expenses”,
5 \$83,022,000, which shall be for initiatives related to small
6 business development and entrepreneurship, including pro-
7 grammatic and construction activities, in the amounts and
8 for the projects specified in the table that appears under
9 the heading “Administrative Provisions—Small Business
10 Administration” in the explanatory statement described in
11 section 4 (in the matter preceding division A of this con-
12 solidated Act): *Provided*, That, notwithstanding sections
13 2701.92 and 2701.93 of title 2, Code of Federal Regula-
14 tions, the Administrator of the Small Business Adminis-
15 tration may permit awards to subrecipients for initiatives
16 funded under this section: *Provided further*, That none of
17 the funds made available by this section may be trans-
18 ferred for any other purpose.

19 UNITED STATES POSTAL SERVICE

20 PAYMENT TO THE POSTAL SERVICE FUND

21 For payment to the Postal Service Fund for revenue
22 forgone on free and reduced rate mail, pursuant to sub-
23 sections (c) and (d) of section 2401 of title 39, United
24 States Code, \$52,570,000: *Provided*, That mail for over-
25 seas voting and mail for the blind shall continue to be free:

1 *Provided further*, That 6-day delivery and rural delivery
2 of mail shall continue at not less than the 1983 level: *Pro-*
3 *vided further*, That none of the funds made available to
4 the Postal Service by this Act shall be used to implement
5 any rule, regulation, or policy of charging any officer or
6 employee of any State or local child support enforcement
7 agency, or any individual participating in a State or local
8 program of child support enforcement, a fee for informa-
9 tion requested or provided concerning an address of a
10 postal customer: *Provided further*, That none of the funds
11 provided in this Act shall be used to consolidate or close
12 small rural and other small post offices: *Provided further*,
13 That the Postal Service may not destroy, and shall con-
14 tinue to offer for sale, any copies of the Multinational Spe-
15 cies Conservation Funds Semipostal Stamp, as authorized
16 under the Multinational Species Conservation Funds
17 Semipostal Stamp Act of 2010 (Public Law 111–241).

18 OFFICE OF INSPECTOR GENERAL

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, \$262,000,000, to be derived by
24 transfer from the Postal Service Fund and expended as

1 authorized by section 603(b)(3) of the Postal Account-
2 ability and Enhancement Act (Public Law 109–435).

3 UNITED STATES TAX COURT

4 SALARIES AND EXPENSES

5 For necessary expenses, including contract reporting
6 and other services as authorized by 5 U.S.C. 3109, and
7 not to exceed \$3,000 for official reception and representa-
8 tion expenses; \$57,783,000, of which \$1,000,000 shall re-
9 main available until expended: *Provided*, That travel ex-
10 penses of the judges shall be paid upon the written certifi-
11 cate of the judge.

1 TITLE VI
2 GENERAL PROVISIONS—THIS ACT
3 (INCLUDING RESCISSION OF FUNDS)

4 SEC. 601. None of the funds in this Act shall be used
5 for the planning or execution of any program to pay the
6 expenses of, or otherwise compensate, non-Federal parties
7 intervening in regulatory or adjudicatory proceedings
8 funded in this Act.

9 SEC. 602. None of the funds appropriated in this Act
10 shall remain available for obligation beyond the current
11 fiscal year, nor may any be transferred to other appropria-
12 tions, unless expressly so provided herein.

13 SEC. 603. The expenditure of any appropriation
14 under this Act for any consulting service through procure-
15 ment contract pursuant to 5 U.S.C. 3109, shall be limited
16 to those contracts where such expenditures are a matter
17 of public record and available for public inspection, except
18 where otherwise provided under existing law, or under ex-
19 isting Executive order issued pursuant to existing law.

20 SEC. 604. None of the funds made available in this
21 Act may be transferred to any department, agency, or in-
22 strumentality of the United States Government, except
23 pursuant to a transfer made by, or transfer authority pro-
24 vided in, this Act or any other appropriations Act.

1 SEC. 605. None of the funds made available by this
2 Act shall be available for any activity or for paying the
3 salary of any Government employee where funding an ac-
4 tivity or paying a salary to a Government employee would
5 result in a decision, determination, rule, regulation, or pol-
6 icy that would prohibit the enforcement of section 307 of
7 the Tariff Act of 1930 (19 U.S.C. 1307).

8 SEC. 606. No funds appropriated pursuant to this
9 Act may be expended by an entity unless the entity agrees
10 that in expending the assistance the entity will comply
11 with chapter 83 of title 41, United States Code.

12 SEC. 607. No funds appropriated or otherwise made
13 available under this Act shall be made available to any
14 person or entity that has been convicted of violating chap-
15 ter 83 of title 41, United States Code.

16 SEC. 608. Except as otherwise provided in this Act,
17 none of the funds provided in this Act, provided by pre-
18 vious appropriations Acts to the agencies or entities fund-
19 ed in this Act that remain available for obligation or ex-
20 penditure in fiscal year 2022, or provided from any ac-
21 counts in the Treasury derived by the collection of fees
22 and available to the agencies funded by this Act, shall be
23 available for obligation or expenditure through a re-
24 programming of funds that: (1) creates a new program;
25 (2) eliminates a program, project, or activity; (3) increases

1 funds or personnel for any program, project, or activity
2 for which funds have been denied or restricted by the Con-
3 gress; (4) proposes to use funds directed for a specific ac-
4 tivity by the Committee on Appropriations of either the
5 House of Representatives or the Senate for a different
6 purpose; (5) augments existing programs, projects, or ac-
7 tivities in excess of \$5,000,000 or 10 percent, whichever
8 is less; (6) reduces existing programs, projects, or activi-
9 ties by \$5,000,000 or 10 percent, whichever is less; or (7)
10 creates or reorganizes offices, programs, or activities un-
11 less prior approval is received from the Committees on Ap-
12 propriations of the House of Representatives and the Sen-
13 ate: *Provided*, That prior to any significant reorganization,
14 restructuring, relocation, or closing of offices, programs,
15 or activities, each agency or entity funded in this Act shall
16 consult with the Committees on Appropriations of the
17 House of Representatives and the Senate: *Provided fur-*
18 *ther*, That not later than 60 days after the date of enact-
19 ment of this Act, each agency funded by this Act shall
20 submit a report to the Committees on Appropriations of
21 the House of Representatives and the Senate to establish
22 the baseline for application of reprogramming and trans-
23 fer authorities for the current fiscal year: *Provided further*,
24 That at a minimum the report shall include: (1) a table
25 for each appropriation, detailing both full-time employee

1 equivalents and budget authority, with separate columns
2 to display the prior year enacted level, the President's
3 budget request, adjustments made by Congress, adjust-
4 ments due to enacted rescissions, if appropriate, and the
5 fiscal year enacted level; (2) a delineation in the table for
6 each appropriation and its respective prior year enacted
7 level by object class and program, project, and activity as
8 detailed in this Act, in the accompanying report, or in the
9 budget appendix for the respective appropriation, which-
10 ever is more detailed, and which shall apply to all items
11 for which a dollar amount is specified and to all programs
12 for which new budget authority is provided, as well as to
13 discretionary grants and discretionary grant allocations;
14 and (3) an identification of items of special congressional
15 interest: *Provided further*, That the amount appropriated
16 or limited for salaries and expenses for an agency shall
17 be reduced by \$100,000 per day for each day after the
18 required date that the report has not been submitted to
19 the Congress.

20 SEC. 609. Except as otherwise specifically provided
21 by law, not to exceed 50 percent of unobligated balances
22 remaining available at the end of fiscal year 2022 from
23 appropriations made available for salaries and expenses
24 for fiscal year 2022 in this Act, shall remain available
25 through September 30, 2023, for each such account for

1 the purposes authorized: *Provided*, That a request shall
2 be submitted to the Committees on Appropriations of the
3 House of Representatives and the Senate for approval
4 prior to the expenditure of such funds: *Provided further*,
5 That these requests shall be made in compliance with re-
6 programming guidelines.

7 SEC. 610. (a) None of the funds made available in
8 this Act may be used by the Executive Office of the Presi-
9 dent to request—

10 (1) any official background investigation report
11 on any individual from the Federal Bureau of Inves-
12 tigation; or

13 (2) a determination with respect to the treat-
14 ment of an organization as described in section
15 501(c) of the Internal Revenue Code of 1986 and
16 exempt from taxation under section 501(a) of such
17 Code from the Department of the Treasury or the
18 Internal Revenue Service.

19 (b) Subsection (a) shall not apply—

20 (1) in the case of an official background inves-
21 tigation report, if such individual has given express
22 written consent for such request not more than 6
23 months prior to the date of such request and during
24 the same presidential administration; or

1 (2) if such request is required due to extraor-
2 dinary circumstances involving national security.

3 SEC. 611. The cost accounting standards promul-
4 gated under chapter 15 of title 41, United States Code
5 shall not apply with respect to a contract under the Fed-
6 eral Employees Health Benefits Program established
7 under chapter 89 of title 5, United States Code.

8 SEC. 612. For the purpose of resolving litigation and
9 implementing any settlement agreements regarding the
10 nonforeign area cost-of-living allowance program, the Of-
11 fice of Personnel Management may accept and utilize
12 (without regard to any restriction on unanticipated travel
13 expenses imposed in an Appropriations Act) funds made
14 available to the Office of Personnel Management pursuant
15 to court approval.

16 SEC. 613. No funds appropriated by this Act shall
17 be available to pay for an abortion, or the administrative
18 expenses in connection with any health plan under the
19 Federal employees health benefits program which provides
20 any benefits or coverage for abortions.

21 SEC. 614. The provision of section 613 shall not
22 apply where the life of the mother would be endangered
23 if the fetus were carried to term, or the pregnancy is the
24 result of an act of rape or incest.

1 SEC. 615. In order to promote Government access to
2 commercial information technology, the restriction on pur-
3 chasing nondomestic articles, materials, and supplies set
4 forth in chapter 83 of title 41, United States Code (popu-
5 larly known as the Buy American Act), shall not apply
6 to the acquisition by the Federal Government of informa-
7 tion technology (as defined in section 11101 of title 40,
8 United States Code), that is a commercial item (as defined
9 in section 103 of title 41, United States Code).

10 SEC. 616. Notwithstanding section 1353 of title 31,
11 United States Code, no officer or employee of any regu-
12 latory agency or commission funded by this Act may ac-
13 cept on behalf of that agency, nor may such agency or
14 commission accept, payment or reimbursement from a
15 non-Federal entity for travel, subsistence, or related ex-
16 penses for the purpose of enabling an officer or employee
17 to attend and participate in any meeting or similar func-
18 tion relating to the official duties of the officer or em-
19 ployee when the entity offering payment or reimbursement
20 is a person or entity subject to regulation by such agency
21 or commission, or represents a person or entity subject
22 to regulation by such agency or commission, unless the
23 person or entity is an organization described in section
24 501(c)(3) of the Internal Revenue Code of 1986 and ex-
25 empt from tax under section 501(a) of such Code.

1 SEC. 617. (a)(1) Notwithstanding any other provision
2 of law, an Executive agency covered by this Act otherwise
3 authorized to enter into contracts for either leases or the
4 construction or alteration of real property for office, meet-
5 ing, storage, or other space must consult with the General
6 Services Administration before issuing a solicitation for of-
7 fers of new leases or construction contracts, and in the
8 case of succeeding leases, before entering into negotiations
9 with the current lessor.

10 (2) Any such agency with authority to enter into an
11 emergency lease may do so during any period declared by
12 the President to require emergency leasing authority with
13 respect to such agency.

14 (b) For purposes of this section, the term “Executive
15 agency covered by this Act” means any Executive agency
16 provided funds by this Act, but does not include the Gen-
17 eral Services Administration or the United States Postal
18 Service.

19 SEC. 618. (a) There are appropriated for the fol-
20 lowing activities the amounts required under current law:

21 (1) Compensation of the President (3 U.S.C.
22 102).

23 (2) Payments to—

24 (A) the Judicial Officers’ Retirement Fund

25 (28 U.S.C. 377(o));

1 (B) the Judicial Survivors' Annuities Fund
2 (28 U.S.C. 376(c)); and

3 (C) the United States Court of Federal
4 Claims Judges' Retirement Fund (28 U.S.C.
5 178(l)).

6 (3) Payment of Government contributions—

7 (A) with respect to the health benefits of
8 retired employees, as authorized by chapter 89
9 of title 5, United States Code, and the Retired
10 Federal Employees Health Benefits Act (74
11 Stat. 849); and

12 (B) with respect to the life insurance bene-
13 fits for employees retiring after December 31,
14 1989 (5 U.S.C. ch. 87).

15 (4) Payment to finance the unfunded liability of
16 new and increased annuity benefits under the Civil
17 Service Retirement and Disability Fund (5 U.S.C.
18 8348).

19 (5) Payment of annuities authorized to be paid
20 from the Civil Service Retirement and Disability
21 Fund by statutory provisions other than subchapter
22 III of chapter 83 or chapter 84 of title 5, United
23 States Code.

24 (b) Nothing in this section may be construed to ex-
25 empt any amount appropriated by this section from any

1 otherwise applicable limitation on the use of funds con-
2 tained in this Act.

3 SEC. 619. None of the funds made available in this
4 Act may be used by the Federal Trade Commission to
5 complete the draft report entitled “Interagency Working
6 Group on Food Marketed to Children: Preliminary Pro-
7 posed Nutrition Principles to Guide Industry Self-Regu-
8 latory Efforts” unless the Interagency Working Group on
9 Food Marketed to Children complies with Executive Order
10 No. 13563.

11 SEC. 620. (a) The head of each executive branch
12 agency funded by this Act shall ensure that the Chief In-
13 formation Officer of the agency has the authority to par-
14 ticipate in decisions regarding the budget planning process
15 related to information technology.

16 (b) Amounts appropriated for any executive branch
17 agency funded by this Act that are available for informa-
18 tion technology shall be allocated within the agency, con-
19 sistent with the provisions of appropriations Acts and
20 budget guidelines and recommendations from the Director
21 of the Office of Management and Budget, in such manner
22 as specified by, or approved by, the Chief Information Of-
23 ficer of the agency in consultation with the Chief Financial
24 Officer of the agency and budget officials.

1 SEC. 621. None of the funds made available in this
2 Act may be used in contravention of chapter 29, 31, or
3 33 of title 44, United States Code.

4 SEC. 622. None of the funds made available in this
5 Act may be used by a governmental entity to require the
6 disclosure by a provider of electronic communication serv-
7 ices to the public or remote computing service of the con-
8 tents of a wire or electronic communication that is in elec-
9 tronic storage with the provider (as such terms are defined
10 in sections 2510 and 2711 of title 18, United States Code)
11 in a manner that violates the Fourth Amendment to the
12 Constitution of the United States.

13 SEC. 623. None of the funds appropriated by this Act
14 may be used by the Federal Communications Commission
15 to modify, amend, or change the rules or regulations of
16 the Commission for universal service high-cost support for
17 competitive eligible telecommunications carriers in a way
18 that is inconsistent with paragraph (e)(5) or (e)(6) of sec-
19 tion 54.307 of title 47, Code of Federal Regulations, as
20 in effect on July 15, 2015: *Provided*, That this section
21 shall not prohibit the Commission from considering, devel-
22 oping, or adopting other support mechanisms as an alter-
23 native to Mobility Fund Phase II: *Provided further*, That
24 any such alternative mechanism shall maintain existing
25 high-cost support to competitive eligible telecommuni-

1 cations carriers until support under such mechanism com-
2 mences.

3 SEC. 624. No funds provided in this Act shall be used
4 to deny an Inspector General funded under this Act timely
5 access to any records, documents, or other materials avail-
6 able to the department or agency over which that Inspec-
7 tor General has responsibilities under the Inspector Gen-
8 eral Act of 1978, or to prevent or impede that Inspector
9 General's access to such records, documents, or other ma-
10 terials, under any provision of law, except a provision of
11 law that expressly refers to the Inspector General and ex-
12 pressly limits the Inspector General's right of access. A
13 department or agency covered by this section shall provide
14 its Inspector General with access to all such records, docu-
15 ments, and other materials in a timely manner. Each In-
16 spector General shall ensure compliance with statutory
17 limitations on disclosure relevant to the information pro-
18 vided by the establishment over which that Inspector Gen-
19 eral has responsibilities under the Inspector General Act
20 of 1978. Each Inspector General covered by this section
21 shall report to the Committees on Appropriations of the
22 House of Representatives and the Senate within 5 cal-
23 endar days any failures to comply with this requirement.

24 SEC. 625. (a) None of the funds made available in
25 this Act may be used to maintain or establish a computer

1 network unless such network blocks the viewing,
2 downloading, and exchanging of pornography.

3 (b) Nothing in subsection (a) shall limit the use of
4 funds necessary for any Federal, State, tribal, or local law
5 enforcement agency or any other entity carrying out crimi-
6 nal investigations, prosecution, adjudication activities, or
7 other law enforcement- or victim assistance-related activ-
8 ity.

9 SEC. 626. None of the funds appropriated or other-
10 wise made available by this Act may be used to pay award
11 or incentive fees for contractors whose performance has
12 been judged to be below satisfactory, behind schedule, over
13 budget, or has failed to meet the basic requirements of
14 a contract, unless the Agency determines that any such
15 deviations are due to unforeseeable events, government-
16 driven scope changes, or are not significant within the
17 overall scope of the project and/or program and unless
18 such awards or incentive fees are consistent with
19 16.401(e)(2) of the Federal Acquisition Regulation.

20 SEC. 627. (a) None of the funds made available under
21 this Act may be used to pay for travel and conference ac-
22 tivities that result in a total cost to an Executive branch
23 department, agency, board or commission funded by this
24 Act of more than \$500,000 at any single conference unless
25 the agency or entity determines that such attendance is

1 in the national interest and advance notice is transmitted
2 to the Committees on Appropriations of the House of Rep-
3 resentatives and the Senate that includes the basis of that
4 determination.

5 (b) None of the funds made available under this Act
6 may be used to pay for the travel to or attendance of more
7 than 50 employees, who are stationed in the United
8 States, at any single conference occurring outside the
9 United States unless the agency or entity determines that
10 such attendance is in the national interest and advance
11 notice is transmitted to the Committees on Appropriations
12 of the House of Representatives and the Senate that in-
13 cludes the basis of that determination.

14 SEC. 628. None of the funds made available by this
15 Act may be used for first-class or business-class travel by
16 the employees of executive branch agencies funded by this
17 Act in contravention of sections 301–10.122 through 301–
18 10.125 of title 41, Code of Federal Regulations.

19 SEC. 629. In addition to any amounts appropriated
20 or otherwise made available for expenses related to en-
21 hancements to www.oversight.gov, \$850,000, to remain
22 available until expended, shall be provided for an addi-
23 tional amount for such purpose to the Inspectors General
24 Council Fund established pursuant to section 11(c)(3)(B)
25 of the Inspector General Act of 1978 (5 U.S.C. App.):

1 *Provided*, That these amounts shall be in addition to any
2 amounts or any authority available to the Council of the
3 Inspectors General on Integrity and Efficiency under sec-
4 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
5 App.).

6 SEC. 630. None of the funds made available by this
7 Act may be obligated on contracts in excess of \$5,000 for
8 public relations, as that term is defined in Office and Man-
9 agement and Budget Circular A-87 (revised May 10,
10 2004), unless advance notice of such an obligation is
11 transmitted to the Committees on Appropriations of the
12 House of Representatives and the Senate.

13 SEC. 631. Federal agencies funded under this Act
14 shall clearly state within the text, audio, or video used for
15 advertising or educational purposes, including emails or
16 Internet postings, that the communication is printed, pub-
17 lished, or produced and disseminated at U.S. taxpayer ex-
18 pense. The funds used by a Federal agency to carry out
19 this requirement shall be derived from amounts made
20 available to the agency for advertising or other commu-
21 nications regarding the programs and activities of the
22 agency.

23 SEC. 632. When issuing statements, press releases,
24 requests for proposals, bid solicitations and other docu-
25 ments describing projects or programs funded in whole or

1 in part with Federal money, all grantees receiving Federal
2 funds included in this Act, shall clearly state—

3 (1) the percentage of the total costs of the pro-
4 gram or project which will be financed with Federal
5 money;

6 (2) the dollar amount of Federal funds for the
7 project or program; and

8 (3) percentage and dollar amount of the total
9 costs of the project or program that will be financed
10 by non-governmental sources.

11 SEC. 633. None of the funds made available by this
12 Act shall be used by the Securities and Exchange Commis-
13 sion to finalize, issue, or implement any rule, regulation,
14 or order regarding the disclosure of political contributions,
15 contributions to tax exempt organizations, or dues paid
16 to trade associations.

17 SEC. 634. Not later than 45 days after the last day
18 of each quarter, each agency funded in this Act shall sub-
19 mit to the Committees on Appropriations of the Senate
20 and the House of Representatives a quarterly budget re-
21 port that includes total obligations of the Agency for that
22 quarter for each appropriation, by the source year of the
23 appropriation.

24 SEC. 635. Of the unobligated balances available in
25 the Department of the Treasury, Treasury Forfeiture

1 Fund, established by section 9703 of title 31, United
2 States Code, \$175,000,000 shall be permanently rescinded
3 not later than September 30, 2022.

4 SEC. 636. (a) DESIGNATION.—The Federal building
5 and courthouse located at 2005 University Boulevard in
6 Tuscaloosa, Alabama, shall be known and designated as
7 the “Richard Shelby Federal Building and Courthouse”.

8 (b) REFERENCES.—Any reference in a law, map, reg-
9 ulation, document, paper, or other record of the United
10 States to the Federal building and courthouse referred to
11 in subsection (a) shall be deemed to be a reference to the
12 “Richard Shelby Federal Building and Courthouse”.

1 TITLE VII
2 GENERAL PROVISIONS—GOVERNMENT-WIDE
3 DEPARTMENTS, AGENCIES, AND CORPORATIONS
4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 701. No department, agency, or instrumentality
6 of the United States receiving appropriated funds under
7 this or any other Act for fiscal year 2022 shall obligate
8 or expend any such funds, unless such department, agen-
9 cy, or instrumentality has in place, and will continue to
10 administer in good faith, a written policy designed to en-
11 sure that all of its workplaces are free from the illegal
12 use, possession, or distribution of controlled substances
13 (as defined in the Controlled Substances Act (21 U.S.C.
14 802)) by the officers and employees of such department,
15 agency, or instrumentality.

16 SEC. 702. Unless otherwise specifically provided, the
17 maximum amount allowable during the current fiscal year
18 in accordance with subsection 1343(c) of title 31, United
19 States Code, for the purchase of any passenger motor ve-
20 hicle (exclusive of buses, ambulances, law enforcement ve-
21 hicles, protective vehicles, and undercover surveillance ve-
22 hicles), is hereby fixed at \$19,947 except station wagons
23 for which the maximum shall be \$19,997: *Provided*, That
24 these limits may be exceeded by not to exceed \$7,250 for
25 police-type vehicles: *Provided further*, That the limits set

1 forth in this section may not be exceeded by more than
2 5 percent for electric or hybrid vehicles purchased for
3 demonstration under the provisions of the Electric and
4 Hybrid Vehicle Research, Development, and Demonstra-
5 tion Act of 1976: *Provided further*, That the limits set
6 forth in this section may be exceeded by the incremental
7 cost of clean alternative fuels vehicles acquired pursuant
8 to Public Law 101–549 over the cost of comparable con-
9 ventionally fueled vehicles: *Provided further*, That the lim-
10 its set forth in this section shall not apply to any vehicle
11 that is a commercial item and which operates on alter-
12 native fuel, including but not limited to electric, plug-in
13 hybrid electric, and hydrogen fuel cell vehicles.

14 SEC. 703. Appropriations of the executive depart-
15 ments and independent establishments for the current fis-
16 cal year available for expenses of travel, or for the ex-
17 penses of the activity concerned, are hereby made available
18 for quarters allowances and cost-of-living allowances, in
19 accordance with 5 U.S.C. 5922–5924.

20 SEC. 704. Unless otherwise specified in law during
21 the current fiscal year, no part of any appropriation con-
22 tained in this or any other Act shall be used to pay the
23 compensation of any officer or employee of the Govern-
24 ment of the United States (including any agency the ma-
25 jority of the stock of which is owned by the Government

1 of the United States) whose post of duty is in the conti-
2 nental United States unless such person: (1) is a citizen
3 of the United States; (2) is a person who is lawfully admit-
4 ted for permanent residence and is seeking citizenship as
5 outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who
6 is admitted as a refugee under 8 U.S.C. 1157 or is grant-
7 ed asylum under 8 U.S.C. 1158 and has filed a declaration
8 of intention to become a lawful permanent resident and
9 then a citizen when eligible; or (4) is a person who owes
10 allegiance to the United States: *Provided*, That for pur-
11 poses of this section, affidavits signed by any such person
12 shall be considered prima facie evidence that the require-
13 ments of this section with respect to his or her status are
14 being complied with: *Provided further*, That for purposes
15 of subsections (2) and (3) such affidavits shall be sub-
16 mitted prior to employment and updated thereafter as nec-
17 essary: *Provided further*, That any person making a false
18 affidavit shall be guilty of a felony, and upon conviction,
19 shall be fined no more than \$4,000 or imprisoned for not
20 more than 1 year, or both: *Provided further*, That the
21 above penal clause shall be in addition to, and not in sub-
22 stitution for, any other provisions of existing law: *Provided*
23 *further*, That any payment made to any officer or em-
24 ployee contrary to the provisions of this section shall be
25 recoverable in action by the Federal Government: *Provided*

1 *further*, That this section shall not apply to any person
2 who is an officer or employee of the Government of the
3 United States on the date of enactment of this Act, or
4 to international broadcasters employed by the Broad-
5 casting Board of Governors, or to temporary employment
6 of translators, or to temporary employment in the field
7 service (not to exceed 60 days) as a result of emergencies:
8 *Provided further*, That this section does not apply to the
9 employment as Wildland firefighters for not more than
10 120 days of nonresident aliens employed by the Depart-
11 ment of the Interior or the USDA Forest Service pursuant
12 to an agreement with another country.

13 SEC. 705. Appropriations available to any depart-
14 ment or agency during the current fiscal year for nec-
15 essary expenses, including maintenance or operating ex-
16 penses, shall also be available for payment to the General
17 Services Administration for charges for space and services
18 and those expenses of renovation and alteration of build-
19 ings and facilities which constitute public improvements
20 performed in accordance with the Public Buildings Act of
21 1959 (73 Stat. 479), the Public Buildings Amendments
22 of 1972 (86 Stat. 216), or other applicable law.

23 SEC. 706. In addition to funds provided in this or
24 any other Act, all Federal agencies are authorized to re-
25 ceive and use funds resulting from the sale of materials,

1 including Federal records disposed of pursuant to a
2 records schedule recovered through recycling or waste pre-
3 vention programs. Such funds shall be available until ex-
4 pended for the following purposes:

5 (1) Acquisition, waste reduction and prevention,
6 and recycling programs as described in Executive
7 Order No. 13834 (May 17, 2018), including any
8 such programs adopted prior to the effective date of
9 the Executive order.

10 (2) Other Federal agency environmental man-
11 agement programs, including, but not limited to, the
12 development and implementation of hazardous waste
13 management and pollution prevention programs.

14 (3) Other employee programs as authorized by
15 law or as deemed appropriate by the head of the
16 Federal agency.

17 SEC. 707. Funds made available by this or any other
18 Act for administrative expenses in the current fiscal year
19 of the corporations and agencies subject to chapter 91 of
20 title 31, United States Code, shall be available, in addition
21 to objects for which such funds are otherwise available,
22 for rent in the District of Columbia; services in accordance
23 with 5 U.S.C. 3109; and the objects specified under this
24 head, all the provisions of which shall be applicable to the
25 expenditure of such funds unless otherwise specified in the

1 Act by which they are made available: *Provided*, That in
2 the event any functions budgeted as administrative ex-
3 penses are subsequently transferred to or paid from other
4 funds, the limitations on administrative expenses shall be
5 correspondingly reduced.

6 SEC. 708. No part of any appropriation contained in
7 this or any other Act shall be available for interagency
8 financing of boards (except Federal Executive Boards),
9 commissions, councils, committees, or similar groups
10 (whether or not they are interagency entities) which do
11 not have a prior and specific statutory approval to receive
12 financial support from more than one agency or instru-
13 mentality.

14 SEC. 709. None of the funds made available pursuant
15 to the provisions of this or any other Act shall be used
16 to implement, administer, or enforce any regulation which
17 has been disapproved pursuant to a joint resolution duly
18 adopted in accordance with the applicable law of the
19 United States.

20 SEC. 710. During the period in which the head of
21 any department or agency, or any other officer or civilian
22 employee of the Federal Government appointed by the
23 President of the United States, holds office, no funds may
24 be obligated or expended in excess of \$5,000 to furnish
25 or redecorate the office of such department head, agency

1 head, officer, or employee, or to purchase furniture or
2 make improvements for any such office, unless advance
3 notice of such furnishing or redecoration is transmitted
4 to the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate. For the purposes of this sec-
6 tion, the term “office” shall include the entire suite of of-
7 fices assigned to the individual, as well as any other space
8 used primarily by the individual or the use of which is
9 directly controlled by the individual.

10 SEC. 711. Notwithstanding 31 U.S.C. 1346, or sec-
11 tion 708 of this Act, funds made available for the current
12 fiscal year by this or any other Act shall be available for
13 the interagency funding of national security and emer-
14 gency preparedness telecommunications initiatives which
15 benefit multiple Federal departments, agencies, or enti-
16 ties, as provided by Executive Order No. 13618 (July 6,
17 2012).

18 SEC. 712. (a) None of the funds made available by
19 this or any other Act may be obligated or expended by
20 any department, agency, or other instrumentality of the
21 Federal Government to pay the salaries or expenses of any
22 individual appointed to a position of a confidential or pol-
23 icy-determining character that is excepted from the com-
24 petitive service under section 3302 of title 5, United
25 States Code, (pursuant to schedule C of subpart C of part

1 213 of title 5 of the Code of Federal Regulations) unless
2 the head of the applicable department, agency, or other
3 instrumentality employing such schedule C individual cer-
4 tifies to the Director of the Office of Personnel Manage-
5 ment that the schedule C position occupied by the indi-
6 vidual was not created solely or primarily in order to detail
7 the individual to the White House.

8 (b) The provisions of this section shall not apply to
9 Federal employees or members of the armed forces de-
10 tailed to or from an element of the intelligence community
11 (as that term is defined under section 3(4) of the National
12 Security Act of 1947 (50 U.S.C. 3003(4))).

13 SEC. 713. No part of any appropriation contained in
14 this or any other Act shall be available for the payment
15 of the salary of any officer or employee of the Federal
16 Government, who—

17 (1) prohibits or prevents, or attempts or threat-
18 ens to prohibit or prevent, any other officer or em-
19 ployee of the Federal Government from having any
20 direct oral or written communication or contact with
21 any Member, committee, or subcommittee of the
22 Congress in connection with any matter pertaining
23 to the employment of such other officer or employee
24 or pertaining to the department or agency of such
25 other officer or employee in any way, irrespective of

1 whether such communication or contact is at the ini-
2 tiative of such other officer or employee or in re-
3 sponse to the request or inquiry of such Member,
4 committee, or subcommittee; or

5 (2) removes, suspends from duty without pay,
6 demotes, reduces in rank, seniority, status, pay, or
7 performance or efficiency rating, denies promotion
8 to, relocates, reassigns, transfers, disciplines, or dis-
9 criminate in regard to any employment right, enti-
10 tlement, or benefit, or any term or condition of em-
11 ployment of, any other officer or employee of the
12 Federal Government, or attempts or threatens to
13 commit any of the foregoing actions with respect to
14 such other officer or employee, by reason of any
15 communication or contact of such other officer or
16 employee with any Member, committee, or sub-
17 committee of the Congress as described in paragraph
18 (1).

19 SEC. 714. (a) None of the funds made available in
20 this or any other Act may be obligated or expended for
21 any employee training that—

22 (1) does not meet identified needs for knowl-
23 edge, skills, and abilities bearing directly upon the
24 performance of official duties;

1 (2) contains elements likely to induce high lev-
2 els of emotional response or psychological stress in
3 some participants;

4 (3) does not require prior employee notification
5 of the content and methods to be used in the train-
6 ing and written end of course evaluation;

7 (4) contains any methods or content associated
8 with religious or quasi-religious belief systems or
9 “new age” belief systems as defined in Equal Em-
10 ployment Opportunity Commission Notice N-
11 915.022, dated September 2, 1988; or

12 (5) is offensive to, or designed to change, par-
13 ticipants’ personal values or lifestyle outside the
14 workplace.

15 (b) Nothing in this section shall prohibit, restrict, or
16 otherwise preclude an agency from conducting training
17 bearing directly upon the performance of official duties.

18 SEC. 715. No part of any funds appropriated in this
19 or any other Act shall be used by an agency of the execu-
20 tive branch, other than for normal and recognized execu-
21 tive-legislative relationships, for publicity or propaganda
22 purposes, and for the preparation, distribution or use of
23 any kit, pamphlet, booklet, publication, radio, television,
24 or film presentation designed to support or defeat legisla-

1 tion pending before the Congress, except in presentation
2 to the Congress itself.

3 SEC. 716. None of the funds appropriated by this or
4 any other Act may be used by an agency to provide a Fed-
5 eral employee's home address to any labor organization
6 except when the employee has authorized such disclosure
7 or when such disclosure has been ordered by a court of
8 competent jurisdiction.

9 SEC. 717. None of the funds made available in this
10 or any other Act may be used to provide any non-public
11 information such as mailing, telephone, or electronic mail-
12 ing lists to any person or any organization outside of the
13 Federal Government without the approval of the Commit-
14 tees on Appropriations of the House of Representatives
15 and the Senate.

16 SEC. 718. No part of any appropriation contained in
17 this or any other Act shall be used directly or indirectly,
18 including by private contractor, for publicity or propa-
19 ganda purposes within the United States not heretofore
20 authorized by Congress.

21 SEC. 719. (a) In this section, the term "agency"—

22 (1) means an Executive agency, as defined
23 under 5 U.S.C. 105; and

24 (2) includes a military department, as defined
25 under section 102 of such title, the United States

1 Postal Service, and the Postal Regulatory Commis-
2 sion.

3 (b) Unless authorized in accordance with law or regu-
4 lations to use such time for other purposes, an employee
5 of an agency shall use official time in an honest effort
6 to perform official duties. An employee not under a leave
7 system, including a Presidential appointee exempted under
8 5 U.S.C. 6301(2), has an obligation to expend an honest
9 effort and a reasonable proportion of such employee's time
10 in the performance of official duties.

11 SEC. 720. Notwithstanding 31 U.S.C. 1346 and sec-
12 tion 708 of this Act, funds made available for the current
13 fiscal year by this or any other Act to any department
14 or agency, which is a member of the Federal Accounting
15 Standards Advisory Board (FASAB), shall be available to
16 finance an appropriate share of FASAB administrative
17 costs.

18 SEC. 721. Notwithstanding 31 U.S.C. 1346 and sec-
19 tion 708 of this Act, the head of each Executive depart-
20 ment and agency is hereby authorized to transfer to or
21 reimburse "General Services Administration, Government-
22 wide Policy" with the approval of the Director of the Of-
23 fice of Management and Budget, funds made available for
24 the current fiscal year by this or any other Act, including
25 rebates from charge card and other contracts: *Provided,*

1 That these funds shall be administered by the Adminis-
2 trator of General Services to support Government-wide
3 and other multi-agency financial, information technology,
4 procurement, and other management innovations, initia-
5 tives, and activities, including improving coordination and
6 reducing duplication, as approved by the Director of the
7 Office of Management and Budget, in consultation with
8 the appropriate interagency and multi-agency groups des-
9 ignated by the Director (including the President's Man-
10 agement Council for overall management improvement ini-
11 tiatives, the Chief Financial Officers Council for financial
12 management initiatives, the Chief Information Officers
13 Council for information technology initiatives, the Chief
14 Human Capital Officers Council for human capital initia-
15 tives, the Chief Acquisition Officers Council for procure-
16 ment initiatives, and the Performance Improvement Coun-
17 cil for performance improvement initiatives): *Provided fur-*
18 *ther*, That the total funds transferred or reimbursed shall
19 not exceed \$15,000,000 to improve coordination, reduce
20 duplication, and for other activities related to Federal
21 Government Priority Goals established by 31 U.S.C. 1120,
22 and not to exceed \$17,000,000 for Government-wide inno-
23 vations, initiatives, and activities: *Provided further*, That
24 the funds transferred to or for reimbursement of "General
25 Services Administration, Government-wide Policy" during

1 fiscal year 2022 shall remain available for obligation
2 through September 30, 2023: *Provided further*, That such
3 transfers or reimbursements may only be made after 15
4 days following notification of the Committees on Appro-
5 priations of the House of Representatives and the Senate
6 by the Director of the Office of Management and Budget.

7 SEC. 722. Notwithstanding any other provision of
8 law, a woman may breastfeed her child at any location
9 in a Federal building or on Federal property, if the woman
10 and her child are otherwise authorized to be present at
11 the location.

12 SEC. 723. Notwithstanding 31 U.S.C. 1346 , or sec-
13 tion 708 of this Act, funds made available for the current
14 fiscal year by this or any other Act shall be available for
15 the interagency funding of specific projects, workshops,
16 studies, and similar efforts to carry out the purposes of
17 the National Science and Technology Council (authorized
18 by Executive Order No. 12881), which benefit multiple
19 Federal departments, agencies, or entities: *Provided*, That
20 the Office of Management and Budget shall provide a re-
21 port describing the budget of and resources connected with
22 the National Science and Technology Council to the Com-
23 mittees on Appropriations, the House Committee on
24 Science, Space, and Technology, and the Senate Com-

1 mittee on Commerce, Science, and Transportation 90 days
2 after enactment of this Act.

3 SEC. 724. Any request for proposals, solicitation,
4 grant application, form, notification, press release, or
5 other publications involving the distribution of Federal
6 funds shall comply with any relevant requirements in part
7 200 of title 2, Code of Federal Regulations: *Provided*,
8 That this section shall apply to direct payments, formula
9 funds, and grants received by a State receiving Federal
10 funds.

11 SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY
12 MONITORING OF INDIVIDUALS' INTERNET USE.—None of
13 the funds made available in this or any other Act may
14 be used by any Federal agency—

15 (1) to collect, review, or create any aggregation
16 of data, derived from any means, that includes any
17 personally identifiable information relating to an in-
18 dividual's access to or use of any Federal Govern-
19 ment Internet site of the agency; or

20 (2) to enter into any agreement with a third
21 party (including another government agency) to col-
22 lect, review, or obtain any aggregation of data, de-
23 rived from any means, that includes any personally
24 identifiable information relating to an individual's

1 access to or use of any nongovernmental Internet
2 site.

3 (b) EXCEPTIONS.—The limitations established in
4 subsection (a) shall not apply to—

5 (1) any record of aggregate data that does not
6 identify particular persons;

7 (2) any voluntary submission of personally iden-
8 tifiable information;

9 (3) any action taken for law enforcement, regu-
10 latory, or supervisory purposes, in accordance with
11 applicable law; or

12 (4) any action described in subsection (a)(1)
13 that is a system security action taken by the oper-
14 ator of an Internet site and is necessarily incident
15 to providing the Internet site services or to pro-
16 tecting the rights or property of the provider of the
17 Internet site.

18 (c) DEFINITIONS.—For the purposes of this section:

19 (1) The term “regulatory” means agency ac-
20 tions to implement, interpret or enforce authorities
21 provided in law.

22 (2) The term “supervisory” means examina-
23 tions of the agency’s supervised institutions, includ-
24 ing assessing safety and soundness, overall financial
25 condition, management practices and policies and

1 compliance with applicable standards as provided in
2 law.

3 SEC. 726. (a) None of the funds appropriated by this
4 Act may be used to enter into or renew a contract which
5 includes a provision providing prescription drug coverage,
6 except where the contract also includes a provision for con-
7 traceptive coverage.

8 (b) Nothing in this section shall apply to a contract
9 with—

10 (1) any of the following religious plans:

11 (A) Personal Care's HMO; and

12 (B) OSF HealthPlans, Inc.; and

13 (2) any existing or future plan, if the carrier
14 for the plan objects to such coverage on the basis of
15 religious beliefs.

16 (c) In implementing this section, any plan that enters
17 into or renews a contract under this section may not sub-
18 ject any individual to discrimination on the basis that the
19 individual refuses to prescribe or otherwise provide for
20 contraceptives because such activities would be contrary
21 to the individual's religious beliefs or moral convictions.

22 (d) Nothing in this section shall be construed to re-
23 quire coverage of abortion or abortion-related services.

24 SEC. 727. The United States is committed to ensur-
25 ing the health of its Olympic, Pan American, and

1 Paralympic athletes, and supports the strict adherence to
2 anti-doping in sport through testing, adjudication, edu-
3 cation, and research as performed by nationally recognized
4 oversight authorities.

5 SEC. 728. Notwithstanding any other provision of
6 law, funds appropriated for official travel to Federal de-
7 partments and agencies may be used by such departments
8 and agencies, if consistent with Office of Management and
9 Budget Circular A-126 regarding official travel for Gov-
10 ernment personnel, to participate in the fractional aircraft
11 ownership pilot program.

12 SEC. 729. Notwithstanding any other provision of
13 law, none of the funds appropriated or made available
14 under this or any other appropriations Act may be used
15 to implement or enforce restrictions or limitations on the
16 Coast Guard Congressional Fellowship Program, or to im-
17 plement the proposed regulations of the Office of Per-
18 sonnel Management to add sections 300.311 through
19 300.316 to part 300 of title 5 of the Code of Federal Reg-
20 ulations, published in the Federal Register, volume 68,
21 number 174, on September 9, 2003 (relating to the detail
22 of executive branch employees to the legislative branch).

23 SEC. 730. Notwithstanding any other provision of
24 law, no executive branch agency shall purchase, construct,
25 or lease any additional facilities, except within or contig-

1 uous to existing locations, to be used for the purpose of
2 conducting Federal law enforcement training without the
3 advance approval of the Committees on Appropriations of
4 the House of Representatives and the Senate, except that
5 the Federal Law Enforcement Training Centers is author-
6 ized to obtain the temporary use of additional facilities
7 by lease, contract, or other agreement for training which
8 cannot be accommodated in existing Centers facilities.

9 SEC. 731. Unless otherwise authorized by existing
10 law, none of the funds provided in this or any other Act
11 may be used by an executive branch agency to produce
12 any prepackaged news story intended for broadcast or dis-
13 tribution in the United States, unless the story includes
14 a clear notification within the text or audio of the pre-
15 packaged news story that the prepackaged news story was
16 prepared or funded by that executive branch agency.

17 SEC. 732. None of the funds made available in this
18 Act may be used in contravention of section 552a of title
19 5, United States Code (popularly known as the Privacy
20 Act), and regulations implementing that section.

21 SEC. 733. (a) IN GENERAL.—None of the funds ap-
22 propriated or otherwise made available by this or any
23 other Act may be used for any Federal Government con-
24 tract with any foreign incorporated entity which is treated
25 as an inverted domestic corporation under section 835(b)

1 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
2 or any subsidiary of such an entity.

3 (b) WAIVERS.—

4 (1) IN GENERAL.—Any Secretary shall waive
5 subsection (a) with respect to any Federal Govern-
6 ment contract under the authority of such Secretary
7 if the Secretary determines that the waiver is re-
8 quired in the interest of national security.

9 (2) REPORT TO CONGRESS.—Any Secretary
10 issuing a waiver under paragraph (1) shall report
11 such issuance to Congress.

12 (c) EXCEPTION.—This section shall not apply to any
13 Federal Government contract entered into before the date
14 of the enactment of this Act, or to any task order issued
15 pursuant to such contract.

16 SEC. 734. During fiscal year 2022, for each employee
17 who—

18 (1) retires under section 8336(d)(2) or
19 8414(b)(1)(B) of title 5, United States Code; or

20 (2) retires under any other provision of sub-
21 chapter III of chapter 83 or chapter 84 of such title
22 5 and receives a payment as an incentive to sepa-
23 rate, the separating agency shall remit to the Civil
24 Service Retirement and Disability Fund an amount
25 equal to the Office of Personnel Management's aver-

1 age unit cost of processing a retirement claim for
2 the preceding fiscal year. Such amounts shall be
3 available until expended to the Office of Personnel
4 Management and shall be deemed to be an adminis-
5 trative expense under section 8348(a)(1)(B) of title
6 5, United States Code.

7 SEC. 735. (a) None of the funds made available in
8 this or any other Act may be used to recommend or re-
9 quire any entity submitting an offer for a Federal contract
10 to disclose any of the following information as a condition
11 of submitting the offer:

12 (1) Any payment consisting of a contribution,
13 expenditure, independent expenditure, or disburse-
14 ment for an electioneering communication that is
15 made by the entity, its officers or directors, or any
16 of its affiliates or subsidiaries to a candidate for
17 election for Federal office or to a political com-
18 mittee, or that is otherwise made with respect to any
19 election for Federal office.

20 (2) Any disbursement of funds (other than a
21 payment described in paragraph (1)) made by the
22 entity, its officers or directors, or any of its affiliates
23 or subsidiaries to any person with the intent or the
24 reasonable expectation that the person will use the

1 funds to make a payment described in paragraph
2 (1).

3 (b) In this section, each of the terms “contribution”,
4 “expenditure”, “independent expenditure”, “election-
5 eering communication”, “candidate”, “election”, and
6 “Federal office” has the meaning given such term in the
7 Federal Election Campaign Act of 1971 (52 U.S.C. 30101
8 et seq.).

9 SEC. 736. None of the funds made available in this
10 or any other Act may be used to pay for the painting of
11 a portrait of an officer or employee of the Federal Govern-
12 ment, including the President, the Vice President, a mem-
13 ber of Congress (including a Delegate or a Resident Com-
14 missioner to Congress), the head of an executive branch
15 agency (as defined in section 133 of title 41, United States
16 Code), or the head of an office of the legislative branch.

17 SEC. 737. (a)(1) Notwithstanding any other provision
18 of law, and except as otherwise provided in this section,
19 no part of any of the funds appropriated for fiscal year
20 2022, by this or any other Act, may be used to pay any
21 prevailing rate employee described in section
22 5342(a)(2)(A) of title 5, United States Code—

23 (A) during the period from the date of expira-
24 tion of the limitation imposed by the comparable sec-
25 tion for the previous fiscal years until the normal ef-

1 fective date of the applicable wage survey adjust-
2 ment that is to take effect in fiscal year 2022, in an
3 amount that exceeds the rate payable for the appli-
4 cable grade and step of the applicable wage schedule
5 in accordance with such section; and

6 (B) during the period consisting of the remain-
7 der of fiscal year 2022, in an amount that exceeds,
8 as a result of a wage survey adjustment, the rate
9 payable under subparagraph (A) by more than the
10 sum of—

11 (i) the percentage adjustment taking effect
12 in fiscal year 2022 under section 5303 of title
13 5, United States Code, in the rates of pay
14 under the General Schedule; and

15 (ii) the difference between the overall aver-
16 age percentage of the locality-based com-
17 parability payments taking effect in fiscal year
18 2022 under section 5304 of such title (whether
19 by adjustment or otherwise), and the overall av-
20 erage percentage of such payments which was
21 effective in the previous fiscal year under such
22 section.

23 (2) Notwithstanding any other provision of law, no
24 prevailing rate employee described in subparagraph (B) or
25 (C) of section 5342(a)(2) of title 5, United States Code,

1 and no employee covered by section 5348 of such title,
2 may be paid during the periods for which paragraph (1)
3 is in effect at a rate that exceeds the rates that would
4 be payable under paragraph (1) were paragraph (1) appli-
5 cable to such employee.

6 (3) For the purposes of this subsection, the rates pay-
7 able to an employee who is covered by this subsection and
8 who is paid from a schedule not in existence on September
9 30, 2021, shall be determined under regulations pre-
10 scribed by the Office of Personnel Management.

11 (4) Notwithstanding any other provision of law, rates
12 of premium pay for employees subject to this subsection
13 may not be changed from the rates in effect on September
14 30, 2021, except to the extent determined by the Office
15 of Personnel Management to be consistent with the pur-
16 pose of this subsection.

17 (5) This subsection shall apply with respect to pay
18 for service performed after September 30, 2021.

19 (6) For the purpose of administering any provision
20 of law (including any rule or regulation that provides pre-
21 mium pay, retirement, life insurance, or any other em-
22 ployee benefit) that requires any deduction or contribu-
23 tion, or that imposes any requirement or limitation on the
24 basis of a rate of salary or basic pay, the rate of salary

1 or basic pay payable after the application of this sub-
2 section shall be treated as the rate of salary or basic pay.

3 (7) Nothing in this subsection shall be considered to
4 permit or require the payment to any employee covered
5 by this subsection at a rate in excess of the rate that would
6 be payable were this subsection not in effect.

7 (8) The Office of Personnel Management may provide
8 for exceptions to the limitations imposed by this sub-
9 section if the Office determines that such exceptions are
10 necessary to ensure the recruitment or retention of quali-
11 fied employees.

12 (b) Notwithstanding subsection (a), the adjustment
13 in rates of basic pay for the statutory pay systems that
14 take place in fiscal year 2022 under sections 5344 and
15 5348 of title 5, United States Code, shall be—

16 (1) not less than the percentage received by em-
17 ployees in the same location whose rates of basic pay
18 are adjusted pursuant to the statutory pay systems
19 under sections 5303 and 5304 of title 5, United
20 States Code: *Provided*, That prevailing rate employ-
21 ees at locations where there are no employees whose
22 pay is increased pursuant to sections 5303 and 5304
23 of title 5, United States Code, and prevailing rate
24 employees described in section 5343(a)(5) of title 5,
25 United States Code, shall be considered to be located

1 in the pay locality designated as “Rest of United
2 States” pursuant to section 5304 of title 5, United
3 States Code, for purposes of this subsection; and

4 (2) effective as of the first day of the first ap-
5 plicable pay period beginning after September 30,
6 2021.

7 SEC. 738. (a) The head of any Executive branch de-
8 partment, agency, board, commission, or office funded by
9 this or any other appropriations Act shall submit annual
10 reports to the Inspector General or senior ethics official
11 for any entity without an Inspector General, regarding the
12 costs and contracting procedures related to each con-
13 ference held by any such department, agency, board, com-
14 mission, or office during fiscal year 2022 for which the
15 cost to the United States Government was more than
16 \$100,000.

17 (b) Each report submitted shall include, for each con-
18 ference described in subsection (a) held during the applica-
19 ble period—

20 (1) a description of its purpose;

21 (2) the number of participants attending;

22 (3) a detailed statement of the costs to the
23 United States Government, including—

24 (A) the cost of any food or beverages;

25 (B) the cost of any audio-visual services;

1 (C) the cost of employee or contractor
2 travel to and from the conference; and

3 (D) a discussion of the methodology used
4 to determine which costs relate to the con-
5 ference; and

6 (4) a description of the contracting procedures
7 used including—

8 (A) whether contracts were awarded on a
9 competitive basis; and

10 (B) a discussion of any cost comparison
11 conducted by the departmental component or
12 office in evaluating potential contractors for the
13 conference.

14 (c) Within 15 days after the end of a quarter, the
15 head of any such department, agency, board, commission,
16 or office shall notify the Inspector General or senior ethics
17 official for any entity without an Inspector General, of the
18 date, location, and number of employees attending a con-
19 ference held by any Executive branch department, agency,
20 board, commission, or office funded by this or any other
21 appropriations Act during fiscal year 2022 for which the
22 cost to the United States Government was more than
23 \$20,000.

24 (d) A grant or contract funded by amounts appro-
25 priated by this or any other appropriations Act may not

1 be used for the purpose of defraying the costs of a con-
2 ference described in subsection (c) that is not directly and
3 programmatically related to the purpose for which the
4 grant or contract was awarded, such as a conference held
5 in connection with planning, training, assessment, review,
6 or other routine purposes related to a project funded by
7 the grant or contract.

8 (e) None of the funds made available in this or any
9 other appropriations Act may be used for travel and con-
10 ference activities that are not in compliance with Office
11 of Management and Budget Memorandum M-12-12
12 dated May 11, 2012 or any subsequent revisions to that
13 memorandum.

14 SEC. 739. None of the funds made available in this
15 or any other appropriations Act may be used to increase,
16 eliminate, or reduce funding for a program, project, or ac-
17 tivity as proposed in the President's budget request for
18 a fiscal year until such proposed change is subsequently
19 enacted in an appropriation Act, or unless such change
20 is made pursuant to the reprogramming or transfer provi-
21 sions of this or any other appropriations Act.

22 SEC. 740. None of the funds made available by this
23 or any other Act may be used to implement, administer,
24 enforce, or apply the rule entitled "Competitive Area"
25 published by the Office of Personnel Management in the

1 Federal Register on April 15, 2008 (73 Fed. Reg. 20180
2 et seq.).

3 SEC. 741. None of the funds appropriated or other-
4 wise made available by this or any other Act may be used
5 to begin or announce a study or public-private competition
6 regarding the conversion to contractor performance of any
7 function performed by Federal employees pursuant to Of-
8 fice of Management and Budget Circular A-76 or any
9 other administrative regulation, directive, or policy.

10 SEC. 742. (a) None of the funds appropriated or oth-
11 erwise made available by this or any other Act may be
12 available for a contract, grant, or cooperative agreement
13 with an entity that requires employees or contractors of
14 such entity seeking to report fraud, waste, or abuse to sign
15 internal confidentiality agreements or statements prohib-
16 iting or otherwise restricting such employees or contrac-
17 tors from lawfully reporting such waste, fraud, or abuse
18 to a designated investigative or law enforcement represent-
19 ative of a Federal department or agency authorized to re-
20 ceive such information.

21 (b) The limitation in subsection (a) shall not con-
22 travene requirements applicable to Standard Form 312,
23 Form 4414, or any other form issued by a Federal depart-
24 ment or agency governing the nondisclosure of classified
25 information.

1 SEC. 743. (a) No funds appropriated in this or any
2 other Act may be used to implement or enforce the agree-
3 ments in Standard Forms 312 and 4414 of the Govern-
4 ment or any other nondisclosure policy, form, or agree-
5 ment if such policy, form, or agreement does not contain
6 the following provisions: “These provisions are consistent
7 with and do not supersede, conflict with, or otherwise alter
8 the employee obligations, rights, or liabilities created by
9 existing statute or Executive order relating to (1) classi-
10 fied information, (2) communications to Congress, (3) the
11 reporting to an Inspector General or the Office of Special
12 Counsel of a violation of any law, rule, or regulation, or
13 mismanagement, a gross waste of funds, an abuse of au-
14 thority, or a substantial and specific danger to public
15 health or safety, or (4) any other whistleblower protection.
16 The definitions, requirements, obligations, rights, sanc-
17 tions, and liabilities created by controlling Executive or-
18 ders and statutory provisions are incorporated into this
19 agreement and are controlling.”: *Provided*, That notwith-
20 standing the preceding provision of this section, a non-
21 disclosure policy form or agreement that is to be executed
22 by a person connected with the conduct of an intelligence
23 or intelligence-related activity, other than an employee or
24 officer of the United States Government, may contain pro-
25 visions appropriate to the particular activity for which

1 such document is to be used. Such form or agreement
2 shall, at a minimum, require that the person will not dis-
3 close any classified information received in the course of
4 such activity unless specifically authorized to do so by the
5 United States Government. Such nondisclosure forms
6 shall also make it clear that they do not bar disclosures
7 to Congress, or to an authorized official of an executive
8 agency or the Department of Justice, that are essential
9 to reporting a substantial violation of law.

10 (b) A nondisclosure agreement may continue to be
11 implemented and enforced notwithstanding subsection (a)
12 if it complies with the requirements for such agreement
13 that were in effect when the agreement was entered into.

14 (c) No funds appropriated in this or any other Act
15 may be used to implement or enforce any agreement en-
16 tered into during fiscal year 2014 which does not contain
17 substantially similar language to that required in sub-
18 section (a).

19 SEC. 744. None of the funds made available by this
20 or any other Act may be used to enter into a contract,
21 memorandum of understanding, or cooperative agreement
22 with, make a grant to, or provide a loan or loan guarantee
23 to, any corporation that has any unpaid Federal tax liabil-
24 ity that has been assessed, for which all judicial and ad-
25 ministrative remedies have been exhausted or have lapsed,

1 and that is not being paid in a timely manner pursuant
2 to an agreement with the authority responsible for col-
3 lecting the tax liability, where the awarding agency is
4 aware of the unpaid tax liability, unless a Federal agency
5 has considered suspension or debarment of the corporation
6 and has made a determination that this further action is
7 not necessary to protect the interests of the Government.

8 SEC. 745. None of the funds made available by this
9 or any other Act may be used to enter into a contract,
10 memorandum of understanding, or cooperative agreement
11 with, make a grant to, or provide a loan or loan guarantee
12 to, any corporation that was convicted of a felony criminal
13 violation under any Federal law within the preceding 24
14 months, where the awarding agency is aware of the convic-
15 tion, unless a Federal agency has considered suspension
16 or debarment of the corporation and has made a deter-
17 mination that this further action is not necessary to pro-
18 tect the interests of the Government.

19 SEC. 746. (a) During fiscal year 2022, on the date
20 on which a request is made for a transfer of funds in ac-
21 cordance with section 1017 of Public Law 111–203, the
22 Bureau of Consumer Financial Protection shall notify the
23 Committees on Appropriations of the House of Represent-
24 atives and the Senate, the Committee on Financial Serv-
25 ices of the House of Representatives, and the Committee

1 on Banking, Housing, and Urban Affairs of the Senate
2 of such request.

3 (b) Any notification required by this section shall be
4 made available on the Bureau's public website.

5 SEC. 747. (a) Notwithstanding any official rate ad-
6 justed under section 104 of title 3, United States Code,
7 the rate payable to the Vice President during calendar
8 year 2022 shall be the rate payable to the Vice President
9 on December 31, 2021, by operation of section 748 of divi-
10 sion E of Public Law 116–260.

11 (b) Notwithstanding any official rate adjusted under
12 section 5318 of title 5, United States Code, or any other
13 provision of law, the payable rate during calendar year
14 2022 for an employee serving in an Executive Schedule
15 position, or in a position for which the rate of pay is fixed
16 by statute at an Executive Schedule rate, shall be the rate
17 payable for the applicable Executive Schedule level on De-
18 cember 31, 2021, by operation of section 748 of division
19 E of Public Law 116–260. Such an employee may not re-
20 ceive a rate increase during calendar year 2022, except
21 as provided in subsection (i).

22 (c) Notwithstanding section 401 of the Foreign Serv-
23 ice Act of 1980 (Public Law 96–465) or any other provi-
24 sion of law, a chief of mission or ambassador at large is

1 subject to subsection (b) in the same manner as other em-
2 ployees who are paid at an Executive Schedule rate.

3 (d)(1) This subsection applies to—

4 (A) a noncareer appointee in the Senior Execu-
5 tive Service paid a rate of basic pay at or above the
6 official rate for level IV of the Executive Schedule;
7 or

8 (B) a limited term appointee or limited emer-
9 gency appointee in the Senior Executive Service
10 serving under a political appointment and paid a
11 rate of basic pay at or above the official rate for
12 level IV of the Executive Schedule.

13 (2) Notwithstanding sections 5382 and 5383 of title
14 5, United States Code, an employee described in para-
15 graph (1) may not receive a pay rate increase during cal-
16 endar year 2022, except as provided in subsection (i).

17 (e) Notwithstanding any other provision of law, any
18 employee paid a rate of basic pay (including any locality-
19 based payments under section 5304 of title 5, United
20 States Code, or similar authority) at or above the official
21 rate for level IV of the Executive Schedule who serves
22 under a political appointment may not receive a pay rate
23 increase during calendar year 2022, except as provided in
24 subsection (i). This subsection does not apply to employees
25 in the General Schedule pay system or the Foreign Service

1 pay system, to employees appointed under section 3161
2 of title 5, United States Code, or to employees in another
3 pay system whose position would be classified at GS-15
4 or below if chapter 51 of title 5, United States Code, ap-
5 plied to them.

6 (f) Nothing in subsections (b) through (e) shall pre-
7 vent employees who do not serve under a political appoint-
8 ment from receiving pay increases as otherwise provided
9 under applicable law.

10 (g) This section does not apply to an individual who
11 makes an election to retain Senior Executive Service basic
12 pay under section 3392(c) of title 5, United States Code,
13 for such time as that election is in effect.

14 (h) This section does not apply to an individual who
15 makes an election to retain Senior Foreign Service pay
16 entitlements under section 302(b) of the Foreign Service
17 Act of 1980 (Public Law 96-465) for such time as that
18 election is in effect.

19 (i) Notwithstanding subsections (b) through (e), an
20 employee in a covered position may receive a pay rate in-
21 crease upon an authorized movement to a different cov-
22 ered position only if that new position has higher-level du-
23 ties and a pre-established level or range of pay higher than
24 the level or range for the position held immediately before
25 the movement. Any such increase must be based on the

1 rates of pay and applicable limitations on payable rates
2 of pay in effect on December 31, 2021, by operation of
3 section 748 of division E of Public Law 116–260.

4 (j) Notwithstanding any other provision of law, for
5 an individual who is newly appointed to a covered position
6 during the period of time subject to this section, the initial
7 pay rate shall be based on the rates of pay and applicable
8 limitations on payable rates of pay in effect on December
9 31, 2021, by operation of section 748 of division E of Pub-
10 lic Law 116–260.

11 (k) If an employee affected by this section is subject
12 to a biweekly pay period that begins in calendar year 2022
13 but ends in calendar year 2023, the bar on the employee’s
14 receipt of pay rate increases shall apply through the end
15 of that pay period.

16 (l) For the purpose of this section, the term “covered
17 position” means a position occupied by an employee whose
18 pay is restricted under this section.

19 (m) This section takes effect on the first day of the
20 first applicable pay period beginning on or after January
21 1, 2022.

22 SEC. 748. (a) Each department or agency of the execu-
23 tive branch of the United States Government shall notify
24 the Committees on Appropriations and the Budget of the

1 House of Representatives and the Senate and any other
2 appropriate congressional committees if—

3 (1) an apportionment is not made in the re-
4 quired time period provided in section 1513(b) of
5 title 31, United States Code;

6 (2) an approved apportionment received by the
7 department or agency conditions the availability of
8 an appropriation on further action; or

9 (3) an approved apportionment received by the
10 department or agency may hinder the prudent obli-
11 gation of such appropriation or the execution of a
12 program, project, or activity by such department or
13 agency.

14 (b) Any notification submitted to a congressional
15 committee pursuant to this section shall contain informa-
16 tion identifying the bureau, account name, appropriation
17 name, and Treasury Appropriation Fund Symbol or fund
18 account.

19 SEC. 749. (a) Any non-Federal entity receiving funds
20 provided in this or any other appropriations Act for fiscal
21 year 2022 that are specified in the disclosure table sub-
22 mitted in compliance with clause 9 of rule XXI of the
23 Rules of the House of Representatives or Rule XLIV of
24 the Standing Rules of the Senate that is included in the
25 report or explanatory statement accompanying any such

1 Act shall be deemed to be a recipient of a Federal award
2 with respect to such funds for purposes of the require-
3 ments of 2 C.F.R. 200.334, regarding records retention,
4 and 2 C.F.R. 200.337, regarding access by the Comp-
5 troller General of the United States.

6 (b) Nothing in this section shall be construed to limit,
7 amend, supersede, or restrict in any manner any require-
8 ments otherwise applicable to non-Federal entities de-
9 scribed in paragraph (1) or any existing authority of the
10 Comptroller General.

11 SEC. 750. Section 15010(a)(6) of division B of the
12 Coronavirus Aid, Relief, and Economic Security Act (Pub-
13 lic Law 116–136) is amended—

14 (1) in subparagraph (D), by striking “or”;

15 (2) in subparagraph (E), by striking “; and”
16 and inserting “; or”; and

17 (3) by inserting after subparagraph (E), the
18 following:

19 “(F) the American Rescue Plan Act of
20 2021 (Public Law 117–2); and”.

21 SEC. 751. Notwithstanding section 1346 of title 31,
22 United States Code, or section 708 of this Act, funds
23 made available by this or any other Act to any Federal
24 agency may be used by that Federal agency for inter-
25 agency funding for coordination with, participation in, or

1 recommendations involving, activities of the U.S. Army
2 Medical Research and Development Command, the Con-
3 gressionally Directed Medical Research Programs and the
4 National Institutes of Health research programs.

5 SEC. 752. Except as expressly provided otherwise,
6 any reference to “this Act” contained in any title other
7 than title IV or VIII shall not apply to such title IV or
8 VIII.

1 TITLE VIII
2 GENERAL PROVISIONS—DISTRICT OF
3 COLUMBIA

4 (INCLUDING TRANSFERS OF FUNDS)

5 SEC. 801. There are appropriated from the applicable
6 funds of the District of Columbia such sums as may be
7 necessary for making refunds and for the payment of legal
8 settlements or judgments that have been entered against
9 the District of Columbia government.

10 SEC. 802. None of the Federal funds provided in this
11 Act shall be used for publicity or propaganda purposes or
12 implementation of any policy including boycott designed
13 to support or defeat legislation pending before Congress
14 or any State legislature.

15 SEC. 803. (a) None of the Federal funds provided
16 under this Act to the agencies funded by this Act, both
17 Federal and District government agencies, that remain
18 available for obligation or expenditure in fiscal year 2022,
19 or provided from any accounts in the Treasury of the
20 United States derived by the collection of fees available
21 to the agencies funded by this Act, shall be available for
22 obligation or expenditures for an agency through a re-
23 programming of funds which—

24 (1) creates new programs;

1 (2) eliminates a program, project, or responsi-
2 bility center;

3 (3) establishes or changes allocations specifi-
4 cally denied, limited or increased under this Act;

5 (4) increases funds or personnel by any means
6 for any program, project, or responsibility center for
7 which funds have been denied or restricted;

8 (5) re-establishes any program or project pre-
9 viously deferred through reprogramming;

10 (6) augments any existing program, project, or
11 responsibility center through a reprogramming of
12 funds in excess of \$3,000,000 or 10 percent, which-
13 ever is less; or

14 (7) increases by 20 percent or more personnel
15 assigned to a specific program, project or responsi-
16 bility center, unless prior approval is received from
17 the Committees on Appropriations of the House of
18 Representatives and the Senate.

19 (b) The District of Columbia government is author-
20 ized to approve and execute reprogramming and transfer
21 requests of local funds under this title through November
22 7, 2022.

23 SEC. 804. None of the Federal funds provided in this
24 Act may be used by the District of Columbia to provide
25 for salaries, expenses, or other costs associated with the

1 offices of United States Senator or United States Rep-
2 resentative under section 4(d) of the District of Columbia
3 Statehood Constitutional Convention Initiatives of 1979
4 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

5 SEC. 805. Except as otherwise provided in this sec-
6 tion, none of the funds made available by this Act or by
7 any other Act may be used to provide any officer or em-
8 ployee of the District of Columbia with an official vehicle
9 unless the officer or employee uses the vehicle only in the
10 performance of the officer’s or employee’s official duties.
11 For purposes of this section, the term “official duties”
12 does not include travel between the officer’s or employee’s
13 residence and workplace, except in the case of—

14 (1) an officer or employee of the Metropolitan
15 Police Department who resides in the District of Co-
16 lumbia or is otherwise designated by the Chief of the
17 Department;

18 (2) at the discretion of the Fire Chief, an offi-
19 cer or employee of the District of Columbia Fire and
20 Emergency Medical Services Department who re-
21 sides in the District of Columbia and is on call 24
22 hours a day;

23 (3) at the discretion of the Director of the De-
24 partment of Corrections, an officer or employee of
25 the District of Columbia Department of Corrections

1 who resides in the District of Columbia and is on
2 call 24 hours a day;

3 (4) at the discretion of the Chief Medical Ex-
4 aminer, an officer or employee of the Office of the
5 Chief Medical Examiner who resides in the District
6 of Columbia and is on call 24 hours a day;

7 (5) at the discretion of the Director of the
8 Homeland Security and Emergency Management
9 Agency, an officer or employee of the Homeland Se-
10 curity and Emergency Management Agency who re-
11 sides in the District of Columbia and is on call 24
12 hours a day;

13 (6) the Mayor of the District of Columbia; and

14 (7) the Chairman of the Council of the District
15 of Columbia.

16 SEC. 806. (a) None of the Federal funds contained
17 in this Act may be used by the District of Columbia Attor-
18 ney General or any other officer or entity of the District
19 government to provide assistance for any petition drive or
20 civil action which seeks to require Congress to provide for
21 voting representation in Congress for the District of Co-
22 lumbia.

23 (b) Nothing in this section bars the District of Co-
24 lumbia Attorney General from reviewing or commenting

1 on briefs in private lawsuits, or from consulting with offi-
2 cials of the District government regarding such lawsuits.

3 SEC. 807. None of the Federal funds contained in
4 this Act may be used to distribute any needle or syringe
5 for the purpose of preventing the spread of blood borne
6 pathogens in any location that has been determined by the
7 local public health or local law enforcement authorities to
8 be inappropriate for such distribution.

9 SEC. 808. Nothing in this Act may be construed to
10 prevent the Council or Mayor of the District of Columbia
11 from addressing the issue of the provision of contraceptive
12 coverage by health insurance plans, but it is the intent
13 of Congress that any legislation enacted on such issue
14 should include a “conscience clause” which provides excep-
15 tions for religious beliefs and moral convictions.

16 SEC. 809. (a) None of the Federal funds contained
17 in this Act may be used to enact or carry out any law,
18 rule, or regulation to legalize or otherwise reduce penalties
19 associated with the possession, use, or distribution of any
20 schedule I substance under the Controlled Substances Act
21 (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols de-
22 rivative.

23 (b) No funds available for obligation or expenditure
24 by the District of Columbia government under any author-
25 ity may be used to enact any law, rule, or regulation to

1 legalize or otherwise reduce penalties associated with the
2 possession, use, or distribution of any schedule I substance
3 under the Controlled Substances Act (21 U.S.C. 801 et
4 seq.) or any tetrahydrocannabinols derivative for rec-
5 reational purposes.

6 SEC. 810. No funds available for obligation or ex-
7 penditure by the District of Columbia government under
8 any authority shall be expended for any abortion except
9 where the life of the mother would be endangered if the
10 fetus were carried to term or where the pregnancy is the
11 result of an act of rape or incest.

12 SEC. 811. (a) No later than 30 calendar days after
13 the date of the enactment of this Act, the Chief Financial
14 Officer for the District of Columbia shall submit to the
15 appropriate committees of Congress, the Mayor, and the
16 Council of the District of Columbia, a revised appropriated
17 funds operating budget in the format of the budget that
18 the District of Columbia government submitted pursuant
19 to section 442 of the District of Columbia Home Rule Act
20 (D.C. Official Code, sec. 1-204.42), for all agencies of the
21 District of Columbia government for fiscal year 2022 that
22 is in the total amount of the approved appropriation and
23 that realigns all budgeted data for personal services and
24 other-than-personal services, respectively, with anticipated
25 actual expenditures.

1 (b) This section shall apply only to an agency for
2 which the Chief Financial Officer for the District of Co-
3 lumbia certifies that a reallocation is required to address
4 unanticipated changes in program requirements.

5 SEC. 812. No later than 30 calendar days after the
6 date of the enactment of this Act, the Chief Financial Offi-
7 cer for the District of Columbia shall submit to the appro-
8 priate committees of Congress, the Mayor, and the Council
9 for the District of Columbia, a revised appropriated funds
10 operating budget for the District of Columbia Public
11 Schools that aligns schools budgets to actual enrollment.
12 The revised appropriated funds budget shall be in the for-
13 mat of the budget that the District of Columbia govern-
14 ment submitted pursuant to section 442 of the District
15 of Columbia Home Rule Act (D.C. Official Code, sec. 1-
16 204.42).

17 SEC. 813. (a) Amounts appropriated in this Act as
18 operating funds may be transferred to the District of Co-
19 lumbia's enterprise and capital funds and such amounts,
20 once transferred, shall retain appropriation authority con-
21 sistent with the provisions of this Act.

22 (b) The District of Columbia government is author-
23 ized to reprogram or transfer for operating expenses any
24 local funds transferred or reprogrammed in this or the
25 four prior fiscal years from operating funds to capital

1 funds, and such amounts, once transferred or repro-
2 grammed, shall retain appropriation authority consistent
3 with the provisions of this Act.

4 (c) The District of Columbia government may not
5 transfer or reprogram for operating expenses any funds
6 derived from bonds, notes, or other obligations issued for
7 capital projects.

8 SEC. 814. None of the Federal funds appropriated
9 in this Act shall remain available for obligation beyond
10 the current fiscal year, nor may any be transferred to
11 other appropriations, unless expressly so provided herein.

12 SEC. 815. Except as otherwise specifically provided
13 by law or under this Act, not to exceed 50 percent of unob-
14 ligated balances remaining available at the end of fiscal
15 year 2022 from appropriations of Federal funds made
16 available for salaries and expenses for fiscal year 2022 in
17 this Act, shall remain available through September 30,
18 2023, for each such account for the purposes authorized:
19 *Provided*, That a request shall be submitted to the Com-
20 mittees on Appropriations of the House of Representatives
21 and the Senate for approval prior to the expenditure of
22 such funds: *Provided further*, That these requests shall be
23 made in compliance with reprogramming guidelines out-
24 lined in section 803 of this Act.

1 SEC. 816. (a)(1) During fiscal year 2023, during a
2 period in which neither a District of Columbia continuing
3 resolution or a regular District of Columbia appropriation
4 bill is in effect, local funds are appropriated in the amount
5 provided for any project or activity for which local funds
6 are provided in the Act referred to in paragraph (2) (sub-
7 ject to any modifications enacted by the District of Colum-
8 bia as of the beginning of the period during which this
9 subsection is in effect) at the rate set forth by such Act.

10 (2) The Act referred to in this paragraph is the Act
11 of the Council of the District of Columbia pursuant to
12 which a proposed budget is approved for fiscal year 2023
13 which (subject to the requirements of the District of Co-
14 lumbia Home Rule Act) will constitute the local portion
15 of the annual budget for the District of Columbia govern-
16 ment for fiscal year 2023 for purposes of section 446 of
17 the District of Columbia Home Rule Act (sec. 1-204.46,
18 D.C. Official Code).

19 (b) Appropriations made by subsection (a) shall cease
20 to be available—

21 (1) during any period in which a District of Co-
22 lumbia continuing resolution for fiscal year 2023 is
23 in effect; or

1 (2) upon the enactment into law of the regular
2 District of Columbia appropriation bill for fiscal year
3 2023.

4 (c) An appropriation made by subsection (a) is pro-
5 vided under the authority and conditions as provided
6 under this Act and shall be available to the extent and
7 in the manner that would be provided by this Act.

8 (d) An appropriation made by subsection (a) shall
9 cover all obligations or expenditures incurred for such
10 project or activity during the portion of fiscal year 2023
11 for which this section applies to such project or activity.

12 (e) This section shall not apply to a project or activity
13 during any period of fiscal year 2023 if any other provi-
14 sion of law (other than an authorization of appropria-
15 tions)—

16 (1) makes an appropriation, makes funds avail-
17 able, or grants authority for such project or activity
18 to continue for such period; or

19 (2) specifically provides that no appropriation
20 shall be made, no funds shall be made available, or
21 no authority shall be granted for such project or ac-
22 tivity to continue for such period.

23 (f) Nothing in this section shall be construed to affect
24 obligations of the government of the District of Columbia
25 mandated by other law.

1 SEC. 817. (a) Section 244 of the Revised Statutes
2 of the United States relating to the District of Columbia
3 (sec. 9–1201.03, D.C. Official Code) does not apply with
4 respect to any railroads installed pursuant to the Long
5 Bridge Project.

6 (b) In this section, the term “Long Bridge Project”
7 means the project carried out by the District of Columbia
8 and the Commonwealth of Virginia to construct a new
9 Long Bridge adjacent to the existing Long Bridge over
10 the Potomac River, including related infrastructure and
11 other related projects, to expand commuter and regional
12 passenger rail service and to provide bike and pedestrian
13 access crossings over the Potomac River.

14 SEC. 818. Not later than 45 days after the last day
15 of each quarter, each Federal and District government
16 agency appropriated Federal funds in this Act shall sub-
17 mit to the Committees on Appropriations of the House
18 of Representatives and the Senate a quarterly budget re-
19 port that includes total obligations of the Agency for that
20 quarter for each Federal funds appropriation provided in
21 this Act, by the source year of the appropriation.

22 SEC. 819. Except as expressly provided otherwise,
23 any reference to “this Act” contained in this title or in
24 title IV shall be treated as referring only to the provisions
25 of this title or of title IV.

1 This division may be cited as the “Financial Services
2 and General Government Appropriations Act, 2022”.

1 **DIVISION F—DEPARTMENT OF HOME-**
2 **LAND SECURITY APPROPRIATIONS**
3 **ACT, 2022**

4 TITLE I

5 DEPARTMENTAL MANAGEMENT, OPERATIONS,
6 INTELLIGENCE, AND OVERSIGHT

7 OFFICE OF THE SECRETARY AND EXECUTIVE

8 MANAGEMENT

9 OPERATIONS AND SUPPORT

10 For necessary expenses of the Office of the Secretary
11 and for executive management for operations and support,
12 \$236,053,000; of which \$23,204,000 shall be for the Of-
13 fice of the Ombudsman for Immigration Detention, of
14 which \$5,000,000 shall remain available until September
15 30, 2023: *Provided*, That not to exceed \$30,000 shall be
16 for official reception and representation expenses: *Pro-*
17 *vided further*, That \$5,000,000 shall be withheld from obli-
18 gation until the Secretary submits, to the Committees on
19 Appropriations of the Senate and the House of Represent-
20 atives, responses to all questions for the record for each
21 hearing on the fiscal year 2023 budget submission for the
22 Department of Homeland Security held by such Commit-
23 tees prior to July 1.

1 FEDERAL ASSISTANCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Office of the Secretary
4 and for executive management for Federal assistance
5 through grants, contracts, cooperative agreements, and
6 other activities, \$35,000,000, which shall be transferred
7 to “Federal Emergency Management Agency—Federal
8 Assistance”, of which \$20,000,000 shall be for targeted
9 violence and terrorism prevention grants and of which
10 \$15,000,000 shall be for an Alternatives to Detention
11 Case Management pilot program, to remain available until
12 September 30, 2023: *Provided*, That the amounts made
13 available for the pilot program shall be awarded as de-
14 scribed in the first proviso under this heading in title I
15 of division F of Public Law 116–260 and services shall
16 be provided as described in the second and third such pro-
17 visos.

18 MANAGEMENT DIRECTORATE

19 OPERATIONS AND SUPPORT

20 For necessary expenses of the Management Direc-
21 torate for operations and support, including vehicle fleet
22 modernization, \$1,637,009,000, of which \$33,500,000
23 shall remain available until September 30, 2023: *Provided*,
24 That not to exceed \$2,000 shall be for official reception
25 and representation expenses.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Management Direc-
3 torate for procurement, construction, and improvements,
4 \$491,816,000, of which \$132,116,000 shall remain avail-
5 able until September 30, 2024, and of which
6 \$359,700,000 shall remain available until September 30,
7 2026.

8 FEDERAL PROTECTIVE SERVICE

9 The revenues and collections of security fees credited
10 to this account shall be available until expended for nec-
11 essary expenses related to the protection of federally
12 owned and leased buildings and for the operations of the
13 Federal Protective Service.

14 INTELLIGENCE, ANALYSIS, AND OPERATIONS

15 COORDINATION

16 OPERATIONS AND SUPPORT

17 For necessary expenses of the Office of Intelligence
18 and Analysis and the Office of Operations Coordination
19 for operations and support, \$298,171,000, of which
20 \$89,672,000 shall remain available until September 30,
21 2023: *Provided*, That not to exceed \$3,825 shall be for
22 official reception and representation expenses and not to
23 exceed \$2,000,000 is available for facility needs associated
24 with secure space at fusion centers, including improve-
25 ments to buildings.

1 OFFICE OF THE INSPECTOR GENERAL
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Office of the Inspector
4 General for operations and support, \$205,359,000: *Pro-*
5 *vided*, That not to exceed \$300,000 may be used for cer-
6 tain confidential operational expenses, including the pay-
7 ment of informants, to be expended at the direction of the
8 Inspector General.

9 ADMINISTRATIVE PROVISIONS

10 SEC. 101. (a) The Secretary of Homeland Security
11 shall submit a report not later than October 15, 2022,
12 to the Inspector General of the Department of Homeland
13 Security listing all grants and contracts awarded by any
14 means other than full and open competition during fiscal
15 years 2021 or 2022.

16 (b) The Inspector General shall review the report re-
17 quired by subsection (a) to assess departmental compli-
18 ance with applicable laws and regulations and report the
19 results of that review to the Committees on Appropriations
20 of the Senate and the House of Representatives not later
21 than February 15, 2023.

22 SEC. 102. Not later than 30 days after the last day
23 of each month, the Chief Financial Officer of the Depart-
24 ment of Homeland Security shall submit to the Commit-
25 tees on Appropriations of the Senate and the House of

1 Representatives a monthly budget and staffing report that
2 includes total obligations of the Department for that
3 month and for the fiscal year at the appropriation and
4 program, project, and activity levels, by the source year
5 of the appropriation.

6 SEC. 103. The Secretary of Homeland Security shall
7 require that all contracts of the Department of Homeland
8 Security that provide award fees link such fees to success-
9 ful acquisition outcomes, which shall be specified in terms
10 of cost, schedule, and performance.

11 SEC. 104. (a) The Secretary of Homeland Security,
12 in consultation with the Secretary of the Treasury, shall
13 notify the Committees on Appropriations of the Senate
14 and the House of Representatives of any proposed trans-
15 fers of funds available under section 9705(g)(4)(B) of title
16 31, United States Code, from the Department of the
17 Treasury Forfeiture Fund to any agency within the De-
18 partment of Homeland Security.

19 (b) None of the funds identified for such a transfer
20 may be obligated until the Committees on Appropriations
21 of the Senate and the House of Representatives are noti-
22 fied of the proposed transfer.

23 SEC. 105. All official costs associated with the use
24 of Government aircraft by Department of Homeland Secu-
25 rity personnel to support official travel of the Secretary

1 and the Deputy Secretary shall be paid from amounts
2 made available for the Office of the Secretary.

3 SEC. 106. (a) The Under Secretary for Management
4 shall brief the Committees on Appropriations of the Sen-
5 ate and the House of Representatives not later than 30
6 days after the end of each fiscal quarter on all Level 1
7 and Level 2 acquisition programs on the Master Acquisi-
8 tion Oversight list between Acquisition Decision Event 1
9 and Full Operational Capability, including programs that
10 have been removed from such list during the preceding
11 quarter.

12 (b) For each such program without a department-ap-
13 proved acquisition program baseline, the briefing de-
14 scribed in subsection (a) shall include—

15 (1) a description of the purpose of the program,
16 including the capabilities being acquired and the
17 component(s) sponsoring the acquisition; and

18 (2) the Acquisition Review Board status, in-
19 cluding—

20 (A) the current acquisition phase;

21 (B) the date and purpose of the most re-
22 cent review; and

23 (C) whether the program has been paused
24 or is in breach status.

1 (c) For each such program with a department-ap-
2 proved acquisition program baseline, the briefing de-
3 scribed in subsection (a) shall include—

4 (1) a description of the purpose of the program,
5 including the capabilities being acquired and the
6 component(s) sponsoring the acquisition;

7 (2) the total number of units, as appropriate, to
8 be acquired annually until procurement is complete
9 under the current acquisition program baseline;

10 (3) the Acquisition Review Board status, in-
11 cluding—

12 (A) the current acquisition phase by incre-
13 ment, as applicable;

14 (B) the date of the most recent review; and

15 (C) whether the program has been paused
16 or is in breach status;

17 (4) a comparison between the initial Depart-
18 ment-approved acquisition program baseline cost,
19 schedule, and performance thresholds and objectives
20 and the program's current such thresholds and ob-
21 jectives, if applicable;

22 (5) the lifecycle cost estimate, including—

23 (A) the confidence level for the estimate;

24 (B) the fiscal years included in the esti-
25 mate; and

1 (C) a description of and rationale for any
2 changes to the estimate during the prior fiscal
3 year;

4 (6) a summary of the findings of any inde-
5 pendent verification and validation of the items to be
6 acquired or an explanation for why no such
7 verification and validation has been performed;

8 (7) a table displaying the obligation of all pro-
9 gram funds by prior fiscal year, the estimated obli-
10 gation of funds for the current fiscal year, and an
11 estimate for the planned carryover of funds into the
12 subsequent fiscal year;

13 (8) a listing of prime contractors and major
14 subcontractors; and

15 (9) narrative descriptions of risks to cost,
16 schedule, or performance that could result in a pro-
17 gram breach if not successfully mitigated.

18 (d) The Under Secretary for Management shall sub-
19 mit each approved Acquisition Decision Memoranda for
20 programs described in this section to the Committees on
21 Appropriations of the Senate and the House of Represent-
22 atives not later than five business days after the date of
23 approval of such memorandum by the Under Secretary for
24 Management or the designee of the Under Secretary.

1 SEC. 107. (a) No Federal funds made available to
2 the Department of Homeland Security may be obligated
3 for any pilot or demonstration program that uses more
4 than 5 full-time equivalents or costs in excess of
5 \$1,000,000 until 30 days after the date on which the
6 Under Secretary for Management of the Department of
7 Homeland Security provides the following to the Commit-
8 tees on Appropriations of the Senate and the House of
9 Representatives for such program:

10 (1) Objectives that are well-defined and meas-
11 urable;

12 (2) An assessment methodology that details—

13 (A) the type and source of assessment
14 data;

15 (B) the methods for and frequency of col-
16 lecting such data; and

17 (C) how such data will be analyzed;

18 (3) An implementation plan, including mile-
19 stones, a cost estimate, and schedule, including an
20 end date; and

21 (4) A signed interagency agreement or memo-
22 randum of agreement for any pilot or demonstration
23 program involving the participation of more than
24 one Department of Homeland Security component or
25 that of an entity not part of such Department.

1 (b) Not later than 30 days after the date of comple-
2 tion of a pilot or demonstration program described in sub-
3 section (a), the Under Secretary for Management of the
4 Department of Homeland Security shall provide a report
5 to the Committees on Appropriations of the Senate and
6 the House of Representatives detailing lessons learned, ac-
7 tual costs, and any planned expansion or continuation of
8 the pilot or demonstration program.

9 (c) For the purposes of this section, a pilot or dem-
10 onstration program is a policy implementation, study,
11 demonstration, experimental program, or trial that is a
12 small-scale, short-term experiment conducted in order to
13 evaluate feasibility, duration, costs, or adverse events, and
14 improve upon the design of an effort prior to implementa-
15 tion of a larger scale effort.

16 SEC. 108. (a) Amounts provided in title II of division
17 B of Public Law 117–70 for “Office of the Secretary and
18 Executive Management—Operations and Support” are
19 available for providing reimbursement to airports and air-
20 port operators for costs incurred between August 1, 2021,
21 and September 30, 2022, for activities directly and de-
22 monstrably related to Operation Allies Welcome.

23 (b) Each amount repurposed by this section that was
24 previously designated by the Congress as an emergency
25 requirement pursuant to the Balanced Budget and Emer-

1 gency Deficit Control Act of 1985 or a concurrent resolu-
2 tion on the budget is designated by the Congress as an
3 emergency requirement pursuant to section 4001(a)(1)
4 and section 4001(b) of S. Con. Res. 14 (117th Congress),
5 the concurrent resolution on the budget for fiscal year
6 2022.

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 OPERATIONS AND SUPPORT
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of U.S. Customs and Border
8 Protection for operations and support, including the trans-
9 portation of unaccompanied alien minors; the provision of
10 air and marine support to Federal, State, local, and inter-
11 national agencies in the enforcement or administration of
12 laws enforced by the Department of Homeland Security;
13 at the discretion of the Secretary of Homeland Security,
14 the provision of such support to Federal, State, and local
15 agencies in other law enforcement and emergency humani-
16 tarian efforts; the purchase and lease of up to 7,500
17 (6,500 for replacement only) police-type vehicles; the pur-
18 chase, maintenance, or operation of marine vessels, air-
19 craft, and unmanned aerial systems; and contracting with
20 individuals for personal services abroad; \$13,756,194,000;
21 of which \$3,274,000 shall be derived from the Harbor
22 Maintenance Trust Fund for administrative expenses re-
23 lated to the collection of the Harbor Maintenance Fee pur-
24 suant to section 9505(c)(3) of the Internal Revenue Code
25 of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding sec-

1 tion 1511(e)(1) of the Homeland Security Act of 2002 (6
2 U.S.C. 551(e)(1)); of which \$700,000,000 shall be avail-
3 able until September 30, 2023; and of which such sums
4 as become available in the Customs User Fee Account, ex-
5 cept sums subject to section 13031(f)(3) of the Consoli-
6 dated Omnibus Budget Reconciliation Act of 1985 (19
7 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*
8 *vided*, That not to exceed \$34,425 shall be for official re-
9 ception and representation expenses: *Provided further*,
10 That not to exceed \$150,000 shall be available for pay-
11 ment for rental space in connection with preclearance op-
12 erations: *Provided further*, That not to exceed \$2,000,000
13 shall be for awards of compensation to informants, to be
14 accounted for solely under the certificate of the Secretary
15 of Homeland Security: *Provided further*, That not to ex-
16 ceed \$5,000,000 may be transferred to the Bureau of In-
17 dian Affairs for the maintenance and repair of roads on
18 Native American reservations used by the U.S. Border Pa-
19 trol.

20 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

21 For necessary expenses of U.S. Customs and Border
22 Protection for procurement, construction, and improve-
23 ments, including procurement of marine vessels, aircraft,
24 and unmanned aerial systems, \$572,083,000, of which
25 \$93,425,000 shall remain available until September 30,

1 2024; and of which \$478,658,000 shall remain available
2 until September 30, 2026.

3 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
4 OPERATIONS AND SUPPORT

5 For necessary expenses of U.S. Immigration and
6 Customs Enforcement for operations and support, includ-
7 ing the purchase and lease of up to 3,790 (2,350 for re-
8 placement only) police-type vehicles; overseas vetted units;
9 and maintenance, minor construction, and minor leasehold
10 improvements at owned and leased facilities;
11 \$8,206,526,000; of which not less than \$6,000,000 shall
12 remain available until expended for efforts to enforce laws
13 against forced child labor; of which \$46,696,000 shall re-
14 main available until September 30, 2023; of which not less
15 than \$1,500,000 is for paid apprenticeships for partici-
16 pants in the Human Exploitation Rescue Operative Child-
17 Rescue Corps; of which not less than \$15,000,000 shall
18 be available for investigation of intellectual property rights
19 violations, including operation of the National Intellectual
20 Property Rights Coordination Center; and of which not
21 less than \$4,175,786,000 shall be for enforcement, deten-
22 tion, and removal operations, including transportation of
23 unaccompanied alien minors: *Provided*, That not to exceed
24 \$11,475 shall be for official reception and representation
25 expenses: *Provided further*, That not to exceed

1 \$10,000,000 shall be available until expended for con-
2 ducting special operations under section 3131 of the Cus-
3 toms Enforcement Act of 1986 (19 U.S.C. 2081): *Pro-*
4 *vided further*, That not to exceed \$2,000,000 shall be for
5 awards of compensation to informants, to be accounted
6 for solely under the certificate of the Secretary of Home-
7 land Security: *Provided further*, That not to exceed
8 \$11,216,000 shall be available to fund or reimburse other
9 Federal agencies for the costs associated with the care,
10 maintenance, and repatriation of smuggled aliens unlaw-
11 fully present in the United States: *Provided further*, That
12 of the amounts made available under this heading in this
13 Act for Executive Leadership and Oversight, \$5,000,000
14 shall not be available for obligation until the reports di-
15 rected under this heading by the explanatory statements
16 accompanying Public Laws 116–6, 116–93, and 116–260
17 have been submitted to the Committees on Appropriations
18 of the Senate and the House of Representatives.

19 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of U.S. Immigration and
21 Customs Enforcement for procurement, construction, and
22 improvements, \$51,700,000, of which \$34,321,000 shall
23 remain available until September 30, 2024, and of which
24 \$17,379,000 shall remain available until September 30,
25 2026.

1 TRANSPORTATION SECURITY ADMINISTRATION

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Transportation Secu-
4 rity Administration for operations and support,
5 \$8,091,193,000, to remain available until September 30,
6 2023: *Provided*, That not to exceed \$7,650 shall be for
7 official reception and representation expenses: *Provided*
8 *further*, That security service fees authorized under section
9 44940 of title 49, United States Code, shall be credited
10 to this appropriation as offsetting collections and shall be
11 available only for aviation security: *Provided further*, That
12 the sum appropriated under this heading from the general
13 fund shall be reduced on a dollar-for-dollar basis as such
14 offsetting collections are received during fiscal year 2022
15 so as to result in a final fiscal year appropriation from
16 the general fund estimated at not more than
17 \$5,981,193,000.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the Transportation Secu-
20 rity Administration for procurement, construction, and
21 improvements, \$160,736,000, to remain available until
22 September 30, 2024.

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the Transportation Secu-
25 rity Administration for research and development,

1 \$35,532,000, to remain available until September 30,
2 2023.

3 COAST GUARD

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Coast Guard for oper-
6 ations and support including the Coast Guard Reserve;
7 purchase or lease of not to exceed 25 passenger motor ve-
8 hicles, which shall be for replacement only; purchase or
9 lease of small boats for contingent and emergent require-
10 ments (at a unit cost of not more than \$700,000) and
11 repairs and service-life replacements, not to exceed a total
12 of \$31,000,000; purchase, lease, or improvements of boats
13 necessary for overseas deployments and activities; pay-
14 ments pursuant to section 156 of Public Law 97-377 (42
15 U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-
16 fare; \$9,162,120,000, of which \$530,000,000 shall be for
17 defense-related activities; of which \$24,500,000 shall be
18 derived from the Oil Spill Liability Trust Fund to carry
19 out the purposes of section 1012(a)(5) of the Oil Pollution
20 Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$5,000,000
21 shall remain available until September 30, 2024; of which
22 \$27,456,000 shall remain available until September 30,
23 2026, for environmental compliance and restoration; and
24 of which \$70,000,000 shall remain available until Sep-
25 tember 30, 2023, which shall only be available for vessel

1 depot level maintenance: *Provided*, That not to exceed
2 \$23,000 shall be for official reception and representation
3 expenses.

4 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

5 For necessary expenses of the Coast Guard for pro-
6 curement, construction, and improvements, including aids
7 to navigation, shore facilities (including facilities at De-
8 partment of Defense installations used by the Coast
9 Guard), and vessels and aircraft, including equipment re-
10 lated thereto, \$2,030,100,000, to remain available until
11 September 30, 2026; of which \$20,000,000 shall be de-
12 rived from the Oil Spill Liability Trust Fund to carry out
13 the purposes of section 1012(a)(5) of the Oil Pollution Act
14 of 1990 (33 U.S.C. 2712(a)(5)); and of which such sums
15 as were deposited into the Coast Guard Housing Fund
16 prior to fiscal year 2021 that remain unavailable for obli-
17 gation shall be available to carry out the purposes of sec-
18 tion 2946 of title 14, United States Code, in addition to
19 amounts otherwise available for such purposes, and shall
20 be derived from such deposits.

21 RESEARCH AND DEVELOPMENT

22 For necessary expenses of the Coast Guard for re-
23 search and development; and for maintenance, rehabilita-
24 tion, lease, and operation of facilities and equipment;
25 \$7,476,000, to remain available until September 30, 2024,

1 of which \$500,000 shall be derived from the Oil Spill Li-
2 ability Trust Fund to carry out the purposes of section
3 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
4 2712(a)(5)): *Provided*, That there may be credited to and
5 used for the purposes of this appropriation funds received
6 from State and local governments, other public authori-
7 ties, private sources, and foreign countries for expenses
8 incurred for research, development, testing, and evalua-
9 tion.

10 RETIRED PAY

11 For retired pay, including the payment of obligations
12 otherwise chargeable to lapsed appropriations for this pur-
13 pose, payments under the Retired Serviceman's Family
14 Protection and Survivor Benefits Plans, payment for ca-
15 reer status bonuses, payment of continuation pay under
16 section 356 of title 37, United States Code, concurrent
17 receipts, combat-related special compensation, and pay-
18 ments for medical care of retired personnel and their de-
19 pendants under chapter 55 of title 10, United States Code,
20 \$1,963,519,000, to remain available until expended.

21 UNITED STATES SECRET SERVICE

22 OPERATIONS AND SUPPORT

23 For necessary expenses of the United States Secret
24 Service for operations and support, including purchase of
25 not to exceed 652 vehicles for police-type use; hire of pas-

1 senger motor vehicles; purchase of motorcycles made in
2 the United States; hire of aircraft; rental of buildings in
3 the District of Columbia; fencing, lighting, guard booths,
4 and other facilities on private or other property not in
5 Government ownership or control, as may be necessary to
6 perform protective functions; conduct of and participation
7 in firearms matches; presentation of awards; conduct of
8 behavioral research in support of protective intelligence
9 and operations; payment in advance for commercial ac-
10 commodations as may be necessary to perform protective
11 functions; and payment, without regard to section 5702
12 of title 5, United States Code, of subsistence expenses of
13 employees who are on protective missions, whether at or
14 away from their duty stations; \$2,554,729,000; of which
15 \$53,321,000 shall remain available until September 30,
16 2023, and of which \$6,000,000 shall be for a grant for
17 activities related to investigations of missing and exploited
18 children; and of which up to \$17,000,000 may be for cal-
19 endar year 2021 premium pay in excess of the annual
20 equivalent of the limitation on the rate of pay contained
21 in section 5547(a) of title 5, United States Code, pursuant
22 to section 2 of the Overtime Pay for Protective Services
23 Act of 2016 (5 U.S.C. 5547 note), as last amended by
24 Public Law 116–269: *Provided*, That not to exceed
25 \$19,125 shall be for official reception and representation

1 expenses: *Provided further*, That not to exceed \$100,000
2 shall be to provide technical assistance and equipment to
3 foreign law enforcement organizations in criminal inves-
4 tigations within the jurisdiction of the United States Se-
5 cret Service.

6 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

7 For necessary expenses of the United States Secret
8 Service for procurement, construction, and improvements,
9 \$54,849,000, to remain available until September 30,
10 2024.

11 RESEARCH AND DEVELOPMENT

12 For necessary expenses of the United States Secret
13 Service for research and development, \$2,310,000, to re-
14 main available until September 30, 2023.

15 ADMINISTRATIVE PROVISIONS

16 SEC. 201. Section 201 of the Department of Home-
17 land Security Appropriations Act, 2018 (division F of
18 Public Law 115–141), related to overtime compensation
19 limitations, shall apply with respect to funds made avail-
20 able in this Act in the same manner as such section ap-
21 plied to funds made available in that Act, except that “fis-
22 cal year 2022” shall be substituted for “fiscal year 2018”.

23 SEC. 202. Funding made available under the head-
24 ings “U.S. Customs and Border Protection—Operations
25 and Support” and “U.S. Customs and Border Protec-

1 tion—Procurement, Construction, and Improvements”
2 shall be available for customs expenses when necessary to
3 maintain operations and prevent adverse personnel actions
4 in Puerto Rico and the U.S. Virgin Islands, in addition
5 to funding provided by sections 740 and 1406i of title 48,
6 United States Code.

7 SEC. 203. As authorized by section 601(b) of the
8 United States-Colombia Trade Promotion Agreement Im-
9 plementation Act (Public Law 112–42), fees collected
10 from passengers arriving from Canada, Mexico, or an ad-
11 jacent island pursuant to section 13031(a)(5) of the Con-
12 solidated Omnibus Budget Reconciliation Act of 1985 (19
13 U.S.C. 58c(a)(5)) shall be available until expended.

14 SEC. 204. (a) For an additional amount for “U.S.
15 Customs and Border Protection—Operations and Sup-
16 port”, \$31,000,000, to remain available until expended,
17 to be reduced by amounts collected and credited to this
18 appropriation in fiscal year 2022 from amounts authorized
19 to be collected by section 286(i) of the Immigration and
20 Nationality Act (8 U.S.C. 1356(i)), section 10412 of the
21 Farm Security and Rural Investment Act of 2002 (7
22 U.S.C. 8311), and section 817 of the Trade Facilitation
23 and Trade Enforcement Act of 2015 (Public Law 114–
24 25), or other such authorizing language.

1 (b) To the extent that amounts realized from such
2 collections exceed \$31,000,000, those amounts in excess
3 of \$31,000,000 shall be credited to this appropriation, to
4 remain available until expended.

5 SEC. 205. None of the funds made available in this
6 Act for U.S. Customs and Border Protection may be used
7 to prevent an individual not in the business of importing
8 a prescription drug (within the meaning of section 801(g)
9 of the Federal Food, Drug, and Cosmetic Act) from im-
10 porting a prescription drug from Canada that complies
11 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
12 That this section shall apply only to individuals trans-
13 porting on their person a personal-use quantity of the pre-
14 scription drug, not to exceed a 90-day supply: *Provided*
15 *further*, That the prescription drug may not be—

16 (1) a controlled substance, as defined in section
17 102 of the Controlled Substances Act (21 U.S.C.
18 802); or

19 (2) a biological product, as defined in section
20 351 of the Public Health Service Act (42 U.S.C.
21 262).

22 SEC. 206. (a) Notwithstanding any other provision
23 of law, none of the funds provided in this or any other
24 Act shall be used to approve a waiver of the navigation
25 and vessel-inspection laws pursuant to section 501(b) of

1 title 46, United States Code, for the transportation of
2 crude oil distributed from and to the Strategic Petroleum
3 Reserve until the Secretary of Homeland Security, after
4 consultation with the Secretaries of the Departments of
5 Energy and Transportation and representatives from the
6 United States flag maritime industry, takes adequate
7 measures to ensure the use of United States flag vessels.

8 (b) The Secretary shall notify the Committees on Ap-
9 propriations of the Senate and the House of Representa-
10 tives, the Committee on Commerce, Science, and Trans-
11 portation of the Senate, and the Committee on Transpor-
12 tation and Infrastructure of the House of Representatives
13 within 2 business days of any request for waivers of navi-
14 gation and vessel-inspection laws pursuant to section
15 501(b) of title 46, United States Code, with respect to
16 such transportation, and the disposition of such requests.

17 SEC. 207. (a) Beginning on the date of enactment
18 of this Act, the Secretary of Homeland Security shall
19 not—

20 (1) establish, collect, or otherwise impose any
21 new border crossing fee on individuals crossing the
22 Southern border or the Northern border at a land
23 port of entry; or

24 (2) conduct any study relating to the imposition
25 of a border crossing fee.

1 (b) In this section, the term “border crossing fee”
2 means a fee that every pedestrian, cyclist, and driver and
3 passenger of a private motor vehicle is required to pay
4 for the privilege of crossing the Southern border or the
5 Northern border at a land port of entry.

6 SEC. 208. (a) Not later than 90 days after the date
7 of enactment of this Act, the Secretary of Homeland Secu-
8 rity shall submit an expenditure plan for any amounts
9 made available for “U.S. Customs and Border Protec-
10 tion—Procurement, Construction, and Improvements” in
11 this Act and prior Acts to the Committees on Appropria-
12 tions of the Senate and the House of Representatives.

13 (b) No such amounts may be obligated prior to the
14 submission of such plan.

15 SEC. 209. Of the total amount made available under
16 “U.S. Customs and Border Protection—Procurement,
17 Construction, and Improvements”, \$572,083,000 shall be
18 available only as follows:

19 (1) \$276,000,000 for the acquisition and de-
20 ployment of border security technologies;

21 (2) \$99,653,000 for trade and travel assets and
22 infrastructure;

23 (3) \$93,425,000 for facility construction and
24 improvements;

1 (4) \$72,395,000 for integrated operations as-
2 sets and infrastructure; and

3 (5) \$30,610,000 for mission support and infra-
4 structure.

5 SEC. 210. Section 211 of the Department of Home-
6 land Security Appropriations Act, 2021 (division F of
7 Public Law 116–260), prohibiting the use of funds for the
8 construction of fencing in certain areas, shall apply with
9 respect to funds made available in this Act in the same
10 manner as such section applied to funds made available
11 in that Act.

12 SEC. 211. (a) Funds made available in this Act may
13 be used to alter operations within the National Targeting
14 Center of U.S. Customs and Border Protection.

15 (b) None of the funds provided by this Act, provided
16 by previous appropriations Acts that remain available for
17 obligation or expenditure in fiscal year 2022, or provided
18 from any accounts in the Treasury of the United States
19 derived by the collection of fees available to the compo-
20 nents funded by this Act, may be used to reduce antici-
21 pated or planned vetting operations at existing locations
22 unless specifically authorized by a statute enacted after
23 the date of enactment of this Act.

1 SEC. 212. Section 411(o)(3) of the Homeland Secu-
2 rity Act of 2002 (6 U.S.C. 211(o)(3)), is amended by
3 striking “170” and inserting “250”.

4 SEC. 213. For an additional amount for “U.S. Cus-
5 toms and Border Protection—Operations and Support”,
6 \$100,000,000, to remain available until September 30,
7 2023, in addition to amounts otherwise available for such
8 purposes, for Border Patrol hiring and contractors, reten-
9 tion and relocation incentives and contract support.

10 SEC. 214. None of the funds provided under the
11 heading “U.S. Immigration and Customs Enforcement—
12 Operations and Support” may be used to continue a dele-
13 gation of law enforcement authority authorized under sec-
14 tion 287(g) of the Immigration and Nationality Act (8
15 U.S.C. 1357(g)) if the Department of Homeland Security
16 Inspector General determines that the terms of the agree-
17 ment governing the delegation of authority have been ma-
18 terially violated.

19 SEC. 215. (a) None of the funds provided under the
20 heading “U.S. Immigration and Customs Enforcement—
21 Operations and Support” may be used to continue any
22 contract for the provision of detention services if the two
23 most recent overall performance evaluations received by
24 the contracted facility are less than “adequate” or the

1 equivalent median score in any subsequent performance
2 evaluation system.

3 (b) The performance evaluations referenced in sub-
4 section (a) shall be conducted by the U.S. Immigration
5 and Customs Enforcement Office of Professional Respon-
6 sibility.

7 SEC. 216. Without regard to the limitation as to time
8 and condition of section 503(d) of this Act, the Secretary
9 may reprogram within and transfer funds to “U.S. Immi-
10 gration and Customs Enforcement—Operations and Sup-
11 port” as necessary to ensure the detention of aliens
12 prioritized for removal.

13 SEC. 217. The reports required to be submitted under
14 section 216 of the Department of Homeland Security Ap-
15 propriations Act, 2021 (division F of Public Law 116–
16 260) shall continue to be submitted semimonthly and each
17 matter required to be included in such report by such sec-
18 tion 216 shall apply in the same manner and to the same
19 extent during the period described in this section.

20 SEC. 218. The terms and conditions of sections 216
21 and 217 of the Department of Homeland Security Appro-
22 priations Act, 2020 (division D of Public Law 116–93)
23 shall apply to this Act.

24 SEC. 219. Members of the United States House of
25 Representatives and the United States Senate, including

1 the leadership; the heads of Federal agencies and commis-
2 sions, including the Secretary, Deputy Secretary, Under
3 Secretaries, and Assistant Secretaries of the Department
4 of Homeland Security; the United States Attorney Gen-
5 eral, Deputy Attorney General, Assistant Attorneys Gen-
6 eral, and the United States Attorneys; and senior mem-
7 bers of the Executive Office of the President, including
8 the Director of the Office of Management and Budget,
9 shall not be exempt from Federal passenger and baggage
10 screening.

11 SEC. 220. Any award by the Transportation Security
12 Administration to deploy explosives detection systems
13 shall be based on risk, the airport's current reliance on
14 other screening solutions, lobby congestion resulting in in-
15 creased security concerns, high injury rates, airport readi-
16 ness, and increased cost effectiveness.

17 SEC. 221. Notwithstanding section 44923 of title 49,
18 United States Code, for fiscal year 2022, any funds in
19 the Aviation Security Capital Fund established by section
20 44923(h) of title 49, United States Code, may be used
21 for the procurement and installation of explosives detec-
22 tion systems or for the issuance of other transaction agree-
23 ments for the purpose of funding projects described in sec-
24 tion 44923(a) of such title.

1 SEC. 222. Not later than 30 days after the submis-
2 sion of the President’s budget proposal, the Administrator
3 of the Transportation Security Administration shall sub-
4 mit to the Committees on Appropriations and Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittees on Appropriations and Homeland Security in the
7 House of Representatives a single report that fulfills the
8 following requirements:

9 (1) a Capital Investment Plan that includes a
10 plan for continuous and sustained capital investment
11 in new, and the replacement of aged, transportation
12 security equipment;

13 (2) the 5-year technology investment plan as re-
14 quired by section 1611 of title XVI of the Homeland
15 Security Act of 2002, as amended by section 3 of
16 the Transportation Security Acquisition Reform Act
17 (Public Law 113–245); and

18 (3) the Advanced Integrated Passenger Screen-
19 ing Technologies report as required by the Senate
20 Report accompanying the Department of Homeland
21 Security Appropriations Act, 2019 (Senate Report
22 115–283).

23 SEC. 223. (a) None of the funds made available by
24 this Act under the heading “Coast Guard—Operations
25 and Support” shall be for expenses incurred for rec-

1 recreational vessels under section 12114 of title 46, United
2 States Code, except to the extent fees are collected from
3 owners of yachts and credited to the appropriation made
4 available by this Act under the heading “Coast Guard—
5 Operations and Support”.

6 (b) To the extent such fees are insufficient to pay
7 expenses of recreational vessel documentation under such
8 section 12114, and there is a backlog of recreational vessel
9 applications, personnel performing non-recreational vessel
10 documentation functions under subchapter II of chapter
11 121 of title 46, United States Code, may perform docu-
12 mentation under section 12114.

13 SEC. 224. Without regard to the limitation as to time
14 and condition of section 503(d) of this Act, after June
15 30, in accordance with the notification requirement de-
16 scribed in subsection (b) of such section, up to the fol-
17 lowing amounts may be reprogrammed within “Coast
18 Guard—Operations and Support”—

19 (1) \$10,000,000 to or from the “Military Per-
20 sonnel” funding category; and

21 (2) \$10,000,000 between the “Field Oper-
22 ations” funding subcategories.

23 SEC. 225. Notwithstanding any other provision of
24 law, the Commandant of the Coast Guard shall submit
25 to the Committees on Appropriations of the Senate and

1 the House of Representatives a future-years capital invest-
2 ment plan as described in the second proviso under the
3 heading “Coast Guard—Acquisition, Construction, and
4 Improvements” in the Department of Homeland Security
5 Appropriations Act, 2015 (Public Law 114–4), which shall
6 be subject to the requirements in the third and fourth pro-
7 visos under such heading.

8 SEC. 226. Of the funds made available for defense-
9 related activities under the heading “Coast Guard—Oper-
10 ations and Support”, up to \$190,000,000 that are used
11 for enduring overseas missions in support of the global
12 fight against terrorism may be reallocated by program,
13 project, and activity, notwithstanding section 503 of this
14 Act.

15 SEC. 227. None of the funds in this Act shall be used
16 to reduce the Coast Guard’s legacy Operations Systems
17 Center mission or its government-employed or contract
18 staff levels.

19 SEC. 228. None of the funds appropriated by this Act
20 may be used to conduct, or to implement the results of,
21 a competition under Office of Management and Budget
22 Circular A–76 for activities performed with respect to the
23 Coast Guard National Vessel Documentation Center.

24 SEC. 229. Funds made available in this Act may be
25 used to alter operations within the Civil Engineering Pro-

1 gram of the Coast Guard nationwide, including civil engi-
2 neering units, facilities design and construction centers,
3 maintenance and logistics commands, and the Coast
4 Guard Academy, except that none of the funds provided
5 in this Act may be used to reduce operations within any
6 civil engineering unit unless specifically authorized by a
7 statute enacted after the date of enactment of this Act.

8 SEC. 230. Amounts deposited into the Coast Guard
9 Housing Fund in fiscal year 2022 shall be available until
10 expended to carry out the purposes of section 2946 of title
11 14, United States Code, and shall be in addition to funds
12 otherwise available for such purposes.

13 SEC. 231. (a) Notwithstanding section 2110 of title
14 46, United States Code, none of the funds made available
15 in this Act shall be used to charge a fee for an inspection
16 of a towing vessel, as defined in 46 CFR Section 136.110,
17 that utilizes the Towing Safety Management System op-
18 tion for a Certificate of Inspection issued under sub-
19 chapter M of title 46, Code of Federal Regulations.

20 (b) Subsection (a) shall not apply after the date the
21 Commandant of the Coast Guard makes a determination
22 under section 815(a) of the Frank LoBiondo Coast Guard
23 Authorization Act of 2018 (Public Law 115–282) and, as
24 necessary based on such determination, carries out the re-
25 quirements of subsection 815(b) of such Act.

1 SEC. 232. (a) For an additional amount for “Coast
2 Guard—Procurement, Construction, and Improvements”,
3 \$50,000,000, to remain available until expended, which
4 shall be distributed as a grant for the National Coast
5 Guard Museum to carry out activities under section
6 316(d) of title 14, United States Code.

7 (b) The Coast Guard shall not be responsible for the
8 execution of any contracts, planning, or execution of work
9 to accomplish any activities outlined in section 316(d) of
10 title 14, United States Code.

11 SEC. 233. The United States Secret Service is au-
12 thorized to obligate funds in anticipation of reimburse-
13 ments from executive agencies, as defined in section 105
14 of title 5, United States Code, for personnel receiving
15 training sponsored by the James J. Rowley Training Cen-
16 ter, except that total obligations at the end of the fiscal
17 year shall not exceed total budgetary resources available
18 under the heading “United States Secret Service—Oper-
19 ations and Support” at the end of the fiscal year.

20 SEC. 234. (a) None of the funds made available to
21 the United States Secret Service by this Act or by previous
22 appropriations Acts may be made available for the protec-
23 tion of the head of a Federal agency other than the Sec-
24 retary of Homeland Security.

1 (b) The Director of the United States Secret Service
2 may enter into agreements to provide such protection on
3 a fully reimbursable basis.

4 SEC. 235. For purposes of section 503(a)(3) of this
5 Act, up to \$15,000,000 may be reprogrammed within
6 “United States Secret Service—Operations and Support”.

7 SEC. 236. Funding made available in this Act for
8 “United States Secret Service—Operations and Support”
9 is available for travel of United States Secret Service em-
10 ployees on protective missions without regard to the limi-
11 tations on such expenditures in this or any other Act if
12 the Director of the United States Secret Service or a des-
13 ignee notifies the Committees on Appropriations of the
14 Senate and the House of Representatives 10 or more days
15 in advance, or as early as practicable, prior to such ex-
16 penditures.

17 TITLE III

18 PROTECTION, PREPAREDNESS, RESPONSE, AND

19 RECOVERY

20 CYBERSECURITY AND INFRASTRUCTURE SECURITY

21 AGENCY

22 OPERATIONS AND SUPPORT

23 For necessary expenses of the Cybersecurity and In-
24 frastructure Security Agency for operations and support,
25 \$1,992,527,000, of which \$36,293,000, shall remain avail-

1 able until September 30, 2023: *Provided*, That not to ex-
2 ceed \$3,825 shall be for official reception and representa-
3 tion expenses.

4 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

5 For necessary expenses of the Cybersecurity and In-
6 frastructure Security Agency for procurement, construc-
7 tion, and improvements, \$590,698,000, to remain avail-
8 able until September 30, 2024.

9 RESEARCH AND DEVELOPMENT

10 For necessary expenses of the Cybersecurity and In-
11 frastructure Security Agency for research and develop-
12 ment, \$10,431,000, to remain available until September
13 30, 2023.

14 FEDERAL EMERGENCY MANAGEMENT AGENCY

15 OPERATIONS AND SUPPORT

16 For necessary expenses of the Federal Emergency
17 Management Agency for operations and support,
18 \$1,245,859,000: *Provided*, That not to exceed \$2,250
19 shall be for official reception and representation expenses.

20 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

21 For necessary expenses of the Federal Emergency
22 Management Agency for procurement, construction, and
23 improvements, \$209,985,000, of which \$98,775,000 shall
24 remain available until September 30, 2024, and of which
25 \$111,210,000 shall remain available until September 30,

1 2026: *Provided*, That the Administrator of the Federal
2 Emergency Management Agency may use up to
3 \$10,400,000 of the amounts made available under this
4 heading to acquire and develop real property adjacent to
5 any existing training facility currently funded within the
6 Education, Training, and Exercises program, project, or
7 activity: *Provided further*, That such acquisition and devel-
8 opment of real property is only for the purposes of estab-
9 lishing a multi-use training facility: *Provided further*, That
10 none of the funds made available in the first proviso may
11 be used for the management costs associated with such
12 real property: *Provided further*, That such management
13 costs shall be made available from funds provided under
14 the heading “Federal Emergency Management Agency—
15 Operations and Support”.

16 FEDERAL ASSISTANCE

17 (INCLUDING TRANSFER OF FUNDS)

18 For activities of the Federal Emergency Management
19 Agency for Federal assistance through grants, contracts,
20 cooperative agreements, and other activities,
21 \$3,633,199,000, which shall be allocated as follows:

22 (1) \$645,000,000 for the State Homeland Secu-
23 rity Grant Program under section 2004 of the
24 Homeland Security Act of 2002 (6 U.S.C. 605), of
25 which \$90,000,000 shall be for Operation

1 Stonegarden, \$15,000,000 shall be for Tribal Home-
2 land Security Grants under section 2005 of the
3 Homeland Security Act of 2002 (6 U.S.C. 606), and
4 \$125,000,000 shall be for organizations (as de-
5 scribed under section 501(c)(3) of the Internal Rev-
6 enue Code of 1986 and exempt from tax under sec-
7 tion 501(a) of such code) determined by the Sec-
8 retary of Homeland Security to be at high risk of a
9 terrorist attack: *Provided*, That notwithstanding
10 subsection (c)(4) of such section 2004, for fiscal
11 year 2022, the Commonwealth of Puerto Rico shall
12 make available to local and tribal governments
13 amounts provided to the Commonwealth of Puerto
14 Rico under this paragraph in accordance with sub-
15 section (c)(1) of such section 2004.

16 (2) \$740,000,000 for the Urban Area Security
17 Initiative under section 2003 of the Homeland Secu-
18 rity Act of 2002 (6 U.S.C. 604), of which
19 \$125,000,000 shall be for organizations (as de-
20 scribed under section 501(c)(3) of the Internal Rev-
21 enue Code of 1986 and exempt from tax under sec-
22 tion 501(a) of such code) determined by the Sec-
23 retary of Homeland Security to be at high risk of a
24 terrorist attack.

1 (3) \$105,000,000 for Public Transportation Se-
2 curity Assistance, Railroad Security Assistance, and
3 Over-the-Road Bus Security Assistance under sec-
4 tions 1406, 1513, and 1532 of the Implementing
5 Recommendations of the 9/11 Commission Act of
6 2007 (6 U.S.C. 1135, 1163, and 1182), of which
7 \$10,000,000 shall be for Amtrak security and
8 \$2,000,000 shall be for Over-the-Road Bus Security:
9 *Provided*, That such public transportation security
10 assistance shall be provided directly to public trans-
11 portation agencies.

12 (4) \$100,000,000 for Port Security Grants in
13 accordance with section 70107 of title 46, United
14 States Code.

15 (5) \$720,000,000, to remain available until
16 September 30, 2023, of which \$360,000,000 shall be
17 for Assistance to Firefighter Grants and
18 \$360,000,000 shall be for Staffing for Adequate
19 Fire and Emergency Response Grants under sec-
20 tions 33 and 34 respectively of the Federal Fire Pre-
21 vention and Control Act of 1974 (15 U.S.C. 2229
22 and 2229a).

23 (6) \$355,000,000 for emergency management
24 performance grants under the National Flood Insur-
25 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-

1 ert T. Stafford Disaster Relief and Emergency As-
2 sistance Act (42 U.S.C. 5121), the Earthquake Haz-
3 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-
4 tion 762 of title 6, United States Code, and Reorga-
5 nization Plan No. 3 of 1978 (5 U.S.C. App.).

6 (7) \$275,500,000 for necessary expenses for
7 Flood Hazard Mapping and Risk Analysis, in addi-
8 tion to and to supplement any other sums appro-
9 priated under the National Flood Insurance Fund,
10 and such additional sums as may be provided by
11 States or other political subdivisions for cost-shared
12 mapping activities under section 1360(f)(2) of the
13 National Flood Insurance Act of 1968 (42 U.S.C.
14 4101(f)(2)), to remain available until expended.

15 (8) \$12,000,000 for Regional Catastrophic Pre-
16 paredness Grants.

17 (9) \$12,000,000 for Rehabilitation of High
18 Hazard Potential Dams under section 8A of the Na-
19 tional Dam Safety Program Act (33 U.S.C. 467f-2).

20 (10) \$130,000,000 for the emergency food and
21 shelter program under title III of the McKinney-
22 Vento Homeless Assistance Act (42 U.S.C. 11331),
23 to remain available until expended: *Provided*, That
24 not to exceed 3.5 percent shall be for total adminis-
25 trative costs.

1 (11) \$40,000,000 for the Next Generation
2 Warning System.

3 (12) \$205,098,811 for Community Project
4 Funding and Congressionally Directed Spending
5 grants, which shall be for the purposes, and the
6 amounts, specified in the table entitled “Community
7 Project Funding and Congressionally Directed
8 Spending” under this heading in the explanatory
9 statement described in section 4 (in the matter pre-
10 ceding division A of this consolidated Act), of
11 which—

12 (A) \$150,000, in addition to amounts oth-
13 erwise made available for such purpose, is for
14 a nonprofit security grant under sections 2003
15 and 2004 of the Homeland Security Act of
16 2002 (6 U.S.C. 604 and 605);

17 (B) \$49,026,403, in addition to amounts
18 otherwise made available for such purpose, is
19 for emergency operations center grants under
20 section 614 of the Robert T. Stafford Disaster
21 Relief and Emergency Assistance Act (42
22 U.S.C. 5196e);

23 (C) \$153,922,408, in addition to amounts
24 otherwise made available for such purpose, is
25 for pre-disaster mitigation grants under section

1 \$3,000,000 may be transferred to the Disaster Assistance
2 Direct Loan Program Account for administrative expenses
3 related to direct loans as authorized under section 417 of
4 the Robert T. Stafford Disaster Relief and Emergency As-
5 sistance Act (42 U.S.C. 5184).

6 NATIONAL FLOOD INSURANCE FUND

7 For activities under the National Flood Insurance
8 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
9 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
10 Biggert-Waters Flood Insurance Reform Act of 2012
11 (Public Law 112–141, 126 Stat. 916), and the Home-
12 owner Flood Insurance Affordability Act of 2014 (Public
13 Law 113–89; 128 Stat. 1020), \$214,706,000, to remain
14 available until September 30, 2023, which shall be derived
15 from offsetting amounts collected under section 1308(d)
16 of the National Flood Insurance Act of 1968 (42 U.S.C.
17 4015(d)); of which \$15,706,000 shall be available for mis-
18 sion support associated with flood management; and of
19 which \$199,000,000 shall be available for flood plain man-
20 agement and flood mapping: *Provided*, That any addi-
21 tional fees collected pursuant to section 1308(d) of the
22 National Flood Insurance Act of 1968 (42 U.S.C.
23 4015(d)) shall be credited as offsetting collections to this
24 account, to be available for flood plain management and
25 flood mapping: *Provided further*, That in fiscal year 2022,

1 no funds shall be available from the National Flood Insur-
2 ance Fund under section 1310 of the National Flood In-
3 surance Act of 1968 (42 U.S.C. 4017) in excess of—

4 (1) \$197,393,000 for operating expenses and
5 salaries and expenses associated with flood insurance
6 operations;

7 (2) \$876,743,000 for commissions and taxes of
8 agents;

9 (3) such sums as are necessary for interest on
10 Treasury borrowings; and

11 (4) \$175,000,000, which shall remain available
12 until expended, for flood mitigation actions and for
13 flood mitigation assistance under section 1366 of the
14 National Flood Insurance Act of 1968 (42 U.S.C.
15 4104e), notwithstanding sections 1366(e) and
16 1310(a)(7) of such Act (42 U.S.C. 4104e(e), 4017):

17 *Provided further*, That the amounts collected under section
18 102 of the Flood Disaster Protection Act of 1973 (42
19 U.S.C. 4012a) and section 1366(e) of the National Flood
20 Insurance Act of 1968 (42 U.S.C. 4104e(e)), shall be de-
21 posited in the National Flood Insurance Fund to supple-
22 ment other amounts specified as available for section 1366
23 of the National Flood Insurance Act of 1968, notwith-
24 standing section 102(f)(8), section 1366(e) of the National
25 Flood Insurance Act of 1968, and paragraphs (1) through

1 (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8),
2 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total
3 administrative costs shall not exceed 4 percent of the total
4 appropriation: *Provided further*, That up to \$5,000,000 is
5 available to carry out section 24 of the Homeowner Flood
6 Insurance Affordability Act of 2014 (42 U.S.C. 4033).

7 ADMINISTRATIVE PROVISIONS

8 SEC. 301. (a) Funds made available under the head-
9 ing “Cybersecurity and Infrastructure Security Agency—
10 Operations and Support” may be made available for the
11 necessary expenses of carrying out the competition speci-
12 fied in section 2(e) of Executive Order No. 13870 (May
13 2, 2019), including the provision of monetary and non-
14 monetary awards for Federal civilian employees and mem-
15 bers of the uniformed services, the necessary expenses for
16 the honorary recognition of any award recipients, and ac-
17 tivities to encourage participation in the competition, in-
18 cluding promotional items.

19 (b) Any awards made pursuant to this section shall
20 be of the same type and amount as those authorized under
21 sections 4501 through 4505 of title 5, United States Code.

22 SEC. 302. Funds made available under the heading
23 “Cybersecurity and Infrastructure Security Agency—Op-
24 erations and Support” may be made available for the nec-
25 essary expenses of procuring or providing access to cyber-

1 security threat feeds for branches, agencies, independent
2 agencies, corporations, establishments, and instrumental-
3 ities of the Federal government of the United States,
4 state, local, tribal, and territorial government entities, fu-
5 sion centers as described in section 210A of the Homeland
6 Security Act (6 U.S.C. 124h), and Information Sharing
7 and Analysis Organizations.

8 SEC. 303. (a) Notwithstanding section 2008(a)(12)
9 of the Homeland Security Act of 2002 (6 U.S.C.
10 609(a)(12)) or any other provision of law, not more than
11 5 percent of the amount of a grant made available in para-
12 graphs (1) through (4) under “Federal Emergency Man-
13 agement Agency—Federal Assistance”, may be used by
14 the recipient for expenses directly related to administra-
15 tion of the grant.

16 (b) The authority provided in subsection (a) shall also
17 apply to a recipient for the administration of a grant
18 under such paragraphs (1) and (2) for organizations de-
19 scribed under section 501(c)(3) of the Internal Revenue
20 Code of 1986 and exempt from tax under section 501(a)
21 of such code that are determined by the Secretary of
22 Homeland Security to be at high risk of a terrorist attack.

23 SEC. 304. Applications for grants under the heading
24 “Federal Emergency Management Agency—Federal As-
25 sistance”, for paragraphs (1) through (4), shall be made

1 available to eligible applicants not later than 60 days after
2 the date of enactment of this Act, eligible applicants shall
3 submit applications not later than 80 days after the grant
4 announcement, and the Administrator of the Federal
5 Emergency Management Agency shall act within 65 days
6 after the receipt of an application.

7 SEC. 305. Under the heading “Federal Emergency
8 Management Agency—Federal Assistance”, for grants
9 under paragraphs (1) through (4), (8), and (9), the Ad-
10 ministrator of the Federal Emergency Management Agen-
11 cy shall brief the Committees on Appropriations of the
12 Senate and the House of Representatives 5 full business
13 days in advance of announcing publicly the intention of
14 making an award.

15 SEC. 306. Under the heading “Federal Emergency
16 Management Agency—Federal Assistance”, for grants
17 under paragraphs (1) and (2), the installation of commu-
18 nications towers is not considered construction of a build-
19 ing or other physical facility.

20 SEC. 307. The reporting requirements in paragraphs
21 (1) and (2) under the heading “Federal Emergency Man-
22 agement Agency—Disaster Relief Fund” in the Depart-
23 ment of Homeland Security Appropriations Act, 2015
24 (Public Law 114–4) shall be applied in fiscal year 2022

1 with respect to budget year 2023 and current fiscal year
2 2022, respectively—

3 (1) in paragraph (1) by substituting “fiscal
4 year 2023” for “fiscal year 2016”; and

5 (2) in paragraph (2) by inserting “business”
6 after “fifth”.

7 SEC. 308. In making grants under the heading “Fed-
8 eral Emergency Management Agency—Federal Assist-
9 ance”, for Staffing for Adequate Fire and Emergency Re-
10 sponse grants, the Administrator of the Federal Emer-
11 gency Management Agency may grant waivers from the
12 requirements in subsections (a)(1)(A), (a)(1)(B),
13 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
14 Federal Fire Prevention and Control Act of 1974 (15
15 U.S.C. 2229a).

16 SEC. 309. (a) The aggregate charges assessed during
17 fiscal year 2022 , as authorized in title III of the Depart-
18 ments of Veterans Affairs and Housing and Urban Devel-
19 opment, and Independent Agencies Appropriations Act,
20 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
21 cent of the amounts anticipated by the Department of
22 Homeland Security to be necessary for its Radiological
23 Emergency Preparedness Program for the next fiscal year.

24 (b) The methodology for assessment and collection of
25 fees shall be fair and equitable and shall reflect costs of

1 providing such services, including administrative costs of
2 collecting such fees.

3 (c) Such fees shall be deposited in a Radiological
4 Emergency Preparedness Program account as offsetting
5 collections and will become available for authorized pur-
6 poses on October 1, 2022, and remain available until ex-
7 pended.

8 SEC. 310. In making grants under the heading “Fed-
9 eral Emergency Management Agency—Federal Assist-
10 ance”, for Assistance to Firefighter Grants, the Adminis-
11 trator of the Federal Emergency Management Agency
12 may waive subsection (k) of section 33 of the Federal Fire
13 Prevention and Control Act of 1974 (15 U.S.C. 2229).

14 SEC. 311. (a) Notwithstanding sections 403(b),
15 403(c)(4), 404(a), 406(b), 407(d), 408(g)(2),
16 428(e)(2)(B), and 503(a) of the Robert T. Stafford Dis-
17 aster Relief and Emergency Assistance Act (42 U.S.C.
18 5121 et seq.), for any emergency or major disaster de-
19 clared by the President under such Act with a declaration
20 occurring or an incident period beginning between Janu-
21 ary 1, 2020, and December 31, 2021, the Federal share
22 of assistance, including direct Federal assistance, provided
23 under such sections shall be not less than 90 percent of
24 the eligible cost of such assistance.

1 (b) Amounts repurposed pursuant to this section that
2 were previously designated by the Congress as an emer-
3 gency requirement or as being for disaster relief pursuant
4 to the Balanced Budget and Emergency Deficit Control
5 Act of 1985 or a concurrent resolution on the budget are
6 designated by the Congress as being for an emergency re-
7 quirement pursuant to section 4001(a)(1) and section
8 4001(b) of S. Con. Res. 14 (117th Congress), the concur-
9 rent resolution on the budget for fiscal year 2022, or as
10 being for disaster relief pursuant to section 4004(b)(6)
11 and section 4005(f) of S. Con. Res. 14 (117th Congress),
12 the concurrent resolution on the budget for fiscal year
13 2022.

14 (c) Subsection (a) shall apply with respect to fiscal
15 year 2022 and each fiscal year thereafter.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TRAINING, AND
3 SERVICES

4 U.S. CITIZENSHIP AND IMMIGRATION SERVICES
5 OPERATIONS AND SUPPORT

6 For necessary expenses of U.S. Citizenship and Im-
7 migration Services for operations and support, including
8 for the E-Verify Program, application processing, the re-
9 duction of backlogs within asylum, field, and service center
10 offices, and support of the refugee program;
11 \$389,504,000, of which \$87,619,000 shall remain avail-
12 able until September 30, 2023: *Provided*, That such
13 amounts shall be in addition to any other amounts made
14 available for such purposes, and shall not be construed to
15 require any reduction of any fee described in section
16 286(m) of the Immigration and Nationality Act (8 U.S.C.
17 1356(m)): *Provided further*, That not to exceed \$2,500
18 shall be for official reception and representation expenses.

19 FEDERAL ASSISTANCE

20 For necessary expenses of U.S. Citizenship and Im-
21 migration Services for Federal assistance for the Citizen-
22 ship and Integration Grant Program, \$20,000,000.

1 FEDERAL LAW ENFORCEMENT TRAINING CENTERS
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Federal Law Enforce-
4 ment Training Centers for operations and support, includ-
5 ing the purchase of not to exceed 117 vehicles for police-
6 type use and hire of passenger motor vehicles, and services
7 as authorized by section 3109 of title 5, United States
8 Code, \$322,436,000, of which \$61,618,000 shall remain
9 available until September 30, 2023: *Provided*, That not
10 to exceed \$7,180 shall be for official reception and rep-
11 resentation expenses.

12 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of the Federal Law Enforce-
14 ment Training Centers for procurement, construction, and
15 improvements, \$33,200,000, to remain available until Sep-
16 tember 30, 2026, for acquisition of necessary additional
17 real property and facilities, construction and ongoing
18 maintenance, facility improvements and related expenses
19 of the Federal Law Enforcement Training Centers.

20 SCIENCE AND TECHNOLOGY DIRECTORATE
21 OPERATIONS AND SUPPORT

22 For necessary expenses of the Science and Tech-
23 nology Directorate for operations and support, including
24 the purchase or lease of not to exceed 5 vehicles,
25 \$330,590,000, of which \$196,624,000 shall remain avail-

1 able until September 30, 2023: *Provided*, That not to ex-
2 ceed \$10,000 shall be for official reception and representa-
3 tion expenses.

4 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

5 For necessary expenses of the Science and Tech-
6 nology Directorate for procurement, construction, and im-
7 provements, \$12,859,000, to remain available until Sep-
8 tember 30, 2026.

9 RESEARCH AND DEVELOPMENT

10 For necessary expenses of the Science and Tech-
11 nology Directorate for research and development,
12 \$542,954,000, to remain available until September 30,
13 2024.

14 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

15 OPERATIONS AND SUPPORT

16 For necessary expenses of the Countering Weapons
17 of Mass Destruction Office for operations and support,
18 \$176,750,000, of which \$50,156,000 shall remain avail-
19 able until September 30, 2023: *Provided*, That not to ex-
20 ceed \$2,250 shall be for official reception and representa-
21 tion expenses.

22 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

23 For necessary expenses of the Countering Weapons
24 of Mass Destruction Office for procurement, construction,

1 and improvements, \$76,604,000, to remain available until
2 September 30, 2024.

3 RESEARCH AND DEVELOPMENT

4 For necessary expenses of the Countering Weapons
5 of Mass Destruction Office for research and development,
6 \$65,709,000, to remain available until September 30,
7 2024.

8 FEDERAL ASSISTANCE

9 For necessary expenses of the Countering Weapons
10 of Mass Destruction Office for Federal assistance through
11 grants, contracts, cooperative agreements, and other ac-
12 tivities, \$132,948,000, to remain available until Sep-
13 tember 30, 2024.

14 ADMINISTRATIVE PROVISIONS

15 SEC. 401. (a) Notwithstanding any other provision
16 of law, funds otherwise made available to U.S. Citizenship
17 and Immigration Services may be used to acquire, operate,
18 equip, and dispose of up to 5 vehicles, for replacement
19 only, for areas where the Administrator of General Serv-
20 ices does not provide vehicles for lease.

21 (b) The Director of U.S. Citizenship and Immigration
22 Services may authorize employees who are assigned to
23 those areas to use such vehicles to travel between the em-
24 ployees' residences and places of employment.

1 SEC. 402. None of the funds appropriated by this Act
2 may be used to process or approve a competition under
3 Office of Management and Budget Circular A-76 for serv-
4 ices provided by employees (including employees serving
5 on a temporary or term basis) of U.S. Citizenship and Im-
6 migration Services of the Department of Homeland Secu-
7 rity who are known as Immigration Information Officers,
8 Immigration Service Analysts, Contact Representatives,
9 Investigative Assistants, or Immigration Services Officers.

10 SEC. 403. The terms and conditions of section 403
11 of the Department of Homeland Security Appropriations
12 Act, 2020 (division D of Public Law 116-93) shall apply
13 to this Act.

14 SEC. 404. Notwithstanding the seventh proviso under
15 the heading “Immigration and Naturalization Service—
16 Salaries and Expenses” in Public Law 105-119 (relating
17 to FD-258 fingerprint cards), or any other provision of
18 law, any Federal funds made available to U.S. Citizenship
19 and Immigration Services may be used for the collection
20 and use of biometrics taken at a U.S. Citizenship and Im-
21 migration Services Application Support Center that is
22 overseen virtually by U.S. Citizenship and Immigration
23 Services personnel using appropriate technology.

24 SEC. 405. The Director of the Federal Law Enforce-
25 ment Training Centers is authorized to distribute funds

1 to Federal law enforcement agencies for expenses incurred
2 participating in training accreditation.

3 SEC. 406. The Federal Law Enforcement Training
4 Accreditation Board, including representatives from the
5 Federal law enforcement community and non-Federal ac-
6 creditation experts involved in law enforcement training,
7 shall lead the Federal law enforcement training accredita-
8 tion process to continue the implementation of measuring
9 and assessing the quality and effectiveness of Federal law
10 enforcement training programs, facilities, and instructors.

11 SEC. 407. (a) The Director of the Federal Law En-
12 forcement Training Centers may accept transfers to its
13 “Procurement, Construction, and Improvements” account
14 from Government agencies requesting the construction of
15 special use facilities, as authorized by the Economy Act
16 (31 U.S.C. 1535(b)).

17 (b) The Federal Law Enforcement Training Centers
18 shall maintain administrative control and ownership upon
19 completion of such facilities.

20 SEC. 408. The functions of the Federal Law Enforce-
21 ment Training Centers instructor staff shall be classified
22 as inherently governmental for purposes of the Federal
23 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
24 note).

1

TITLE V

2

GENERAL PROVISIONS

3

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

4

SEC. 501. No part of any appropriation contained in

5

this Act shall remain available for obligation beyond the

6

current fiscal year unless expressly so provided herein.

7

SEC. 502. Subject to the requirements of section 503

8

of this Act, the unexpended balances of prior appropria-

9

tions provided for activities in this Act may be transferred

10

to appropriation accounts for such activities established

11

pursuant to this Act, may be merged with funds in the

12

applicable established accounts, and thereafter may be ac-

13

counted for as one fund for the same time period as origi-

14

nally enacted.

15

SEC. 503. (a) None of the funds provided by this Act,

16

provided by previous appropriations Acts to the compo-

17

nents in or transferred to the Department of Homeland

18

Security that remain available for obligation or expendi-

19

ture in fiscal year 2022, or provided from any accounts

20

in the Treasury of the United States derived by the collec-

21

tion of fees available to the components funded by this

22

Act, shall be available for obligation or expenditure

23

through a reprogramming of funds that—

24

(1) creates or eliminates a program, project, or

25

activity, or increases funds for any program, project,

1 or activity for which funds have been denied or re-
2 stricted by the Congress;

3 (2) contracts out any function or activity pres-
4 ently performed by Federal employees or any new
5 function or activity proposed to be performed by
6 Federal employees in the President's budget pro-
7 posal for fiscal year 2022 for the Department of
8 Homeland Security;

9 (3) augments funding for existing programs,
10 projects, or activities in excess of \$5,000,000 or 10
11 percent, whichever is less;

12 (4) reduces funding for any program, project,
13 or activity, or numbers of personnel, by 10 percent
14 or more; or

15 (5) results from any general savings from a re-
16 duction in personnel that would result in a change
17 in funding levels for programs, projects, or activities
18 as approved by the Congress.

19 (b) Subsection (a) shall not apply if the Committees
20 on Appropriations of the Senate and the House of Rep-
21 resentatives are notified at least 15 days in advance of
22 such reprogramming.

23 (c) Up to 5 percent of any appropriation made avail-
24 able for the current fiscal year for the Department of
25 Homeland Security by this Act or provided by previous

1 appropriations Acts may be transferred between such ap-
2 propriations if the Committees on Appropriations of the
3 Senate and the House of Representatives are notified at
4 least 30 days in advance of such transfer, but no such
5 appropriation, except as otherwise specifically provided,
6 shall be increased by more than 10 percent by such trans-
7 fer.

8 (d) Notwithstanding subsections (a), (b), and (c), no
9 funds shall be reprogrammed within or transferred be-
10 tween appropriations based upon an initial notification
11 provided after June 30, except in extraordinary cir-
12 cumstances that imminently threaten the safety of human
13 life or the protection of property.

14 (e) The notification thresholds and procedures set
15 forth in subsections (a), (b), (c), and (d) shall apply to
16 any use of deobligated balances of funds provided in pre-
17 vious Department of Homeland Security Appropriations
18 Acts that remain available for obligation in the current
19 year.

20 (f) Notwithstanding subsection (c), the Secretary of
21 Homeland Security may transfer to the fund established
22 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
23 priations available to the Department of Homeland Secu-
24 rity: *Provided*, That the Secretary shall notify the Com-
25 mittees on Appropriations of the Senate and the House

1 of Representatives at least 5 days in advance of such
2 transfer.

3 SEC. 504. (a) Section 504 of the Department of
4 Homeland Security Appropriations Act, 2017 (division F
5 of Public Law 115–31), related to the operations of a
6 working capital fund, shall apply with respect to funds
7 made available in this Act in the same manner as such
8 section applied to funds made available in that Act.

9 (b) Funds from such working capital fund may be
10 obligated and expended in anticipation of reimbursements
11 from components of the Department of Homeland Secu-
12 rity.

13 SEC. 505. (a) Except as otherwise specifically pro-
14 vided by law, not to exceed 50 percent of unobligated bal-
15 ances remaining available at the end of fiscal year 2022,
16 as recorded in the financial records at the time of a re-
17 programming notification, but not later than June 30,
18 2023, from appropriations for “Operations and Support”
19 for fiscal year 2022 in this Act shall remain available
20 through September 30, 2023, in the account and for the
21 purposes for which the appropriations were provided.

22 (b) Prior to the obligation of such funds, a notifica-
23 tion shall be submitted to the Committees on Appropria-
24 tions of the Senate and the House of Representatives in
25 accordance with section 503 of this Act.

1 SEC. 506. (a) Funds made available by this Act for
2 intelligence activities are deemed to be specifically author-
3 ized by the Congress for purposes of section 504 of the
4 National Security Act of 1947 (50 U.S.C. 414) during fis-
5 cal year 2022 until the enactment of an Act authorizing
6 intelligence activities for fiscal year 2022.

7 (b) Amounts described in subsection (a) made avail-
8 able for “Intelligence, Analysis, and Operations Coordina-
9 tion—Operations and Support” that exceed the amounts
10 in such authorization for such account shall be transferred
11 to and merged with amounts made available under the
12 heading “Management Directorate—Operations and Sup-
13 port”.

14 (c) Prior to the obligation of any funds transferred
15 under subsection (b), the Management Directorate shall
16 brief the Committees on Appropriations of the Senate and
17 the House of Representatives on a plan for the use of such
18 funds.

19 SEC. 507. (a) The Secretary of Homeland Security,
20 or the designee of the Secretary, shall notify the Commit-
21 tees on Appropriations of the Senate and the House of
22 Representatives at least 3 full business days in advance
23 of—

24 (1) making or awarding a grant allocation or
25 grant in excess of \$1,000,000;

1 (2) making or awarding a contract, other trans-
2 action agreement, or task or delivery order on a De-
3 partment of Homeland Security multiple award con-
4 tract, or to issue a letter of intent totaling in excess
5 of \$4,000,000;

6 (3) awarding a task or delivery order requiring
7 an obligation of funds in an amount greater than
8 \$10,000,000 from multi-year Department of Home-
9 land Security funds;

10 (4) making a sole-source grant award; or

11 (5) announcing publicly the intention to make
12 or award items under paragraph (1), (2), (3), or (4),
13 including a contract covered by the Federal Acquisi-
14 tion Regulation.

15 (b) If the Secretary of Homeland Security determines
16 that compliance with this section would pose a substantial
17 risk to human life, health, or safety, an award may be
18 made without notification, and the Secretary shall notify
19 the Committees on Appropriations of the Senate and the
20 House of Representatives not later than 5 full business
21 days after such an award is made or letter issued.

22 (c) A notification under this section—

23 (1) may not involve funds that are not available
24 for obligation; and

1 (2) shall include the amount of the award; the
2 fiscal year for which the funds for the award were
3 appropriated; the type of contract; and the account
4 from which the funds are being drawn.

5 SEC. 508. Notwithstanding any other provision of
6 law, no agency shall purchase, construct, or lease any ad-
7 ditional facilities, except within or contiguous to existing
8 locations, to be used for the purpose of conducting Federal
9 law enforcement training without advance notification to
10 the Committees on Appropriations of the Senate and the
11 House of Representatives, except that the Federal Law
12 Enforcement Training Centers is authorized to obtain the
13 temporary use of additional facilities by lease, contract,
14 or other agreement for training that cannot be accommo-
15 dated in existing Centers' facilities.

16 SEC. 509. None of the funds appropriated or other-
17 wise made available by this Act may be used for expenses
18 for any construction, repair, alteration, or acquisition
19 project for which a prospectus otherwise required under
20 chapter 33 of title 40, United States Code, has not been
21 approved, except that necessary funds may be expended
22 for each project for required expenses for the development
23 of a proposed prospectus.

24 SEC. 510. Sections 520, 522, and 530 of the Depart-
25 ment of Homeland Security Appropriations Act, 2008 (di-

1 vision E of Public Law 110–161; 121 Stat. 2073 and
2 2074) shall apply with respect to funds made available in
3 this Act in the same manner as such sections applied to
4 funds made available in that Act.

5 SEC. 511. (a) None of the funds made available in
6 this Act may be used in contravention of the applicable
7 provisions of the Buy American Act.

8 (b) For purposes of subsection (a), the term “Buy
9 American Act” means chapter 83 of title 41, United
10 States Code.

11 SEC. 512. None of the funds made available in this
12 Act may be used to amend the oath of allegiance required
13 by section 337 of the Immigration and Nationality Act
14 (8 U.S.C. 1448).

15 SEC. 513. (a) None of the funds provided or other-
16 wise made available in this Act shall be available to carry
17 out section 872 of the Homeland Security Act of 2002
18 (6 U.S.C. 452) unless explicitly authorized by the Con-
19 gress.

20 (b) Subsection (a) shall not apply to—

21 (1) the use of such section 872 to establish an
22 office within the Office of the Secretary that shall,
23 for departmental workforce health, safety, and med-
24 ical functions and activities—

25 (A) develop departmental policies;

1 (B) establish standards;

2 (C) provide technical assistance;

3 (D) conduct oversight; and

4 (E) serve as the primary liaison and coor-
5 dinator; and

6 (2) the reallocation to an office established
7 under paragraph (1) of—

8 (A) the position and responsibilities of the
9 Chief Medical Officer and related personnel
10 from the Countering Weapons of Mass Destruc-
11 tion Office;

12 (B) the personnel, functions, and respon-
13 sibilities related to departmental workforce
14 health and medical activities from the Under
15 Secretary for Management as authorized in sec-
16 tion 710 of the Homeland Security Act, and re-
17 lated safety activities; and

18 (C) the responsibility of carrying out the
19 program authorized by section 528 of the
20 Homeland Security Act and related personnel.

21 (c) The Secretary of Homeland Security may transfer
22 funds made available in this Act under the headings
23 “Management Directorate” and “Countering Weapons of
24 Mass Destruction Office” consistent with the establish-

1 ment of the office and the reallocations of functions, posi-
2 tions, and responsibilities described in subsection (b).

3 (d) The Secretary shall submit a notification to the
4 Committees on Appropriations of the Senate and the
5 House of Representatives, the Committee on Homeland
6 Security of the House of Representatives, and the Home-
7 land Security and Governmental Affairs Committee of the
8 Senate at least 15 days prior to the establishment of the
9 office described in subsection (b).

10 (e) The functions of the office described in subsection
11 (b) shall not include chemical, biological, radiological, and
12 nuclear programs of the Countering Weapons of Mass De-
13 struction Office and the transfer of funds described in sub-
14 section (c) shall not include funding appropriated for such
15 programs.

16 SEC. 514. None of the funds made available in this
17 Act may be used for planning, testing, piloting, or devel-
18 oping a national identification card.

19 SEC. 515. Any official that is required by this Act
20 to report or to certify to the Committees on Appropria-
21 tions of the Senate and the House of Representatives may
22 not delegate such authority to perform that act unless spe-
23 cifically authorized herein.

24 SEC. 516. None of the funds made available in this
25 Act may be used for first-class travel by the employees

1 of agencies funded by this Act in contravention of sections
2 301–10.122 through 301–10.124 of title 41, Code of Fed-
3 eral Regulations.

4 SEC. 517. None of the funds made available in this
5 Act may be used to employ workers described in section
6 274A(h)(3) of the Immigration and Nationality Act (8
7 U.S.C. 1324a(h)(3)).

8 SEC. 518. Notwithstanding any other provision of
9 this Act, none of the funds appropriated or otherwise
10 made available by this Act may be used to pay award or
11 incentive fees for contractor performance that has been
12 judged to be below satisfactory performance or perform-
13 ance that does not meet the basic requirements of a con-
14 tract.

15 SEC. 519. None of the funds appropriated or other-
16 wise made available by this Act may be used by the De-
17 partment of Homeland Security to enter into any Federal
18 contract unless such contract is entered into in accordance
19 with the requirements of subtitle I of title 41, United
20 States Code, or chapter 137 of title 10, United States
21 Code, and the Federal Acquisition Regulation, unless such
22 contract is otherwise authorized by statute to be entered
23 into without regard to the above referenced statutes.

24 SEC. 520. (a) None of the funds made available in
25 this Act may be used to maintain or establish a computer

1 network unless such network blocks the viewing,
2 downloading, and exchanging of pornography.

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

7 SEC. 521. None of the funds made available in this
8 Act may be used by a Federal law enforcement officer to
9 facilitate the transfer of an operable firearm to an indi-
10 vidual if the Federal law enforcement officer knows or sus-
11 pects that the individual is an agent of a drug cartel unless
12 law enforcement personnel of the United States continu-
13 ously monitor or control the firearm at all times.

14 SEC. 522. (a) None of the funds made available in
15 this Act may be used to pay for the travel to or attendance
16 of more than 50 employees of a single component of the
17 Department of Homeland Security, who are stationed in
18 the United States, at a single international conference un-
19 less the Secretary of Homeland Security, or a designee,
20 determines that such attendance is in the national interest
21 and notifies the Committees on Appropriations of the Sen-
22 ate and the House of Representatives within at least 10
23 days of that determination and the basis for that deter-
24 mination.

1 (b) For purposes of this section the term “inter-
2 national conference” shall mean a conference occurring
3 outside of the United States attended by representatives
4 of the United States Government and of foreign govern-
5 ments, international organizations, or nongovernmental
6 organizations.

7 (c) The total cost to the Department of Homeland
8 Security of any such conference shall not exceed \$500,000.

9 (d) Employees who attend a conference virtually
10 without travel away from their permanent duty station
11 within the United States shall not be counted for purposes
12 of this section, and the prohibition contained in this sec-
13 tion shall not apply to payments for the costs of attend-
14 ance for such employees.

15 SEC. 523. None of the funds made available in this
16 Act may be used to reimburse any Federal department
17 or agency for its participation in a National Special Secu-
18 rity Event.

19 SEC. 524. (a) None of the funds made available to
20 the Department of Homeland Security by this or any other
21 Act may be obligated for the implementation of any struc-
22 tural pay reform or the introduction of any new position
23 classification that will affect more than 100 full-time posi-
24 tions or costs more than \$5,000,000 in a single year be-
25 fore the end of the 30-day period beginning on the date

1 on which the Secretary of Homeland Security submits to
2 Congress a notification that includes—

3 (1) the number of full-time positions affected by
4 such change;

5 (2) funding required for such change for the
6 current fiscal year and through the Future Years
7 Homeland Security Program;

8 (3) justification for such change; and

9 (4) for a structural pay reform, an analysis of
10 compensation alternatives to such change that were
11 considered by the Department.

12 (b) Subsection (a) shall not apply to such change if—

13 (1) it was proposed in the President's budget
14 proposal for the fiscal year funded by this Act; and

15 (2) funds for such change have not been explic-
16 itly denied or restricted in this Act.

17 SEC. 525. (a) Any agency receiving funds made avail-
18 able in this Act shall, subject to subsections (b) and (c),
19 post on the public website of that agency any report re-
20 quired to be submitted by the Committees on Appropria-
21 tions of the Senate and the House of Representatives in
22 this Act, upon the determination by the head of the agency
23 that it shall serve the national interest.

24 (b) Subsection (a) shall not apply to a report if—

1 (1) the public posting of the report com-
2 promises homeland or national security; or

3 (2) the report contains proprietary information.

4 (c) The head of the agency posting such report shall
5 do so only after such report has been made available to
6 the Committees on Appropriations of the Senate and the
7 House of Representatives for not less than 45 days except
8 as otherwise specified in law.

9 SEC. 526. (a) Funding provided in this Act for “Op-
10 erations and Support” may be used for minor procure-
11 ment, construction, and improvements.

12 (b) For purposes of subsection (a), “minor” refers
13 to end items with a unit cost of \$250,000 or less for per-
14 sonal property, and \$2,000,000 or less for real property.

15 SEC. 527. The authority provided by section 532 of
16 the Department of Homeland Security Appropriations
17 Act, 2018 (Public Law 115–141) regarding primary and
18 secondary schooling of dependents shall continue in effect
19 during fiscal year 2022.

20 SEC. 528. (a) For an additional amount for “Federal
21 Emergency Management Agency—Federal Assistance”,
22 \$3,000,000, to remain available until September 30, 2023,
23 exclusively for providing reimbursement of extraordinary
24 law enforcement or other emergency personnel costs for
25 protection activities directly and demonstrably associated

1 with any residence of the President that is designated or
2 identified to be secured by the United States Secret Serv-
3 ice.

4 (b) Subsections (b) through (f) of section 534 of the
5 Department of Homeland Security Appropriations Act,
6 2018 (Public Law 115–141), shall be applied with respect
7 to amounts made available by subsection (a) of this section
8 by substituting “October 1, 2022” for “October 1, 2018”
9 and “October 1, 2021” for “October 1, 2017”.

10 SEC. 529. (a) Section 831 of the Homeland Security
11 Act of 2002 (6 U.S.C. 391) shall be applied—

12 (1) In subsection (a), by substituting “Sep-
13 tember 30, 2022,” for “September 30, 2017,”; and

14 (2) In subsection (c)(1), by substituting “Sep-
15 tember 30, 2022,” for “September 30, 2017”.

16 (b) The Secretary of Homeland Security, under the
17 authority of section 831 of the Homeland Security Act of
18 2002 (6 U.S.C. 391(a)), may carry out prototype projects
19 under section 2371b of title 10, United States Code, and
20 the Secretary shall perform the functions of the Secretary
21 of Defense as prescribed.

22 (c) The Secretary of Homeland Security under sec-
23 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.
24 391(d)) may use the definition of nontraditional govern-

1 ment contractor as defined in section 2371b(e) of title 10,
2 United States Code.

3 SEC. 530. (a) None of the funds appropriated or oth-
4 erwise made available to the Department of Homeland Se-
5 curity by this Act may be used to prevent any of the fol-
6 lowing persons from entering, for the purpose of con-
7 ducting oversight, any facility operated by or for the De-
8 partment of Homeland Security used to detain or other-
9 wise house aliens, or to make any temporary modification
10 at any such facility that in any way alters what is observed
11 by a visiting Member of Congress or such designated em-
12 ployee, compared to what would be observed in the absence
13 of such modification:

14 (1) A Member of Congress.

15 (2) An employee of the United States House of
16 Representatives or the United States Senate des-
17 igned by such a Member for the purposes of this
18 section.

19 (b) Nothing in this section may be construed to re-
20 quire a Member of Congress to provide prior notice of the
21 intent to enter a facility described in subsection (a) for
22 the purpose of conducting oversight.

23 (c) With respect to individuals described in subsection
24 (a)(2), the Department of Homeland Security may require

1 that a request be made at least 24 hours in advance of
2 an intent to enter a facility described in subsection (a).

3 SEC. 531. (a) Except as provided in subsection (b),
4 none of the funds made available in this Act may be used
5 to place restraints on a woman in the custody of the De-
6 partment of Homeland Security (including during trans-
7 port, in a detention facility, or at an outside medical facil-
8 ity) who is pregnant or in post-delivery recuperation.

9 (b) Subsection (a) shall not apply with respect to a
10 pregnant woman if—

11 (1) an appropriate official of the Department of
12 Homeland Security makes an individualized deter-
13 mination that the woman—

14 (A) is a serious flight risk, and such risk
15 cannot be prevented by other means; or

16 (B) poses an immediate and serious threat
17 to harm herself or others that cannot be pre-
18 vented by other means; or

19 (2) a medical professional responsible for the
20 care of the pregnant woman determines that the use
21 of therapeutic restraints is appropriate for the med-
22 ical safety of the woman.

23 (c) If a pregnant woman is restrained pursuant to
24 subsection (b), only the safest and least restrictive re-
25 straints, as determined by the appropriate medical profes-

1 sional treating the woman, may be used. In no case may
2 restraints be used on a woman who is in active labor or
3 delivery, and in no case may a pregnant woman be re-
4 strained in a face-down position with four-point restraints,
5 on her back, or in a restraint belt that constricts the area
6 of the pregnancy. A pregnant woman who is immobilized
7 by restraints shall be positioned, to the maximum extent
8 feasible, on her left side.

9 SEC. 532. (a) None of the funds made available by
10 this Act may be used to destroy any document, recording,
11 or other record pertaining to any—

12 (1) death of,

13 (2) potential sexual assault or abuse per-
14 petrated against, or

15 (3) allegation of abuse, criminal activity, or dis-
16 ruption committed by

17 an individual held in the custody of the Department of
18 Homeland Security.

19 (b) The records referred to in subsection (a) shall be
20 made available, in accordance with applicable laws and
21 regulations, and Federal rules governing disclosure in liti-
22 gation, to an individual who has been charged with a
23 crime, been placed into segregation, or otherwise punished
24 as a result of an allegation described in paragraph (3),
25 upon the request of such individual.

1 SEC. 533. Section 519 of division F of Public Law
2 114–113, regarding a prohibition on funding for any posi-
3 tion designated as a Principal Federal Official, shall apply
4 with respect to any Federal funds in the same manner
5 as such section applied to funds made available in that
6 Act.

7 SEC. 534. Within 60 days of any budget submission
8 for the Department of Homeland Security for fiscal year
9 2023 that assumes revenues or proposes a reduction from
10 the previous year based on user fees proposals that have
11 not been enacted into law prior to the submission of the
12 budget, the Secretary of Homeland Security shall provide
13 the Committees on Appropriations of the Senate and the
14 House of Representatives specific reductions in proposed
15 discretionary budget authority commensurate with the
16 revenues assumed in such proposals in the event that they
17 are not enacted prior to October 1, 2022.

18 SEC. 535. None of the funds made available by this
19 Act may be obligated or expended to implement the Arms
20 Trade Treaty until the Senate approves a resolution of
21 ratification for the Treaty.

22 SEC. 536. (a) Not later than 10 days after the date
23 on which the budget of the President for a fiscal year is
24 submitted to Congress pursuant to section 1105(a) of title
25 31, United States Code, the Under Secretary for Manage-

1 ment of Homeland Security shall submit to the Commit-
2 tees on Appropriations of the Senate and the House of
3 Representatives a report on the unfunded priorities, for
4 the Department of Homeland Security and separately for
5 each departmental component, for which discretionary
6 funding would be classified as budget function 050.

7 (b) Each report under this section shall specify, for
8 each such unfunded priority—

9 (1) a summary description, including the objec-
10 tives to be achieved if such priority is funded
11 (whether in whole or in part);

12 (2) the description, including the objectives to
13 be achieved if such priority is funded (whether in
14 whole or in part);

15 (3) account information, including the following
16 (as applicable):

17 (A) appropriation account; and

18 (B) program, project, or activity name;

19 and

20 (4) the additional number of full-time or part-
21 time positions to be funded as part of such priority.

22 (c) In this section, the term “unfunded priority”, in
23 the case of a fiscal year, means a requirement that—

24 (1) is not funded in the budget referred to in
25 subsection (a);

1 (2) is necessary to fulfill a requirement associ-
2 ated with an operational or contingency plan for the
3 Department; and

4 (3) would have been recommended for funding
5 through the budget referred to in subsection (a) if—

6 (A) additional resources had been available
7 for the budget to fund the requirement;

8 (B) the requirement has emerged since the
9 budget was formulated; or

10 (C) the requirement is necessary to sustain
11 prior-year investments.

12 SEC. 537. (a) Not later than 10 days after a deter-
13 mination is made by the President to evaluate and initiate
14 protection under any authority for a former or retired
15 Government official or employee, or for an individual who,
16 during the duration of the directed protection, will become
17 a former or retired Government official or employee (re-
18 ferred to in this section as a “covered individual”), the
19 Secretary of Homeland Security shall submit a notifica-
20 tion to congressional leadership and the Committees on
21 Appropriations of the Senate and the House of Represent-
22 atives, the Committees on the Judiciary of the Senate and
23 the House of Representatives, the Committee on Home-
24 land Security and Governmental Affairs of the Senate, the
25 Committee on Homeland Security of the House of Rep-

1 representatives, and the Committee on Oversight and Reform
2 of the House of Representatives (referred to in this section
3 as the “appropriate congressional committees”).

4 (b) Such notification may be submitted in classified
5 form, if necessary, and in consultation with the Director
6 of National Intelligence or the Director of the Federal Bu-
7 reau of Investigation, as appropriate, and shall include the
8 threat assessment, scope of the protection, and the antici-
9 pated cost and duration of such protection.

10 (c) Not later than 15 days before extending, or 30
11 days before terminating, protection for a covered indi-
12 vidual, the Secretary of Homeland Security shall submit
13 a notification regarding the extension or termination and
14 any change to the threat assessment to the congressional
15 leadership and the appropriate congressional committees.

16 (d) Not later than 45 days after the date of enact-
17 ment of this Act, and quarterly thereafter, the Secretary
18 shall submit a report to the congressional leadership and
19 the appropriate congressional committees, which may be
20 submitted in classified form, if necessary, detailing each
21 covered individual, and the scope and associated cost of
22 protection.

23 SEC. 538. (a) There is hereby established in the
24 Treasury of the United States a fund to be known as the

1 “Department of Homeland Security Nonrecurring Ex-
2 penses Fund” (the Fund).

3 (b) Unobligated balances of expired discretionary
4 funds appropriated for this or any succeeding fiscal year
5 from the General Fund of the Treasury to the Department
6 of Homeland Security by this or any other Act may be
7 transferred (not later than the end of the fifth fiscal year
8 after the last fiscal year for which such funds are available
9 for the purposes for which appropriated) into the Fund.

10 (c) Amounts deposited in the Fund shall be available
11 until expended, and in addition to such other funds as may
12 be available for such purposes, for information technology
13 system modernization and facilities infrastructure im-
14 provements necessary for the operation of the Depart-
15 ment, subject to approval by the Office of Management
16 and Budget.

17 (d) Amounts in the Fund may be obligated only after
18 the Committees on Appropriations of the House of Rep-
19 resentatives and the Senate are notified at least 15 days
20 in advance of the planned use of funds.

21 SEC. 539. (a) None of the funds provided to the De-
22 partment of Homeland Security in this or any prior Act
23 may be used by an agency to submit an initial project pro-
24 posal to the Technology Modernization Fund (as author-
25 ized by section 1078 of subtitle G of Title X of the Na-

1 tional Defense Authorization Act for Fiscal Year 2018
2 (Public Law 115–91)) unless, concurrent with the submis-
3 sion of an initial project proposal to the Technology Mod-
4 ernization Board, the head of the agency—

5 (1) notifies the Committees on Appropriations
6 of the Senate and the House of Representatives of
7 the proposed submission of the project proposal;

8 (2) submits to the Committees on Appropria-
9 tions a copy of the project proposal; and

10 (3) provides a detailed analysis of how the pro-
11 posed project funding would supplement or supplant
12 funding requested as part of the Department’s most
13 recent budget submission.

14 (b) None of the funds provided to the Department
15 of Homeland Security by the Technology Modernization
16 Fund shall be available for obligation until 15 days after
17 a report on such funds has been transmitted to the Com-
18 mittees on Appropriations of the Senate and the House
19 of Representatives.

20 (c) The report described in subsection (b) shall in-
21 clude—

22 (1) the full project proposal submitted to and
23 approved by the Fund’s Technology Modernization
24 Board;

1 (2) the finalized interagency agreement between
2 the Department and the Fund including the
3 project's deliverables and repayment terms, as appli-
4 cable;

5 (3) a detailed analysis of how the project will
6 supplement or supplant existing funding available to
7 the Department for similar activities;

8 (4) a plan for how the Department will repay
9 the Fund, including specific planned funding
10 sources, as applicable; and

11 (5) other information as determined by the Sec-
12 retary.

13 SEC. 540. None of the funds appropriated or other-
14 wise made available in this or any other Act may be used
15 to transfer, release, or assist in the transfer or release to
16 or within the United States, its territories, or possessions
17 Khalid Sheikh Mohammed or any other detainee who—

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

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

23 SEC. 541. Subsection (c) of section 16005 of title VI
24 of division B of the Coronavirus Aid, Relief, and Economic
25 Security Act (Public Law 116–136) shall be applied as

1 if the language read as follows: “Subsection (a) shall apply
2 until September 30, 2022.”.

3 SEC. 542. For necessary expenses related to pro-
4 viding customs and immigration inspection and pre-in-
5 spection services at, or in support of ports of entry, pursu-
6 ant to section 1356 of title 8, United States Code, and
7 section 58c(f) of title 19, United States Code, and in addi-
8 tion to any other funds made available for this purpose,
9 there is appropriated, out of any money in the Treasury
10 not otherwise appropriated, \$650,000,000, to offset the
11 loss resulting from the coronavirus pandemic of Immigra-
12 tion User Fee receipts collected pursuant to section 286(h)
13 of the Immigration and Nationality Act (8 U.S.C.
14 1356(h)), and fees for certain customs services collected
15 pursuant to paragraphs 1 through 8 and paragraph 10
16 of subsection (a) of section 13031 of the Consolidated Om-
17 nibus Budget Reconciliation Act of 1985 (19 U.S.C.
18 58c(a)(1)–(8) and (a)(10)).

19 SEC. 543. (a) For an additional amount for the ac-
20 counts, in the amounts, and for the purposes specified,
21 in addition to amounts otherwise made available for such
22 purposes—

23 (1) “U.S. Customs and Border Protection—Op-
24 erations and Support”, \$993,792,000 for border

1 management requirements of the U.S. Border Pa-
2 trol;

3 (2) “U.S. Immigration and Customs Enforce-
4 ment—Operations and Support”, \$239,658,000 for
5 non-detention border management requirements; and

6 (3) “Federal Emergency Management Agen-
7 cy—Federal Assistance”, \$150,000,000, to be avail-
8 able for the emergency food and shelter program for
9 the purposes of providing shelter and other services
10 to families and individuals encountered by the De-
11 partment of Homeland Security.

12 (b) Not later than 30 days after the date of enact-
13 ment of this Act, the Under Secretary for Management
14 shall provide an expenditure plan for the use of the funds
15 made available in subsection (a).

16 (RESCISSIONS OF FUNDS)

17 SEC. 544. (a) Of the unobligated balances from
18 amounts made available under the heading “U.S. Customs
19 and Border Protection—Procurement, Construction, and
20 Improvements” by section 230(a)(3) of division A of the
21 Consolidated Appropriations Act, 2019 (Public Law 116–
22 6) for construction and facility improvements,
23 \$90,500,000 are hereby rescinded.

24 (b) Of the unobligated balances from amounts made
25 available under the heading “U.S. Customs and Border

1 Protection—Procurement, Construction, and Improve-
2 ments” by section 209(2) of division F of the Consolidated
3 Appropriations Act, 2021 (Public Law 116–260) for facil-
4 ity construction and improvements, \$40,000,000 are here-
5 by rescinded.

6 (c) For an additional amount for “Management Di-
7 rectorate—Procurement, Construction, and Improve-
8 ments”, \$130,500,000, to remain available until Sep-
9 tember 30, 2025, in addition to any amounts otherwise
10 available for such purposes, for the development of joint
11 processing centers.

12 SEC. 545. (a) Of the unobligated balances from
13 amounts made available under the heading “U.S. Customs
14 and Border Protection—Procurement, Construction, and
15 Improvements” by the Emergency Supplemental Appro-
16 priations for Humanitarian Assistance and Security at the
17 Southern Border Act, 2019 (Public Law 116–26) for the
18 development of a joint processing center, \$49,500,000 are
19 hereby rescinded: *Provided*, That the amounts rescinded
20 by this subsection that were previously designated by the
21 Congress as an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985 are designated by the
24 Congress as an emergency requirement pursuant to sec-
25 tion 4001(a)(1) and section 4001(b) of S. Con. Res. 14

1 (117th Congress), the concurrent resolution on the budget
2 for fiscal year 2022.

3 (b) For an additional amount for “Management Di-
4 rectorate—Procurement, Construction, and Improve-
5 ments”, \$49,500,000, to remain available until September
6 30, 2025, in addition to any amounts otherwise available
7 for such purposes, for the development of joint processing
8 centers: *Provided*, That such amount is designated by the
9 Congress as being for an emergency requirement pursuant
10 to section 4001(a)(1) and section 4001(b) of S. Con. Res.
11 14 (117th Congress), the concurrent resolution on the
12 budget for fiscal year 2022.

13 SEC. 546. Of the funds appropriated to the Depart-
14 ment of Homeland Security, the following funds are here-
15 by rescinded from the following accounts and programs
16 in the specified amounts: *Provided*, That no amounts may
17 be rescinded from amounts that were designated by the
18 Congress as an emergency requirement pursuant to a con-
19 current resolution on the budget or the Balanced Budget
20 and Emergency Deficit Control Act of 1985 (Public Law
21 99–177):

22 (1) \$21,650 from the unobligated balances
23 available in the “Office of the Executive Secretary—
24 Operations and Support” account (70 X 0100).

1 (2) \$1,810 from the unobligated balances avail-
2 able in the “Office of the Undersecretary for Man-
3 agement” account (70 X 0112).

4 (3) \$12,628,523 from the unobligated balances
5 available in the “Management Directorate—Office of
6 the Chief Information Officer and Operations” ac-
7 count (70 X 0113).

8 (4) \$8,456 from the unobligated balances avail-
9 able in Treasury Account Fund Symbol 70 X 0504,
10 “Immigration and Customs Enforcement, Border
11 and Transportation Security, INS”.

12 (5) \$503 from the unobligated balances avail-
13 able in Treasury Account Fund Symbol 70 X 8598,
14 “U.S. Immigration and Customs Enforcement, Vio-
15 lent Crime Reduction Program”.

16 (6) \$7,006 from the unobligated balances avail-
17 able in Treasury Account Fund Symbol 70 X 0508,
18 “Transportation Security Administration, Ex-
19 penses”.

20 (7) \$11,412 from the unobligated balances
21 available in the “Transportation Security Adminis-
22 tration—Federal Air Marshals” account (70 X
23 0541).

24 (8) \$311 from the unobligated balances avail-
25 able in the “Transportation Security Administra-

1 tion—Surface Transportation Security” account (70
2 X 0551).

3 (9) \$5,308,328 from the unobligated balances
4 available in the “Transportation Security Adminis-
5 tration—Intelligence and Vetting” account (70 X
6 0557).

7 (10) \$1.41 from the unobligated balances avail-
8 able in the “Transportation Security Administra-
9 tion—Research and Development” account (70 X
10 0553).

11 (11) \$322,105 from the unobligated balances
12 available in the “Transportation Security Adminis-
13 tration—Transportation Security Support” account
14 (70 X 0554).

15 (12) \$457,920 from the unobligated balances
16 available in Treasury Account Fund Symbol 70 X
17 0900, “Cybersecurity and Infrastructure Security
18 Agency, Operating Expenses”.

19 (13) \$199,690 from the unobligated balances
20 available in the “Federal Emergency Management
21 Agency—State and Local Programs” account (70 X
22 0560).

23 (14) \$1,670 from the unobligated balances
24 available in the “Federal Emergency Management
25 Agency—Administrative and Regional Operations,

1 Emergency Preparedness and Response” account
2 (70 X 0712).

3 (15) \$115,138 from the unobligated balances
4 available in the “Federal Emergency Management
5 Agency—Operations and Support” account (70 X
6 0700).

7 (16) \$1,243,822 from the unobligated balances
8 available in Treasury Account Fund Symbol 70 X
9 0300, “U.S. Citizenship and Immigration Services,
10 Operations and Support”.

11 (17) \$350,656 from the unobligated balances
12 available in the “Countering Weapons of Mass De-
13 struction Office—Research and Development” ac-
14 count (70 X 0860).

15 (18) \$3,000,000 from the unobligated balances
16 available in the “Federal Emergency Management
17 Agency—National Pre disaster Mitigation Fund” ac-
18 count (70 X 0716).

19 (19) \$24,339,000 from the unobligated bal-
20 ances available in the “U.S. Customs and Border
21 Protection—Border Security Fencing, Infrastruc-
22 ture, and Technology” account (70 X 0533).

23 (20) \$10,000,000 from Public Law 116–260
24 under the heading “U.S. Customs and Border Pro-

1 tection—Procurement, Construction, and Improve-
2 ments”.

3 (21) \$6,161,000 from the unobligated balances
4 available in the “U.S. Customs and Border Protec-
5 tion—Procurement, Construction, and Improve-
6 ments” account (70 X 0532).

7 (22) \$4,500,000 from Public Law 115–141
8 under the heading “U.S. Customs and Border Pro-
9 tection—Construction and Facility Improvements”.

10 (23) \$6,999 from the unobligated balances
11 available in the “U.S. Customs and Border Protec-
12 tion—Operations and Support” account (70 X
13 0530).

14 (24) \$21,000,000 from Public Law 115–141
15 under the heading “Coast Guard—Acquisition, Con-
16 struction, and Improvements”.

17 SEC. 547. The following unobligated balances made
18 available to the Department of Homeland Security pursu-
19 ant to section 505 of the Department of Homeland Secu-
20 rity Appropriations Act, 2021 (Public Law 116–260) are
21 rescinded:

22 (1) \$791,720 from “Office of the Secretary and
23 Executive Management—Operations and Support”.

24 (2) \$359,920 from “Management Directorate—
25 Operations and Support”.

1 (3) \$1,041,300 from “Intelligence, Analysis,
2 and Operations Coordination—Operations and Sup-
3 port”.

4 (4) \$132,133 from “Office of the Inspector
5 General—Operations and Support”.

6 (5) \$19,337,430 from “U.S. Customs and Bor-
7 der Protection—Operations and Support”.

8 (6) \$7,169,547 from “U.S. Immigration and
9 Customs Enforcement—Operations and Support”.

10 (7) \$1,000,000 from “Coast Guard—Oper-
11 ations and Support”.

12 (8) \$6,394,290 from “United States Secret
13 Service--Operations and Support”.

14 (9) \$2,793,900 from “Cybersecurity and Infra-
15 structure Security Agency—Operations and Sup-
16 port”.

17 (10) \$668,640 from “Federal Emergency Man-
18 agement Agency—Operations and Support”.

19 (11) \$1,368,190 from “U.S. Citizenship and
20 Immigration Services—Operations and Support”.

21 (12) \$903,710 from “Federal Law Enforcement
22 Training Centers—Operations and Support”.

23 (13) \$110,710 from “Science and Technology
24 Directorate—Operations and Support”.

1 (14) \$385,640 from “Countering Weapons of
2 Mass Destruction Office—Operations and Support”.
3 SEC. 548. Of the unobligated balances made available
4 to “Federal Emergency Management Agency—Disaster
5 Relief Fund”, \$147,592,596 shall be rescinded: *Provided*,
6 That no amounts may be rescinded from amounts that
7 were designated by the Congress as an emergency require-
8 ment pursuant to a concurrent resolution on the budget
9 or the Balanced Budget and Emergency Deficit Control
10 Act of 1985, as amended: *Provided further*, That no
11 amounts may be rescinded from amounts that were des-
12 ignated by the Congress as being for disaster relief pursu-
13 ant to section 4004(b)(6) and section 4005(f) of S. Con.
14 Res. 14 (117th Congress), the concurrent resolution on
15 the budget for fiscal year 2022, or section 251(b)(2)(D)
16 of the Balanced Budget and Emergency Deficit Control
17 Act of 1985: *Provided further*, That no amounts may be
18 rescinded from amounts that were made available by sec-
19 tion 4005 of the American Rescue Plan Act of 2021 (Pub-
20 lic Law 117–2).

21 This division may be cited as the “Department of
22 Homeland Security Appropriations Act, 2022”.

1 **DIVISION G—DEPARTMENT OF THE INTE-**
2 **RIOR, ENVIRONMENT, AND RELATED**
3 **AGENCIES APPROPRIATIONS ACT, 2022**

4 TITLE I

5 DEPARTMENT OF THE INTERIOR

6 BUREAU OF LAND MANAGEMENT

7 MANAGEMENT OF LANDS AND RESOURCES

8 For necessary expenses for protection, use, improve-
9 ment, development, disposal, cadastral surveying, classi-
10 fication, acquisition of easements and other interests in
11 lands, and performance of other functions, including main-
12 tenance of facilities, as authorized by law, in the manage-
13 ment of lands and their resources under the jurisdiction
14 of the Bureau of Land Management, including the general
15 administration of the Bureau, and assessment of mineral
16 potential of public lands pursuant to section 1010(a) of
17 Public Law 96–487 (16 U.S.C. 3150(a)), \$1,281,940,000,
18 to remain available until September 30, 2023; of which
19 \$79,035,000 for annual and deferred maintenance and
20 \$137,093,000 for the wild horse and burro program, as
21 authorized by Public Law 92–195 (16 U.S.C. 1331 et
22 seq.), shall remain available until expended: *Provided*,
23 That amounts in the fee account of the BLM Permit Proc-
24 essing Improvement Fund may be used for any bureau-
25 related expenses associated with the processing of oil and

1 gas applications for permits to drill and related use of au-
2 thorizations.

3 In addition, \$39,696,000 is for Mining Law Adminis-
4 tration program operations, including the cost of admin-
5 istering the mining claim fee program, to remain available
6 until expended, to be reduced by amounts collected by the
7 Bureau and credited to this appropriation from mining
8 claim maintenance fees and location fees that are hereby
9 authorized for fiscal year 2022, so as to result in a final
10 appropriation estimated at not more than \$1,281,940,000,
11 and \$2,000,000, to remain available until expended, from
12 communication site rental fees established by the Bureau
13 for the cost of administering communication site activities.

14 OREGON AND CALIFORNIA GRANT LANDS

15 For expenses necessary for management, protection,
16 and development of resources and for construction, oper-
17 ation, and maintenance of access roads, reforestation, and
18 other improvements on the revested Oregon and California
19 Railroad grant lands, on other Federal lands in the Or-
20 egon and California land-grant counties of Oregon, and
21 on adjacent rights-of-way; and acquisition of lands or in-
22 terests therein, including existing connecting roads on or
23 adjacent to such grant lands; \$117,283,000, to remain
24 available until expended: *Provided*, That 25 percent of the
25 aggregate of all receipts during the current fiscal year

1 from the revested Oregon and California Railroad grant
2 lands is hereby made a charge against the Oregon and
3 California land-grant fund and shall be transferred to the
4 General Fund in the Treasury in accordance with the sec-
5 ond paragraph of subsection (b) of title II of the Act of
6 August 28, 1937 (43 U.S.C. 2605).

7 RANGE IMPROVEMENTS

8 For rehabilitation, protection, and acquisition of
9 lands and interests therein, and improvement of Federal
10 rangelands pursuant to section 401 of the Federal Land
11 Policy and Management Act of 1976 (43 U.S.C. 1751),
12 notwithstanding any other Act, sums equal to 50 percent
13 of all moneys received during the prior fiscal year under
14 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
15 315b, 315m) and the amount designated for range im-
16 provements from grazing fees and mineral leasing receipts
17 from Bankhead-Jones lands transferred to the Depart-
18 ment of the Interior pursuant to law, but not less than
19 \$10,000,000, to remain available until expended: *Pro-*
20 *vided*, That not to exceed \$600,000 shall be available for
21 administrative expenses.

22 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

23 For administrative expenses and other costs related
24 to processing application documents and other authoriza-
25 tions for use and disposal of public lands and resources,

1 for costs of providing copies of official public land docu-
2 ments, for monitoring construction, operation, and termi-
3 nation of facilities in conjunction with use authorizations,
4 and for rehabilitation of damaged property, such amounts
5 as may be collected under Public Law 94–579 (43 U.S.C.
6 1701 et seq.), and under section 28 of the Mineral Leasing
7 Act (30 U.S.C. 185), to remain available until expended:
8 *Provided*, That notwithstanding any provision to the con-
9 trary of section 305(a) of Public Law 94–579 (43 U.S.C.
10 1735(a)), any moneys that have been or will be received
11 pursuant to that section, whether as a result of forfeiture,
12 compromise, or settlement, if not appropriate for refund
13 pursuant to section 305(c) of that Act (43 U.S.C.
14 1735(c)), shall be available and may be expended under
15 the authority of this Act by the Secretary of the Interior
16 to improve, protect, or rehabilitate any public lands ad-
17 ministered through the Bureau of Land Management
18 which have been damaged by the action of a resource de-
19 veloper, purchaser, permittee, or any unauthorized person,
20 without regard to whether all moneys collected from each
21 such action are used on the exact lands damaged which
22 led to the action: *Provided further*, That any such moneys
23 that are in excess of amounts needed to repair damage
24 to the exact land for which funds were collected may be
25 used to repair other damaged public lands.

1 MISCELLANEOUS TRUST FUNDS

2 In addition to amounts authorized to be expended
3 under existing laws, there is hereby appropriated such
4 amounts as may be contributed under section 307 of Pub-
5 lic Law 94-579 (43 U.S.C. 1737), and such amounts as
6 may be advanced for administrative costs, surveys, ap-
7 praisals, and costs of making conveyances of omitted lands
8 under section 211(b) of that Act (43 U.S.C. 1721(b)), to
9 remain available until expended.

10 ADMINISTRATIVE PROVISIONS

11 The Bureau of Land Management may carry out the
12 operations funded under this Act by direct expenditure,
13 contracts, grants, cooperative agreements, and reimburs-
14 able agreements with public and private entities, including
15 with States. Appropriations for the Bureau shall be avail-
16 able for purchase, erection, and dismantlement of tem-
17 porary structures, and alteration and maintenance of nec-
18 essary buildings and appurtenant facilities to which the
19 United States has title; up to \$100,000 for payments, at
20 the discretion of the Secretary, for information or evidence
21 concerning violations of laws administered by the Bureau;
22 miscellaneous and emergency expenses of enforcement ac-
23 tivities authorized or approved by the Secretary and to be
24 accounted for solely on the Secretary's certificate, not to
25 exceed \$10,000: *Provided*, That notwithstanding Public

1 Law 90–620 (44 U.S.C. 501), the Bureau may, under co-
2 operative cost-sharing and partnership arrangements au-
3 thorized by law, procure printing services from cooperators
4 in connection with jointly produced publications for which
5 the cooperators share the cost of printing either in cash
6 or in services, and the Bureau determines the cooperator
7 is capable of meeting accepted quality standards: *Provided*
8 *further*, That projects to be funded pursuant to a written
9 commitment by a State government to provide an identi-
10 fied amount of money in support of the project may be
11 carried out by the Bureau on a reimbursable basis.

12 UNITED STATES FISH AND WILDLIFE SERVICE

13 RESOURCE MANAGEMENT

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses of the United States Fish and
16 Wildlife Service, as authorized by law, and for scientific
17 and economic studies, general administration, and for the
18 performance of other authorized functions related to such
19 resources, \$1,451,545,000, to remain available until Sep-
20 tember 30, 2023: *Provided*, That not to exceed
21 \$21,279,000 shall be used for implementing subsections
22 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
23 cies Act of 1973 (16 U.S.C. 1533) (except for processing
24 petitions, developing and issuing proposed and final regu-
25 lations, and taking any other steps to implement actions

1 described in subsection (c)(2)(A), (c)(2)(B)(i), or
2 (c)(2)(B)(ii): *Provided further*, That of the amount appro-
3 priated under this heading, \$6,813,000, to remain avail-
4 able until September 30, 2024, shall be for projects speci-
5 fied for Stewardship Priorities in the table titled “Interior
6 and Environment Incorporation of Community Project
7 Funding Items/Congressionally Directed Spending Items”
8 included for this division in the explanatory statement de-
9 scribed in section 4 (in the matter preceding division A
10 of this consolidated Act): *Provided further*, That amounts
11 in the preceding proviso may be transferred to the appro-
12 priate program, project, or activity under this heading and
13 shall continue to only be available for the purposes and
14 in such amounts as such funds were originally appro-
15 priated.

16 CONSTRUCTION

17 (INCLUDING RESCISSION OF FUNDS)

18 For construction, improvement, acquisition, or re-
19 moval of buildings and other facilities required in the con-
20 servation, management, investigation, protection, and uti-
21 lization of fish and wildlife resources, and the acquisition
22 of lands and interests therein; \$12,847,000, to remain
23 available until expended.

24 Of the unobligated balances from amounts made
25 available under this heading for construction, \$1,240,000

1 is permanently rescinded: *Provided*, That no amounts may
2 be rescinded from amounts that were designated by the
3 Congress as an emergency requirement pursuant to the
4 Concurrent Resolution on the Budget or the Balanced
5 Budget and Emergency Deficit Control Act of 1985.

6 COOPERATIVE ENDANGERED SPECIES CONSERVATION

7 FUND

8 (INCLUDING RESCISSION OF FUNDS)

9 For expenses necessary to carry out section 6 of the
10 Endangered Species Act of 1973 (16 U.S.C. 1535),
11 \$24,064,000, to remain available until expended, to be de-
12 rived from the Cooperative Endangered Species Conserva-
13 tion Fund.

14 Of the unobligated balances from amounts made
15 available under this heading from the Cooperative Endan-
16 gered Species Conservation Fund, \$945,000 is perma-
17 nently rescinded: *Provided*, That no amounts may be re-
18 scinded from amounts that were designated by the Con-
19 gress as an emergency requirement pursuant to the Con-
20 current Resolution on the Budget or the Balanced Budget
21 and Emergency Deficit Control Act of 1985.

22 NATIONAL WILDLIFE REFUGE FUND

23 For expenses necessary to implement the Act of Octo-
24 ber 17, 1978 (16 U.S.C. 715s), \$13,228,000.

1 NORTH AMERICAN WETLANDS CONSERVATION FUND

2 For expenses necessary to carry out the provisions
3 of the North American Wetlands Conservation Act (16
4 U.S.C. 4401 et seq.), \$48,500,000, to remain available
5 until expended.

6 NEOTROPICAL MIGRATORY BIRD CONSERVATION

7 For expenses necessary to carry out the Neotropical
8 Migratory Bird Conservation Act (16 U.S.C. 6101 et
9 seq.), \$5,000,000, to remain available until expended.

10 MULTINATIONAL SPECIES CONSERVATION FUND

11 For expenses necessary to carry out the African Ele-
12 phant Conservation Act (16 U.S.C. 4201 et seq.), the
13 Asian Elephant Conservation Act of 1997 (16 U.S.C.
14 4261 et seq.), the Rhinoceros and Tiger Conservation Act
15 of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Con-
16 servation Act of 2000 (16 U.S.C. 6301 et seq.), and the
17 Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601
18 et seq.), \$20,000,000, to remain available until expended.

19 STATE AND TRIBAL WILDLIFE GRANTS

20 For wildlife conservation grants to States and to the
21 District of Columbia, Puerto Rico, Guam, the United
22 States Virgin Islands, the Northern Mariana Islands,
23 American Samoa, and Indian tribes under the provisions
24 of the Fish and Wildlife Act of 1956 and the Fish and
25 Wildlife Coordination Act, for the development and imple-

1 mentation of programs for the benefit of wildlife and their
2 habitat, including species that are not hunted or fished,
3 \$72,612,000, to remain available until expended: *Pro-*
4 *vided*, That of the amount provided herein, \$6,000,000 is
5 for a competitive grant program for Indian tribes not sub-
6 ject to the remaining provisions of this appropriation: *Pro-*
7 *vided further*, That \$7,362,000 is for a competitive grant
8 program to implement approved plans for States, terri-
9 tories, and other jurisdictions and at the discretion of af-
10 fected States, the regional Associations of fish and wildlife
11 agencies, not subject to the remaining provisions of this
12 appropriation: *Provided further*, That the Secretary shall,
13 after deducting \$13,362,000 and administrative expenses,
14 apportion the amount provided herein in the following
15 manner: (1) to the District of Columbia and to the Com-
16 monwealth of Puerto Rico, each a sum equal to not more
17 than one-half of 1 percent thereof; and (2) to Guam,
18 American Samoa, the United States Virgin Islands, and
19 the Commonwealth of the Northern Mariana Islands, each
20 a sum equal to not more than one-fourth of 1 percent
21 thereof: *Provided further*, That the Secretary of the Inte-
22 rior shall apportion the remaining amount in the following
23 manner: (1) one-third of which is based on the ratio to
24 which the land area of such State bears to the total land
25 area of all such States; and (2) two-thirds of which is

1 based on the ratio to which the population of such State
2 bears to the total population of all such States: *Provided*
3 *further*, That the amounts apportioned under this para-
4 graph shall be adjusted equitably so that no State shall
5 be apportioned a sum which is less than 1 percent of the
6 amount available for apportionment under this paragraph
7 for any fiscal year or more than 5 percent of such amount:
8 *Provided further*, That the Federal share of planning
9 grants shall not exceed 75 percent of the total costs of
10 such projects and the Federal share of implementation
11 grants shall not exceed 65 percent of the total costs of
12 such projects: *Provided further*, That the non-Federal
13 share of such projects may not be derived from Federal
14 grant programs: *Provided further*, That any amount ap-
15 portioned in 2022 to any State, territory, or other jurisdic-
16 tion that remains unobligated as of September 30, 2023,
17 shall be reapportioned, together with funds appropriated
18 in 2024, in the manner provided herein.

19 ADMINISTRATIVE PROVISIONS

20 The United States Fish and Wildlife Service may
21 carry out the operations of Service programs by direct ex-
22 penditure, contracts, grants, cooperative agreements and
23 reimbursable agreements with public and private entities.
24 Appropriations and funds available to the United States
25 Fish and Wildlife Service shall be available for repair of

1 damage to public roads within and adjacent to reservation
2 areas caused by operations of the Service; options for the
3 purchase of land at not to exceed one dollar for each op-
4 tion; facilities incident to such public recreational uses on
5 conservation areas as are consistent with their primary
6 purpose; and the maintenance and improvement of aquar-
7 ia, buildings, and other facilities under the jurisdiction of
8 the Service and to which the United States has title, and
9 which are used pursuant to law in connection with man-
10 agement, and investigation of fish and wildlife resources:
11 *Provided*, That notwithstanding 44 U.S.C. 501, the Serv-
12 ice may, under cooperative cost sharing and partnership
13 arrangements authorized by law, procure printing services
14 from cooperators in connection with jointly produced pub-
15 lications for which the cooperators share at least one-half
16 the cost of printing either in cash or services and the Serv-
17 ice determines the cooperator is capable of meeting accept-
18 ed quality standards: *Provided further*, That the Service
19 may accept donated aircraft as replacements for existing
20 aircraft: *Provided further*, That notwithstanding 31 U.S.C.
21 3302, all fees collected for non-toxic shot review and ap-
22 proval shall be deposited under the heading “United
23 States Fish and Wildlife Service—Resource Management”
24 and shall be available to the Secretary, without further
25 appropriation, to be used for expenses of processing of

1 such non-toxic shot type or coating applications and revis-
2 ing regulations as necessary, and shall remain available
3 until expended.

4 NATIONAL PARK SERVICE

5 OPERATION OF THE NATIONAL PARK SYSTEM

6 For expenses necessary for the management, oper-
7 ation, and maintenance of areas and facilities adminis-
8 tered by the National Park Service and for the general
9 administration of the National Park Service,
10 \$2,767,028,000, of which \$11,452,000 for planning and
11 interagency coordination in support of Everglades restora-
12 tion and \$135,980,000 for maintenance, repair, or reha-
13 bilitation projects for constructed assets and
14 \$188,184,000 for cyclic maintenance projects for con-
15 structed assets and cultural resources and \$5,000,000 for
16 uses authorized by section 101122 of title 54, United
17 States Code shall remain available until September 30,
18 2023: *Provided*, That funds appropriated under this head-
19 ing in this Act are available for the purposes of section
20 5 of Public Law 95–348: *Provided further*, That notwith-
21 standing section 9 of the 400 Years of African-American
22 History Commission Act (36 U.S.C. note prec. 101; Public
23 Law 115–102), \$3,300,000 of the funds provided under
24 this heading shall be made available for the purposes spec-
25 ified by that Act: *Provided further*, That sections (7)(b)

1 and (8) of that Act shall be amended by striking “July
2 1, 2022” and inserting “July 1, 2023”.

3 In addition, for purposes described in section 2404
4 of Public Law 116–9, an amount equal to the amount de-
5 posited in this fiscal year into the National Park Medical
6 Services Fund established pursuant to such section of
7 such Act, to remain available until expended, shall be de-
8 rived from such Fund.

9 NATIONAL RECREATION AND PRESERVATION

10 For expenses necessary to carry out recreation pro-
11 grams, natural programs, cultural programs, heritage
12 partnership programs, environmental compliance and re-
13 view, international park affairs, and grant administration,
14 not otherwise provided for, \$83,910,000, to remain avail-
15 able until September 30, 2023, of which \$3,500,000 shall
16 be for projects specified for Statutory and Contractual Aid
17 in the table titled “Interior and Environment Incorpora-
18 tion of Community Project Funding Items/Congressionally
19 Directed Spending Items” included for this division in the
20 explanatory statement described in section 4 (in the mat-
21 ter preceding division A of this consolidated Act).

22 HISTORIC PRESERVATION FUND

23 For expenses necessary in carrying out the National
24 Historic Preservation Act (division A of subtitle III of title
25 54, United States Code), \$173,072,000, to be derived

1 from the Historic Preservation Fund and to remain avail-
2 able until September 30, 2023, of which \$26,500,000 shall
3 be for Save America's Treasures grants for preservation
4 of nationally significant sites, structures and artifacts as
5 authorized by section 7303 of the Omnibus Public Land
6 Management Act of 2009 (54 U.S.C. 3089): *Provided*,
7 That an individual Save America's Treasures grant shall
8 be matched by non-Federal funds: *Provided further*, That
9 individual projects shall only be eligible for one grant: *Pro-*
10 *vided further*, That all projects to be funded shall be ap-
11 proved by the Secretary of the Interior in consultation
12 with the House and Senate Committees on Appropria-
13 tions: *Provided further*, That of the funds provided for the
14 Historic Preservation Fund, \$1,250,000 is for competitive
15 grants for the survey and nomination of properties to the
16 National Register of Historic Places and as National His-
17 toric Landmarks associated with communities currently
18 under-represented, as determined by the Secretary;
19 \$26,375,000 is for competitive grants to preserve the sites
20 and stories of the Civil Rights movement; \$10,000,000 is
21 for grants to Historically Black Colleges and Universities;
22 \$10,000,000 is for competitive grants for the restoration
23 of historic properties of national, State, and local signifi-
24 cance listed on or eligible for inclusion on the National
25 Register of Historic Places, to be made without imposing

1 the usage or direct grant restrictions of section 101(e)(3)
2 (54 U.S.C. 302904) of the National Historical Preserva-
3 tion Act; \$10,000,000 is for a competitive grant program
4 to honor the semiquincentennial anniversary of the United
5 States by restoring and preserving state-owned sites and
6 structures listed on the National Register of Historic
7 Places that commemorate the founding of the nation; and
8 \$15,272,000 is for projects specified for the Historic Pres-
9 ervation Fund in the table titled “Interior and Environ-
10 ment Incorporation of Community Project Funding Items/
11 Congressionally Directed Spending Items” included for
12 this division in the explanatory statement described in sec-
13 tion 4 (in the matter preceding division A of this consoli-
14 dated Act): *Provided further*, That such competitive grants
15 shall be made without imposing the matching require-
16 ments in section 302902(b)(3) of title 54, United States
17 Code to States and Indian tribes as defined in chapter
18 3003 of such title, Native Hawaiian organizations, local
19 governments, including Certified Local Governments, and
20 non-profit organizations.

21 CONSTRUCTION

22 For construction, improvements, repair, or replace-
23 ment of physical facilities, and compliance and planning
24 for programs and areas administered by the National
25 Park Service, \$225,984,000, to remain available until ex-

1 pended: *Provided*, That notwithstanding any other provi-
2 sion of law, for any project initially funded in fiscal year
3 2022 with a future phase indicated in the National Park
4 Service 5–Year Line Item Construction Plan, a single pro-
5 curement may be issued which includes the full scope of
6 the project: *Provided further*, That the solicitation and
7 contract shall contain the clause availability of funds
8 found at 48 CFR 52.232–18: *Provided further*, That Na-
9 tional Park Service Donations, Park Concessions Fran-
10 chise Fees, and Recreation Fees may be made available
11 for the cost of adjustments and changes within the origi-
12 nal scope of effort for projects funded by the National
13 Park Service Construction appropriation: *Provided further*,
14 That the Secretary of the Interior shall consult with the
15 Committees on Appropriations, in accordance with current
16 reprogramming thresholds, prior to making any charges
17 authorized by this section.

18 CENTENNIAL CHALLENGE

19 For expenses necessary to carry out the provisions
20 of section 101701 of title 54, United States Code, relating
21 to challenge cost share agreements, \$15,000,000, to re-
22 main available until expended, for Centennial Challenge
23 projects and programs: *Provided*, That not less than 50
24 percent of the total cost of each project or program shall
25 be derived from non-Federal sources in the form of do-

1 nated cash, assets, or a pledge of donation guaranteed by
2 an irrevocable letter of credit.

3 ADMINISTRATIVE PROVISIONS
4 (INCLUDING TRANSFER OF FUNDS)

5 In addition to other uses set forth in section
6 101917(c)(2) of title 54, United States Code, franchise
7 fees credited to a sub-account shall be available for ex-
8 penditure by the Secretary, without further appropriation,
9 for use at any unit within the National Park System to
10 extinguish or reduce liability for Possessory Interest or
11 leasehold surrender interest. Such funds may only be used
12 for this purpose to the extent that the benefitting unit an-
13 ticipated franchise fee receipts over the term of the con-
14 tract at that unit exceed the amount of funds used to ex-
15 tinguish or reduce liability. Franchise fees at the benefit-
16 ting unit shall be credited to the sub-account of the origi-
17 nating unit over a period not to exceed the term of a single
18 contract at the benefitting unit, in the amount of funds
19 so expended to extinguish or reduce liability.

20 For the costs of administration of the Land and
21 Water Conservation Fund grants authorized by section
22 105(a)(2)(B) of the Gulf of Mexico Energy Security Act
23 of 2006 (Public Law 109–432), the National Park Service
24 may retain up to 3 percent of the amounts which are au-

1 thORIZED to be disbursed under such section, such retained
2 amounts to remain available until expended.

3 National Park Service funds may be transferred to
4 the Federal Highway Administration (FHWA), Depart-
5 ment of Transportation, for purposes authorized under 23
6 U.S.C. 203. Transfers may include a reasonable amount
7 for FHWA administrative support costs.

8 UNITED STATES GEOLOGICAL SURVEY
9 SURVEYS, INVESTIGATIONS, AND RESEARCH
10 (INCLUDING TRANSFER OF FUNDS)

11 For expenses necessary for the United States Geo-
12 logical Survey to perform surveys, investigations, and re-
13 search covering topography, geology, hydrology, biology,
14 and the mineral and water resources of the United States,
15 its territories and possessions, and other areas as author-
16 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
17 to their mineral and water resources; give engineering su-
18 pervision to power permittees and Federal Energy Regu-
19 latory Commission licensees; administer the minerals ex-
20 ploration program (30 U.S.C. 641); conduct inquiries into
21 the economic conditions affecting mining and materials
22 processing industries (30 U.S.C. 3, 21a, and 1603; 50
23 U.S.C. 98g(a)(1)) and related purposes as authorized by
24 law; and to publish and disseminate data relative to the
25 foregoing activities; \$1,394,360,000, to remain available

1 until September 30, 2023; of which \$84,788,000 shall re-
2 main available until expended for satellite operations; and
3 of which \$74,664,000 shall be available until expended for
4 deferred maintenance and capital improvement projects
5 that exceed \$100,000 in cost: *Provided*, That none of the
6 funds provided for the ecosystem research activity shall
7 be used to conduct new surveys on private property, unless
8 specifically authorized in writing by the property owner:
9 *Provided further*, That no part of this appropriation shall
10 be used to pay more than one-half the cost of topographic
11 mapping or water resources data collection and investiga-
12 tions carried on in cooperation with States and municipali-
13 ties: *Provided further*, That of the amount appropriated
14 under this heading, \$1,000,000 shall be for projects speci-
15 fied for Special Initiatives in the table titled “Interior and
16 Environment Incorporation of Community Project Fund-
17 ing Items/Congressionally Directed Spending Items” in-
18 cluded for this division in the explanatory statement de-
19 scribed in section 4 (in the matter preceding division A
20 of this consolidated Act): *Provided further*, That amounts
21 in the preceding proviso may be transferred to the appro-
22 priate program, project, or activity under this heading and
23 shall continue to only be available for the purposes and
24 in such amounts as such funds were originally appro-
25 priated.

1 ADMINISTRATIVE PROVISIONS

2 From within the amount appropriated for activities
3 of the United States Geological Survey such sums as are
4 necessary shall be available for contracting for the fur-
5 nishing of topographic maps and for the making of geo-
6 physical or other specialized surveys when it is administra-
7 tively determined that such procedures are in the public
8 interest; construction and maintenance of necessary build-
9 ings and appurtenant facilities; acquisition of lands for
10 gauging stations, observation wells, and seismic equip-
11 ment; expenses of the United States National Committee
12 for Geological Sciences; and payment of compensation and
13 expenses of persons employed by the Survey duly ap-
14 pointed to represent the United States in the negotiation
15 and administration of interstate compacts: *Provided*, That
16 activities funded by appropriations herein made may be
17 accomplished through the use of contracts, grants, or co-
18 operative agreements as defined in section 6302 of title
19 31, United States Code: *Provided further*, That the United
20 States Geological Survey may enter into contracts or coop-
21 erative agreements directly with individuals or indirectly
22 with institutions or nonprofit organizations, without re-
23 gard to 41 U.S.C. 6101, for the temporary or intermittent
24 services of students or recent graduates, who shall be con-
25 sidered employees for the purpose of chapters 57 and 81

1 of title 5, United States Code, relating to compensation
2 for travel and work injuries, and chapter 171 of title 28,
3 United States Code, relating to tort claims, but shall not
4 be considered to be Federal employees for any other pur-
5 poses.

6 BUREAU OF OCEAN ENERGY MANAGEMENT

7 OCEAN ENERGY MANAGEMENT

8 For expenses necessary for granting and admin-
9 istering leases, easements, rights-of-way, and agreements
10 for use for oil and gas, other minerals, energy, and ma-
11 rine-related purposes on the Outer Continental Shelf and
12 approving operations related thereto, as authorized by law;
13 for environmental studies, as authorized by law; for imple-
14 menting other laws and to the extent provided by Presi-
15 dential or Secretarial delegation; and for matching grants
16 or cooperative agreements, \$206,748,000, of which
17 \$163,748,000 is to remain available until September 30,
18 2023, and of which \$43,000,000 is to remain available
19 until expended: *Provided*, That this total appropriation
20 shall be reduced by amounts collected by the Secretary of
21 the Interior and credited to this appropriation from addi-
22 tions to receipts resulting from increases to lease rental
23 rates in effect on August 5, 1993, and from cost recovery
24 fees from activities conducted by the Bureau of Ocean En-
25 ergy Management pursuant to the Outer Continental Shelf

1 Lands Act, including studies, assessments, analysis, and
2 miscellaneous administrative activities: *Provided further*,
3 That the sum herein appropriated shall be reduced as such
4 collections are received during the fiscal year, so as to re-
5 sult in a final fiscal year 2022 appropriation estimated
6 at not more than \$163,748,000: *Provided further*, That
7 not to exceed \$3,000 shall be available for reasonable ex-
8 penses related to promoting volunteer beach and marine
9 cleanup activities.

10 BUREAU OF SAFETY AND ENVIRONMENTAL
11 ENFORCEMENT
12 OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT
13 (INCLUDING RESCISSION OF FUNDS)

14 For expenses necessary for the regulation of oper-
15 ations related to leases, easements, rights-of-way, and
16 agreements for use for oil and gas, other minerals, energy,
17 and marine-related purposes on the Outer Continental
18 Shelf, as authorized by law; for enforcing and imple-
19 menting laws and regulations as authorized by law and
20 to the extent provided by Presidential or Secretarial dele-
21 gation; and for matching grants or cooperative agree-
22 ments, \$171,848,000, of which \$147,848,000 is to remain
23 available until September 30, 2023, and of which
24 \$24,000,000 is to remain available until expended, includ-
25 ing \$3,000,000 for offshore decommissioning activities:

1 *Provided*, That this total appropriation shall be reduced
2 by amounts collected by the Secretary of the Interior and
3 credited to this appropriation from additions to receipts
4 resulting from increases to lease rental rates in effect on
5 August 5, 1993, and from cost recovery fees from activi-
6 ties conducted by the Bureau of Safety and Environmental
7 Enforcement pursuant to the Outer Continental Shelf
8 Lands Act, including studies, assessments, analysis, and
9 miscellaneous administrative activities: *Provided further*,
10 That the sum herein appropriated shall be reduced as such
11 collections are received during the fiscal year, so as to re-
12 sult in a final fiscal year 2022 appropriation estimated
13 at not more than \$150,848,000: *Provided further*, That
14 of the unobligated balances from amounts made available
15 under this heading, \$10,000,000 is permanently re-
16 scinded: *Provided further*, That no amounts may be re-
17 scinded from amounts that were designated by the Con-
18 gress as an emergency requirement pursuant to the Con-
19 current Resolution on the Budget or the Balanced Budget
20 and Emergency Deficit Control Act of 1985.

21 For an additional amount, \$34,000,000, to remain
22 available until expended, to be reduced by amounts col-
23 lected by the Secretary and credited to this appropriation,
24 which shall be derived from non-refundable inspection fees
25 collected in fiscal year 2022, as provided in this Act: *Pro-*

1 *vided*, That to the extent that amounts realized from such
2 inspection fees exceed \$34,000,000, the amounts realized
3 in excess of \$34,000,000 shall be credited to this appro-
4 priation and remain available until expended: *Provided*
5 *further*, That for fiscal year 2022, not less than 50 percent
6 of the inspection fees expended by the Bureau of Safety
7 and Environmental Enforcement will be used to fund per-
8 sonnel and mission-related costs to expand capacity and
9 expedite the orderly development, subject to environmental
10 safeguards, of the Outer Continental Shelf pursuant to the
11 Outer Continental Shelf Lands Act (43 U.S.C. 1331 et
12 seq.), including the review of applications for permits to
13 drill.

14 OIL SPILL RESEARCH

15 For necessary expenses to carry out title I, section
16 1016; title IV, sections 4202 and 4303; title VII; and title
17 VIII, section 8201 of the Oil Pollution Act of 1990,
18 \$15,099,000, which shall be derived from the Oil Spill Li-
19 ability Trust Fund, to remain available until expended.

20 OFFICE OF SURFACE MINING RECLAMATION AND

21 ENFORCEMENT

22 REGULATION AND TECHNOLOGY

23 For necessary expenses to carry out the provisions
24 of the Surface Mining Control and Reclamation Act of
25 1977, Public Law 95–87, \$118,117,000, to remain avail-

1 able until September 30, 2023, of which \$65,000,000 shall
2 be available for state and tribal regulatory grants: *Pro-*
3 *vided*, That appropriations for the Office of Surface Min-
4 ing Reclamation and Enforcement may provide for the
5 travel and per diem expenses of State and tribal personnel
6 attending Office of Surface Mining Reclamation and En-
7 forcement sponsored training.

8 In addition, for costs to review, administer, and en-
9 force permits issued by the Office pursuant to section 507
10 of Public Law 95–87 (30 U.S.C. 1257), \$40,000, to re-
11 main available until expended: *Provided*, That fees as-
12 sessed and collected by the Office pursuant to such section
13 507 shall be credited to this account as discretionary off-
14 setting collections, to remain available until expended:
15 *Provided further*, That the sum herein appropriated from
16 the general fund shall be reduced as collections are re-
17 ceived during the fiscal year, so as to result in a fiscal
18 year 2022 appropriation estimated at not more than
19 \$118,117,000.

20 ABANDONED MINE RECLAMATION FUND

21 For necessary expenses to carry out title IV of the
22 Surface Mining Control and Reclamation Act of 1977,
23 Public Law 95–87, \$27,480,000, to be derived from re-
24 ceipts of the Abandoned Mine Reclamation Fund and to
25 remain available until expended: *Provided*, That pursuant

1 to Public Law 97–365, the Department of the Interior is
2 authorized to use up to 20 percent from the recovery of
3 the delinquent debt owed to the United States Government
4 to pay for contracts to collect these debts: *Provided fur-*
5 *ther*, That funds made available under title IV of Public
6 Law 95–87 may be used for any required non-Federal
7 share of the cost of projects funded by the Federal Gov-
8 ernment for the purpose of environmental restoration re-
9 lated to treatment or abatement of acid mine drainage
10 from abandoned mines: *Provided further*, That such
11 projects must be consistent with the purposes and prior-
12 ities of the Surface Mining Control and Reclamation Act:
13 *Provided further*, That amounts provided under this head-
14 ing may be used for the travel and per diem expenses of
15 State and tribal personnel attending Office of Surface
16 Mining Reclamation and Enforcement sponsored training.

17 In addition, \$122,500,000, to remain available until
18 expended, for grants to States and federally recognized In-
19 dian Tribes for reclamation of abandoned mine lands and
20 other related activities in accordance with the terms and
21 conditions described in the explanatory statement de-
22 scribed in section 4 (in the matter preceding division A
23 of this consolidated Act): *Provided*, That such additional
24 amount shall be used for economic and community devel-
25 opment in conjunction with the priorities in section 403(a)

1 of the Surface Mining Control and Reclamation Act of
2 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such
3 additional amount, \$79,890,000 shall be distributed in
4 equal amounts to the three Appalachian States with the
5 greatest amount of unfunded needs to meet the priorities
6 described in paragraphs (1) and (2) of such section,
7 \$31,956,000 shall be distributed in equal amounts to the
8 three Appalachian States with the subsequent greatest
9 amount of unfunded needs to meet such priorities, and
10 \$10,654,000 shall be for grants to federally recognized In-
11 dian Tribes without regard to their status as certified or
12 uncertified under the Surface Mining Control and Rec-
13 lamation Act of 1977 (30 U.S.C. 1233(a)), for reclama-
14 tion of abandoned mine lands and other related activities
15 in accordance with the terms and conditions described in
16 the explanatory statement described in section 4 (in the
17 matter preceding division A of this consolidated Act) and
18 shall be used for economic and community development
19 in conjunction with the priorities in section 403(a) of the
20 Surface Mining Control and Reclamation Act of 1977:
21 *Provided further*, That such additional amount shall be al-
22 located to States and Indian Tribes within 60 days after
23 the date of enactment of this Act.

1 *Provided further*, That of the amount appropriated under
2 this heading, \$1,250,000 shall be for projects specified for
3 Special Initiatives (CDS) in the table titled “Interior and
4 Environment Incorporation of Community Project Fund-
5 ing Items/Congressionally Directed Spending Items” in-
6 cluded for this division in the explanatory statement de-
7 scribed in section 4 (in the matter preceding division A
8 of this consolidated Act): *Provided further*, That any for-
9 esty funds allocated to a federally recognized tribe which
10 remain unobligated as of September 30, 2023, may be
11 transferred during fiscal year 2024 to an Indian forest
12 land assistance account established for the benefit of the
13 holder of the funds within the holder’s trust fund account:
14 *Provided further*, That any such unobligated balances not
15 so transferred shall expire on September 30, 2024: *Pro-*
16 *vided further*, That in order to enhance the safety of Bu-
17 reau field employees, the Bureau may use funds to pur-
18 chase uniforms or other identifying articles of clothing for
19 personnel: *Provided further*, That the Bureau of Indian
20 Affairs may accept transfers of funds from United States
21 Customs and Border Protection to supplement any other
22 funding available for reconstruction or repair of roads
23 owned by the Bureau of Indian Affairs as identified on
24 the National Tribal Transportation Facility Inventory, 23
25 U.S.C. 202(b)(1).

1 INDIAN LAND CONSOLIDATION

2 For the acquisition of fractional interests to further
3 land consolidation as authorized under the Indian Land
4 Consolidation Act Amendments of 2000 (Public Law 106–
5 462), and the American Indian Probate Reform Act of
6 2004 (Public Law 108–374), \$7,000,000, to remain avail-
7 able until expended: *Provided*, That any provision of the
8 Indian Land Consolidation Act Amendments of 2000
9 (Public Law 106–462) that requires or otherwise relates
10 to application of a lien shall not apply to the acquisitions
11 funded herein.

12 CONTRACT SUPPORT COSTS

13 For payments to tribes and tribal organizations for
14 contract support costs associated with Indian Self-Deter-
15 mination and Education Assistance Act agreements with
16 the Bureau of Indian Affairs and the Bureau of Indian
17 Education for fiscal year 2022, such sums as may be nec-
18 essary, which shall be available for obligation through Sep-
19 tember 30, 2023: *Provided*, That notwithstanding any
20 other provision of law, no amounts made available under
21 this heading shall be available for transfer to another
22 budget account.

23 PAYMENTS FOR TRIBAL LEASES

24 For payments to tribes and tribal organizations for
25 leases pursuant to section 105(l) of the Indian Self-Deter-

1 mination and Education Assistance Act (25 U.S.C.
2 5324(l)) for fiscal year 2022, such sums as may be nec-
3 essary, which shall be available for obligation through Sep-
4 tember 30, 2023: *Provided*, That notwithstanding any
5 other provision of law, no amounts made available under
6 this heading shall be available for transfer to another
7 budget account.

8 CONSTRUCTION

9 (INCLUDING TRANSFER OF FUNDS)

10 For construction, repair, improvement, and mainte-
11 nance of irrigation and power systems, buildings, utilities,
12 and other facilities, including architectural and engineer-
13 ing services by contract; acquisition of lands, and interests
14 in lands; and preparation of lands for farming, and for
15 construction of the Navajo Indian Irrigation Project pur-
16 suant to Public Law 87-483; \$146,769,000, to remain
17 available until expended: *Provided*, That such amounts as
18 may be available for the construction of the Navajo Indian
19 Irrigation Project may be transferred to the Bureau of
20 Reclamation: *Provided further*, That any funds provided
21 for the Safety of Dams program pursuant to the Act of
22 November 2, 1921 (25 U.S.C. 13), shall be made available
23 on a nonreimbursable basis: *Provided further*, That this
24 appropriation may be reimbursed from the Office of the
25 Special Trustee for American Indians appropriation for

1 the appropriate share of construction costs for space ex-
2 pansion needed in agency offices to meet trust reform im-
3 plementation: *Provided further*, That of the funds made
4 available under this heading, \$10,000,000 shall be derived
5 from the Indian Irrigation Fund established by section
6 3211 of the WIIN Act (Public Law 114–322; 130 Stat.
7 1749).

8 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
9 MISCELLANEOUS PAYMENTS TO INDIANS

10 For payments and necessary administrative expenses
11 for implementation of Indian land and water claim settle-
12 ments pursuant to Public Laws 99–264, 101–618, 114–
13 322, 111–291 and 116–260, and for implementation of
14 other land and water rights settlements, \$1,000,000, to
15 remain available until expended, which may be deposited,
16 as necessary, into the Séliš-Qlispé Ksanka Settlement and
17 the Navajo Utah Settlement Trust Funds established by
18 Public Law 116–260.

19 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

20 For the cost of guaranteed loans and insured loans,
21 \$11,833,000, to remain available until September 30,
22 2023, of which \$1,629,000 is for administrative expenses,
23 as authorized by the Indian Financing Act of 1974: *Pro-*
24 *vided*, That such costs, including the cost of modifying
25 such loans, shall be as defined in section 502 of the Con-

1 gressional Budget Act of 1974: *Provided further*, That
2 these funds are available to subsidize total loan principal,
3 any part of which is to be guaranteed or insured, not to
4 exceed \$103,456,940.

5 BUREAU OF INDIAN EDUCATION
6 OPERATION OF INDIAN EDUCATION PROGRAMS

7 For expenses necessary for the operation of Indian
8 education programs, as authorized by law, including the
9 Snyder Act of November 2, 1921 (25 U.S.C. 13), the In-
10 dian Self-Determination and Education Assistance Act of
11 1975 (25 U.S.C. 5301 et seq.), the Education Amend-
12 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
13 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
14 \$1,017,601,000 to remain available until September 30,
15 2023, except as otherwise provided herein: *Provided*, That
16 federally recognized Indian tribes and tribal organizations
17 of federally recognized Indian tribes may use their tribal
18 priority allocations for unmet welfare assistance costs:
19 *Provided further*, That not to exceed \$752,148,000 for
20 school operations costs of Bureau-funded schools and
21 other education programs shall become available on July
22 1, 2022, and shall remain available until September 30,
23 2023: *Provided further*, That notwithstanding any other
24 provision of law, including but not limited to the Indian
25 Self–Determination Act of 1975 (25 U.S.C. 5301 et seq.)

1 and section 1128 of the Education Amendments of 1978
2 (25 U.S.C. 2008), not to exceed \$89,450,000 within and
3 only from such amounts made available for school oper-
4 ations shall be available for administrative cost grants as-
5 sociated with grants approved prior to July 1, 2022: *Pro-*
6 *vided further*, That in order to enhance the safety of Bu-
7 reau field employees, the Bureau may use funds to pur-
8 chase uniforms or other identifying articles of clothing for
9 personnel.

10 EDUCATION CONSTRUCTION

11 For construction, repair, improvement, and mainte-
12 nance of buildings, utilities, and other facilities necessary
13 for the operation of Indian education programs, including
14 architectural and engineering services by contract; acquisi-
15 tion of lands, and interests in lands; \$264,330,000 to re-
16 main available until expended: *Provided*, That in order to
17 ensure timely completion of construction projects, the Sec-
18 retary of the Interior may assume control of a project and
19 all funds related to the project, if, not later than 18
20 months after the date of the enactment of this Act, any
21 Public Law 100–297 (25 U.S.C. 2501, et seq.) grantee
22 receiving funds appropriated in this Act or in any prior
23 Act, has not completed the planning and design phase of
24 the project and commenced construction.

1 ADMINISTRATIVE PROVISIONS

2 The Bureau of Indian Affairs and the Bureau of In-
3 dian Education may carry out the operation of Indian pro-
4 grams by direct expenditure, contracts, cooperative agree-
5 ments, compacts, and grants, either directly or in coopera-
6 tion with States and other organizations.

7 Notwithstanding Public Law 87–279 (25 U.S.C. 15),
8 the Bureau of Indian Affairs may contract for services in
9 support of the management, operation, and maintenance
10 of the Power Division of the San Carlos Irrigation Project.

11 Notwithstanding any other provision of law, no funds
12 available to the Bureau of Indian Affairs or the Bureau
13 of Indian Education for central office oversight and Exec-
14 utive Direction and Administrative Services (except Exec-
15 utive Direction and Administrative Services funding for
16 Tribal Priority Allocations, regional offices, and facilities
17 operations and maintenance) shall be available for con-
18 tracts, grants, compacts, or cooperative agreements with
19 the Bureau of Indian Affairs or the Bureau of Indian
20 Education under the provisions of the Indian Self-Deter-
21 mination Act or the Tribal Self-Governance Act of 1994
22 (Public Law 103–413).

23 In the event any tribe returns appropriations made
24 available by this Act to the Bureau of Indian Affairs or
25 the Bureau of Indian Education, this action shall not di-

1 minish the Federal Government's trust responsibility to
2 that tribe, or the government-to-government relationship
3 between the United States and that tribe, or that tribe's
4 ability to access future appropriations.

5 Notwithstanding any other provision of law, no funds
6 available to the Bureau of Indian Education, other than
7 the amounts provided herein for assistance to public
8 schools under 25 U.S.C. 452 et seq., shall be available to
9 support the operation of any elementary or secondary
10 school in the State of Alaska.

11 No funds available to the Bureau of Indian Edu-
12 cation shall be used to support expanded grades for any
13 school or dormitory beyond the grade structure in place
14 or approved by the Secretary of the Interior at each school
15 in the Bureau of Indian Education school system as of
16 October 1, 1995, except that the Secretary of the Interior
17 may waive this prohibition to support expansion of up to
18 one additional grade when the Secretary determines such
19 waiver is needed to support accomplishment of the mission
20 of the Bureau of Indian Education, or more than one
21 grade to expand the elementary grade structure for Bu-
22 reau-funded schools with a K-2 grade structure on Octo-
23 ber 1, 1996. Appropriations made available in this or any
24 prior Act for schools funded by the Bureau shall be avail-
25 able, in accordance with the Bureau's funding formula,

1 only to the schools in the Bureau school system as of Sep-
2 tember 1, 1996, and to any school or school program that
3 was reinstated in fiscal year 2012. Funds made available
4 under this Act may not be used to establish a charter
5 school at a Bureau-funded school (as that term is defined
6 in section 1141 of the Education Amendments of 1978
7 (25 U.S.C. 2021)), except that a charter school that is
8 in existence on the date of the enactment of this Act and
9 that has operated at a Bureau-funded school before Sep-
10 tember 1, 1999, may continue to operate during that pe-
11 riod, but only if the charter school pays to the Bureau
12 a pro rata share of funds to reimburse the Bureau for
13 the use of the real and personal property (including buses
14 and vans), the funds of the charter school are kept sepa-
15 rate and apart from Bureau funds, and the Bureau does
16 not assume any obligation for charter school programs of
17 the State in which the school is located if the charter
18 school loses such funding. Employees of Bureau-funded
19 schools sharing a campus with a charter school and per-
20 forming functions related to the charter school's operation
21 and employees of a charter school shall not be treated as
22 Federal employees for purposes of chapter 171 of title 28,
23 United States Code.

24 Notwithstanding any other provision of law, including
25 section 113 of title I of appendix C of Public Law 106–

1 113, if in fiscal year 2003 or 2004 a grantee received indi-
2 rect and administrative costs pursuant to a distribution
3 formula based on section 5(f) of Public Law 101–301, the
4 Secretary shall continue to distribute indirect and admin-
5 istrative cost funds to such grantee using the section 5(f)
6 distribution formula.

7 Funds available under this Act may not be used to
8 establish satellite locations of schools in the Bureau school
9 system as of September 1, 1996, except that the Secretary
10 may waive this prohibition in order for an Indian tribe
11 to provide language and cultural immersion educational
12 programs for non-public schools located within the juris-
13 dictional area of the tribal government which exclusively
14 serve tribal members, do not include grades beyond those
15 currently served at the existing Bureau-funded school,
16 provide an educational environment with educator pres-
17 ence and academic facilities comparable to the Bureau-
18 funded school, comply with all applicable Tribal, Federal,
19 or State health and safety standards, and the Americans
20 with Disabilities Act, and demonstrate the benefits of es-
21 tablishing operations at a satellite location in lieu of incur-
22 ring extraordinary costs, such as for transportation or
23 other impacts to students such as those caused by busing
24 students extended distances: *Provided*, That no funds
25 available under this Act may be used to fund operations,

1 maintenance, rehabilitation, construction, or other facili-
2 ties-related costs for such assets that are not owned by
3 the Bureau: *Provided further*, That the term “satellite
4 school” means a school location physically separated from
5 the existing Bureau school by more than 50 miles but that
6 forms part of the existing school in all other respects.

7 Funds made available for Tribal Priority Allocations
8 within Operation of Indian Programs and Operation of In-
9 dian Education Programs may be used to execute re-
10 quested adjustments in tribal priority allocations initiated
11 by an Indian Tribe.

12 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN
13 INDIANS
14 FEDERAL TRUST PROGRAMS
15 (INCLUDING TRANSFER OF FUNDS)

16 For the operation of trust programs for Indians by
17 direct expenditure, contracts, cooperative agreements,
18 compacts, and grants, \$109,572,000, to remain available
19 until expended, of which not to exceed \$17,536,000 from
20 this or any other Act, may be available for historical ac-
21 counting: *Provided*, That funds for trust management im-
22 provements and litigation support may, as needed, be
23 transferred to or merged with the Bureau of Indian Af-
24 fairs, “Operation of Indian Programs” and Bureau of In-
25 dian Education, “Operation of Indian Education Pro-

1 grams” accounts; the Office of the Solicitor, “Salaries and
2 Expenses” account; and the Office of the Secretary, “De-
3 partmental Operations” account: *Provided further*, That
4 funds made available through contracts or grants obli-
5 gated during fiscal year 2022, as authorized by the Indian
6 Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.),
7 shall remain available until expended by the contractor or
8 grantee: *Provided further*, That notwithstanding any other
9 provision of law, the Secretary shall not be required to
10 provide a quarterly statement of performance for any In-
11 dian trust account that has not had activity for at least
12 15 months and has a balance of \$15 or less: *Provided fur-*
13 *ther*, That the Secretary shall issue an annual account
14 statement and maintain a record of any such accounts and
15 shall permit the balance in each such account to be with-
16 drawn upon the express written request of the account
17 holder: *Provided further*, That not to exceed \$100,000 is
18 available for the Secretary to make payments to correct
19 administrative errors of either disbursements from or de-
20 posits to Individual Indian Money or Tribal accounts after
21 September 30, 2002: *Provided further*, That erroneous
22 payments that are recovered shall be credited to and re-
23 main available in this account for this purpose: *Provided*
24 *further*, That the Secretary shall not be required to rec-
25 oncile Special Deposit Accounts with a balance of less than

1 \$500 unless the Office of the Special Trustee receives
2 proof of ownership from a Special Deposit Accounts claim-
3 ant: *Provided further*, That notwithstanding section 102
4 of the American Indian Trust Fund Management Reform
5 Act of 1994 (Public Law 103–412) or any other provision
6 of law, the Secretary may aggregate the trust accounts
7 of individuals whose whereabouts are unknown for a con-
8 tinuous period of at least 5 years and shall not be required
9 to generate periodic statements of performance for the in-
10 dividual accounts: *Provided further*, That with respect to
11 the eighth proviso, the Secretary shall continue to main-
12 tain sufficient records to determine the balance of the indi-
13 vidual accounts, including any accrued interest and in-
14 come, and such funds shall remain available to the indi-
15 vidual account holders.

16 DEPARTMENTAL OFFICES

17 OFFICE OF THE SECRETARY

18 DEPARTMENTAL OPERATIONS

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses for management of the De-
21 partment of the Interior and for grants and cooperative
22 agreements, as authorized by law, \$123,367,000, to re-
23 main available until September 30, 2023; of which not to
24 exceed \$15,000 may be for official reception and represen-
25 tation expenses; of which up to \$1,000,000 shall be avail-

1 able for workers compensation payments and unemploy-
2 ment compensation payments associated with the orderly
3 closure of the United States Bureau of Mines; and of
4 which \$12,341,000 for Indian land, mineral, and resource
5 valuation activities shall remain available until expended:
6 *Provided*, That funds for Indian land, mineral, and re-
7 source valuation activities may, as needed, be transferred
8 to and merged with the Bureau of Indian Affairs “Oper-
9 ation of Indian Programs” and Bureau of Indian Edu-
10 cation “Operation of Indian Education Programs” ac-
11 counts and the Office of the Special Trustee “Federal
12 Trust Programs” account: *Provided further*, That funds
13 made available through contracts or grants obligated dur-
14 ing fiscal year 2022, as authorized by the Indian Self-De-
15 termination Act of 1975 (25 U.S.C. 5301 et seq.), shall
16 remain available until expended by the contractor or
17 grantee.

18 ADMINISTRATIVE PROVISIONS

19 For fiscal year 2022, up to \$400,000 of the payments
20 authorized by chapter 69 of title 31, United States Code,
21 may be retained for administrative expenses of the Pay-
22 ments in Lieu of Taxes Program: *Provided*, That the
23 amounts provided under this Act specifically for the Pay-
24 ments in Lieu of Taxes program are the only amounts
25 available for payments authorized under chapter 69 of

1 title 31, United States Code: *Provided further*, That in the
2 event the sums appropriated for any fiscal year for pay-
3 ments pursuant to this chapter are insufficient to make
4 the full payments authorized by that chapter to all units
5 of local government, then the payment to each local gov-
6 ernment shall be made proportionally: *Provided further*,
7 That the Secretary may make adjustments to payment to
8 individual units of local government to correct for prior
9 overpayments or underpayments: *Provided further*, That
10 no payment shall be made pursuant to that chapter to oth-
11 erwise eligible units of local government if the computed
12 amount of the payment is less than \$100.

13 INSULAR AFFAIRS

14 ASSISTANCE TO TERRITORIES

15 For expenses necessary for assistance to territories
16 under the jurisdiction of the Department of the Interior
17 and other jurisdictions identified in section 104(e) of Pub-
18 lic Law 108–188, \$113,477,000, of which: (1)
19 \$103,640,000 shall remain available until expended for
20 territorial assistance, including general technical assist-
21 ance, maintenance assistance, disaster assistance, coral
22 reef initiative and natural resources activities, and brown
23 tree snake control and research; grants to the judiciary
24 in American Samoa for compensation and expenses, as au-
25 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-

1 ment of American Samoa, in addition to current local rev-
2 enues, for construction and support of governmental func-
3 tions; grants to the Government of the Virgin Islands, as
4 authorized by law; grants to the Government of Guam,
5 as authorized by law; and grants to the Government of
6 the Northern Mariana Islands, as authorized by law (Pub-
7 lic Law 94–241; 90 Stat. 272); and (2) \$9,837,000 shall
8 be available until September 30, 2023, for salaries and
9 expenses of the Office of Insular Affairs: *Provided*, That
10 all financial transactions of the territorial and local gov-
11 ernments herein provided for, including such transactions
12 of all agencies or instrumentalities established or used by
13 such governments, may be audited by the Government Ac-
14 countability Office, at its discretion, in accordance with
15 chapter 35 of title 31, United States Code: *Provided fur-*
16 *ther*, That Northern Mariana Islands Covenant grant
17 funding shall be provided according to those terms of the
18 Agreement of the Special Representatives on Future
19 United States Financial Assistance for the Northern Mar-
20 iana Islands approved by Public Law 104–134: *Provided*
21 *further*, That the funds for the program of operations and
22 maintenance improvement are appropriated to institu-
23 tionalize routine operations and maintenance improvement
24 of capital infrastructure with territorial participation and
25 cost sharing to be determined by the Secretary based on

1 the grantee's commitment to timely maintenance of its
2 capital assets: *Provided further*, That any appropriation
3 for disaster assistance under this heading in this Act or
4 previous appropriations Acts may be used as non-Federal
5 matching funds for the purpose of hazard mitigation
6 grants provided pursuant to section 404 of the Robert T.
7 Stafford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5170c).

9 COMPACT OF FREE ASSOCIATION

10 For grants and necessary expenses, \$8,463,000, to
11 remain available until expended, as provided for in sec-
12 tions 221(a)(2) and 233 of the Compact of Free Associa-
13 tion for the Republic of Palau; and section 221(a)(2) of
14 the Compacts of Free Association for the Government of
15 the Republic of the Marshall Islands and the Federated
16 States of Micronesia, as authorized by Public Law 99-
17 658 and Public Law 108-188: *Provided*, That of the funds
18 appropriated under this heading, \$5,000,000 is for deposit
19 into the Compact Trust Fund of the Republic of the Mar-
20 shall Islands as compensation authorized by Public Law
21 108-188 for adverse financial and economic impacts.

22 ADMINISTRATIVE PROVISIONS

23 (INCLUDING TRANSFER OF FUNDS)

24 At the request of the Governor of Guam, the Sec-
25 retary may transfer discretionary funds or mandatory

1 funds provided under section 104(e) of Public Law 108–
2 188 and Public Law 104–134, that are allocated for
3 Guam, to the Secretary of Agriculture for the subsidy cost
4 of direct or guaranteed loans, plus not to exceed three per-
5 cent of the amount of the subsidy transferred for the cost
6 of loan administration, for the purposes authorized by the
7 Rural Electrification Act of 1936 and section 306(a)(1)
8 of the Consolidated Farm and Rural Development Act for
9 construction and repair projects in Guam, and such funds
10 shall remain available until expended: *Provided*, That such
11 costs, including the cost of modifying such loans, shall be
12 as defined in section 502 of the Congressional Budget Act
13 of 1974: *Provided further*, That such loans or loan guaran-
14 tees may be made without regard to the population of the
15 area, credit elsewhere requirements, and restrictions on
16 the types of eligible entities under the Rural Electrifica-
17 tion Act of 1936 and section 306(a)(1) of the Consolidated
18 Farm and Rural Development Act: *Provided further*, That
19 any funds transferred to the Secretary of Agriculture shall
20 be in addition to funds otherwise made available to make
21 or guarantee loans under such authorities.

1 OFFICE OF THE SOLICITOR

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of the Solicitor,
4 \$94,998,000, to remain available until September 30,
5 2023.

6 OFFICE OF INSPECTOR GENERAL

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Inspector
9 General, \$62,132,000, to remain available until September
10 30, 2023.

11 DEPARTMENT-WIDE PROGRAMS

12 WILDLAND FIRE MANAGEMENT

13 (INCLUDING TRANSFERS OF FUNDS)

14 For necessary expenses for fire preparedness, fire
15 suppression operations, fire science and research, emer-
16 gency rehabilitation, fuels management activities, and
17 rural fire assistance by the Department of the Interior,
18 \$1,026,097,000, to remain available until expended, of
19 which not to exceed \$18,427,000 shall be for the renova-
20 tion or construction of fire facilities: *Provided*, That such
21 funds are also available for repayment of advances to
22 other appropriation accounts from which funds were pre-
23 viously transferred for such purposes: *Provided further*,
24 That of the funds provided \$227,000,000 is for fuels man-
25 agement activities: *Provided further*, That of the funds

1 provided \$22,470,000 is for burned area rehabilitation:
2 *Provided further*, That persons hired pursuant to 43
3 U.S.C. 1469 may be furnished subsistence and lodging
4 without cost from funds available from this appropriation:
5 *Provided further*, That notwithstanding 42 U.S.C. 1856d,
6 sums received by a bureau or office of the Department
7 of the Interior for fire protection rendered pursuant to 42
8 U.S.C. 1856 et seq., protection of United States property,
9 may be credited to the appropriation from which funds
10 were expended to provide that protection, and are avail-
11 able without fiscal year limitation: *Provided further*, That
12 using the amounts designated under this title of this Act,
13 the Secretary of the Interior may enter into procurement
14 contracts, grants, or cooperative agreements, for fuels
15 management activities, and for training and monitoring
16 associated with such fuels management activities on Fed-
17 eral land, or on adjacent non-Federal land for activities
18 that benefit resources on Federal land: *Provided further*,
19 That the costs of implementing any cooperative agreement
20 between the Federal Government and any non-Federal en-
21 tity may be shared, as mutually agreed on by the affected
22 parties: *Provided further*, That notwithstanding require-
23 ments of the Competition in Contracting Act, the Sec-
24 retary, for purposes of fuels management activities, may
25 obtain maximum practicable competition among: (1) local

1 private, nonprofit, or cooperative entities; (2) Youth Con-
2 servation Corps crews, Public Lands Corps (Public Law
3 109–154), or related partnerships with State, local, or
4 nonprofit youth groups; (3) small or micro-businesses; or
5 (4) other entities that will hire or train locally a significant
6 percentage, defined as 50 percent or more, of the project
7 workforce to complete such contracts: *Provided further*,
8 That in implementing this section, the Secretary shall de-
9 velop written guidance to field units to ensure account-
10 ability and consistent application of the authorities pro-
11 vided herein: *Provided further*, That funds appropriated
12 under this heading may be used to reimburse the United
13 States Fish and Wildlife Service and the National Marine
14 Fisheries Service for the costs of carrying out their re-
15 sponsibilities under the Endangered Species Act of 1973
16 (16 U.S.C. 1531 et seq.) to consult and conference, as
17 required by section 7 of such Act, in connection with
18 wildland fire management activities: *Provided further*,
19 That the Secretary of the Interior may use wildland fire
20 appropriations to enter into leases of real property with
21 local governments, at or below fair market value, to con-
22 struct capitalized improvements for fire facilities on such
23 leased properties, including but not limited to fire guard
24 stations, retardant stations, and other initial attack and
25 fire support facilities, and to make advance payments for

1 any such lease or for construction activity associated with
2 the lease: *Provided further*, That the Secretary of the Inte-
3 rior and the Secretary of Agriculture may authorize the
4 transfer of funds appropriated for wildland fire manage-
5 ment, in an aggregate amount not to exceed \$50,000,000
6 between the Departments when such transfers would fa-
7 cilitate and expedite wildland fire management programs
8 and projects: *Provided further*, That funds provided for
9 wildfire suppression shall be available for support of Fed-
10 eral emergency response actions: *Provided further*, That
11 funds appropriated under this heading shall be available
12 for assistance to or through the Department of State in
13 connection with forest and rangeland research, technical
14 information, and assistance in foreign countries, and, with
15 the concurrence of the Secretary of State, shall be avail-
16 able to support forestry, wildland fire management, and
17 related natural resource activities outside the United
18 States and its territories and possessions, including tech-
19 nical assistance, education and training, and cooperation
20 with United States and international organizations: *Pro-*
21 *vided further*, That of the funds provided under this head-
22 ing \$383,657,000 shall be available for wildfire suppres-
23 sion operations, and is provided to meet the terms of sec-
24 tion 4004(b)(5)(B) and section 4005(e)(2)(A) of S. Con.

1 Res. 14 (117th Congress), the concurrent resolution on
2 the budget for fiscal year 2022.

3 WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND
4 (INCLUDING TRANSFERS OF FUNDS)

5 In addition to the amounts provided under the head-
6 ing “Department of the Interior—Department-Wide Pro-
7 grams—Wildland Fire Management” for wildfire suppres-
8 sion operations, \$330,000,000, to remain available until
9 transferred, is additional new budget authority as speci-
10 fied for purposes of section 4004(b)(5) and section
11 4005(e) of S. Con. Res. 14 (117th Congress), the concur-
12 rent resolution on the budget for fiscal year 2022: *Pro-*
13 *vided*, That such amounts may be transferred to and
14 merged with amounts made available under the headings
15 “Department of Agriculture—Forest Service—Wildland
16 Fire Management” and “Department of the Interior—De-
17 partment-Wide Programs—Wildland Fire Management”
18 for wildfire suppression operations in the fiscal year in
19 which such amounts are transferred: *Provided further*,
20 That amounts may be transferred to the “Wildland Fire
21 Management” accounts in the Department of Agriculture
22 or the Department of the Interior only upon the notifica-
23 tion of the House and Senate Committees on Appropria-
24 tions that all wildfire suppression operations funds appro-
25 priated under that heading in this and prior appropria-

1 tions Acts to the agency to which the funds will be trans-
2 ferred will be obligated within 30 days: *Provided further*,
3 That the transfer authority provided under this heading
4 is in addition to any other transfer authority provided by
5 law: *Provided further*, That, in determining whether all
6 wildfire suppression operations funds appropriated under
7 the heading “Wildland Fire Management” in this and
8 prior appropriations Acts to either the Department of Ag-
9 riculture or the Department of the Interior will be obli-
10 gated within 30 days pursuant to the previous proviso, any
11 funds transferred or permitted to be transferred pursuant
12 to any other transfer authority provided by law shall be
13 excluded.

14 CENTRAL HAZARDOUS MATERIALS FUND

15 For necessary expenses of the Department of the In-
16 terior and any of its component offices and bureaus for
17 the response action, including associated activities, per-
18 formed pursuant to the Comprehensive Environmental Re-
19 sponse, Compensation, and Liability Act (42 U.S.C. 9601
20 et seq.), \$10,036,000, to remain available until expended.

21 ENERGY COMMUNITY REVITALIZATION PROGRAM

22 (INCLUDING TRANSFERS OF FUNDS)

23 For necessary expenses of the Department of the In-
24 terior to inventory, assess, decommission, reclaim, respond
25 to hazardous substance releases, remediate lands pursuant

1 to section 40704 of Public Law 117–58 (135 Stat. 1093),
2 and carry out the purposes of section 349 of the Energy
3 Policy Act of 2005 (42 U.S.C. 15907), as amended,
4 \$5,000,000, to remain available until expended: *Provided*,
5 That such amount shall be in addition to amounts other-
6 wise available for such purposes: *Provided further*, That
7 amounts appropriated under this heading are available for
8 program management and oversight of these activities:
9 *Provided further*, That the Secretary may transfer the
10 funds provided under this heading in this Act to any other
11 account in the Department to carry out such purposes,
12 and may expend such funds directly, or through grants:
13 *Provided further*, That these amounts are not available to
14 fulfill Comprehensive Environmental Response, Com-
15 pensation, and Liability Act (42 U.S.C. 9601 et seq.) obli-
16 gations agreed to in settlement or imposed by a court,
17 whether for payment of funds or for work to be performed.

18 NATURAL RESOURCE DAMAGE ASSESSMENT AND

19 RESTORATION

20 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

21 To conduct natural resource damage assessment, res-
22 toration activities, and onshore oil spill preparedness by
23 the Department of the Interior necessary to carry out the
24 provisions of the Comprehensive Environmental Response,
25 Compensation, and Liability Act (42 U.S.C. 9601 et seq.),

1 the Federal Water Pollution Control Act (33 U.S.C. 1251
2 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
3 et seq.), and 54 U.S.C. 100721 et seq., \$7,933,000, to
4 remain available until expended.

5 WORKING CAPITAL FUND

6 For the operation and maintenance of a departmental
7 financial and business management system, information
8 technology improvements of general benefit to the Depart-
9 ment, cybersecurity, and the consolidation of facilities and
10 operations throughout the Department, \$91,436,000, to
11 remain available until expended: *Provided*, That none of
12 the funds appropriated in this Act or any other Act may
13 be used to establish reserves in the Working Capital Fund
14 account other than for accrued annual leave and deprecia-
15 tion of equipment without prior approval of the Commit-
16 tees on Appropriations of the House of Representatives
17 and the Senate: *Provided further*, That the Secretary of
18 the Interior may assess reasonable charges to State, local,
19 and tribal government employees for training services pro-
20 vided by the National Indian Program Training Center,
21 other than training related to Public Law 93–638: *Pro-*
22 *vided further*, That the Secretary may lease or otherwise
23 provide space and related facilities, equipment, or profes-
24 sional services of the National Indian Program Training
25 Center to State, local and tribal government employees or

1 persons or organizations engaged in cultural, educational,
2 or recreational activities (as defined in section 3306(a) of
3 title 40, United States Code) at the prevailing rate for
4 similar space, facilities, equipment, or services in the vicin-
5 ity of the National Indian Program Training Center: *Pro-*
6 *vided further*, That all funds received pursuant to the two
7 preceding provisos shall be credited to this account, shall
8 be available until expended, and shall be used by the Sec-
9 retary for necessary expenses of the National Indian Pro-
10 gram Training Center: *Provided further*, That the Sec-
11 retary may enter into grants and cooperative agreements
12 to support the Office of Natural Resource Revenue's col-
13 lection and disbursement of royalties, fees, and other min-
14 eral revenue proceeds, as authorized by law.

15 ADMINISTRATIVE PROVISION

16 There is hereby authorized for acquisition from avail-
17 able resources within the Working Capital Fund, aircraft
18 which may be obtained by donation, purchase, or through
19 available excess surplus property: *Provided*, That existing
20 aircraft being replaced may be sold, with proceeds derived
21 or trade-in value used to offset the purchase price for the
22 replacement aircraft.

23 OFFICE OF NATURAL RESOURCES REVENUE

24 For necessary expenses for management of the collec-
25 tion and disbursement of royalties, fees, and other mineral

1 revenue proceeds, and for grants and cooperative agree-
2 ments, as authorized by law, \$169,640,000, to remain
3 available until September 30, 2023; of which \$68,151,000
4 shall remain available until expended for the purpose of
5 mineral revenue management activities: *Provided*, That
6 notwithstanding any other provision of law, \$15,000 shall
7 be available for refunds of overpayments in connection
8 with certain Indian leases in which the Secretary of the
9 Interior concurred with the claimed refund due, to pay
10 amounts owed to Indian allottees or tribes, or to correct
11 prior unrecoverable erroneous payments.

12 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

13 (INCLUDING TRANSFERS OF FUNDS)

14 EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

15 SEC. 101. Appropriations made in this title shall be
16 available for expenditure or transfer (within each bureau
17 or office), with the approval of the Secretary of the Inte-
18 rior, for the emergency reconstruction, replacement, or re-
19 pair of aircraft, buildings, utilities, or other facilities or
20 equipment damaged or destroyed by fire, flood, storm, or
21 other unavoidable causes: *Provided*, That no funds shall
22 be made available under this authority until funds specifi-
23 cally made available to the Department of the Interior for
24 emergencies shall have been exhausted: *Provided further*,
25 That all funds used pursuant to this section must be re-

1 plenished by a supplemental appropriation, which must be
2 requested as promptly as possible.

3 EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

4 SEC. 102. The Secretary of the Interior may author-
5 ize the expenditure or transfer of any no year appropria-
6 tion in this title, in addition to the amounts included in
7 the budget programs of the several agencies, for the sup-
8 pression or emergency prevention of wildland fires on or
9 threatening lands under the jurisdiction of the Depart-
10 ment of the Interior; for the emergency rehabilitation of
11 burned-over lands under its jurisdiction; for emergency ac-
12 tions related to potential or actual earthquakes, floods,
13 volcanoes, storms, or other unavoidable causes; for contin-
14 gency planning subsequent to actual oil spills; for response
15 and natural resource damage assessment activities related
16 to actual oil spills or releases of hazardous substances into
17 the environment; for the prevention, suppression, and con-
18 trol of actual or potential grasshopper and Mormon cricket
19 outbreaks on lands under the jurisdiction of the Secretary,
20 pursuant to the authority in section 417(b) of Public Law
21 106–224 (7 U.S.C. 7717(b)); for emergency reclamation
22 projects under section 410 of Public Law 95–87; and shall
23 transfer, from any no year funds available to the Office
24 of Surface Mining Reclamation and Enforcement, such
25 funds as may be necessary to permit assumption of regu-

1 latory authority in the event a primacy State is not car-
2 rying out the regulatory provisions of the Surface Mining
3 Act: *Provided*, That appropriations made in this title for
4 wildland fire operations shall be available for the payment
5 of obligations incurred during the preceding fiscal year,
6 and for reimbursement to other Federal agencies for de-
7 struction of vehicles, aircraft, or other equipment in con-
8 nection with their use for wildland fire operations, with
9 such reimbursement to be credited to appropriations cur-
10 rently available at the time of receipt thereof: *Provided*
11 *further*, That for wildland fire operations, no funds shall
12 be made available under this authority until the Secretary
13 determines that funds appropriated for “wildland fire sup-
14 pression” shall be exhausted within 30 days: *Provided fur-*
15 *ther*, That all funds used pursuant to this section must
16 be replenished by a supplemental appropriation, which
17 must be requested as promptly as possible: *Provided fur-*
18 *ther*, That such replenishment funds shall be used to reim-
19 burse, on a pro rata basis, accounts from which emergency
20 funds were transferred.

21 AUTHORIZED USE OF FUNDS

22 SEC. 103. Appropriations made to the Department
23 of the Interior in this title shall be available for services
24 as authorized by section 3109 of title 5, United States
25 Code, when authorized by the Secretary of the Interior,

1 in total amount not to exceed \$500,000; purchase and re-
2 placement of motor vehicles, including specially equipped
3 law enforcement vehicles; hire, maintenance, and oper-
4 ation of aircraft; hire of passenger motor vehicles; pur-
5 chase of reprints; payment for telephone service in private
6 residences in the field, when authorized under regulations
7 approved by the Secretary; and the payment of dues, when
8 authorized by the Secretary, for library membership in so-
9 cieties or associations which issue publications to members
10 only or at a price to members lower than to subscribers
11 who are not members.

12 AUTHORIZED USE OF FUNDS, INDIAN TRUST

13 MANAGEMENT

14 SEC. 104. Appropriations made in this Act under the
15 headings Bureau of Indian Affairs and Bureau of Indian
16 Education, and Office of the Special Trustee for American
17 Indians and any unobligated balances from prior appro-
18 priations Acts made under the same headings shall be
19 available for expenditure or transfer for Indian trust man-
20 agement and reform activities. Total funding for historical
21 accounting activities shall not exceed amounts specifically
22 designated in this Act for such purpose. The Secretary
23 shall notify the House and Senate Committees on Appro-
24 priations within 60 days of the expenditure or transfer of

1 any funds under this section, including the amount ex-
2 pended or transferred and how the funds will be used.

3 REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN
4 AFFAIRS

5 SEC. 105. Notwithstanding any other provision of
6 law, the Secretary of the Interior is authorized to redis-
7 tribute any Tribal Priority Allocation funds, including
8 tribal base funds, to alleviate tribal funding inequities by
9 transferring funds to address identified, unmet needs,
10 dual enrollment, overlapping service areas or inaccurate
11 distribution methodologies. No tribe shall receive a reduc-
12 tion in Tribal Priority Allocation funds of more than 10
13 percent in fiscal year 2022. Under circumstances of dual
14 enrollment, overlapping service areas or inaccurate dis-
15 tribution methodologies, the 10 percent limitation does not
16 apply.

17 ELLIS, GOVERNORS, AND LIBERTY ISLANDS

18 SEC. 106. Notwithstanding any other provision of
19 law, the Secretary of the Interior is authorized to acquire
20 lands, waters, or interests therein, including the use of all
21 or part of any pier, dock, or landing within the State of
22 New York and the State of New Jersey, for the purpose
23 of operating and maintaining facilities in the support of
24 transportation and accommodation of visitors to Ellis,
25 Governors, and Liberty Islands, and of other program and

1 administrative activities, by donation or with appropriated
2 funds, including franchise fees (and other monetary con-
3 sideration), or by exchange; and the Secretary is author-
4 ized to negotiate and enter into leases, subleases, conces-
5 sion contracts, or other agreements for the use of such
6 facilities on such terms and conditions as the Secretary
7 may determine reasonable.

8 OUTER CONTINENTAL SHELF INSPECTION FEES

9 SEC. 107. (a) In fiscal year 2022, the Secretary of
10 the Interior shall collect a nonrefundable inspection fee,
11 which shall be deposited in the “Offshore Safety and Envi-
12 ronmental Enforcement” account, from the designated op-
13 erator for facilities subject to inspection under 43 U.S.C.
14 1348(c).

15 (b) Annual fees shall be collected for facilities that
16 are above the waterline, excluding drilling rigs, and are
17 in place at the start of the fiscal year. Fees for fiscal year
18 2022 shall be—

19 (1) \$10,500 for facilities with no wells, but with
20 processing equipment or gathering lines;

21 (2) \$17,000 for facilities with 1 to 10 wells,
22 with any combination of active or inactive wells; and

23 (3) \$31,500 for facilities with more than 10
24 wells, with any combination of active or inactive
25 wells.

1 (c) Fees for drilling rigs shall be assessed for all in-
2 spections completed in fiscal year 2022. Fees for fiscal
3 year 2022 shall be—

4 (1) \$30,500 per inspection for rigs operating in
5 water depths of 500 feet or more; and

6 (2) \$16,700 per inspection for rigs operating in
7 water depths of less than 500 feet.

8 (d) Fees for inspection of well operations conducted
9 via non-rig units as outlined in title 30 CFR 250 subparts
10 D, E, F, and Q shall be assessed for all inspections com-
11 pleted in fiscal year 2022. Fees for fiscal year 2022 shall
12 be—

13 (1) \$13,260 per inspection for non-rig units op-
14 erating in water depths of 2,500 feet or more;

15 (2) \$11,530 per inspection for non-rig units op-
16 erating in water depths between 500 and 2,499 feet;
17 and

18 (3) \$4,470 per inspection for non-rig units op-
19 erating in water depths of less than 500 feet.

20 (e) The Secretary shall bill designated operators
21 under subsection (b) quarterly, with payment required
22 within 30 days of billing. The Secretary shall bill des-
23 ignated operators under subsection (c) within 30 days of
24 the end of the month in which the inspection occurred,
25 with payment required within 30 days of billing. The Sec-

1 retary shall bill designated operators under subsection (d)
2 with payment required by the end of the following quarter.

3 CONTRACTS AND AGREEMENTS FOR WILD HORSE AND
4 BURRO HOLDING FACILITIES

5 SEC. 108. Notwithstanding any other provision of
6 this Act, the Secretary of the Interior may enter into
7 multiyear cooperative agreements with nonprofit organiza-
8 tions and other appropriate entities, and may enter into
9 multiyear contracts in accordance with the provisions of
10 section 3903 of title 41, United States Code (except that
11 the 5-year term restriction in subsection (a) shall not
12 apply), for the long-term care and maintenance of excess
13 wild free roaming horses and burros by such organizations
14 or entities on private land. Such cooperative agreements
15 and contracts may not exceed 10 years, subject to renewal
16 at the discretion of the Secretary.

17 MASS MARKING OF SALMONIDS

18 SEC. 109. The United States Fish and Wildlife Serv-
19 ice shall, in carrying out its responsibilities to protect
20 threatened and endangered species of salmon, implement
21 a system of mass marking of salmonid stocks, intended
22 for harvest, that are released from federally operated or
23 federally financed hatcheries including but not limited to
24 fish releases of coho, chinook, and steelhead species.

1 Marked fish must have a visible mark that can be readily
2 identified by commercial and recreational fishers.

3 CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

4 SEC. 110. Notwithstanding any other provision of
5 law, during fiscal year 2022, in carrying out work involv-
6 ing cooperation with State, local, and tribal governments
7 or any political subdivision thereof, Indian Affairs may
8 record obligations against accounts receivable from any
9 such entities, except that total obligations at the end of
10 the fiscal year shall not exceed total budgetary resources
11 available at the end of the fiscal year.

12 DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES

13 PROGRAM

14 SEC. 111. (a) Notwithstanding any other provision
15 of law relating to Federal grants and cooperative agree-
16 ments, the Secretary of the Interior is authorized to make
17 grants to, or enter into cooperative agreements with, pri-
18 vate nonprofit organizations designated by the Secretary
19 of Labor under title V of the Older Americans Act of 1965
20 to utilize the talents of older Americans in programs au-
21 thorized by other provisions of law administered by the
22 Secretary and consistent with such provisions of law.

23 (b) Prior to awarding any grant or agreement under
24 subsection (a), the Secretary shall ensure that the agree-
25 ment would not—

1 PAYMENTS IN LIEU OF TAXES (PILT)

2 SEC. 114. Section 6906 of title 31, United States
3 Code, shall be applied by substituting “fiscal year 2022”
4 for “fiscal year 2019”.

5 DISCLOSURE OF DEPARTURE OR ALTERNATE PROCEDURE
6 APPROVAL

7 SEC. 115. (a) Subject to subsection (b), in any case
8 in which the Bureau of Safety and Environmental En-
9 forcement or the Bureau of Ocean Energy Management
10 prescribes or approves any departure or use of alternate
11 procedure or equipment, in regards to a plan or permit,
12 under 30 CFR 585.103; 30 CFR 550.141; 30 CFR
13 550.142; 30 CFR 250.141; or 30 CFR 250.142, the head
14 of such bureau shall post a description of such departure
15 or alternate procedure or equipment use approval on such
16 bureau’s publicly available website not more than 15 busi-
17 ness days after such issuance.

18 (b) The head of each bureau may exclude confidential
19 business information.

20 LONG BRIDGE PROJECT

21 SEC. 116. (a) AUTHORIZATION OF CONVEYANCE.—
22 On request by the State of Virginia or the District of Co-
23 lumbia for the purpose of the construction of rail and
24 other infrastructure relating to the Long Bridge Project,
25 the Secretary of the Interior may convey to the State or

1 the District of Columbia, as applicable, all right, title, and
2 interest of the United States in and to any portion of the
3 approximately 4.4 acres of National Park Service land de-
4 picted as “Permanent Impact to NPS Land” on the Map
5 dated May 15, 2020, that is identified by the State or
6 the District of Columbia.

7 (b) TERMS AND CONDITIONS.—Such conveyance of
8 the National Park Service land under subsection (a) shall
9 be subject to any terms and conditions that the Secretary
10 may require. If such conveyed land is no longer being used
11 for the purposes specified in this section, the lands or in-
12 terests therein shall revert to the National Park Service
13 after they have been restored or remediated to the satis-
14 faction of the Secretary.

15 (c) CORRECTIONS.—The Secretary and the State or
16 the District of Columbia, as applicable, by mutual agree-
17 ment, may—

18 (1) make minor boundary adjustments to the
19 National Park Service land to be conveyed to the
20 State or the District of Columbia under subsection
21 (a); and

22 (2) correct any minor errors in the Map re-
23 ferred to in subsection (a).

24 (d) DEFINITIONS.—For purposes of this section:

1 by section 1 of Public Law 115–101, shall be applied by
2 substituting “2022” for “2021”.

3 NATIONAL HERITAGE AREAS AND CORRIDORS

4 SEC. 119. (a) Section 126 of Public Law 98–398, as
5 amended (98 Stat. 1456; 120 Stat. 1853), is further
6 amended by striking “the date that is 15 years after the
7 date of enactment of this section” and inserting “2023”.

8 (b) Section 10 of Public Law 99–647, as amended
9 (100 Stat. 3630; 104 Stat. 1018; 120 Stat. 1858; 128
10 Stat. 3804), is further amended by striking “2021” and
11 inserting “2023”.

12 (c) Section 12 of Public Law 100–692, as amended
13 (102 Stat. 4558; 112 Stat. 3258; 123 Stat. 1292; 127
14 Stat. 420; 128 Stat. 314; 128 Stat. 3801), is further
15 amended—

16 (1) in subsection (c)(1), by striking “2021” and
17 inserting “2023”; and

18 (2) in subsection (d), by striking “2021” and
19 inserting “2023”.

20 (d) Section 106(b) of Public Law 103–449, as
21 amended (108 Stat. 4755; 113 Stat. 1726; 123 Stat.
22 1291; 128 Stat. 3802), is further amended by striking
23 “2021” and inserting “2023”.

24 (e) Division II of Public Law 104–333 (54 U.S.C.
25 320101 note), as amended, is further amended by striking

1 “2021” each place it appears in the following sections and
2 inserting “2023”—

3 (1) in section 107 (110 Stat. 4244; 127 Stat.
4 420; 128 Stat. 314; 128 Stat. 3801);

5 (2) in section 408 (110 Stat. 4256; 127 Stat.
6 420; 128 Stat. 314; 128 Stat. 3801);

7 (3) in section 507 (110 Stat. 4260; 127 Stat.
8 420; 128 Stat. 314; 128 Stat. 3801);

9 (4) in section 707 (110 Stat. 4267; 127 Stat.
10 420; 128 Stat. 314; 128 Stat. 3801);

11 (5) in section 809 (110 Stat. 4275; 122 Stat.
12 826; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801);

13 (6) in section 910 (110 Stat. 4281; 127 Stat.
14 420; 128 Stat. 314; 128 Stat. 3801);

15 (7) in section 310 (110 Stat. 4252; 127 Stat.
16 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661;
17 133 Stat. 778);

18 (8) in section 607 (110 Stat. 4264; 127 Stat.
19 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661;
20 133 Stat. 778-779); and

21 (9) in section 208 (110 Stat. 4248; 127 Stat.
22 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661;
23 133 Stat. 778).

1 (f) Section 109 of Public Law 105–355, as amended
2 (112 Stat. 3252; 128 Stat. 3802), is further amended by
3 striking “2021” and inserting “2023”.

4 (g) Public Law 106–278 (54 U.S.C. 320101 note),
5 as amended, is further amended—

6 (1) in section 108 (114 Stat. 818; 127 Stat.
7 420; 128 Stat. 314; 128 Stat. 3802) by striking
8 “2021” and inserting “2023”.

9 (2) in section 209 (114 Stat. 824; 128 Stat.
10 3802) by striking “2021” and inserting “2023”.

11 (h) Section 157(i) of Public Law 106–291, as amend-
12 ed (114 Stat. 967; 128 Stat. 3802), is further amended
13 by striking “2021” and inserting “2023”.

14 (i) Section 7 of Public Law 106–319, as amended
15 (114 Stat. 1284; 128 Stat. 3802), is further amended by
16 striking “2021” and inserting “2023”.

17 (j) Section 811 of title VIII of appendix D of Public
18 Law 106–554, as amended (114 Stat. 2763, 2763A–295;
19 128 Stat. 3802), is further amended by striking “2021”
20 and inserting “2023”.

21 (k) Section 140(j) of Public Law 108–108, as amend-
22 ed (117 Stat. 1274; 131 Stat. 461; 132 Stat. 661; 133
23 Stat. 778), is further amended by striking “2021” and
24 inserting “2023”.

1 (l) Title II of Public Law 109–338 (54 U.S.C.
2 320101 note; 120 Stat. 1787–1845), as amended, is fur-
3 ther amended—

4 (1) in each of sections 208, 221, 240, 260, 269,
5 289, 291J, 295L and 297H by striking “the date
6 that is 15 years after the date of enactment of this
7 Act” and inserting “September 30, 2023”; and

8 (2) in section 280B by striking “the day occur-
9 ring 15 years after the date of the enactment of this
10 subtitle” and inserting “September 30, 2023”.

11 (m) Section 810(a)(1) of title VIII of division B of
12 appendix D of Public Law 106–554, as amended (114
13 Stat. 2763; 123 Stat. 1295; 131 Stat. 461; 133 Stat.
14 2714), is further amended by striking “\$14,000,000” and
15 inserting “\$16,000,000”.

16 (n) Section 125(a) of title IV of Public Law 109–
17 338 (120 Stat. 1853) is amended by striking
18 “\$10,000,000” and inserting “\$12,000,000”.

19 (o) Section 210(a) of title II of Public Law 106–278
20 (114 Stat. 824) is amended by striking “\$10,000,000”
21 and inserting “\$12,000,000”.

22 (p) Section 804(j) of division B of H.R. 5666 (Appen-
23 dix D) as enacted into law by section 1(a)(4) of Public
24 Law 106–554, as amended (54 U.S.C. 320101 note; 114
25 Stat. 2763, 2763A–295; 123 Stat. 1294; 128 Stat. 3802;

1 131 Stat. 461; 133 Stat. 2714), is further amended by
2 striking “September 30, 2021” and inserting “September
3 30, 2037”.

4 (q) Section 295D(d) of Public Law 109–338, as
5 amended (54 U.S.C. 320101 note; 120 Stat. 1833; 130
6 Stat. 962), is further amended by striking “15 years after
7 the date of enactment of this Act” and inserting “on Sep-
8 tember 30, 2037”.

9 STUDY FOR SELMA TO MONTGOMERY NATIONAL HISTORIC
10 TRAIL

11 SEC. 120. (a) STUDY.—The Secretary of the Interior
12 (Secretary) shall conduct a study to evaluate—

13 (1) resources associated with the 1965 Voting
14 Rights March from Selma to Montgomery not cur-
15 rently part of the Selma to Montgomery National
16 Historic Trail (Trail) (16 U.S.C. 1244(a)(20)) that
17 would be appropriate for addition to the Trail; and

18 (2) the potential designation of the Trail as a
19 unit of the National Park System instead of, or in
20 addition to, remaining a designated part of the Na-
21 tional Trails System.

22 (b) REPORT.—Not later than one year after the date
23 of enactment of this Act, the Secretary shall submit to
24 the House and Senate Committees on Appropriations, the
25 Committee on Natural Resources of the House of Rep-

1 representatives and the Committee on Energy and Natural
2 Resources of the Senate a report that describes the results
3 of the study and the conclusions and recommendations of
4 the study.

5 (c) LAND ACQUISITION.—The Secretary is author-
6 ized, subject to the availability of appropriations and at
7 her discretion, to acquire property or interests therein lo-
8 cated in the city of Selma, Alabama and generally depicted
9 on the map entitled, “Selma to Montgomery NHT Pro-
10 posed Addition,” numbered 628/177376 and dated Sep-
11 tember 14, 2021, with the consent of the owner, for the
12 benefit of the Selma to Montgomery National Historic
13 Trail and to further the purpose for which the trail has
14 been established.

15 EXHAUSTION OF ADMINISTRATIVE REVIEW

16 SEC. 121. Paragraph (1) of section 122(a) of division
17 E of Public Law 112–74 (125 Stat. 1013) is amended
18 by striking “through 2022,” in the first sentence and in-
19 serting “through 2024.”.

20 APPRAISER PAY AUTHORITY

21 SEC. 122. For fiscal year 2022, funds made available
22 in this or any other Act or otherwise made available to
23 the Department of the Interior for the Appraisal and
24 Valuation Services Office may be used by the Secretary
25 of the Interior to establish higher minimum rates of basic

1 pay for employees of the Department of the Interior in
2 the Appraiser (GS–1171) job series at grades 11 through
3 15 carrying out appraisals of real property and appraisal
4 reviews conducted in support of the Department’s realty
5 programs at rates no greater than 15 percent above the
6 minimum rates of basic pay normally scheduled, and such
7 higher rates shall be consistent with subsections (e)
8 through (h) of section 5305 of title 5, United States Code.

9 SAGE-GROUSE

10 SEC. 123. None of the funds made available by this
11 or any other Act may be used by the Secretary of the Inte-
12 rior to write or issue pursuant to section 4 of the Endan-
13 gered Species Act of 1973 (16 U.S.C. 1533)—

14 (1) a proposed rule for greater sage-grouse
15 (Centrocercus urophasianus);

16 (2) a proposed rule for the Columbia basin dis-
17 tinct population segment of greater sage-grouse.

1 TITLE II
2 ENVIRONMENTAL PROTECTION AGENCY
3 SCIENCE AND TECHNOLOGY

4 For science and technology, including research and
5 development activities, which shall include research and
6 development activities under the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act of
8 1980; necessary expenses for personnel and related costs
9 and travel expenses; procurement of laboratory equipment
10 and supplies; hire, maintenance, and operation of aircraft;
11 and other operating expenses in support of research and
12 development, \$750,174,000, to remain available until Sep-
13 tember 30, 2023: *Provided*, That of the funds included
14 under this heading, \$11,430,000 shall be for Research:
15 National Priorities as specified in the explanatory state-
16 ment described in section 4 (in the matter preceding divi-
17 sion A of this consolidated Act), of which \$2,930,000 shall
18 be for projects specified for Science and Technology in the
19 table titled “Interior and Environment Incorporation of
20 Community Project Funding Items/Congressionally Di-
21 rected Spending Items” included for this division in the
22 explanatory statement described in section 4 (in the mat-
23 ter preceding division A of this consolidated Act).

1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 For environmental programs and management, in-
3 cluding necessary expenses not otherwise provided for, for
4 personnel and related costs and travel expenses; hire of
5 passenger motor vehicles; hire, maintenance, and oper-
6 ation of aircraft; purchase of reprints; library member-
7 ships in societies or associations which issue publications
8 to members only or at a price to members lower than to
9 subscribers who are not members; administrative costs of
10 the brownfields program under the Small Business Liabil-
11 ity Relief and Brownfields Revitalization Act of 2002; im-
12 plementation of a coal combustion residual permit pro-
13 gram under section 2301 of the Water and Waste Act of
14 2016; and not to exceed \$9,000 for official reception and
15 representation expenses, \$2,964,025,000, to remain avail-
16 able until September 30, 2023: *Provided*, That of the
17 funds included under this heading, \$25,700,000 shall be
18 for Environmental Protection: National Priorities as speci-
19 fied in the explanatory statement described in section 4
20 (in the matter preceding division A of this consolidated
21 Act): *Provided further*, That of the funds included under
22 this heading, \$587,192,000 shall be for Geographic Pro-
23 grams specified in the explanatory statement described in
24 section 4 (in the matter preceding division A of this con-
25 solidated Act): *Provided further*, That funds included

1 under this heading may be used for environmental justice
2 implementation and training grants, and associated pro-
3 gram support costs.

4 In addition, \$9,000,000 to remain available until ex-
5 pended, for necessary expenses of activities described in
6 section 26(b)(1) of the Toxic Substances Control Act (15
7 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursu-
8 ant to that section of that Act and deposited in the “TSCA
9 Service Fee Fund” as discretionary offsetting receipts in
10 fiscal year 2022 shall be retained and used for necessary
11 salaries and expenses in this appropriation and shall re-
12 main available until expended: *Provided further*, That the
13 sum herein appropriated in this paragraph from the gen-
14 eral fund for fiscal year 2022 shall be reduced by the
15 amount of discretionary offsetting receipts received during
16 fiscal year 2022, so as to result in a final fiscal year 2022
17 appropriation from the general fund estimated at not more
18 than \$0: *Provided further*, That to the extent that amounts
19 realized from such receipts exceed \$9,000,000, those
20 amount in excess of \$9,000,000 shall be deposited in the
21 “TSCA Service Fee Fund” as discretionary offsetting re-
22 ceipts in fiscal year 2022, shall be retained and used for
23 necessary salaries and expenses in this account, and shall
24 remain available until expended: *Provided further*, That of
25 the funds included in the first paragraph under this head-

1 ing, the Chemical Risk Review and Reduction program
2 project shall be allocated for this fiscal year, excluding the
3 amount of any fees appropriated, not less than the amount
4 of appropriations for that program project for fiscal year
5 2014.

6 OFFICE OF INSPECTOR GENERAL

7 For necessary expenses of the Office of Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, \$44,030,000, to remain available
10 until September 30, 2023.

11 BUILDINGS AND FACILITIES

12 For construction, repair, improvement, extension, al-
13 teration, and purchase of fixed equipment or facilities of,
14 or for use by, the Environmental Protection Agency,
15 \$34,752,000, to remain available until expended.

16 HAZARDOUS SUBSTANCE SUPERFUND

17 (INCLUDING TRANSFERS OF FUNDS)

18 For necessary expenses to carry out the Comprehen-
19 sive Environmental Response, Compensation, and Liabil-
20 ity Act of 1980 (CERCLA), including sections 111(c)(3),
21 (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and hire,
22 maintenance, and operation of aircraft, \$1,232,850,000,
23 to remain available until expended, consisting of such
24 sums as are available in the Trust Fund on September
25 30, 2021, and not otherwise appropriated from the Trust

1 Fund, as authorized by section 517(a) of the Superfund
2 Amendments and Reauthorization Act of 1986 (SARA)
3 and up to \$1,232,850,000 as a payment from general rev-
4 enues to the Hazardous Substance Superfund for purposes
5 as authorized by section 517(b) of SARA: *Provided*, That
6 funds appropriated under this heading may be allocated
7 to other Federal agencies in accordance with section
8 111(a) of CERCLA: *Provided further*, That of the funds
9 appropriated under this heading, \$11,800,000 shall be
10 paid to the “Office of Inspector General” appropriation
11 to remain available until September 30, 2023, and
12 \$30,985,000 shall be paid to the “Science and Tech-
13 nology” appropriation to remain available until September
14 30, 2023.

15 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
16 PROGRAM

17 For necessary expenses to carry out leaking under-
18 ground storage tank cleanup activities authorized by sub-
19 title I of the Solid Waste Disposal Act, \$92,293,000, to
20 remain available until expended, of which \$66,924,000
21 shall be for carrying out leaking underground storage tank
22 cleanup activities authorized by section 9003(h) of the
23 Solid Waste Disposal Act; \$25,369,000 shall be for car-
24 rying out the other provisions of the Solid Waste Disposal
25 Act specified in section 9508(c) of the Internal Revenue

1 Code: *Provided*, That the Administrator is authorized to
2 use appropriations made available under this heading to
3 implement section 9013 of the Solid Waste Disposal Act
4 to provide financial assistance to federally recognized In-
5 dian tribes for the development and implementation of
6 programs to manage underground storage tanks.

7 INLAND OIL SPILL PROGRAMS

8 For expenses necessary to carry out the Environ-
9 mental Protection Agency's responsibilities under the Oil
10 Pollution Act of 1990, including hire, maintenance, and
11 operation of aircraft, \$20,262,000, to be derived from the
12 Oil Spill Liability trust fund, to remain available until ex-
13 pended.

14 STATE AND TRIBAL ASSISTANCE GRANTS

15 For environmental programs and infrastructure as-
16 sistance, including capitalization grants for State revolv-
17 ing funds and performance partnership grants,
18 \$4,351,573,000, to remain available until expended, of
19 which—

20 (1) \$1,638,826,000 shall be for making capital-
21 ization grants for the Clean Water State Revolving
22 Funds under title VI of the Federal Water Pollution
23 Control Act; and of which \$1,126,088,000 shall be
24 for making capitalization grants for the Drinking
25 Water State Revolving Funds under section 1452 of

1 the Safe Drinking Water Act: *Provided*, That
2 \$443,639,051 of the funds made available for cap-
3 italization grants for the Clean Water State Revolv-
4 ing Funds and \$397,766,044 of the funds made
5 available for capitalization grants for the Drinking
6 Water State Revolving Funds shall be for the con-
7 struction of drinking water, wastewater, and storm
8 water infrastructure and for water quality protection
9 in accordance with the terms and conditions speci-
10 fied for such grants in the explanatory statement de-
11 scribed in section 4 (in the matter preceding division
12 A of this consolidated Act) for projects specified for
13 “STAG—Drinking Water SRF”, “STAG—Clean
14 Water SRF”, and “STAG—Drinking Water SRF;
15 Clean Water SRF” in the table titled “Interior and
16 Environment Incorporation of Community Project
17 Funding Items/Congressionally Directed Spending
18 Items” included for this division in the explanatory
19 statement described in section 4 (in the matter pre-
20 ceding division A of this consolidated Act), and, for
21 purposes of these grants, each grantee shall con-
22 tribute not less than 20 percent of the cost of the
23 project unless the grantee is approved for a waiver
24 by the Agency: *Provided further*, That for fiscal year
25 2022, to the extent there are sufficient eligible

1 project applications and projects are consistent with
2 State Intended Use Plans, not less than 10 percent
3 of the funds made available under this title to each
4 State for Clean Water State Revolving Fund capital-
5 ization grants shall be used by the State for projects
6 to address green infrastructure, water or energy effi-
7 ciency improvements, or other environmentally inno-
8 vative activities: *Provided further*, That for fiscal
9 year 2022, funds made available under this title to
10 each State for Drinking Water State Revolving
11 Fund capitalization grants may, at the discretion of
12 each State, be used for projects to address green in-
13 frastructure, water or energy efficiency improve-
14 ments, or other environmentally innovative activities:
15 *Provided further*, That the Administrator is author-
16 ized to use up to \$1,500,000 of funds made available
17 for the Clean Water State Revolving Funds under
18 this heading under Title VI of the Federal Water
19 Pollution Control Act (33 U.S.C. 1381) to conduct
20 the Clean Watersheds Needs Survey: *Provided fur-*
21 *ther*, That notwithstanding section 603(d)(7) of the
22 Federal Water Pollution Control Act, the limitation
23 on the amounts in a State water pollution control re-
24 volving fund that may be used by a State to admin-
25 ister the fund shall not apply to amounts included

1 as principal in loans made by such fund in fiscal
2 year 2022 and prior years where such amounts rep-
3 resent costs of administering the fund to the extent
4 that such amounts are or were deemed reasonable by
5 the Administrator, accounted for separately from
6 other assets in the fund, and used for eligible pur-
7 poses of the fund, including administration: *Provided*
8 *further*, That for fiscal year 2022, notwithstanding
9 the provisions of subsections (g)(1), (h), and (l) of
10 section 201 of the Federal Water Pollution Control
11 Act, grants made under title II of such Act for
12 American Samoa, Guam, the Commonwealth of the
13 Northern Marianas, the United States Virgin Is-
14 lands, and the District of Columbia may also be
15 made for the purpose of providing assistance: (1)
16 solely for facility plans, design activities, or plans,
17 specifications, and estimates for any proposed
18 project for the construction of treatment works; and
19 (2) for the construction, repair, or replacement of
20 privately owned treatment works serving one or
21 more principal residences or small commercial estab-
22 lishments: *Provided further*, That for fiscal year
23 2022, notwithstanding the provisions of such sub-
24 sections (g)(1), (h), and (l) of section 201 and sec-
25 tion 518(c) of the Federal Water Pollution Control

1 Act, funds reserved by the Administrator for grants
2 under section 518(c) of the Federal Water Pollution
3 Control Act may also be used to provide assistance:
4 (1) solely for facility plans, design activities, or
5 plans, specifications, and estimates for any proposed
6 project for the construction of treatment works; and
7 (2) for the construction, repair, or replacement of
8 privately owned treatment works serving one or
9 more principal residences or small commercial estab-
10 lishments: *Provided further*, That for fiscal year
11 2022, notwithstanding any provision of the Federal
12 Water Pollution Control Act and regulations issued
13 pursuant thereof, up to a total of \$2,000,000 of the
14 funds reserved by the Administrator for grants
15 under section 518(c) of such Act may also be used
16 for grants for training, technical assistance, and
17 educational programs relating to the operation and
18 management of the treatment works specified in sec-
19 tion 518(c) of such Act: *Provided further*, That for
20 fiscal year 2022, funds reserved under section
21 518(c) of such Act shall be available for grants only
22 to Indian tribes, as defined in section 518(h) of such
23 Act and former Indian reservations in Oklahoma (as
24 determined by the Secretary of the Interior) and Na-
25 tive Villages as defined in Public Law 92-203: *Pro-*

1 *vided further*, That for fiscal year 2022, notwith-
2 standing the limitation on amounts in section 518(c)
3 of the Federal Water Pollution Control Act, up to a
4 total of 2 percent of the funds appropriated, or
5 \$30,000,000, whichever is greater, and notwith-
6 standing the limitation on amounts in section
7 1452(i) of the Safe Drinking Water Act, up to a
8 total of 2 percent of the funds appropriated, or
9 \$20,000,000, whichever is greater, for State Revolv-
10 ing Funds under such Acts may be reserved by the
11 Administrator for grants under section 518(c) and
12 section 1452(i) of such Acts: *Provided further*, That
13 for fiscal year 2022, notwithstanding the amounts
14 specified in section 205(c) of the Federal Water Pol-
15 lution Control Act, up to 1.5 percent of the aggre-
16 gate funds appropriated for the Clean Water State
17 Revolving Fund program under the Act less any
18 sums reserved under section 518(c) of the Act, may
19 be reserved by the Administrator for grants made
20 under title II of the Federal Water Pollution Control
21 Act for American Samoa, Guam, the Commonwealth
22 of the Northern Marianas, and United States Virgin
23 Islands: *Provided further*, That for fiscal year 2022,
24 notwithstanding the limitations on amounts specified
25 in section 1452(j) of the Safe Drinking Water Act,

1 up to 1.5 percent of the funds appropriated for the
2 Drinking Water State Revolving Fund programs
3 under the Safe Drinking Water Act may be reserved
4 by the Administrator for grants made under section
5 1452(j) of the Safe Drinking Water Act: *Provided*
6 *further*, That 10 percent of the funds made available
7 under this title to each State for Clean Water State
8 Revolving Fund capitalization grants and 14 percent
9 of the funds made available under this title to each
10 State for Drinking Water State Revolving Fund cap-
11 italization grants shall be used by the State to pro-
12 vide additional subsidy to eligible recipients in the
13 form of forgiveness of principal, negative interest
14 loans, or grants (or any combination of these), and
15 shall be so used by the State only where such funds
16 are provided as initial financing for an eligible re-
17 cipient or to buy, refinance, or restructure the debt
18 obligations of eligible recipients only where such debt
19 was incurred on or after the date of enactment of
20 this Act, or where such debt was incurred prior to
21 the date of enactment of this Act if the State, with
22 concurrence from the Administrator, determines that
23 such funds could be used to help address a threat
24 to public health from heightened exposure to lead in
25 drinking water or if a Federal or State emergency

1 declaration has been issued due to a threat to public
2 health from heightened exposure to lead in a munic-
3 ipal drinking water supply before the date of enact-
4 ment of this Act: *Provided further*, That in a State
5 in which such an emergency declaration has been
6 issued, the State may use more than 14 percent of
7 the funds made available under this title to the
8 State for Drinking Water State Revolving Fund cap-
9 italization grants to provide additional subsidy to eli-
10 gible recipients: *Provided further*, That notwith-
11 standing section 1452(o) of the Safe Drinking Water
12 Act (42 U.S.C. 300j-12(o)), the Administrator shall
13 reserve \$12,000,000 of the amounts made available
14 for fiscal year 2022 for making capitalization grants
15 for the Drinking Water State Revolving Funds to
16 pay the costs of monitoring for unregulated contami-
17 nants under section 1445(a)(2)(C) of such Act;

18 (2) \$32,000,000 shall be for architectural, engi-
19 neering, planning, design, construction and related
20 activities in connection with the construction of high
21 priority water and wastewater facilities in the area
22 of the United States-Mexico Border, after consulta-
23 tion with the appropriate border commission: *Pro-*
24 *vided*, That no funds provided by this appropriations
25 Act to address the water, wastewater and other crit-

1 ical infrastructure needs of the colonias in the
2 United States along the United States-Mexico bor-
3 der shall be made available to a county or municipal
4 government unless that government has established
5 an enforceable local ordinance, or other zoning rule,
6 which prevents in that jurisdiction the development
7 or construction of any additional colonia areas, or
8 the development within an existing colonia the con-
9 struction of any new home, business, or other struc-
10 ture which lacks water, wastewater, or other nec-
11 essary infrastructure;

12 (3) \$39,186,000 shall be for grants to the State
13 of Alaska to address drinking water and wastewater
14 infrastructure needs of rural and Alaska Native Vil-
15 lages: *Provided*, That of these funds: (A) the State
16 of Alaska shall provide a match of 25 percent; (B)
17 no more than 5 percent of the funds may be used
18 for administrative and overhead expenses; and (C)
19 the State of Alaska shall make awards consistent
20 with the Statewide priority list established in con-
21 junction with the Agency and the U.S. Department
22 of Agriculture for all water, sewer, waste disposal,
23 and similar projects carried out by the State of Alas-
24 ka that are funded under section 221 of the Federal
25 Water Pollution Control Act (33 U.S.C. 1301) or

1 the Consolidated Farm and Rural Development Act
2 (7 U.S.C. 1921 et seq.) which shall allocate not less
3 than 25 percent of the funds provided for projects
4 in regional hub communities;

5 (4) \$91,987,000 shall be to carry out section
6 104(k) of the Comprehensive Environmental Re-
7 sponse, Compensation, and Liability Act of 1980
8 (CERCLA), including grants, interagency agree-
9 ments, and associated program support costs: *Pro-*
10 *vided*, That at least 10 percent shall be allocated for
11 assistance in persistent poverty counties: *Provided*
12 *further*, That for purposes of this section, the term
13 “persistent poverty counties” means any county that
14 has had 20 percent or more of its population living
15 in poverty over the past 30 years, as measured by
16 the 1993 Small Area Income and Poverty Estimates,
17 the 2000 decennial census, and the most recent
18 Small Area Income and Poverty Estimates, or any
19 territory or possession of the United States;

20 (5) \$92,000,000 shall be for grants under title
21 VII, subtitle G of the Energy Policy Act of 2005;

22 (6) \$61,927,000 shall be for targeted airshed
23 grants in accordance with the terms and conditions
24 in the explanatory statement described in section 4

1 (in the matter preceding division A of this consoli-
2 dated Act);

3 (7) \$27,158,000 shall be for grants under sub-
4 sections (a) through (j) of section 1459A of the Safe
5 Drinking Water Act (42 U.S.C. 300j-19a);

6 (8) \$27,500,000 shall be for grants under sec-
7 tion 1464(d) of the Safe Drinking Water Act (42
8 U.S.C. 300j-24(d));

9 (9) \$22,011,000 shall be for grants under sec-
10 tion 1459B of the Safe Drinking Water Act (42
11 U.S.C. 300j-19b);

12 (10) \$5,000,000 shall be for grants under sec-
13 tion 1459A(l) of the Safe Drinking Water Act (42
14 U.S.C. 300j-19a(l));

15 (11) \$20,000,000 shall be for grants under sec-
16 tion 104(b)(8) of the Federal Water Pollution Con-
17 trol Act (33 U.S.C. 1254(b)(8));

18 (12) \$43,000,000 shall be for grants under sec-
19 tion 221 of the Federal Water Pollution Control Act
20 (33 U.S.C. 1301);

21 (13) \$4,000,000 shall be for grants under sec-
22 tion 4304(b) of the America's Water Infrastructure
23 Act of 2018 (Public Law 115-270);

24 (14) \$2,500,000 shall be for carrying out sec-
25 tion 302(a) of the Save Our Seas 2.0 Act (33 U.S.C.

1 4283(a)), of which not more than 2 percent shall be
2 for administrative costs to carry out such section:
3 *Provided*, That notwithstanding section 302(a) of
4 such Act, the Administrator may also provide grants
5 pursuant to such authority to intertribal consortia
6 consistent with the requirements in 40 CFR
7 35.504(a), to former Indian reservations in Okla-
8 homa (as determined by the Secretary of the Inte-
9 rior), and Alaska Native Villages as defined in Pub-
10 lic Law 92–203;

11 (15) \$4,000,000 shall be for grants under sec-
12 tion 103(b)(3) of the Clean Air Act for wildfire
13 smoke preparedness grants in accordance with the
14 terms and conditions in the explanatory statement
15 described in section 4 (in the matter preceding divi-
16 sion A of this consolidated Act): *Provided*, not more
17 than 3 percent shall be for administrative costs to
18 carry out such section;

19 (16) \$1,099,384,000 shall be for grants, includ-
20 ing associated program support costs, to States, fed-
21 erally recognized Tribes, interstate agencies, tribal
22 consortia, and air pollution control agencies for
23 multi-media or single media pollution prevention,
24 control and abatement, and related activities, includ-
25 ing activities pursuant to the provisions set forth

1 under this heading in Public Law 104–134, and for
2 making grants under section 103 of the Clean Air
3 Act for particulate matter monitoring and data col-
4 lection activities subject to terms and conditions
5 specified by the Administrator, and under section
6 2301 of the Water and Waste Act of 2016 to assist
7 States in developing and implementing programs for
8 control of coal combustion residuals, of which:
9 \$46,195,000 shall be for carrying out section 128 of
10 CERCLA; \$9,336,000 shall be for Environmental
11 Information Exchange Network grants, including as-
12 sociated program support costs; \$1,475,000 shall be
13 for grants to States under section 2007(f)(2) of the
14 Solid Waste Disposal Act, which shall be in addition
15 to funds appropriated under the heading “Leaking
16 Underground Storage Tank Trust Fund Program”
17 to carry out the provisions of the Solid Waste Dis-
18 posal Act specified in section 9508(c) of the Internal
19 Revenue Code other than section 9003(h) of the
20 Solid Waste Disposal Act; \$18,000,000 of the funds
21 available for grants under section 106 of the Federal
22 Water Pollution Control Act shall be for State par-
23 ticipation in national- and State-level statistical sur-
24 veys of water resources and enhancements to State
25 monitoring programs; and

1 (17) \$15,006,000 shall be for State and Tribal
2 Assistance Grants to be allocated in the amounts
3 specified for those projects and for the purposes de-
4 lineated in the table titled “Interior and Environ-
5 ment Incorporation of Community Project Funding
6 Items/Congressionally Directed Spending Items” in-
7 cluded for this division in the explanatory statement
8 described in section 4 (in the matter preceding divi-
9 sion A of this consolidated Act) for remediation, con-
10 struction, and related environmental management
11 activities in accordance with the terms and condi-
12 tions specified for such grants in the explanatory
13 statement described in section 4 (in the matter pre-
14 ceding division A of this consolidated Act).

15 WATER INFRASTRUCTURE FINANCE AND INNOVATION

16 PROGRAM ACCOUNT

17 For the cost of direct loans and for the cost of guar-
18 anteed loans, as authorized by the Water Infrastructure
19 Finance and Innovation Act of 2014, \$63,500,000, to re-
20 main available until expended: *Provided*, That such costs,
21 including the cost of modifying such loans, shall be as de-
22 fined in section 502 of the Congressional Budget Act of
23 1974: *Provided further*, That these funds are available to
24 subsidize gross obligations for the principal amount of di-
25 rect loans, including capitalized interest, and total loan

1 principal, including capitalized interest, any part of which
2 is to be guaranteed, not to exceed \$12,500,000,000: *Pro-*
3 *vided further*, That of the funds made available under this
4 heading, \$5,000,000 shall be used solely for the cost of
5 direct loans and for the cost of guaranteed loans for
6 projects described in section 5026(9) of the Water Infra-
7 structure Finance and Innovation Act of 2014 to State
8 infrastructure financing authorities, as authorized by sec-
9 tion 5033(e) of such Act: *Provided further*, That the use
10 of direct loans or loan guarantee authority under this
11 heading for direct loans or commitments to guarantee
12 loans for any project shall be in accordance with the cri-
13 teria published in the Federal Register on June 30, 2020
14 (85 FR 39189) pursuant to the fourth proviso under the
15 heading “Water Infrastructure Finance and Innovation
16 Program Account” in division D of the Further Consoli-
17 dated Appropriations Act, 2020 (Public Law 116–94):
18 *Provided further*, That none of the direct loans or loan
19 guarantee authority made available under this heading
20 shall be available for any project unless the Administrator
21 and the Director of the Office of Management and Budget
22 have certified in advance in writing that the direct loan
23 or loan guarantee, as applicable, and the project comply
24 with the criteria referenced in the previous proviso: *Pro-*
25 *vided further*, That, for the purposes of carrying out the

1 Congressional Budget Act of 1974, the Director of the
2 Congressional Budget Office may request, and the Admin-
3 istrator shall promptly provide, documentation and infor-
4 mation relating to a project identified in a Letter of Inter-
5 est submitted to the Administrator pursuant to a Notice
6 of Funding Availability for applications for credit assist-
7 ance under the Water Infrastructure Finance and Innova-
8 tion Act Program, including with respect to a project that
9 was initiated or completed before the date of enactment
10 of this Act.

11 In addition, fees authorized to be collected pursuant
12 to sections 5029 and 5030 of the Water Infrastructure
13 Finance and Innovation Act of 2014 shall be deposited
14 in this account, to remain available until expended.

15 In addition, for administrative expenses to carry out
16 the direct and guaranteed loan programs, notwithstanding
17 section 5033 of the Water Infrastructure Finance and In-
18 novation Act of 2014, \$6,026,000, to remain available
19 until September 30, 2023.

20 ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL

21 PROTECTION AGENCY

22 (INCLUDING TRANSFERS OF FUNDS)

23 For fiscal year 2022, notwithstanding 31 U.S.C.
24 6303(1) and 6305(1), the Administrator of the Environ-
25 mental Protection Agency, in carrying out the Agency's

1 function to implement directly Federal environmental pro-
2 grams required or authorized by law in the absence of an
3 acceptable tribal program, may award cooperative agree-
4 ments to federally recognized Indian tribes or Intertribal
5 consortia, if authorized by their member tribes, to assist
6 the Administrator in implementing Federal environmental
7 programs for Indian tribes required or authorized by law,
8 except that no such cooperative agreements may be award-
9 ed from funds designated for State financial assistance
10 agreements.

11 The Administrator of the Environmental Protection
12 Agency is authorized to collect and obligate pesticide reg-
13 istration service fees in accordance with section 33 of the
14 Federal Insecticide, Fungicide, and Rodenticide Act (7
15 U.S.C. 136w-8), to remain available until expended.

16 Notwithstanding section 33(d)(2) of the Federal In-
17 secticide, Fungicide, and Rodenticide Act (FIFRA) (7
18 U.S.C. 136w-8(d)(2)), the Administrator of the Environ-
19 mental Protection Agency may assess fees under section
20 33 of FIFRA (7 U.S.C. 136w-8) for fiscal year 2022.

21 The Administrator of the Environmental Protection
22 Agency is authorized to collect and obligate fees in accord-
23 ance with section 3024 of the Solid Waste Disposal Act
24 (42 U.S.C. 6939g) for fiscal year 2022, to remain avail-
25 able until expended.

1 The Administrator is authorized to transfer up to
2 \$348,000,000 of the funds appropriated for the Great
3 Lakes Restoration Initiative under the heading “Environ-
4 mental Programs and Management” to the head of any
5 Federal department or agency, with the concurrence of
6 such head, to carry out activities that would support the
7 Great Lakes Restoration Initiative and Great Lakes
8 Water Quality Agreement programs, projects, or activities;
9 to enter into an interagency agreement with the head of
10 such Federal department or agency to carry out these ac-
11 tivities; and to make grants to governmental entities, non-
12 profit organizations, institutions, and individuals for plan-
13 ning, research, monitoring, outreach, and implementation
14 in furtherance of the Great Lakes Restoration Initiative
15 and the Great Lakes Water Quality Agreement.

16 The Science and Technology, Environmental Pro-
17 grams and Management, Office of Inspector General, Haz-
18 ardous Substance Superfund, and Leaking Underground
19 Storage Tank Trust Fund Program Accounts, are avail-
20 able for the construction, alteration, repair, rehabilitation,
21 and renovation of facilities, provided that the cost does
22 not exceed \$150,000 per project.

23 For fiscal year 2022, and notwithstanding section
24 518(f) of the Federal Water Pollution Control Act (33
25 U.S.C. 1377(f)), the Administrator is authorized to use

1 the amounts appropriated for any fiscal year under section
2 319 of the Act to make grants to Indian tribes pursuant
3 to sections 319(h) and 518(e) of that Act.

4 The Administrator is authorized to use the amounts
5 appropriated under the heading “Environmental Pro-
6 grams and Management” for fiscal year 2022 to provide
7 grants to implement the Southeastern New England Wa-
8 tershed Restoration Program.

9 Notwithstanding the limitations on amounts in sec-
10 tion 320(i)(2)(B) of the Federal Water Pollution Control
11 Act, not less than \$2,000,000 of the funds made available
12 under this title for the National Estuary Program shall
13 be for making competitive awards described in section
14 320(g)(4).

15 Section 122(b)(3) of the Comprehensive Environ-
16 mental Response, Compensation, and Liability Act of
17 1980 (42 U.S.C. 9622(b)(3)), shall be applied by inserting
18 before the period: “, including for the hire, maintenance,
19 and operation of aircraft.”.

20 The Environmental Protection Agency Working Cap-
21 ital Fund, established by Public Law 104–204 (42 U.S.C.
22 4370e), is available for expenses and equipment necessary
23 for modernization and development of information tech-
24 nology of, or for use by, the Environmental Protection
25 Agency.

1 For fiscal year 2022, the Office of Chemical Safety
2 and Pollution Prevention and the Office of Water may,
3 using funds appropriated under the headings “Environ-
4 mental Programs and Management” and “Science and
5 Technology”, contract directly with individuals or indi-
6 rectly with institutions or nonprofit organizations, without
7 regard to 41 U.S.C. 5, for the temporary or intermittent
8 personal services of students or recent graduates, who
9 shall be considered employees for the purposes of chapters
10 57 and 81 of title 5, United States Code, relating to com-
11 pensation for travel and work injuries, and chapter 171
12 of title 28, United States Code, relating to tort claims,
13 but shall not be considered to be Federal employees for
14 any other purpose: *Provided*, That amounts used for this
15 purpose by the Office of Chemical Safety and Pollution
16 Prevention and the Office of Water collectively may not
17 exceed \$2,000,000.

18 During each of fiscal years 2022 through 2025, the
19 Administrator may, after consultation with the Office of
20 Personnel Management, employ up to seventy-five persons
21 at any one time in the Office of Research and Develop-
22 ment and twenty-five persons at any one time in the Office
23 of Chemical Safety and Pollution Prevention under the au-
24 thority provided in 42 U.S.C. 209.

1 TITLE III
2 RELATED AGENCIES
3 DEPARTMENT OF AGRICULTURE

4 OFFICE OF THE UNDER SECRETARY FOR NATURAL
5 RESOURCES AND ENVIRONMENT

6 For necessary expenses of the Office of the Under
7 Secretary for Natural Resources and Environment,
8 \$1,000,000: *Provided*, That funds made available by this
9 Act to any agency in the Natural Resources and Environ-
10 ment mission area for salaries and expenses are available
11 to fund up to one administrative support staff for the of-
12 fice.

13 FOREST SERVICE
14 FOREST SERVICE OPERATIONS
15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses of the Forest Service, not
17 otherwise provided for, \$1,069,086,000, to remain avail-
18 able through September 30, 2025: *Provided*, That a por-
19 tion of the funds made available under this heading shall
20 be for the base salary and expenses of employees in the
21 Chief's Office, the Work Environment and Performance
22 Office, the Business Operations Deputy Area, and the
23 Chief Financial Officer's Office to carry out administra-
24 tive and general management support functions: *Provided*
25 *further*, That funds provided under this heading shall be

1 available for the costs of facility maintenance, repairs, and
2 leases for buildings and sites where these administrative,
3 general management and other Forest Service support
4 functions take place; the costs of all utility and tele-
5 communication expenses of the Forest Service, as well as
6 business services; and, for information technology, includ-
7 ing cyber security requirements: *Provided further*, That
8 funds provided under this heading may be used for nec-
9 essary expenses to carry out administrative and general
10 management support functions of the Forest Service not
11 otherwise provided for and necessary for its operation.

12 FOREST AND RANGELAND RESEARCH

13 For necessary expenses of forest and rangeland re-
14 search as authorized by law, \$296,616,000, to remain
15 available through September 30, 2025: *Provided*, That of
16 the funds provided, \$22,197,000 is for the forest inventory
17 and analysis program: *Provided further*, That all authori-
18 ties for the use of funds, including the use of contracts,
19 grants, and cooperative agreements, available to execute
20 the Forest and Rangeland Research appropriation, are
21 also available in the utilization of these funds for Fire
22 Science Research.

23 STATE AND PRIVATE FORESTRY

24 For necessary expenses of cooperating with and pro-
25 viding technical and financial assistance to States, terri-

1 tories, possessions, and others, and for forest health man-
2 agement, and conducting an international program and
3 trade compliance activities as authorized, \$315,198,000,
4 to remain available through September 30, 2025, as au-
5 thorized by law, of which \$29,955,500 shall be for projects
6 specified for Forest Resource Information and Analysis in
7 the table titled “Interior and Environment Incorporation
8 of Community Project Funding Items/Congressionally Di-
9 rected Spending Items” included for this division in the
10 explanatory statement described in section 4 (in the mat-
11 ter preceding division A of this consolidated Act).

12 NATIONAL FOREST SYSTEM

13 For necessary expenses of the Forest Service, not
14 otherwise provided for, for management, protection, im-
15 provement, and utilization of the National Forest System,
16 and for hazardous fuels management on or adjacent to
17 such lands, \$1,866,545,000, to remain available through
18 September 30, 2025: *Provided*, That of the funds pro-
19 vided, \$28,000,000 shall be deposited in the Collaborative
20 Forest Landscape Restoration Fund for ecological restora-
21 tion treatments as authorized by 16 U.S.C. 7303(f): *Pro-*
22 *vided further*, That for the funds provided in the preceding
23 proviso, section 4003(d)(3)(A) of the Omnibus Public
24 Land Management Act of 2009 (16 U.S.C.
25 7303(d)(3)(A)) shall be applied by substituting “20” for

1 “10” and section 4003(d)(3)(B) of the Omnibus Public
2 Land Management Act of 2009 (16 U.S.C.
3 7303(d)(3)(B)) shall be applied by substituting “4” for
4 “2”: *Provided further*, That of the funds provided,
5 \$38,000,000 shall be for forest products: *Provided further*,
6 That of the funds provided, \$187,388,000 shall be for haz-
7 ardous fuels management activities, of which not to exceed
8 \$20,000,000 may be used to make grants, using any au-
9 thorities available to the Forest Service under the “State
10 and Private Forestry” appropriation, for the purpose of
11 creating incentives for increased use of biomass from Na-
12 tional Forest System lands: *Provided further*, That
13 \$20,000,000 may be used by the Secretary of Agriculture
14 to enter into procurement contracts or cooperative agree-
15 ments or to issue grants for hazardous fuels management
16 activities, and for training or monitoring associated with
17 such hazardous fuels management activities on Federal
18 land, or on non-Federal land if the Secretary determines
19 such activities benefit resources on Federal land: *Provided*
20 *further*, That funds made available to implement the Com-
21 munity Forest Restoration Act, Public Law 106–393, title
22 VI, shall be available for use on non-Federal lands in ac-
23 cordance with authorities made available to the Forest
24 Service under the “State and Private Forestry” appro-
25 priation: *Provided further*, That notwithstanding section

1 33 of the Bankhead Jones Farm Tenant Act (7 U.S.C.
2 1012), the Secretary of Agriculture, in calculating a fee
3 for grazing on a National Grassland, may provide a credit
4 of up to 50 percent of the calculated fee to a Grazing As-
5 sociation or direct permittee for a conservation practice
6 approved by the Secretary in advance of the fiscal year
7 in which the cost of the conservation practice is incurred,
8 and that the amount credited shall remain available to the
9 Grazing Association or the direct permittee, as appro-
10 priate, in the fiscal year in which the credit is made and
11 each fiscal year thereafter for use on the project for con-
12 servation practices approved by the Secretary: *Provided*
13 *further*, That funds appropriated to this account shall be
14 available for the base salary and expenses of employees
15 that carry out the functions funded by the “Capital Im-
16 provement and Maintenance” account, the “Range Better-
17 ment Fund” account, and the “Management of National
18 Forest Lands for Subsistence Uses” account.

19 CAPITAL IMPROVEMENT AND MAINTENANCE

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Forest Service, not
22 otherwise provided for, \$159,049,000, to remain available
23 through September 30, 2025, for construction, capital im-
24 provement, maintenance, and acquisition of buildings and
25 other facilities and infrastructure; and for construction,

1 reconstruction, decommissioning of roads that are no
2 longer needed, including unauthorized roads that are not
3 part of the transportation system, and maintenance of for-
4 est roads and trails by the Forest Service as authorized
5 by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Pro-*
6 *vided*, That \$5,000,000 shall be for activities authorized
7 by 16 U.S.C. 538(a): *Provided further*, That \$10,867,000
8 shall be for projects specified for Construction Projects in
9 the table titled “Interior and Environment Incorporation
10 of Community Project Funding Items/Congressionally Di-
11 rected Spending Items” included for this division in the
12 explanatory statement described in section 4 (in the mat-
13 ter preceding division A of this consolidated Act): *Provided*
14 *further*, That funds becoming available in fiscal year 2022
15 under the Act of March 4, 1913 (16 U.S.C. 501) shall
16 be transferred to the General Fund of the Treasury and
17 shall not be available for transfer or obligation for any
18 other purpose unless the funds are appropriated.

19 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
20 ACTS

21 For acquisition of lands within the exterior bound-
22 aries of the Cache, Uinta, and Wasatch National Forests,
23 Utah; the Toiyabe National Forest, Nevada; and the An-
24 geles, San Bernardino, Sequoia, and Cleveland National
25 Forests, California; and the Ozark-St. Francis and

1 Ouachita National Forests, Arkansas; as authorized by
2 law, \$664,000, to be derived from forest receipts.

3 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

4 For acquisition of lands, such sums, to be derived
5 from funds deposited by State, county, or municipal gov-
6 ernments, public school districts, or other public school au-
7 thorities, and for authorized expenditures from funds de-
8 posited by non-Federal parties pursuant to Land Sale and
9 Exchange Acts, pursuant to the Act of December 4, 1967
10 (16 U.S.C. 484a), to remain available through September
11 30, 2025, (16 U.S.C. 516–617a, 555a; Public Law 96–
12 586; Public Law 76–589, Public Law 76–591; and Public
13 Law 78–310).

14 RANGE BETTERMENT FUND

15 For necessary expenses of range rehabilitation, pro-
16 tection, and improvement, 50 percent of all moneys re-
17 ceived during the prior fiscal year, as fees for grazing do-
18 mestic livestock on lands in National Forests in the 16
19 Western States, pursuant to section 401(b)(1) of Public
20 Law 94–579, to remain available through September 30,
21 2025, of which not to exceed 6 percent shall be available
22 for administrative expenses associated with on-the-ground
23 range rehabilitation, protection, and improvements.

1 That any unobligated funds appropriated in a previous fis-
2 cal year for hazardous fuels management may be trans-
3 ferred to the “National Forest System” account: *Provided*
4 *further*, That such funds shall be available to reimburse
5 State and other cooperating entities for services provided
6 in response to wildfire and other emergencies or disasters
7 to the extent such reimbursements by the Forest Service
8 for non-fire emergencies are fully repaid by the responsible
9 emergency management agency: *Provided further*, That
10 funds provided shall be available for support to Federal
11 emergency response: *Provided further*, That the costs of
12 implementing any cooperative agreement between the Fed-
13 eral Government and any non-Federal entity may be
14 shared, as mutually agreed on by the affected parties: *Pro-*
15 *vided further*, That of the funds provided under this head-
16 ing, \$1,011,000,000 shall be available for wildfire suppres-
17 sion operations, and is provided to meet the terms of sec-
18 tion 4004(b)(5)(B) and section 4005(e)(2)(A) of S. Con.
19 Res. 14 (117th Congress), the concurrent resolution on
20 the budget for fiscal year 2022.

21 WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND

22 (INCLUDING TRANSFERS OF FUNDS)

23 In addition to the amounts provided under the head-
24 ing “Department of Agriculture—Forest Service—
25 Wildland Fire Management” for wildfire suppression oper-

1 ations, \$2,120,000,000, to remain available until trans-
2 ferred, is additional new budget authority as specified for
3 purposes of section 4004(b)(5) and section 4005(e) of S.
4 Con. Res. 14 (117th Congress), the concurrent resolution
5 on the budget for fiscal year 2022: *Provided*, That such
6 amounts may be transferred to and merged with amounts
7 made available under the headings “Department of the In-
8 terior—Department-Wide Programs—Wildland Fire
9 Management” and “Department of Agriculture—Forest
10 Service—Wildland Fire Management” for wildfire sup-
11 pression operations in the fiscal year in which such
12 amounts are transferred: *Provided further*, That amounts
13 may be transferred to the “Wildland Fire Management”
14 accounts in the Department of the Interior or the Depart-
15 ment of Agriculture only upon the notification of the
16 House and Senate Committees on Appropriations that all
17 wildfire suppression operations funds appropriated under
18 that heading in this and prior appropriations Acts to the
19 agency to which the funds will be transferred will be obli-
20 gated within 30 days: *Provided further*, That the transfer
21 authority provided under this heading is in addition to any
22 other transfer authority provided by law: *Provided further*,
23 That, in determining whether all wildfire suppression op-
24 erations funds appropriated under the heading “Wildland
25 Fire Management” in this and prior appropriations Acts

1 to either the Department of Agriculture or the Depart-
2 ment of the Interior will be obligated within 30 days pur-
3 suant to the previous proviso, any funds transferred or
4 permitted to be transferred pursuant to any other transfer
5 authority provided by law shall be excluded.

6 COMMUNICATIONS SITE ADMINISTRATION

7 (INCLUDING TRANSFER OF FUNDS)

8 Amounts collected in this fiscal year pursuant to sec-
9 tion 8705(f)(2) of the Agriculture Improvement Act of
10 2018 (Public Law 115–334), shall be deposited in the spe-
11 cial account established by section 8705(f)(1) of such Act,
12 shall be available to cover the costs described in subsection
13 (c)(3) of such section of such Act, and shall remain avail-
14 able until expended: *Provided*, That such amounts shall
15 be transferred to the “National Forest System” account.

16 ADMINISTRATIVE PROVISIONS—FOREST SERVICE

17 (INCLUDING TRANSFERS OF FUNDS)

18 Appropriations to the Forest Service for the current
19 fiscal year shall be available for: (1) purchase of passenger
20 motor vehicles; acquisition of passenger motor vehicles
21 from excess sources, and hire of such vehicles; purchase,
22 lease, operation, maintenance, and acquisition of aircraft
23 to maintain the operable fleet for use in Forest Service
24 wildland fire programs and other Forest Service programs;
25 notwithstanding other provisions of law, existing aircraft

1 being replaced may be sold, with proceeds derived or
2 trade-in value used to offset the purchase price for the
3 replacement aircraft; (2) services pursuant to 7 U.S.C.
4 2225, and not to exceed \$100,000 for employment under
5 5 U.S.C. 3109; (3) purchase, erection, and alteration of
6 buildings and other public improvements (7 U.S.C. 2250);
7 (4) acquisition of land, waters, and interests therein pur-
8 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
9 Volunteers in the National Forest Act of 1972 (16 U.S.C.
10 558a, 558d, and 558a note); (6) the cost of uniforms as
11 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
12 lection contracts in accordance with 31 U.S.C. 3718(e).

13 Funds made available to the Forest Service in this
14 Act may be transferred between accounts affected by the
15 Forest Service budget restructure outlined in section 435
16 of division D of the Further Consolidated Appropriations
17 Act, 2020 (Public Law 116–94): *Provided*, That any
18 transfer of funds pursuant to this paragraph shall not in-
19 crease or decrease the funds appropriated to any account
20 in this fiscal year by more than ten percent: *Provided fur-*
21 *ther*, That such transfer authority is in addition to any
22 other transfer authority provided by law.

23 Any appropriations or funds available to the Forest
24 Service may be transferred to the Wildland Fire Manage-
25 ment appropriation for forest firefighting, emergency re-

1 habilitation of burned-over or damaged lands or waters
2 under its jurisdiction, and fire preparedness due to severe
3 burning conditions upon the Secretary of Agriculture's no-
4 tification of the House and Senate Committees on Appro-
5 priations that all fire suppression funds appropriated
6 under the heading "Wildland Fire Management" will be
7 obligated within 30 days: *Provided*, That all funds used
8 pursuant to this paragraph must be replenished by a sup-
9 plemental appropriation which must be requested as
10 promptly as possible.

11 Not more than \$50,000,000 of funds appropriated to
12 the Forest Service shall be available for expenditure or
13 transfer to the Department of the Interior for wildland
14 fire management, hazardous fuels management, and State
15 fire assistance when such transfers would facilitate and
16 expedite wildland fire management programs and projects.

17 Notwithstanding any other provision of this Act, the
18 Forest Service may transfer unobligated balances of dis-
19 cretionary funds appropriated to the Forest Service by
20 this Act to or within the National Forest System Account,
21 or reprogram funds to be used for the purposes of haz-
22 ardous fuels management and urgent rehabilitation of
23 burned-over National Forest System lands and water: *Pro-*
24 *vided*, That such transferred funds shall remain available
25 through September 30, 2025: *Provided further*, That none

1 of the funds transferred pursuant to this section shall be
2 available for obligation without written notification to and
3 the prior approval of the Committees on Appropriations
4 of both Houses of Congress.

5 Funds appropriated to the Forest Service shall be
6 available for assistance to or through the Agency for Inter-
7 national Development in connection with forest and range-
8 land research, technical information, and assistance in for-
9 eign countries, and shall be available to support forestry
10 and related natural resource activities outside the United
11 States and its territories and possessions, including tech-
12 nical assistance, education and training, and cooperation
13 with United States government, private sector, and inter-
14 national organizations. The Forest Service, acting for the
15 International Program, may sign direct funding agree-
16 ments with foreign governments and institutions as well
17 as other domestic agencies (including the U.S. Agency for
18 International Development, the Department of State, and
19 the Millennium Challenge Corporation), United States pri-
20 vate sector firms, institutions and organizations to provide
21 technical assistance and training programs on forestry and
22 rangeland management: *Provided*, That to maximize effec-
23 tiveness of domestic and international research and co-
24 operation, the International Program may utilize all au-

1 thorities related to forestry, research, and cooperative as-
2 sistance regardless of program designations.

3 Funds appropriated to the Forest Service shall be
4 available for expenditure or transfer to the Department
5 of the Interior, Bureau of Land Management, for removal,
6 preparation, and adoption of excess wild horses and burros
7 from National Forest System lands, and for the perform-
8 ance of cadastral surveys to designate the boundaries of
9 such lands.

10 None of the funds made available to the Forest Serv-
11 ice in this Act or any other Act with respect to any fiscal
12 year shall be subject to transfer under the provisions of
13 section 702(b) of the Department of Agriculture Organic
14 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
15 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
16 Law 107–171 (7 U.S.C. 8316(b)).

17 Not more than \$82,000,000 of funds available to the
18 Forest Service shall be transferred to the Working Capital
19 Fund of the Department of Agriculture and not more than
20 \$14,500,000 of funds available to the Forest Service shall
21 be transferred to the Department of Agriculture for De-
22 partment Reimbursable Programs, commonly referred to
23 as Greenbook charges. Nothing in this paragraph shall
24 prohibit or limit the use of reimbursable agreements re-
25 quested by the Forest Service in order to obtain informa-

1 tion technology services, including telecommunications and
2 system modifications or enhancements, from the Working
3 Capital Fund of the Department of Agriculture.

4 Of the funds available to the Forest Service, up to
5 \$5,000,000 shall be available for priority projects within
6 the scope of the approved budget, which shall be carried
7 out by the Youth Conservation Corps and shall be carried
8 out under the authority of the Public Lands Corps Act
9 of 1993 (16 U.S.C. 1721 et seq.).

10 Of the funds available to the Forest Service, \$4,000
11 is available to the Chief of the Forest Service for official
12 reception and representation expenses.

13 Pursuant to sections 405(b) and 410(b) of Public
14 Law 101-593, of the funds available to the Forest Service,
15 up to \$3,000,000 may be advanced in a lump sum to the
16 National Forest Foundation to aid conservation partner-
17 ship projects in support of the Forest Service mission,
18 without regard to when the Foundation incurs expenses,
19 for projects on or benefitting National Forest System
20 lands or related to Forest Service programs: *Provided*,
21 That of the Federal funds made available to the Founda-
22 tion, no more than \$300,000 shall be available for admin-
23 istrative expenses: *Provided further*, That the Foundation
24 shall obtain, by the end of the period of Federal financial
25 assistance, private contributions to match funds made

1 available by the Forest Service on at least a one-for-one
2 basis: *Provided further*, That the Foundation may transfer
3 Federal funds to a Federal or a non-Federal recipient for
4 a project at the same rate that the recipient has obtained
5 the non-Federal matching funds.

6 Pursuant to section 2(b)(2) of Public Law 98–244,
7 up to \$3,000,000 of the funds available to the Forest
8 Service may be advanced to the National Fish and Wildlife
9 Foundation in a lump sum to aid cost-share conservation
10 projects, without regard to when expenses are incurred,
11 on or benefitting National Forest System lands or related
12 to Forest Service programs: *Provided*, That such funds
13 shall be matched on at least a one-for-one basis by the
14 Foundation or its sub-recipients: *Provided further*, That
15 the Foundation may transfer Federal funds to a Federal
16 or non-Federal recipient for a project at the same rate
17 that the recipient has obtained the non-Federal matching
18 funds.

19 Funds appropriated to the Forest Service shall be
20 available for interactions with and providing technical as-
21 sistance to rural communities and natural resource-based
22 businesses for sustainable rural development purposes.

23 Funds appropriated to the Forest Service shall be
24 available for payments to counties within the Columbia
25 River Gorge National Scenic Area, pursuant to section

1 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
2 663.

3 Any funds appropriated to the Forest Service may
4 be used to meet the non-Federal share requirement in sec-
5 tion 502(c) of the Older Americans Act of 1965 (42
6 U.S.C. 3056(c)(2)).

7 The Forest Service shall not assess funds for the pur-
8 pose of performing fire, administrative, and other facilities
9 maintenance and decommissioning.

10 Notwithstanding any other provision of law, of any
11 appropriations or funds available to the Forest Service,
12 not to exceed \$500,000 may be used to reimburse the Of-
13 fice of the General Counsel (OGC), Department of Agri-
14 culture, for travel and related expenses incurred as a re-
15 sult of OGC assistance or participation requested by the
16 Forest Service at meetings, training sessions, management
17 reviews, land purchase negotiations, and similar matters
18 unrelated to civil litigation. Future budget justifications
19 for both the Forest Service and the Department of Agri-
20 culture should clearly display the sums previously trans-
21 ferred and the sums requested for transfer.

22 An eligible individual who is employed in any project
23 funded under title V of the Older Americans Act of 1965
24 (42 U.S.C. 3056 et seq.) and administered by the Forest

1 Service shall be considered to be a Federal employee for
2 purposes of chapter 171 of title 28, United States Code.

3 Funds appropriated to the Forest Service shall be
4 available to pay, from a single account, the base salary
5 and expenses of employees who carry out functions funded
6 by other accounts for Enterprise Program, Geospatial
7 Technology and Applications Center, remnant Natural Re-
8 source Manager, and National Technology and Develop-
9 ment Program.

10 DEPARTMENT OF HEALTH AND HUMAN
11 SERVICES

12 INDIAN HEALTH SERVICE

13 INDIAN HEALTH SERVICES

14 For expenses necessary to carry out the Act of Au-
15 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
16 tion and Education Assistance Act, the Indian Health
17 Care Improvement Act, and titles II and III of the Public
18 Health Service Act with respect to the Indian Health Serv-
19 ice, \$4,660,658,000, to remain available until September
20 30, 2023, except as otherwise provided herein, together
21 with payments received during the fiscal year pursuant to
22 sections 231(b) and 233 of the Public Health Service Act
23 (42 U.S.C. 238(b) and 238b), for services furnished by the
24 Indian Health Service: *Provided*, That funds made avail-
25 able to tribes and tribal organizations through contracts,

1 grant agreements, or any other agreements or compacts
2 authorized by the Indian Self-Determination and Edu-
3 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
4 deemed to be obligated at the time of the grant or contract
5 award and thereafter shall remain available to the tribe
6 or tribal organization without fiscal year limitation: *Pro-*
7 *vided further*, That \$2,500,000 shall be available for
8 grants or contracts with public or private institutions to
9 provide alcohol or drug treatment services to Indians, in-
10 cluding alcohol detoxification services: *Provided further*,
11 That \$984,887,000 for Purchased/Referred Care, includ-
12 ing \$53,000,000 for the Indian Catastrophic Health
13 Emergency Fund, shall remain available until expended:
14 *Provided further*, That of the funds provided, up to
15 \$46,000,000 shall remain available until expended for im-
16 plementation of the loan repayment program under section
17 108 of the Indian Health Care Improvement Act: *Provided*
18 *further*, That of the funds provided, \$58,000,000 shall be
19 for costs related to or resulting from accreditation emer-
20 gencies, including supplementing activities funded under
21 the heading “Indian Health Facilities,” of which up to
22 \$4,000,000 may be used to supplement amounts otherwise
23 available for Purchased/Referred Care: *Provided further*,
24 That the amounts collected by the Federal Government
25 as authorized by sections 104 and 108 of the Indian

1 Health Care Improvement Act (25 U.S.C. 1613a and
2 1616a) during the preceding fiscal year for breach of con-
3 tracts shall be deposited in the Fund authorized by section
4 108A of that Act (25 U.S.C. 1616a–1) and shall remain
5 available until expended and, notwithstanding section
6 108A(c) of that Act (25 U.S.C. 1616a–1(c)), funds shall
7 be available to make new awards under the loan repay-
8 ment and scholarship programs under sections 104 and
9 108 of that Act (25 U.S.C. 1613a and 1616a): *Provided*
10 *further*, That the amounts made available within this ac-
11 count for the Substance Abuse and Suicide Prevention
12 Program, for Opioid Prevention, Treatment and Recovery
13 Services, for the Domestic Violence Prevention Program,
14 for the Zero Suicide Initiative, for the housing subsidy au-
15 thority for civilian employees, for Aftercare Pilot Pro-
16 grams at Youth Regional Treatment Centers, for trans-
17 formation and modernization costs of the Indian Health
18 Service Electronic Health Record system, for national
19 quality and oversight activities, to improve collections from
20 public and private insurance at Indian Health Service and
21 tribally operated facilities, for an initiative to treat or re-
22 duce the transmission of HIV and HCV, for a maternal
23 health initiative, for the Telebehaviorial Health Center of
24 Excellence, for Alzheimer’s grants, for Village Built Clin-
25 ics, for a produce prescription pilot, and for accreditation

1 emergencies shall be allocated at the discretion of the Di-
2 rector of the Indian Health Service and shall remain avail-
3 able until expended: *Provided further*, That funds provided
4 in this Act may be used for annual contracts and grants
5 that fall within 2 fiscal years, provided the total obligation
6 is recorded in the year the funds are appropriated: *Pro-*
7 *vided further*, That the amounts collected by the Secretary
8 of Health and Human Services under the authority of title
9 IV of the Indian Health Care Improvement Act (25 U.S.C.
10 1613) shall remain available until expended for the pur-
11 pose of achieving compliance with the applicable condi-
12 tions and requirements of titles XVIII and XIX of the So-
13 cial Security Act, except for those related to the planning,
14 design, or construction of new facilities: *Provided further*,
15 That funding contained herein for scholarship programs
16 under the Indian Health Care Improvement Act (25
17 U.S.C. 1613) shall remain available until expended: *Pro-*
18 *vided further*, That amounts received by tribes and tribal
19 organizations under title IV of the Indian Health Care Im-
20 provement Act shall be reported and accounted for and
21 available to the receiving tribes and tribal organizations
22 until expended: *Provided further*, That the Bureau of In-
23 dian Affairs may collect from the Indian Health Service,
24 and from tribes and tribal organizations operating health
25 facilities pursuant to Public Law 93–638, such individ-

1 ually identifiable health information relating to disabled
2 children as may be necessary for the purpose of carrying
3 out its functions under the Individuals with Disabilities
4 Education Act (20 U.S.C. 1400 et seq.): *Provided further,*
5 That of the funds provided, \$74,138,000 is for the Indian
6 Health Care Improvement Fund and may be used, as
7 needed, to carry out activities typically funded under the
8 Indian Health Facilities account: *Provided further,* That
9 none of the funds appropriated by this Act, or any other
10 Act, to the Indian Health Service for the Electronic
11 Health Record system shall be available for obligation or
12 expenditure for the selection or implementation of a new
13 Information Technology infrastructure system, unless the
14 Committees on Appropriations of the House of Represent-
15 atives and the Senate are consulted 90 days in advance
16 of such obligation.

17 CONTRACT SUPPORT COSTS

18 For payments to tribes and tribal organizations for
19 contract support costs associated with Indian Self-Deter-
20 mination and Education Assistance Act agreements with
21 the Indian Health Service for fiscal year 2022, such sums
22 as may be necessary: *Provided,* That notwithstanding any
23 other provision of law, no amounts made available under
24 this heading shall be available for transfer to another
25 budget account: *Provided further,* That amounts obligated

1 but not expended by a tribe or tribal organization for con-
2 tract support costs for such agreements for the current
3 fiscal year shall be applied to contract support costs due
4 for such agreements for subsequent fiscal years.

5 PAYMENTS FOR TRIBAL LEASES

6 For payments to tribes and tribal organizations for
7 leases pursuant to section 105(l) of the Indian Self-Deter-
8 mination and Education Assistance Act (25 U.S.C.
9 5324(l)) for fiscal year 2022, such sums as may be nec-
10 essary, which shall be available for obligation through Sep-
11 tember 30, 2023: *Provided*, That notwithstanding any
12 other provision of law, no amounts made available under
13 this heading shall be available for transfer to another
14 budget account.

15 INDIAN HEALTH FACILITIES

16 For construction, repair, maintenance, demolition,
17 improvement, and equipment of health and related auxil-
18 iary facilities, including quarters for personnel; prepara-
19 tion of plans, specifications, and drawings; acquisition of
20 sites, purchase and erection of modular buildings, and
21 purchases of trailers; and for provision of domestic and
22 community sanitation facilities for Indians, as authorized
23 by section 7 of the Act of August 5, 1954 (42 U.S.C.
24 2004a), the Indian Self-Determination Act, and the In-
25 dian Health Care Improvement Act, and for expenses nec-

1 essary to carry out such Acts and titles II and III of the
2 Public Health Service Act with respect to environmental
3 health and facilities support activities of the Indian Health
4 Service, \$940,328,000, to remain available until expended:
5 *Provided*, That notwithstanding any other provision of
6 law, funds appropriated for the planning, design, construc-
7 tion, renovation, or expansion of health facilities for the
8 benefit of an Indian tribe or tribes may be used to pur-
9 chase land on which such facilities will be located: *Pro-*
10 *vided further*, That not to exceed \$500,000 may be used
11 by the Indian Health Service to purchase TRANSAM
12 equipment from the Department of Defense for distribu-
13 tion to the Indian Health Service and tribal facilities: *Pro-*
14 *vided further*, That of the amount appropriated under this
15 heading for fiscal year 2022 for Sanitation Facilities Con-
16 struction, \$40,171,000 shall be for projects specified for
17 Sanitation Facilities Construction (CDS) in the table ti-
18 tled “Interior and Environment Incorporation of Commu-
19 nity Project Funding Items/Congressionally Directed
20 Spending Items” included for this division in the explana-
21 tory statement described in section 4 (in the matter pre-
22 ceding division A of this consolidated Act): *Provided fur-*
23 *ther*, That none of the funds appropriated to the Indian
24 Health Service may be used for sanitation facilities con-
25 struction for new homes funded with grants by the hous-

1 ing programs of the United States Department of Housing
2 and Urban Development.

3 ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

4 Appropriations provided in this Act to the Indian
5 Health Service shall be available for services as authorized
6 by 5 U.S.C. 3109 at rates not to exceed the per diem rate
7 equivalent to the maximum rate payable for senior-level
8 positions under 5 U.S.C. 5376; hire of passenger motor
9 vehicles and aircraft; purchase of medical equipment; pur-
10 chase of reprints; purchase, renovation, and erection of
11 modular buildings and renovation of existing facilities;
12 payments for telephone service in private residences in the
13 field, when authorized under regulations approved by the
14 Secretary of Health and Human Services; uniforms, or al-
15 lowances therefor as authorized by 5 U.S.C. 5901–5902;
16 and for expenses of attendance at meetings that relate to
17 the functions or activities of the Indian Health Service:
18 *Provided*, That in accordance with the provisions of the
19 Indian Health Care Improvement Act, non-Indian patients
20 may be extended health care at all tribally administered
21 or Indian Health Service facilities, subject to charges, and
22 the proceeds along with funds recovered under the Federal
23 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
24 be credited to the account of the facility providing the
25 service and shall be available without fiscal year limitation:

1 *Provided further*, That notwithstanding any other law or
2 regulation, funds transferred from the Department of
3 Housing and Urban Development to the Indian Health
4 Service shall be administered under Public Law 86–121,
5 the Indian Sanitation Facilities Act and Public Law 93–
6 638: *Provided further*, That funds appropriated to the In-
7 dian Health Service in this Act, except those used for ad-
8 ministrative and program direction purposes, shall not be
9 subject to limitations directed at curtailing Federal travel
10 and transportation: *Provided further*, That none of the
11 funds made available to the Indian Health Service in this
12 Act shall be used for any assessments or charges by the
13 Department of Health and Human Services unless identi-
14 fied in the budget justification and provided in this Act,
15 or approved by the House and Senate Committees on Ap-
16 propriations through the reprogramming process: *Pro-*
17 *vided further*, That notwithstanding any other provision
18 of law, funds previously or herein made available to a tribe
19 or tribal organization through a contract, grant, or agree-
20 ment authorized by title I or title V of the Indian Self-
21 Determination and Education Assistance Act of 1975 (25
22 U.S.C. 450 et seq.), may be deobligated and reobligated
23 to a self-determination contract under title I, or a self-
24 governance agreement under title V of such Act and there-
25 after shall remain available to the tribe or tribal organiza-

1 tion without fiscal year limitation: *Provided further*, That
2 none of the funds made available to the Indian Health
3 Service in this Act shall be used to implement the final
4 rule published in the Federal Register on September 16,
5 1987, by the Department of Health and Human Services,
6 relating to the eligibility for the health care services of
7 the Indian Health Service until the Indian Health Service
8 has submitted a budget request reflecting the increased
9 costs associated with the proposed final rule, and such re-
10 quest has been included in an appropriations Act and en-
11 acted into law: *Provided further*, That with respect to func-
12 tions transferred by the Indian Health Service to tribes
13 or tribal organizations, the Indian Health Service is au-
14 thorized to provide goods and services to those entities on
15 a reimbursable basis, including payments in advance with
16 subsequent adjustment, and the reimbursements received
17 therefrom, along with the funds received from those enti-
18 ties pursuant to the Indian Self-Determination Act, may
19 be credited to the same or subsequent appropriation ac-
20 count from which the funds were originally derived, with
21 such amounts to remain available until expended: *Provided*
22 *further*, That reimbursements for training, technical as-
23 sistance, or services provided by the Indian Health Service
24 will contain total costs, including direct, administrative,
25 and overhead costs associated with the provision of goods,

1 services, or technical assistance: *Provided further*, That
2 the Indian Health Service may provide to civilian medical
3 personnel serving in hospitals operated by the Indian
4 Health Service housing allowances equivalent to those that
5 would be provided to members of the Commissioned Corps
6 of the United States Public Health Service serving in simi-
7 lar positions at such hospitals: *Provided further*, That the
8 appropriation structure for the Indian Health Service may
9 not be altered without advance notification to the House
10 and Senate Committees on Appropriations.

11 NATIONAL INSTITUTES OF HEALTH

12 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

13 SCIENCES

14 For necessary expenses for the National Institute of
15 Environmental Health Sciences in carrying out activities
16 set forth in section 311(a) of the Comprehensive Environ-
17 mental Response, Compensation, and Liability Act of
18 1980 (42 U.S.C. 9660(a)) and section 126(g) of the
19 Superfund Amendments and Reauthorization Act of 1986,
20 \$82,540,000.

1 OTHER RELATED AGENCIES
2 EXECUTIVE OFFICE OF THE PRESIDENT
3 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF
4 ENVIRONMENTAL QUALITY

5 For necessary expenses to continue functions as-
6 signed to the Council on Environmental Quality and Office
7 of Environmental Quality pursuant to the National Envi-
8 ronmental Policy Act of 1969, the Environmental Quality
9 Improvement Act of 1970, and Reorganization Plan No.
10 1 of 1977, and not to exceed \$750 for official reception
11 and representation expenses, \$4,200,000: *Provided*, That
12 notwithstanding section 202 of the National Environ-
13 mental Policy Act of 1970, the Council shall consist of
14 one member, appointed by the President, by and with the
15 advice and consent of the Senate, serving as chairman and
16 exercising all powers, functions, and duties of the Council.

17 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
18 SALARIES AND EXPENSES

19 For necessary expenses in carrying out activities pur-
20 suant to section 112(r)(6) of the Clean Air Act, including
21 hire of passenger vehicles, uniforms or allowances there-
22 for, as authorized by 5 U.S.C. 5901–5902, and for serv-
23 ices authorized by 5 U.S.C. 3109 but at rates for individ-
24 uals not to exceed the per diem equivalent to the maximum
25 rate payable for senior level positions under 5 U.S.C.

1 5376, \$13,400,000: *Provided*, That the Chemical Safety
2 and Hazard Investigation Board (Board) shall have not
3 more than three career Senior Executive Service positions:
4 *Provided further*, That notwithstanding any other provi-
5 sion of law, the individual appointed to the position of In-
6 spector General of the Environmental Protection Agency
7 (EPA) shall, by virtue of such appointment, also hold the
8 position of Inspector General of the Board: *Provided fur-*
9 *ther*, That notwithstanding any other provision of law, the
10 Inspector General of the Board shall utilize personnel of
11 the Office of Inspector General of EPA in performing the
12 duties of the Inspector General of the Board, and shall
13 not appoint any individuals to positions within the Board.

14 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of Navajo and
17 Hopi Indian Relocation as authorized by Public Law 93-
18 531, \$3,150,000, to remain available until expended,
19 which shall be derived from unobligated balances from
20 prior year appropriations available under this heading:
21 *Provided*, That funds provided in this or any other appro-
22 priations Act are to be used to relocate eligible individuals
23 and groups including evictees from District 6, Hopi-parti-
24 tioned lands residents, those in significantly substandard
25 housing, and all others certified as eligible and not in-

1 cluded in the preceding categories: *Provided further*, That
2 none of the funds contained in this or any other Act may
3 be used by the Office of Navajo and Hopi Indian Reloca-
4 tion to evict any single Navajo or Navajo family who, as
5 of November 30, 1985, was physically domiciled on the
6 lands partitioned to the Hopi Tribe unless a new or re-
7 placement home is provided for such household: *Provided*
8 *further*, That no relocatee will be provided with more than
9 one new or replacement home: *Provided further*, That the
10 Office shall relocate any certified eligible relocatees who
11 have selected and received an approved homesite on the
12 Navajo reservation or selected a replacement residence off
13 the Navajo reservation or on the land acquired pursuant
14 to section 11 of Public Law 93–531 (88 Stat. 1716).

15 INSTITUTE OF AMERICAN INDIAN AND ALASKA
16 NATIVE CULTURE AND ARTS DEVELOPMENT
17 PAYMENT TO THE INSTITUTE

18 For payment to the Institute of American Indian and
19 Alaska Native Culture and Arts Development, as author-
20 ized by part A of title XV of Public Law 99–498 (20
21 U.S.C. 4411 et seq.), \$11,741,000, which shall become
22 available on July 1, 2022, and shall remain available until
23 September 30, 2023.

1 SMITHSONIAN INSTITUTION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Smithsonian Institu-
4 tion, as authorized by law, including research in the fields
5 of art, science, and history; development, preservation, and
6 documentation of the National Collections; presentation of
7 public exhibits and performances; collection, preparation,
8 dissemination, and exchange of information and publica-
9 tions; conduct of education, training, and museum assist-
10 ance programs; maintenance, alteration, operation, lease
11 agreements of no more than 30 years, and protection of
12 buildings, facilities, and approaches; not to exceed
13 \$100,000 for services as authorized by 5 U.S.C. 3109; and
14 purchase, rental, repair, and cleaning of uniforms for em-
15 ployees, \$852,215,000, to remain available until Sep-
16 tember 30, 2023, except as otherwise provided herein; of
17 which not to exceed \$12,798,000 for the instrumentation
18 program, collections acquisition, exhibition reinstallation,
19 Smithsonian American Women's History Museum, Na-
20 tional Museum of the American Latino, and the repatri-
21 ation of skeletal remains program shall remain available
22 until expended; and including such funds as may be nec-
23 essary to support American overseas research centers:
24 *Provided*, That funds appropriated herein are available for
25 advance payments to independent contractors performing

1 research services or participating in official Smithsonian
2 presentations: *Provided further*, That the Smithsonian In-
3 stitution may expend Federal appropriations designated in
4 this Act for lease or rent payments, as rent payable to
5 the Smithsonian Institution, and such rent payments may
6 be deposited into the general trust funds of the Institution
7 to be available as trust funds for expenses associated with
8 the purchase of a portion of the building at 600 Maryland
9 Avenue, SW, Washington, DC, to the extent that federally
10 supported activities will be housed there: *Provided further*,
11 That the use of such amounts in the general trust funds
12 of the Institution for such purpose shall not be construed
13 as Federal debt service for, a Federal guarantee of, a
14 transfer of risk to, or an obligation of the Federal Govern-
15 ment: *Provided further*, That no appropriated funds may
16 be used directly to service debt which is incurred to fi-
17 nance the costs of acquiring a portion of the building at
18 600 Maryland Avenue, SW, Washington, DC, or of plan-
19 ning, designing, and constructing improvements to such
20 building: *Provided further*, That any agreement entered
21 into by the Smithsonian Institution for the sale of its own-
22 ership interest, or any portion thereof, in such building
23 so acquired may not take effect until the expiration of a
24 30 day period which begins on the date on which the Sec-
25 retary of the Smithsonian submits to the Committees on

1 Appropriations of the House of Representatives and Sen-
2 ate, the Committees on House Administration and Trans-
3 portation and Infrastructure of the House of Representa-
4 tives, and the Committee on Rules and Administration of
5 the Senate a report, as outlined in the explanatory state-
6 ment described in section 4 of the Further Consolidated
7 Appropriations Act, 2020 (Public Law 116–94; 133 Stat.
8 2536) on the intended sale.

9 FACILITIES CAPITAL

10 For necessary expenses of repair, revitalization, and
11 alteration of facilities owned or occupied by the Smithso-
12 nian Institution, by contract or otherwise, as authorized
13 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
14 and for construction, including necessary personnel,
15 \$210,000,000, to remain available until expended, of
16 which not to exceed \$10,000 shall be for services as au-
17 thorized by 5 U.S.C. 3109.

18 NATIONAL GALLERY OF ART

19 SALARIES AND EXPENSES

20 For the upkeep and operations of the National Gal-
21 lery of Art, the protection and care of the works of art
22 therein, and administrative expenses incident thereto, as
23 authorized by the Act of March 24, 1937 (50 Stat. 51),
24 as amended by the public resolution of April 13, 1939
25 (Public Resolution 9, 76th Congress), including services

1 as authorized by 5 U.S.C. 3109; payment in advance when
2 authorized by the treasurer of the Gallery for membership
3 in library, museum, and art associations or societies whose
4 publications or services are available to members only, or
5 to members at a price lower than to the general public;
6 purchase, repair, and cleaning of uniforms for guards, and
7 uniforms, or allowances therefor, for other employees as
8 authorized by law (5 U.S.C. 5901–5902); purchase or
9 rental of devices and services for protecting buildings and
10 contents thereof, and maintenance, alteration, improve-
11 ment, and repair of buildings, approaches, and grounds;
12 and purchase of services for restoration and repair of
13 works of art for the National Gallery of Art by contracts
14 made, without advertising, with individuals, firms, or or-
15 ganizations at such rates or prices and under such terms
16 and conditions as the Gallery may deem proper,
17 \$156,419,000, to remain available until September 30,
18 2023, of which not to exceed \$3,775,000 for the special
19 exhibition program shall remain available until expended.

20 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses of repair, restoration, and
23 renovation of buildings, grounds and facilities owned or
24 occupied by the National Gallery of Art, by contract or
25 otherwise, for operating lease agreements of no more than

1 10 years, with no extensions or renewals beyond the 10
2 years, that address space needs created by the ongoing
3 renovations in the Master Facilities Plan, as authorized,
4 \$24,081,000, to remain available until expended: *Pro-*
5 *vided*, That of this amount, \$11,458,000 shall be available
6 for design and construction of an off-site art storage facil-
7 ity in partnership with the Smithsonian Institution and
8 may be transferred to the Smithsonian Institution for such
9 purposes: *Provided further*, That contracts awarded for en-
10 vironmental systems, protection systems, and exterior re-
11 pair or renovation of buildings of the National Gallery of
12 Art may be negotiated with selected contractors and
13 awarded on the basis of contractor qualifications as well
14 as price.

15 JOHN F. KENNEDY CENTER FOR THE PERFORMING
16 ARTS
17 OPERATIONS AND MAINTENANCE

18 For necessary expenses for the operation, mainte-
19 nance, and security of the John F. Kennedy Center for
20 the Performing Arts, \$27,000,000, to remain available
21 until September, 30, 2023.

22 CAPITAL REPAIR AND RESTORATION

23 For necessary expenses for capital repair and restora-
24 tion of the existing features of the building and site of

1 the John F. Kennedy Center for the Performing Arts,
2 \$13,440,000, to remain available until expended.

3 WOODROW WILSON INTERNATIONAL CENTER FOR
4 SCHOLARS
5 SALARIES AND EXPENSES

6 For expenses necessary in carrying out the provisions
7 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
8 1356) including hire of passenger vehicles and services as
9 authorized by 5 U.S.C. 3109, \$15,000,000, to remain
10 available until September 30, 2023.

11 NATIONAL FOUNDATION ON THE ARTS AND THE
12 HUMANITIES
13 NATIONAL ENDOWMENT FOR THE ARTS
14 GRANTS AND ADMINISTRATION

15 For necessary expenses to carry out the National
16 Foundation on the Arts and the Humanities Act of 1965,
17 \$180,000,000 shall be available to the National Endow-
18 ment for the Arts for the support of projects and produc-
19 tions in the arts, including arts education and public out-
20 reach activities, through assistance to organizations and
21 individuals pursuant to section 5 of the Act, for program
22 support, and for administering the functions of the Act,
23 to remain available until expended.

1 NATIONAL ENDOWMENT FOR THE HUMANITIES

2 GRANTS AND ADMINISTRATION

3 For necessary expenses to carry out the National
4 Foundation on the Arts and the Humanities Act of 1965,
5 \$180,000,000 to remain available until expended, of which
6 \$164,400,000 shall be available for support of activities
7 in the humanities, pursuant to section 7(c) of the Act and
8 for administering the functions of the Act; and
9 \$15,600,000 shall be available to carry out the matching
10 grants program pursuant to section 10(a)(2) of the Act,
11 including \$13,600,000 for the purposes of section 7(h):
12 *Provided*, That appropriations for carrying out section
13 10(a)(2) shall be available for obligation only in such
14 amounts as may be equal to the total amounts of gifts,
15 bequests, devises of money, and other property accepted
16 by the chairman or by grantees of the National Endow-
17 ment for the Humanities under the provisions of sections
18 11(a)(2)(B) and 11(a)(3)(B) during the current and pre-
19 ceding fiscal years for which equal amounts have not pre-
20 viously been appropriated.

21 ADMINISTRATIVE PROVISIONS

22 None of the funds appropriated to the National
23 Foundation on the Arts and the Humanities may be used
24 to process any grant or contract documents which do not
25 include the text of 18 U.S.C. 1913: *Provided*, That none

1 of the funds appropriated to the National Foundation on
2 the Arts and the Humanities may be used for official re-
3 ception and representation expenses: *Provided further*,
4 That funds from nonappropriated sources may be used as
5 necessary for official reception and representation ex-
6 penses: *Provided further*, That the Chairperson of the Na-
7 tional Endowment for the Arts may approve grants of up
8 to \$10,000, if in the aggregate the amount of such grants
9 does not exceed 5 percent of the sums appropriated for
10 grantmaking purposes per year: *Provided further*, That
11 such small grant actions are taken pursuant to the terms
12 of an expressed and direct delegation of authority from
13 the National Council on the Arts to the Chairperson.

14 COMMISSION OF FINE ARTS

15 SALARIES AND EXPENSES

16 For expenses of the Commission of Fine Arts under
17 chapter 91 of title 40, United States Code, \$3,328,000:
18 *Provided*, That the Commission is authorized to charge
19 fees to cover the full costs of its publications, and such
20 fees shall be credited to this account as an offsetting col-
21 lection, to remain available until expended without further
22 appropriation: *Provided further*, That the Commission is
23 authorized to accept gifts, including objects, papers, art-
24 work, drawings and artifacts, that pertain to the history
25 and design of the Nation's Capital or the history and ac-

1 tivities of the Commission of Fine Arts, for the purpose
2 of artistic display, study, or education: *Provided further*,
3 That one-tenth of one percent of the funds provided under
4 this heading may be used for official reception and rep-
5 resentation expenses.

6 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

7 For necessary expenses as authorized by Public Law
8 99–190 (20 U.S.C. 956a), \$5,000,000: *Provided*, That the
9 item relating to “National Capital Arts and Cultural Af-
10 fairs” in the Department of the Interior and Related
11 Agencies Appropriations Act, 1986, as enacted into law
12 by section 101(d) of Public Law 99–190 (20 U.S.C.
13 956a), shall be applied in fiscal year 2022 in the second
14 paragraph by inserting “, calendar year 2020 excluded”
15 before the first period: *Provided further*, That in deter-
16 mining an eligible organization’s annual income for cal-
17 endar years 2021 and 2022, funds or grants received by
18 the eligible organization from any supplemental appropria-
19 tions Act related to coronavirus or any other law providing
20 appropriations for the purpose of preventing, preparing
21 for, or responding to coronavirus shall be counted as part
22 of the eligible organization’s annual income.

1 ADVISORY COUNCIL ON HISTORIC PRESERVATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Advisory Council on
4 Historic Preservation (Public Law 89–665), \$8,255,000.

5 NATIONAL CAPITAL PLANNING COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the National Capital Plan-
8 ning Commission under chapter 87 of title 40, United
9 States Code, including services as authorized by 5 U.S.C.
10 3109, \$8,750,000: *Provided*, That one-quarter of 1 per-
11 cent of the funds provided under this heading may be used
12 for official reception and representational expenses associ-
13 ated with hosting international visitors engaged in the
14 planning and physical development of world capitals.

15 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

16 HOLOCAUST MEMORIAL MUSEUM

17 For expenses of the Holocaust Memorial Museum, as
18 authorized by Public Law 106–292 (36 U.S.C. 2301–
19 2310), \$62,616,000, of which \$715,000 shall remain
20 available until September 30, 2024, for the Museum’s
21 equipment replacement program; and of which \$3,000,000
22 for the Museum’s repair and rehabilitation program and
23 \$1,264,000 for the Museum’s outreach initiatives program
24 shall remain available until expended.

1 PRESIDIO TRUST

2 The Presidio Trust is authorized to issue obligations
3 to the Secretary of the Treasury pursuant to section
4 104(d)(3) of the Omnibus Parks and Public Lands Man-
5 agement Act of 1996 (Public Law 104–333), in an
6 amount not to exceed \$40,000,000.

7 WORLD WAR I CENTENNIAL COMMISSION

8 SALARIES AND EXPENSES

9 Notwithstanding section 9 of the World War I Cen-
10 tennial Commission Act, as authorized by the World War
11 I Centennial Commission Act (Public Law 112–272) and
12 the Carl Levin and Howard P. “Buck” McKeon National
13 Defense Authorization Act for Fiscal Year 2015 (Public
14 Law 113–291), for necessary expenses of the World War
15 I Centennial Commission, \$1,000,000, to remain available
16 until September 30, 2023: *Provided*, That in addition to
17 the authority provided by section 6(g) of such Act, the
18 World War I Commission may accept money, in-kind per-
19 sonnel services, contractual support, or any appropriate
20 support from any executive branch agency for activities
21 of the Commission.

22 UNITED STATES SEMIQUINCENTENNIAL COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses of the United States
25 Semiquincentennial Commission to plan and coordinate

1 observances and activities associated with the 250th anni-
2 versary of the founding of the United States, as authorized
3 by Public Law 116–282, the technical amendments to
4 Public Law 114–196, \$8,000,000, to remain available
5 until expended.

6 ALYCE SPOTTED BEAR AND WALTER SOBOLEFF

7 COMMISSION ON NATIVE CHILDREN

8 For necessary expenses of the Alyce Spotted Bear
9 and Walter Soboleff Commission on Native Children (re-
10 ferred to in this paragraph as the “Commission”),
11 \$200,000 to remain available until September 30, 2023:
12 *Provided*, That in addition to the authority provided by
13 section 3(g)(5) and 3(h) of Public Law 114–244, the Com-
14 mission may hereafter accept in-kind personnel services,
15 contractual support, or any appropriate support from any
16 executive branch agency for activities of the Commission.

1 TITLE IV
2 GENERAL PROVISIONS
3 (INCLUDING TRANSFERS OF FUNDS)
4 RESTRICTION ON USE OF FUNDS

5 SEC. 401. No part of any appropriation contained in
6 this Act shall be available for any activity or the publica-
7 tion or distribution of literature that in any way tends to
8 promote public support or opposition to any legislative
9 proposal on which Congressional action is not complete
10 other than to communicate to Members of Congress as
11 described in 18 U.S.C. 1913.

12 OBLIGATION OF APPROPRIATIONS

13 SEC. 402. No part of any appropriation contained in
14 this Act shall remain available for obligation beyond the
15 current fiscal year unless expressly so provided herein.

16 DISCLOSURE OF ADMINISTRATIVE EXPENSES

17 SEC. 403. The amount and basis of estimated over-
18 head charges, deductions, reserves, or holdbacks, including
19 working capital fund and cost pool charges, from pro-
20 grams, projects, activities and subactivities to support gov-
21 ernment-wide, departmental, agency, or bureau adminis-
22 trative functions or headquarters, regional, or central op-
23 erations shall be presented in annual budget justifications
24 and subject to approval by the Committees on Appropria-
25 tions of the House of Representatives and the Senate.

1 Changes to such estimates shall be presented to the Com-
2 mittees on Appropriations for approval.

3 MINING APPLICATIONS

4 SEC. 404. (a) LIMITATION OF FUNDS.—None of the
5 funds appropriated or otherwise made available pursuant
6 to this Act shall be obligated or expended to accept or
7 process applications for a patent for any mining or mill
8 site claim located under the general mining laws.

9 (b) EXCEPTIONS.—Subsection (a) shall not apply if
10 the Secretary of the Interior determines that, for the claim
11 concerned: (1) a patent application was filed with the Sec-
12 retary on or before September 30, 1994; and (2) all re-
13 quirements established under sections 2325 and 2326 of
14 the Revised Statutes (30 U.S.C. 29 and 30) for vein or
15 lode claims, sections 2329, 2330, 2331, and 2333 of the
16 Revised Statutes (30 U.S.C. 35, 36, and 37) for placer
17 claims, and section 2337 of the Revised Statutes (30
18 U.S.C. 42) for mill site claims, as the case may be, were
19 fully complied with by the applicant by that date.

20 (c) REPORT.—On September 30, 2023, the Secretary
21 of the Interior shall file with the House and Senate Com-
22 mittees on Appropriations and the Committee on Natural
23 Resources of the House and the Committee on Energy and
24 Natural Resources of the Senate a report on actions taken
25 by the Department under the plan submitted pursuant to

1 section 314(c) of the Department of the Interior and Re-
2 lated Agencies Appropriations Act, 1997 (Public Law
3 104–208).

4 (d) MINERAL EXAMINATIONS.—In order to process
5 patent applications in a timely and responsible manner,
6 upon the request of a patent applicant, the Secretary of
7 the Interior shall allow the applicant to fund a qualified
8 third-party contractor to be selected by the Director of the
9 Bureau of Land Management to conduct a mineral exam-
10 ination of the mining claims or mill sites contained in a
11 patent application as set forth in subsection (b). The Bu-
12 reau of Land Management shall have the sole responsi-
13 bility to choose and pay the third-party contractor in ac-
14 cordance with the standard procedures employed by the
15 Bureau of Land Management in the retention of third-
16 party contractors.

17 CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

18 SEC. 405. Sections 405 and 406 of division F of the
19 Consolidated and Further Continuing Appropriations Act,
20 2015 (Public Law 113–235) shall continue in effect in fis-
21 cal year 2022.

22 CONTRACT SUPPORT COSTS, FISCAL YEAR 2022

23 LIMITATION

24 SEC. 406. Amounts provided by this Act for fiscal
25 year 2022 under the headings “Department of Health and

1 Human Services, Indian Health Service, Contract Support
2 Costs” and “Department of the Interior, Bureau of Indian
3 Affairs and Bureau of Indian Education, Contract Sup-
4 port Costs” are the only amounts available for contract
5 support costs arising out of self-determination or self-gov-
6 ernance contracts, grants, compacts, or annual funding
7 agreements for fiscal year 2022 with the Bureau of Indian
8 Affairs, Bureau of Indian Education, and the Indian
9 Health Service: *Provided*, That such amounts provided by
10 this Act are not available for payment of claims for con-
11 tract support costs for prior years, or for repayments of
12 payments for settlements or judgments awarding contract
13 support costs for prior years.

14 FOREST MANAGEMENT PLANS

15 SEC. 407. The Secretary of Agriculture shall not be
16 considered to be in violation of subparagraph 6(f)(5)(A)
17 of the Forest and Rangeland Renewable Resources Plan-
18 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because
19 more than 15 years have passed without revision of the
20 plan for a unit of the National Forest System. Nothing
21 in this section exempts the Secretary from any other re-
22 quirement of the Forest and Rangeland Renewable Re-
23 sources Planning Act (16 U.S.C. 1600 et seq.) or any
24 other law: *Provided*, That if the Secretary is not acting
25 expeditiously and in good faith, within the funding avail-

1 able, to revise a plan for a unit of the National Forest
2 System, this section shall be void with respect to such plan
3 and a court of proper jurisdiction may order completion
4 of the plan on an accelerated basis.

5 PROHIBITION WITHIN NATIONAL MONUMENTS

6 SEC. 408. No funds provided in this Act may be ex-
7 pended to conduct preleasing, leasing and related activities
8 under either the Mineral Leasing Act (30 U.S.C. 181 et
9 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
10 1331 et seq.) within the boundaries of a National Monu-
11 ment established pursuant to the Act of June 8, 1906 (16
12 U.S.C. 431 et seq.) as such boundary existed on January
13 20, 2001, except where such activities are allowed under
14 the Presidential proclamation establishing such monu-
15 ment.

16 LIMITATION ON TAKINGS

17 SEC. 409. Unless otherwise provided herein, no funds
18 appropriated in this Act for the acquisition of lands or
19 interests in lands may be expended for the filing of dec-
20 larations of taking or complaints in condemnation without
21 the approval of the House and Senate Committees on Ap-
22 propriations: *Provided*, That this provision shall not apply
23 to funds appropriated to implement the Everglades Na-
24 tional Park Protection and Expansion Act of 1989, or to
25 funds appropriated for Federal assistance to the State of

1 Florida to acquire lands for Everglades restoration pur-
2 poses.

3 PROHIBITION ON NO-BID CONTRACTS

4 SEC. 410. None of the funds appropriated or other-
5 wise made available by this Act to executive branch agen-
6 cies may be used to enter into any Federal contract unless
7 such contract is entered into in accordance with the re-
8 quirements of Chapter 33 of title 41, United States Code,
9 or Chapter 137 of title 10, United States Code, and the
10 Federal Acquisition Regulation, unless—

11 (1) Federal law specifically authorizes a con-
12 tract to be entered into without regard for these re-
13 quirements, including formula grants for States, or
14 federally recognized Indian tribes;

15 (2) such contract is authorized by the Indian
16 Self-Determination and Education Assistance Act
17 (Public Law 93–638, 25 U.S.C. 450 et seq.) or by
18 any other Federal laws that specifically authorize a
19 contract within an Indian tribe as defined in section
20 4(e) of that Act (25 U.S.C. 450b(e)); or

21 (3) such contract was awarded prior to the date
22 of enactment of this Act.

23 POSTING OF REPORTS

24 SEC. 411. (a) Any agency receiving funds made avail-
25 able in this Act, shall, subject to subsections (b) and (c),

1 post on the public website of that agency any report re-
2 quired to be submitted by the Congress in this or any
3 other Act, upon the determination by the head of the agen-
4 cy that it shall serve the national interest.

5 (b) Subsection (a) shall not apply to a report if—

6 (1) the public posting of the report com-
7 promises national security; or

8 (2) the report contains proprietary information.

9 (c) The head of the agency posting such report shall
10 do so only after such report has been made available to
11 the requesting Committee or Committees of Congress for
12 no less than 45 days.

13 NATIONAL ENDOWMENT FOR THE ARTS GRANT

14 GUIDELINES

15 SEC. 412. Of the funds provided to the National En-
16 dowment for the Arts—

17 (1) The Chairperson shall only award a grant
18 to an individual if such grant is awarded to such in-
19 dividual for a literature fellowship, National Herit-
20 age Fellowship, or American Jazz Masters Fellow-
21 ship.

22 (2) The Chairperson shall establish procedures
23 to ensure that no funding provided through a grant,
24 except a grant made to a State or local arts agency,
25 or regional group, may be used to make a grant to

1 any other organization or individual to conduct ac-
2 tivity independent of the direct grant recipient.
3 Nothing in this subsection shall prohibit payments
4 made in exchange for goods and services.

5 (3) No grant shall be used for seasonal support
6 to a group, unless the application is specific to the
7 contents of the season, including identified programs
8 or projects.

9 NATIONAL ENDOWMENT FOR THE ARTS PROGRAM

10 PRIORITIES

11 SEC. 413. (a) In providing services or awarding fi-
12 nancial assistance under the National Foundation on the
13 Arts and the Humanities Act of 1965 from funds appro-
14 priated under this Act, the Chairperson of the National
15 Endowment for the Arts shall ensure that priority is given
16 to providing services or awarding financial assistance for
17 projects, productions, workshops, or programs that serve
18 underserved populations.

19 (b) In this section:

20 (1) The term “underserved population” means
21 a population of individuals, including urban minori-
22 ties, who have historically been outside the purview
23 of arts and humanities programs due to factors such
24 as a high incidence of income below the poverty line
25 or to geographic isolation.

1 (2) The term “poverty line” means the poverty
2 line (as defined by the Office of Management and
3 Budget, and revised annually in accordance with sec-
4 tion 673(2) of the Community Services Block Grant
5 Act (42 U.S.C. 9902(2))) applicable to a family of
6 the size involved.

7 (c) In providing services and awarding financial as-
8 sistance under the National Foundation on the Arts and
9 Humanities Act of 1965 with funds appropriated by this
10 Act, the Chairperson of the National Endowment for the
11 Arts shall ensure that priority is given to providing serv-
12 ices or awarding financial assistance for projects, produc-
13 tions, workshops, or programs that will encourage public
14 knowledge, education, understanding, and appreciation of
15 the arts.

16 (d) With funds appropriated by this Act to carry out
17 section 5 of the National Foundation on the Arts and Hu-
18 manities Act of 1965—

19 (1) the Chairperson shall establish a grant cat-
20 egory for projects, productions, workshops, or pro-
21 grams that are of national impact or availability or
22 are able to tour several States;

23 (2) the Chairperson shall not make grants ex-
24 ceeding 15 percent, in the aggregate, of such funds

1 to any single State, excluding grants made under the
2 authority of paragraph (1);

3 (3) the Chairperson shall report to the Con-
4 gress annually and by State, on grants awarded by
5 the Chairperson in each grant category under sec-
6 tion 5 of such Act; and

7 (4) the Chairperson shall encourage the use of
8 grants to improve and support community-based
9 music performance and education.

10 STATUS OF BALANCES OF APPROPRIATIONS

11 SEC. 414. The Department of the Interior, the Envi-
12 ronmental Protection Agency, the Forest Service, and the
13 Indian Health Service shall provide the Committees on
14 Appropriations of the House of Representatives and Sen-
15 ate quarterly reports on the status of balances of appro-
16 priations including all uncommitted, committed, and unob-
17 ligated funds in each program and activity within 60 days
18 of enactment of this Act.

19 EXTENSION OF GRAZING PERMITS

20 SEC. 415. The terms and conditions of section 325
21 of Public Law 108–108 (117 Stat. 1307), regarding graz-
22 ing permits issued by the Forest Service on any lands not
23 subject to administration under section 402 of the Federal
24 Lands Policy and Management Act (43 U.S.C. 1752),
25 shall remain in effect for fiscal year 2022.

1 horse or burro (as defined in section 2 of Public Law 92–
2 195 (commonly known as the “Wild Free-Roaming Horses
3 and Burros Act”) (16 U.S.C. 1332)).

4 (d) A Federal, State, or local government agency re-
5 ceiving an excess wild horse or burro pursuant to sub-
6 section (a) shall not—

7 (1) destroy the horse or burro in a manner that
8 results in the destruction of the horse or burro into
9 a commercial product;

10 (2) sell or otherwise transfer the horse or burro
11 in a manner that results in the destruction of the
12 horse or burro for processing into a commercial
13 product; or

14 (3) euthanize the horse or burro, except on the
15 recommendation of a licensed veterinarian in a case
16 of severe injury, illness, or advanced age.

17 (e) Amounts appropriated by this Act shall not be
18 available for—

19 (1) the destruction of any healthy, unadopted,
20 and wild horse or burro under the jurisdiction of the
21 Secretary concerned (including a contractor); or

22 (2) the sale of a wild horse or burro that results
23 in the destruction of the wild horse or burro for
24 processing into a commercial product.

1 FOREST SERVICE FACILITY REALIGNMENT AND
2 ENHANCEMENT AUTHORIZATION EXTENSION

3 SEC. 418. Section 503(f) of Public Law 109–54 (16
4 U.S.C. 580d note) shall be applied by substituting “Sep-
5 tember 30, 2022” for “September 30, 2019”.

6 USE OF AMERICAN IRON AND STEEL

7 SEC. 419. (a)(1) None of the funds made available
8 by a State water pollution control revolving fund as au-
9 thorized by section 1452 of the Safe Drinking Water Act
10 (42 U.S.C. 300j–12) shall be used for a project for the
11 construction, alteration, maintenance, or repair of a public
12 water system or treatment works unless all of the iron and
13 steel products used in the project are produced in the
14 United States.

15 (2) In this section, the term “iron and steel” products
16 means the following products made primarily of iron or
17 steel: lined or unlined pipes and fittings, manhole covers
18 and other municipal castings, hydrants, tanks, flanges,
19 pipe clamps and restraints, valves, structural steel, rein-
20 forced precast concrete, and construction materials.

21 (b) Subsection (a) shall not apply in any case or cat-
22 egory of cases in which the Administrator of the Environ-
23 mental Protection Agency (in this section referred to as
24 the “Administrator”) finds that—

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

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

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

9 (c) If the Administrator receives a request for a waiv-
10 er under this section, the Administrator shall make avail-
11 able to the public on an informal basis a copy of the re-
12 quest and information available to the Administrator con-
13 cerning the request, and shall allow for informal public
14 input on the request for at least 15 days prior to making
15 a finding based on the request. The Administrator shall
16 make the request and accompanying information available
17 by electronic means, including on the official public Inter-
18 net Web site of the Environmental Protection Agency.

19 (d) This section shall be applied in a manner con-
20 sistent with United States obligations under international
21 agreements.

22 (e) The Administrator may retain up to 0.25 percent
23 of the funds appropriated in this Act for the Clean and
24 Drinking Water State Revolving Funds for carrying out

1 the provisions described in subsection (a)(1) for manage-
2 ment and oversight of the requirements of this section.

3 LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANS-
4 FERS OF EXCESS EQUIPMENT AND SUPPLIES FOR
5 WILDFIRES

6 SEC. 420. The Secretary of the Interior is authorized
7 to enter into grants and cooperative agreements with vol-
8 unteer fire departments, rural fire departments, rangeland
9 fire protection associations, and similar organizations to
10 provide for wildland fire training and equipment, including
11 supplies and communication devices. Notwithstanding sec-
12 tion 121(c) of title 40, United States Code, or section 521
13 of title 40, United States Code, the Secretary is further
14 authorized to transfer title to excess Department of the
15 Interior firefighting equipment no longer needed to carry
16 out the functions of the Department's wildland fire man-
17 agement program to such organizations.

18 RECREATION FEES

19 SEC. 421. Section 810 of the Federal Lands Recre-
20 ation Enhancement Act (16 U.S.C. 6809) shall be applied
21 by substituting "October 1, 2023" for "September 30,
22 2019".

23 REPROGRAMMING GUIDELINES

24 SEC. 422. None of the funds made available in this
25 Act, in this and prior fiscal years, may be reprogrammed

1 without the advance approval of the House and Senate
2 Committees on Appropriations in accordance with the re-
3 programming procedures contained in the explanatory
4 statement described in section 4 (in the matter preceding
5 division A of this consolidated Act).

6 LOCAL CONTRACTORS

7 SEC. 423. Section 412 of division E of Public Law
8 112–74 shall be applied by substituting “fiscal year 2022”
9 for “fiscal year 2019”.

10 SHASTA-TRINITY MARINA FEE AUTHORITY

11 AUTHORIZATION EXTENSION

12 SEC. 424. Section 422 of division F of Public Law
13 110–161 (121 Stat 1844), as amended, shall be applied
14 by substituting “fiscal year 2022” for “fiscal year 2019”.

15 INTERPRETIVE ASSOCIATION AUTHORIZATION EXTENSION

16 SEC. 425. Section 426 of division G of Public Law
17 113–76 (16 U.S.C. 565a–1 note) shall be applied by sub-
18 stituting “September 30, 2022” for “September 30,
19 2019”.

20 PUERTO RICO SCHOOLING AUTHORIZATION EXTENSION

21 SEC. 426. The authority provided by the 19th un-
22 numbered paragraph under heading “Administrative Pro-
23 visions, Forest Service” in title III of Public Law 109–
24 54, as amended, shall be applied by substituting “fiscal
25 year 2022” for “fiscal year 2019”.

1 FOREST BOTANICAL PRODUCTS FEE COLLECTION

2 AUTHORIZATION EXTENSION

3 SEC. 427. Section 339 of the Department of the Inte-
4 rior and Related Agencies Appropriations Act, 2000 (as
5 enacted into law by Public Law 106–113; 16 U.S.C. 528
6 note), as amended by section 335(6) of Public Law 108–
7 108 and section 432 of Public Law 113–76, shall be ap-
8 plied by substituting “fiscal year 2022” for “fiscal year
9 2019”.

10 CHACO CANYON

11 SEC. 428. None of the funds made available by this
12 Act may be used to accept a nomination for oil and gas
13 leasing under 43 CFR 3120.3 et seq., or to offer for oil
14 and gas leasing, any Federal lands within the withdrawal
15 area identified on the map of the Chaco Culture National
16 Historical Park prepared by the Bureau of Land Manage-
17 ment and dated April 2, 2019, prior to the completion of
18 the cultural resources investigation identified in the ex-
19 planatory statement described in section 4 in the matter
20 preceding division A of the Consolidated Appropriations
21 Act, 2021 (Public Law 116–260).

22 TRIBAL LEASES

23 SEC. 429. (a) Notwithstanding any other provision
24 of law, in the case of any lease under section 105(l) of
25 the Indian Self-Determination and Education Assistance

1 Act (25 U.S.C. 5324(l)), the initial lease term shall com-
2 mence no earlier than the date of receipt of the lease pro-
3 posal.

4 (b) The Secretaries of the Interior and Health and
5 Human Services shall, jointly or separately, during fiscal
6 year 2022 consult with tribes and tribal organizations
7 through public solicitation and other means regarding the
8 requirements for leases under section 105(l) of the Indian
9 Self-Determination and Education Assistance Act (25
10 U.S.C. 5324(l)) on how to implement a consistent and
11 transparent process for the payment of such leases.

12 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

13 SEC. 430. The authority provided under the heading
14 “Forest Ecosystem Health and Recovery Fund” in title
15 I of Public Law 111–88, as amended by section 117 of
16 division F of Public Law 113–235, shall be applied by sub-
17 stituting “fiscal year 2022” for “fiscal year 2020” each
18 place it appears.

19 ALLOCATION OF PROJECTS, NATIONAL PARKS AND PUB-
20 LIC LAND LEGACY RESTORATION FUND AND LAND
21 AND WATER CONSERVATION FUND

22 SEC. 431. (a)(1) Within 45 days of enactment of this
23 Act, the Secretary of the Interior shall allocate amounts
24 made available from the National Parks and Public Land
25 Legacy Restoration Fund for fiscal year 2022 pursuant

1 to subsection (c) of section 200402 of title 54, United
2 States Code, and as provided in subsection (e) of such sec-
3 tion of such title, to the agencies of the Department of
4 the Interior and the Department of Agriculture specified,
5 in the amounts specified, for the stations and unit names
6 specified, and for the projects and activities specified in
7 the table titled “Allocation of Funds: National Parks and
8 Public Land Legacy Restoration Fund Fiscal Year 2022”
9 in the explanatory statement described in section 4 (in the
10 matter preceding division A of this consolidated Act).

11 (2) Within 45 days of enactment of this Act,
12 the Secretary of the Interior and the Secretary of
13 Agriculture, as appropriate, shall allocate amounts
14 made available for expenditure from the Land and
15 Water Conservation Fund for fiscal year 2022 pur-
16 suant to subsection (a) of section 200303 of title 54,
17 United States Code, to the agencies and accounts
18 specified, in the amounts specified, and for the
19 projects and activities specified in the table titled
20 “Allocation of Funds: Land and Water Conservation
21 Fund Fiscal Year 2022” in the explanatory state-
22 ment described in section 4 (in the matter preceding
23 division A of this consolidated Act).

24 (b) Except as otherwise provided by subsection (c)
25 of this section, neither the President nor his designee may

1 allocate any amounts that are made available for any fiscal
2 year under subsection (c) of section 200402 of title 54,
3 United States Code, or subsection (a) of section 200303
4 of title 54, United States Code, other than in amounts
5 and for projects and activities that are allocated by sub-
6 sections (a)(1) and (a)(2) of this section: *Provided*, That
7 in any fiscal year, the matter preceding this proviso shall
8 not apply to the allocation of amounts for continuing ad-
9 ministration of programs allocated funds from the Na-
10 tional Parks and Public Land Legacy Restoration Fund
11 or the Land and Water Conservation Fund, which may
12 be allocated only in amounts that are no more than the
13 allocation for such purposes in subsections (a)(1) and
14 (a)(2) of this section.

15 (c) The Secretary of the Interior and the Secretary
16 of Agriculture may reallocate amounts from each agency's
17 "Contingency Fund" line in the table titled "Allocation
18 of Funds: National Parks and Public Land Legacy Res-
19 toration Fund Fiscal Year 2022" to any project funded
20 by the National Parks and Public Land Legacy Restora-
21 tion Fund within the same agency, from any fiscal year,
22 that experienced a funding deficiency due to unforeseen
23 cost overruns, in accordance with the following require-
24 ments:

1 (1) “Contingency Fund” amounts may only be
2 reallocated if there is a risk to project completion re-
3 sulting from unforeseen cost overruns;

4 (2) “Contingency Fund” amounts may only be
5 reallocated for cost of adjustments and changes
6 within the original scope of effort for projects fund-
7 ed by the National Parks and Public Land Legacy
8 Restoration Fund; and

9 (3) The Secretary of the Interior or the Sec-
10 retary of Agriculture must provide written notifica-
11 tion to the Committees on Appropriations 30 days
12 before taking any actions authorized by this sub-
13 section if the amount reallocated from the “Contin-
14 gency Fund” line for a project is projected to be 10
15 percent or greater than the following, as applicable:

16 (A) The amount allocated to that project
17 in the table titled “Allocation of Funds: Na-
18 tional Parks and Public Land Legacy Restora-
19 tion Fund Fiscal Year 2022” in the explanatory
20 statement described in section 4 (in the matter
21 preceding division A of this consolidated Act);
22 or

23 (B) The initial estimate in the most recent
24 report submitted, prior to enactment of this
25 Act, to the Committees on Appropriations pur-

1 suant to section 434(e) of Division G of the
2 Consolidated Appropriations Act, 2021 (Public
3 Law 116-260).

4 (d)(1) Concurrent with the annual budget submission
5 of the President for fiscal year 2023, the Secretary of the
6 Interior and the Secretary of Agriculture shall each sub-
7 mit to the Committees on Appropriations of the House
8 of Representatives and the Senate project data sheets for
9 the projects in the “Submission of Annual List of Projects
10 to Congress” required by section 200402(h) of title 54,
11 United States Code: *Provided*, That the “Submission of
12 Annual List of Projects to Congress” must include a
13 “Contingency Fund” line for each agency within the allo-
14 cations defined in subsection (e) of section 200402 of title
15 54, United States Code: *Provided further*, That in the
16 event amounts allocated by this Act or any prior Act for
17 the National Parks and Public Land Legacy Restoration
18 Fund are no longer needed to complete a specified project,
19 such amounts may be reallocated in such submission to
20 that agency’s “Contingency Fund” line: *Provided further*,
21 That any proposals to change the scope of or terminate
22 a previously approved project must be clearly identified
23 in such submission.

24 (2)(A) Concurrent with the annual budget sub-
25 mission of the President for fiscal year 2023, the

1 Secretary of the Interior and the Secretary of Agri-
2 culture shall each submit to the Committees on Ap-
3 propriations of the House of Representatives and the
4 Senate a list of supplementary allocations for Fed-
5 eral land acquisition and Forest Legacy Projects at
6 the National Park Service, the U.S. Fish and Wild-
7 life Service, the Bureau of Land Management, and
8 the U.S. Forest Service that are in addition to the
9 “Submission of Cost Estimates” required by section
10 200303(c)(1) of title 54, United States Code, that
11 are prioritized and detailed by account, program,
12 and project, and that total no less than half the full
13 amount allocated to each account for that land man-
14 agement Agency under the allocations submitted
15 under section 200303(c)(1) of title 54, United
16 States Code: *Provided*, That in the event amounts
17 allocated by this Act or any prior Act pursuant to
18 subsection (a) of section 200303 of title 54, United
19 States Code are no longer needed because a project
20 has been completed or can no longer be executed,
21 such amounts must be clearly identified if proposed
22 for reallocation in the annual budget submission.

23 (B) The Federal land acquisition and For-
24 est Legacy projects in the “Submission of Cost
25 Estimates” required by section 200303(c)(1) of

1 title 54, United States Code, and on the list of
2 supplementary allocations required by subpara-
3 graph (A) shall be comprised only of projects
4 for which a willing seller has been identified
5 and for which an appraisal or market research
6 has been initiated.

7 (C) Concurrent with the annual budget
8 submission of the President for fiscal year
9 2023, the Secretary of the Interior and the Sec-
10 retary of Agriculture shall each submit to the
11 Committees on Appropriations of the House of
12 Representatives and the Senate project data
13 sheets in the same format and containing the
14 same level of detailed information that is found
15 on such sheets in the Budget Justifications an-
16 nually submitted by the Department of the In-
17 terior with the President's Budget for the
18 projects in the "Submission of Cost Estimates"
19 required by section 200303(c)(1) of title 54,
20 United States Code, and in the same format
21 and containing the same level of detailed infor-
22 mation that is found on such sheets submitted
23 to the Committees pursuant to section 427 of
24 division D of the Further Consolidated Appro-
25 priations Act, 2020 (Public Law 116-94) for

1 the list of supplementary allocations required by
2 subparagraph (A).

3 (e) The Department of the Interior and the Depart-
4 ment of Agriculture shall provide the Committees on Ap-
5 propriations of the House of Representatives and Senate
6 quarterly reports on the status of balances of projects and
7 activities funded by the National Parks and Public Land
8 Legacy Restoration Fund for amounts allocated pursuant
9 to subsection (a)(1) of this section and the status of bal-
10 ances of projects and activities funded by the Land and
11 Water Conservation Fund for amounts allocated pursuant
12 to subsection (a)(2) of this section, including all uncom-
13 mitted, committed, and unobligated funds, and, for
14 amounts allocated pursuant to subsection (a)(1) of this
15 section, National Parks and Public Land Legacy Restora-
16 tion Fund amounts reallocated pursuant to subsection (c)
17 of this section.

18 POLICIES RELATING TO BIOMASS ENERGY

19 SEC. 432. To support the key role that forests in the
20 United States can play in addressing the energy needs of
21 the United States, the Secretary of Energy, the Secretary
22 of Agriculture, and the Administrator of the Environ-
23 mental Protection Agency shall, consistent with their mis-
24 sions, jointly—

1 (1) ensure that Federal policy relating to forest
2 bioenergy—

3 (A) is consistent across all Federal depart-
4 ments and agencies; and

5 (B) recognizes the full benefits of the use
6 of forest biomass for energy, conservation, and
7 responsible forest management; and

8 (2) establish clear and simple policies for the
9 use of forest biomass as an energy solution, includ-
10 ing policies that—

11 (A) reflect the carbon neutrality of forest
12 bioenergy and recognize biomass as a renewable
13 energy source, provided the use of forest bio-
14 mass for energy production does not cause con-
15 version of forests to non-forest use;

16 (B) encourage private investment through-
17 out the forest biomass supply chain, including
18 in—

19 (i) working forests;

20 (ii) harvesting operations;

21 (iii) forest improvement operations;

22 (iv) forest bioenergy production;

23 (v) wood products manufacturing; or

24 (vi) paper manufacturing;

1 (C) encourage forest management to im-
2 prove forest health; and

3 (D) recognize State initiatives to produce
4 and use forest biomass.

5 SMALL REMOTE INCINERATORS

6 SEC. 433. None of the funds made available in this
7 Act may be used to implement or enforce the regulation
8 issued on March 21, 2011 at 40 CFR part 60 subparts
9 CCCC and DDDD with respect to units in the State of
10 Alaska that are defined as “small, remote incinerator”
11 units in those regulations and, until a subsequent regula-
12 tion is issued, the Administrator shall implement the law
13 and regulations in effect prior to such date.

14 TIMBER SALE REQUIREMENTS

15 SEC. 434. No timber sale in Alaska’s Region 10 shall
16 be advertised if the indicated rate is deficit (defined as
17 the value of the timber is not sufficient to cover all logging
18 and stumpage costs and provide a normal profit and risk
19 allowance under the Forest Service’s appraisal process)
20 when appraised using a residual value appraisal. The west-
21 ern red cedar timber from those sales which is surplus
22 to the needs of the domestic processors in Alaska, shall
23 be made available to domestic processors in the contiguous
24 48 United States at prevailing domestic prices. All addi-
25 tional western red cedar volume not sold to Alaska or con-

1 tiguous 48 United States domestic processors may be ex-
2 ported to foreign markets at the election of the timber sale
3 holder. All Alaska yellow cedar may be sold at prevailing
4 export prices at the election of the timber sale holder.

5 TRANSFER AUTHORITY TO FEDERAL HIGHWAY ADMINIS-
6 TRATION FOR THE NATIONAL PARKS AND PUBLIC
7 LAND LEGACY RESTORATION FUND

8 SEC. 435. Funds made available or allocated in this
9 Act or the Consolidated Appropriations Act, 2021 (Public
10 Law 116–260) to the Department of the Interior or the
11 Department of Agriculture that are subject to the alloca-
12 tions and limitations in 54 U.S.C. 200402(e) and prohibi-
13 tions in 54 U.S.C. 200402(f) may be further allocated or
14 reallocated to the Federal Highway Administration for
15 transportation projects of the covered agencies defined in
16 54 U.S.C. 200401(2).

17 PROHIBITION ON USE OF FUNDS

18 SEC. 436. Notwithstanding any other provision of
19 law, none of the funds made available in this Act or any
20 other Act may be used to promulgate or implement any
21 regulation requiring the issuance of permits under title V
22 of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon
23 dioxide, nitrous oxide, water vapor, or methane emissions
24 resulting from biological processes associated with live-
25 stock production.

1 GREENHOUSE GAS REPORTING RESTRICTIONS

2 SEC. 437. Notwithstanding any other provision of
3 law, none of the funds made available in this or any other
4 Act may be used to implement any provision in a rule,
5 if that provision requires mandatory reporting of green-
6 house gas emissions from manure management systems.

7 FUNDING PROHIBITION

8 SEC. 438. None of the funds made available by this
9 or any other Act may be used to regulate the lead content
10 of ammunition, ammunition components, or fishing tackle
11 under the Toxic Substances Control Act (15 U.S.C. 2601
12 et seq.) or any other law.

13 DESIGNATION OF LEWIS PEAK

14 SEC. 439. The unnamed sub-peak of Mount Whitney,
15 adjacent to “Crooks Peak”, and located at 36° 34’ 24”
16 N, 118° 17’ 23” W in the Inyo National Forest in the
17 State of California shall be known and designated as
18 “Lewis Peak”. Any reference in any law, regulation, docu-
19 ment, record, map, or other paper of the United States
20 to the peak shall be considered to be a reference to “Lewis
21 Peak”.

22 WILDLAND FIRE ADMINISTRATIVE FUNDING

23 SEC. 440. The sixth proviso under the heading “De-
24 partment of the Interior—Department-Wide Programs—
25 Wildland Fire Management” in title VI of division J of

1 Public Law 117–58 is amended by striking “salaries, ex-
2 penses, and”: *Provided*, That amounts repurposed pursu-
3 ant to this section that were previously designated by the
4 Congress as an emergency requirement pursuant to sec-
5 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
6 concurrent resolution on the budget for fiscal year 2018,
7 and to section 251(b) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985 are designated by the
9 Congress as an emergency requirement pursuant to sec-
10 tion 4001(a)(1) and section 4001(b) of S. Con. Res. 14
11 (117th Congress), the concurrent resolution on the budget
12 for fiscal year 2022.

13 This division may be cited as the “Department of the
14 Interior, Environment, and Related Agencies Appropria-
15 tions Act, 2022”.

1 **DIVISION H—DEPARTMENTS OF LABOR,**
2 **HEALTH AND HUMAN SERVICES, AND**
3 **EDUCATION, AND RELATED AGENCIES**
4 **APPROPRIATIONS ACT, 2022**

5 TITLE I

6 DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING

8 ADMINISTRATION

9 TRAINING AND EMPLOYMENT SERVICES

10 For necessary expenses of the Workforce Innovation
11 and Opportunity Act (referred to in this Act as “WIOA”)
12 and the National Apprenticeship Act, \$3,912,338,000,
13 plus reimbursements, shall be available. Of the amounts
14 provided:

15 (1) for grants to States for adult employment
16 and training activities, youth activities, and dis-
17 located worker employment and training activities,
18 \$2,879,332,000 as follows:

19 (A) \$870,649,000 for adult employment
20 and training activities, of which \$158,649,000
21 shall be available for the period July 1, 2022
22 through June 30, 2023, and of which
23 \$712,000,000 shall be available for the period
24 October 1, 2022 through June 30, 2023;

1 (B) \$933,130,000 for youth activities,
2 which shall be available for the period April 1,
3 2022 through June 30, 2023; and

4 (C) \$1,075,553,000 for dislocated worker
5 employment and training activities, of which
6 \$215,553,000 shall be available for the period
7 July 1, 2022 through June 30, 2023, and of
8 which \$860,000,000 shall be available for the
9 period October 1, 2022 through June 30, 2023:

10 *Provided*, That the funds available for allotment to
11 outlying areas to carry out subtitle B of title I of the
12 WIOA shall not be subject to the requirements of
13 section 127(b)(1)(B)(ii) of such Act; and

14 (2) for national programs, \$1,033,006,000 as
15 follows:

16 (A) \$300,859,000 for the dislocated work-
17 ers assistance national reserve, of which
18 \$100,859,000 shall be available for the period
19 July 1, 2022 through September 30, 2023, and
20 of which \$200,000,000 shall be available for the
21 period October 1, 2022 through September 30,
22 2023: *Provided*, That funds provided to carry
23 out section 132(a)(2)(A) of the WIOA may be
24 used to provide assistance to a State for state-
25 wide or local use in order to address cases

1 where there have been worker dislocations
2 across multiple sectors or across multiple local
3 areas and such workers remain dislocated; co-
4 ordinate the State workforce development plan
5 with emerging economic development needs; and
6 train such eligible dislocated workers: *Provided*
7 *further*, That funds provided to carry out sec-
8 tions 168(b) and 169(c) of the WIOA may be
9 used for technical assistance and demonstration
10 projects, respectively, that provide assistance to
11 new entrants in the workforce and incumbent
12 workers: *Provided further*, That notwithstanding
13 section 168(b) of the WIOA, of the funds pro-
14 vided under this subparagraph, the Secretary of
15 Labor (referred to in this title as “Secretary”)
16 may reserve not more than 10 percent of such
17 funds to provide technical assistance and carry
18 out additional activities related to the transition
19 to the WIOA: *Provided further*, That of the
20 funds provided under this subparagraph,
21 \$95,000,000 shall be for training and employ-
22 ment assistance under sections 168(b), 169(c)
23 (notwithstanding the 10 percent limitation in
24 such section) and 170 of the WIOA as follows:

1 (i) \$45,000,000 shall be for workers
2 in the Appalachian region, as defined by
3 40 U.S.C. 14102(a)(1), workers in the
4 Lower Mississippi, as defined in section
5 4(2) of the Delta Development Act (Public
6 Law 100–460, 102 Stat. 2246; 7 U.S.C.
7 2009aa(2)), and workers in the region
8 served by the Northern Border Regional
9 Commission, as defined by 40 U.S.C.
10 15733; and

11 (ii) \$50,000,000 shall be for the pur-
12 pose of developing, offering, or improving
13 educational or career training programs at
14 community colleges, defined as public insti-
15 tutions of higher education, as described in
16 section 101(a) of the Higher Education
17 Act of 1965 and at which the associate’s
18 degree is primarily the highest degree
19 awarded, with other eligible institutions of
20 higher education, as defined in section
21 101(a) of the Higher Education Act of
22 1965, eligible to participate through con-
23 sortia, with community colleges as the lead
24 grantee: *Provided*, That the Secretary shall
25 follow the requirements for the program in

1 House Report 116–62: *Provided further*,
2 That any grant funds used for apprentice-
3 ships shall be used to support only appren-
4 ticeship programs registered under the Na-
5 tional Apprenticeship Act and as referred
6 to in section 3(7)(B) of the WIOA;

7 (B) \$57,000,000 for Native American pro-
8 grams under section 166 of the WIOA, which
9 shall be available for the period July 1, 2022
10 through June 30, 2023;

11 (C) \$95,396,000 for migrant and seasonal
12 farmworker programs under section 167 of the
13 WIOA, including \$88,283,000 for formula
14 grants (of which not less than 70 percent shall
15 be for employment and training services),
16 \$6,456,000 for migrant and seasonal housing
17 (of which not less than 70 percent shall be for
18 permanent housing), and \$657,000 for other
19 discretionary purposes, which shall be available
20 for the period April 1, 2022 through June 30,
21 2023: *Provided*, That notwithstanding any
22 other provision of law or related regulation, the
23 Department of Labor shall take no action lim-
24 iting the number or proportion of eligible par-
25 ticipants receiving related assistance services or

1 discouraging grantees from providing such serv-
2 ices: *Provided further*, That notwithstanding the
3 definition of “eligible seasonal farmworker” in
4 section 167(i)(3)(A) of the WIOA relating to an
5 individual being “low-income”, an individual is
6 eligible for migrant and seasonal farmworker
7 programs under section 167 of the WIOA under
8 that definition if, in addition to meeting the re-
9 quirements of clauses (i) and (ii) of section
10 167(i)(3)(A), such individual is a member of a
11 family with a total family income equal to or
12 less than 150 percent of the poverty line;

13 (D) \$99,034,000 for YouthBuild activities
14 as described in section 171 of the WIOA, which
15 shall be available for the period April 1, 2022
16 through June 30, 2023;

17 (E) \$102,079,000 for ex-offender activi-
18 ties, under the authority of section 169 of the
19 WIOA, which shall be available for the period
20 April 1, 2022 through June 30, 2023: *Provided*,
21 That of this amount, \$25,000,000 shall be for
22 competitive grants to national and regional
23 intermediaries for activities that prepare for
24 employment young adults with criminal legal
25 histories, young adults who have been justice

1 system-involved, or young adults who have
2 dropped out of school or other educational pro-
3 grams, with a priority for projects serving high-
4 crime, high-poverty areas;

5 (F) \$6,000,000 for the Workforce Data
6 Quality Initiative, under the authority of section
7 169 of the WIOA, which shall be available for
8 the period July 1, 2022 through June 30,
9 2023;

10 (G) \$235,000,000 to expand opportunities
11 through apprenticeships only registered under
12 the National Apprenticeship Act and as referred
13 to in section 3(7)(B) of the WIOA, to be avail-
14 able to the Secretary to carry out activities
15 through grants, cooperative agreements, con-
16 tracts and other arrangements, with States and
17 other appropriate entities, including equity
18 intermediaries and business and labor industry
19 partner intermediaries, which shall be available
20 for the period July 1, 2022 through June 30,
21 2023; and

22 (H) \$137,638,000 for carrying out Dem-
23 onstration and Pilot projects under section
24 169(c) of the WIOA, which shall be available
25 for the period April 1, 2022 through June 30,

1 2023, in addition to funds available for such ac-
2 tivities under subparagraph (A) for the
3 projects, and in the amounts, specified in the
4 table titled “Community Project Funding/Congressio-
5 nally Directed Spending” included for
6 this division in the explanatory statement de-
7 scribed in section 4 (in the matter preceding di-
8 vision A of this consolidated Act): *Provided*,
9 That such funds may be used for projects that
10 are related to the employment and training
11 needs of dislocated workers, other adults, or
12 youth: *Provided further*, That the 10 percent
13 funding limitation under such section shall not
14 apply to such funds: *Provided further*, That sec-
15 tion 169(b)(6)(C) of the WIOA shall not apply
16 to such funds: *Provided further*, That sections
17 102 and 107 of this Act shall not apply to such
18 funds.

19 JOB CORPS

20 (INCLUDING TRANSFER OF FUNDS)

21 To carry out subtitle C of title I of the WIOA, includ-
22 ing Federal administrative expenses, the purchase and
23 hire of passenger motor vehicles, the construction, alter-
24 ation, and repairs of buildings and other facilities, and the
25 purchase of real property for training centers as author-

1 ized by the WIOA, \$1,748,655,000, plus reimbursements,
2 as follows:

3 (1) \$1,603,325,000 for Job Corps Operations,
4 which shall be available for the period July 1, 2022
5 through June 30, 2023;

6 (2) \$113,000,000 for construction, rehabilita-
7 tion and acquisition of Job Corps Centers, which
8 shall be available for the period July 1, 2022
9 through June 30, 2025, and which may include the
10 acquisition, maintenance, and repair of major items
11 of equipment: *Provided*, That the Secretary may
12 transfer up to 15 percent of such funds to meet the
13 operational needs of such centers or to achieve ad-
14 ministrative efficiencies: *Provided further*, That any
15 funds transferred pursuant to the preceding provi-
16 sion shall not be available for obligation after June
17 30, 2022: *Provided further*, That the Committees on
18 Appropriations of the House of Representatives and
19 the Senate are notified at least 15 days in advance
20 of any transfer; and

21 (3) \$32,330,000 for necessary expenses of Job
22 Corps, which shall be available for obligation for the
23 period October 1, 2021 through September 30,
24 2022:

1 amended by section 406(a)(7) of the Trade Preferences
2 Extension Act of 2015), \$540,000,000 together with such
3 amounts as may be necessary to be charged to the subse-
4 quent appropriation for payments for any period subse-
5 quent to September 15, 2022: *Provided*, That notwith-
6 standing section 502 of this Act, any part of the appro-
7 priation provided under this heading may remain available
8 for obligation beyond the current fiscal year pursuant to
9 the authorities of section 245(c) of the Trade Act of 1974
10 (19 U.S.C. 2317(c)).

11 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

12 SERVICE OPERATIONS

13 (INCLUDING TRANSFER OF FUNDS)

14 For authorized administrative expenses,
15 \$84,066,000, together with not to exceed \$3,627,265,000
16 which may be expended from the Employment Security
17 Administration Account in the Unemployment Trust Fund
18 (“the Trust Fund”), of which—

19 (1) \$2,850,816,000 from the Trust Fund is for
20 grants to States for the administration of State un-
21 employment insurance laws as authorized under title
22 III of the Social Security Act (including not less
23 than \$250,000,000 to carry out reemployment serv-
24 ices and eligibility assessments under section 306 of
25 such Act, any claimants of regular compensation, as

1 defined in such section, including those who are
2 profiled as most likely to exhaust their benefits, may
3 be eligible for such services and assessments: *Pro-*
4 *vided*, That of such amount, \$117,000,000 is speci-
5 fied for grants under section 306 of the Social Secu-
6 rity Act and is provided to meet the terms of section
7 4004(b)(4)(B) and section 4005(d)(2) of S. Con.
8 Res. 14 (117th Congress), the concurrent resolution
9 on the budget for fiscal year 2022, and
10 \$133,000,000 is additional new budget authority
11 specified for purposes of section 4004(b)(4) and sec-
12 tion 4005(d) of such resolution; and \$9,000,000 for
13 continued support of the Unemployment Insurance
14 Integrity Center of Excellence), the administration
15 of unemployment insurance for Federal employees
16 and for ex-service members as authorized under 5
17 U.S.C. 8501–8523, and the administration of trade
18 readjustment allowances, reemployment trade ad-
19 justment assistance, and alternative trade adjust-
20 ment assistance under the Trade Act of 1974 and
21 under section 231(a) of the Trade Adjustment As-
22 sistance Extension Act of 2011, sections 405(a) and
23 406 of the Trade Preferences Extension Act of
24 2015, and section 285(a)(2) of the Trade Act of
25 1974 (as amended by section 406(a)(7) of the Trade

1 Preferences Extension Act of 2015), and shall be
2 available for obligation by the States through De-
3 cember 31, 2022, except that funds used for auto-
4 mation shall be available for Federal obligation
5 through December 31, 2022, and for State obliga-
6 tion through September 30, 2024, or, if the automa-
7 tion is being carried out through consortia of States,
8 for State obligation through September 30, 2028,
9 and for expenditure through September 30, 2029,
10 and funds for competitive grants awarded to States
11 for improved operations and to conduct in-person re-
12 employment and eligibility assessments and unem-
13 ployment insurance improper payment reviews and
14 provide reemployment services and referrals to train-
15 ing, as appropriate, shall be available for Federal ob-
16 ligation through December 31, 2022 (except that
17 funds for outcome payments pursuant to section
18 306(f)(2) of the Social Security Act shall be avail-
19 able for Federal obligation through March 31,
20 2023), and for obligation by the States through Sep-
21 tember 30, 2024, and funds for the Unemployment
22 Insurance Integrity Center of Excellence shall be
23 available for obligation by the State through Sep-
24 tember 30, 2023, and funds used for unemployment
25 insurance workloads experienced through September

1 30, 2022 shall be available for Federal obligation
2 through December 31, 2022;

3 (2) \$18,000,000 from the Trust Fund is for na-
4 tional activities necessary to support the administra-
5 tion of the Federal-State unemployment insurance
6 system;

7 (3) \$653,639,000 from the Trust Fund, to-
8 gether with \$21,413,000 from the General Fund of
9 the Treasury, is for grants to States in accordance
10 with section 6 of the Wagner-Peyser Act, and shall
11 be available for Federal obligation for the period
12 July 1, 2022 through June 30, 2023;

13 (4) \$25,000,000 from the Trust Fund is for na-
14 tional activities of the Employment Service, includ-
15 ing administration of the work opportunity tax cred-
16 it under section 51 of the Internal Revenue Code of
17 1986 (including assisting States in adopting or mod-
18 ernizing information technology for use in the proc-
19 essing of certification requests), and the provision of
20 technical assistance and staff training under the
21 Wagner-Peyser Act;

22 (5) \$79,810,000 from the Trust Fund is for the
23 administration of foreign labor certifications and re-
24 lated activities under the Immigration and Nation-
25 ality Act and related laws, of which \$58,528,000

1 shall be available for the Federal administration of
2 such activities, and \$21,282,000 shall be available
3 for grants to States for the administration of such
4 activities; and

5 (6) \$62,653,000 from the General Fund is to
6 provide workforce information, national electronic
7 tools, and one-stop system building under the Wag-
8 ner-Peyser Act and shall be available for Federal ob-
9 ligation for the period July 1, 2022 through June
10 30, 2023, of which up to \$9,800,000 may be used
11 to carry out research and demonstration projects re-
12 lated to testing effective ways to promote greater
13 labor force participation of people with disabilities:
14 *Provided*, That the Secretary may transfer amounts
15 made available for research and demonstration
16 projects under this paragraph to the “Office of Dis-
17 ability Employment Policy” account for such pur-
18 poses:

19 *Provided*, That to the extent that the Average Weekly In-
20 sured Unemployment (“AWIU”) for fiscal year 2022 is
21 projected by the Department of Labor to exceed
22 2,208,000, an additional \$28,600,000 from the Trust
23 Fund shall be available for obligation for every 100,000
24 increase in the AWIU level (including a pro rata amount
25 for any increment less than 100,000) to carry out title

1 III of the Social Security Act: *Provided further*, That
2 funds appropriated in this Act that are allotted to a State
3 to carry out activities under title III of the Social Security
4 Act may be used by such State to assist other States in
5 carrying out activities under such title III if the other
6 States include areas that have suffered a major disaster
7 declared by the President under the Robert T. Stafford
8 Disaster Relief and Emergency Assistance Act: *Provided*
9 *further*, That the Secretary may use funds appropriated
10 for grants to States under title III of the Social Security
11 Act to make payments on behalf of States for the use of
12 the National Directory of New Hires under section
13 453(j)(8) of such Act: *Provided further*, That the Sec-
14 retary may use funds appropriated for grants to States
15 under title III of the Social Security Act to make pay-
16 ments on behalf of States to the entity operating the State
17 Information Data Exchange System: *Provided further*,
18 That funds appropriated in this Act which are used to es-
19 tablish a national one-stop career center system, or which
20 are used to support the national activities of the Federal-
21 State unemployment insurance, employment service, or
22 immigration programs, may be obligated in contracts,
23 grants, or agreements with States and non-State entities:
24 *Provided further*, That States awarded competitive grants
25 for improved operations under title III of the Social Secu-

1 rity Act, or awarded grants to support the national activi-
2 ties of the Federal-State unemployment insurance system,
3 may award subgrants to other States and non-State enti-
4 ties under such grants, subject to the conditions applicable
5 to the grants: *Provided further*, That funds appropriated
6 under this Act for activities authorized under title III of
7 the Social Security Act and the Wagner-Peyser Act may
8 be used by States to fund integrated Unemployment In-
9 surance and Employment Service automation efforts, not-
10 withstanding cost allocation principles prescribed under
11 the final rule entitled “Uniform Administrative Require-
12 ments, Cost Principles, and Audit Requirements for Fed-
13 eral Awards” at part 200 of title 2, Code of Federal Regu-
14 lations: *Provided further*, That the Secretary, at the re-
15 quest of a State participating in a consortium with other
16 States, may reallocate funds allotted to such State under title
17 III of the Social Security Act to other States participating
18 in the consortium or to the entity operating the Unemploy-
19 ment Insurance Information Technology Support Center
20 in order to carry out activities that benefit the administra-
21 tion of the unemployment compensation law of the State
22 making the request: *Provided further*, That the Secretary
23 may collect fees for the costs associated with additional
24 data collection, analyses, and reporting services relating
25 to the National Agricultural Workers Survey requested by

1 tive expenses in excess of \$472,955,000: *Provided further,*
2 That to the extent that the number of new plan partici-
3 pants in plans terminated by the Corporation exceeds
4 100,000 in fiscal year 2022, an amount not to exceed an
5 additional \$9,200,000 shall be available through Sep-
6 tember 30, 2026, for obligations for administrative ex-
7 penses for every 20,000 additional terminated partici-
8 pants: *Provided further,* That obligations in excess of the
9 amounts provided for administrative expenses in this para-
10 graph may be incurred and shall be available through Sep-
11 tember 30, 2026 for obligation for unforeseen and extraor-
12 dinary pre-termination or termination expenses or extraor-
13 dinary multiemployer program related expenses after ap-
14 proval by the Office of Management and Budget and noti-
15 fication of the Committees on Appropriations of the House
16 of Representatives and the Senate: *Provided further,* That
17 an additional amount shall be available for obligation
18 through September 30, 2026 to the extent the Corpora-
19 tion's costs exceed \$250,000 for the provision of credit or
20 identity monitoring to affected individuals upon suffering
21 a security incident or privacy breach, not to exceed an ad-
22 ditional \$100 per affected individual.

1 WAGE AND HOUR DIVISION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Wage and Hour Divi-
4 sion, including reimbursement to State, Federal, and local
5 agencies and their employees for inspection services ren-
6 dered, \$251,000,000.

7 OFFICE OF LABOR-MANAGEMENT STANDARDS

8 SALARIES AND EXPENSES

9 For necessary expenses for the Office of Labor-Man-
10 agement Standards, \$45,937,000.

11 OFFICE OF FEDERAL CONTRACT COMPLIANCE

12 PROGRAMS

13 SALARIES AND EXPENSES

14 For necessary expenses for the Office of Federal Con-
15 tract Compliance Programs, \$108,476,000.

16 OFFICE OF WORKERS' COMPENSATION PROGRAMS

17 SALARIES AND EXPENSES

18 For necessary expenses for the Office of Workers'
19 Compensation Programs, \$117,924,000, together with
20 \$2,205,000 which may be expended from the Special Fund
21 in accordance with sections 39(c), 44(d), and 44(j) of the
22 Longshore and Harbor Workers' Compensation Act.

1 SPECIAL BENEFITS

2 (INCLUDING TRANSFER OF FUNDS)

3 For the payment of compensation, benefits, and ex-
4 penses (except administrative expenses not otherwise au-
5 thorized) accruing during the current or any prior fiscal
6 year authorized by 5 U.S.C. 81; continuation of benefits
7 as provided for under the heading "Civilian War Benefits"
8 in the Federal Security Agency Appropriation Act, 1947;
9 the Employees' Compensation Commission Appropriation
10 Act, 1944; section 5(f) of the War Claims Act (50 U.S.C.
11 App. 2012); obligations incurred under the War Hazards
12 Compensation Act (42 U.S.C. 1701 et seq.); and 50 per-
13 cent of the additional compensation and benefits required
14 by section 10(h) of the Longshore and Harbor Workers'
15 Compensation Act, \$244,000,000, together with such
16 amounts as may be necessary to be charged to the subse-
17 quent year appropriation for the payment of compensation
18 and other benefits for any period subsequent to August
19 15 of the current year, for deposit into and to assume
20 the attributes of the Employees' Compensation Fund es-
21 tablished under 5 U.S.C. 8147(a): *Provided*, That
22 amounts appropriated may be used under 5 U.S.C. 8104
23 by the Secretary to reimburse an employer, who is not the
24 employer at the time of injury, for portions of the salary
25 of a re-employed, disabled beneficiary: *Provided further*,

1 That balances of reimbursements unobligated on Sep-
2 tember 30, 2021, shall remain available until expended for
3 the payment of compensation, benefits, and expenses: *Pro-*
4 *vided further*, That in addition there shall be transferred
5 to this appropriation from the Postal Service and from
6 any other corporation or instrumentality required under
7 5 U.S.C. 8147(c) to pay an amount for its fair share of
8 the cost of administration, such sums as the Secretary de-
9 termines to be the cost of administration for employees
10 of such fair share entities through September 30, 2022:
11 *Provided further*, That of those funds transferred to this
12 account from the fair share entities to pay the cost of ad-
13 ministration of the Federal Employees' Compensation Act,
14 \$80,920,000 shall be made available to the Secretary as
15 follows:

16 (1) For enhancement and maintenance of auto-
17 mated data processing systems operations and tele-
18 communications systems, \$27,445,000;

19 (2) For automated workload processing oper-
20 ations, including document imaging, centralized mail
21 intake, and medical bill processing, \$25,859,000;

22 (3) For periodic roll disability management and
23 medical review, \$25,860,000;

24 (4) For program integrity, \$1,756,000; and

1 (5) The remaining funds shall be paid into the
2 Treasury as miscellaneous receipts:

3 *Provided further*, That the Secretary may require that any
4 person filing a notice of injury or a claim for benefits
5 under 5 U.S.C. 81, or the Longshore and Harbor Work-
6 ers' Compensation Act, provide as part of such notice and
7 claim, such identifying information (including Social Secu-
8 rity account number) as such regulations may prescribe.

9 SPECIAL BENEFITS FOR DISABLED COAL MINERS

10 For carrying out title IV of the Federal Mine Safety
11 and Health Act of 1977, as amended by Public Law 107-
12 275, \$32,970,000, to remain available until expended.

13 For making after July 31 of the current fiscal year,
14 benefit payments to individuals under title IV of such Act,
15 for costs incurred in the current fiscal year, such amounts
16 as may be necessary.

17 For making benefit payments under title IV for the
18 first quarter of fiscal year 2023, \$11,000,000, to remain
19 available until expended.

20 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

21 OCCUPATIONAL ILLNESS COMPENSATION FUND

22 For necessary expenses to administer the Energy
23 Employees Occupational Illness Compensation Program
24 Act, \$63,428,000, to remain available until expended: *Pro-*
25 *vided*, That the Secretary may require that any person fil-

1 ing a claim for benefits under the Act provide as part of
2 such claim such identifying information (including Social
3 Security account number) as may be prescribed.

4 BLACK LUNG DISABILITY TRUST FUND
5 (INCLUDING TRANSFER OF FUNDS)

6 Such sums as may be necessary from the Black Lung
7 Disability Trust Fund (the “Fund”), to remain available
8 until expended, for payment of all benefits authorized by
9 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
10 enue Code of 1986; and repayment of, and payment of
11 interest on advances, as authorized by section 9501(d)(4)
12 of that Act. In addition, the following amounts may be
13 expended from the Fund for fiscal year 2022 for expenses
14 of operation and administration of the Black Lung Bene-
15 fits program, as authorized by section 9501(d)(5): not to
16 exceed \$41,464,000 for transfer to the Office of Workers’
17 Compensation Programs, “Salaries and Expenses”; not to
18 exceed \$37,598,000 for transfer to Departmental Manage-
19 ment, “Salaries and Expenses”; not to exceed \$342,000
20 for transfer to Departmental Management, “Office of In-
21 spector General”; and not to exceed \$356,000 for pay-
22 ments into miscellaneous receipts for the expenses of the
23 Department of the Treasury.

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 For necessary expenses for the Occupational Safety
4 and Health Administration, \$612,015,000, including not
5 to exceed \$113,000,000 which shall be the maximum
6 amount available for grants to States under section 23(g)
7 of the Occupational Safety and Health Act (the “Act”),
8 which grants shall be no less than 50 percent of the costs
9 of State occupational safety and health programs required
10 to be incurred under plans approved by the Secretary
11 under section 18 of the Act; and, in addition, notwith-
12 standing 31 U.S.C. 3302, the Occupational Safety and
13 Health Administration may retain up to \$499,000 per fis-
14 cal year of training institute course tuition and fees, other-
15 wise authorized by law to be collected, and may utilize
16 such sums for occupational safety and health training and
17 education: *Provided*, That notwithstanding 31 U.S.C.
18 3302, the Secretary is authorized, during the fiscal year
19 ending September 30, 2022, to collect and retain fees for
20 services provided to Nationally Recognized Testing Lab-
21 oratories, and may utilize such sums, in accordance with
22 the provisions of 29 U.S.C. 9a, to administer national and
23 international laboratory recognition programs that ensure
24 the safety of equipment and products used by workers in
25 the workplace: *Provided further*, That none of the funds

1 appropriated under this paragraph shall be obligated or
2 expended to prescribe, issue, administer, or enforce any
3 standard, rule, regulation, or order under the Act which
4 is applicable to any person who is engaged in a farming
5 operation which does not maintain a temporary labor
6 camp and employs 10 or fewer employees: *Provided fur-*
7 *ther*, That no funds appropriated under this paragraph
8 shall be obligated or expended to administer or enforce
9 any standard, rule, regulation, or order under the Act with
10 respect to any employer of 10 or fewer employees who is
11 included within a category having a Days Away, Re-
12 stricted, or Transferred (“DART”) occupational injury
13 and illness rate, at the most precise industrial classifica-
14 tion code for which such data are published, less than the
15 national average rate as such rates are most recently pub-
16 lished by the Secretary, acting through the Bureau of
17 Labor Statistics, in accordance with section 24 of the Act,
18 except—

19 (1) to provide, as authorized by the Act, con-
20 sultation, technical assistance, educational and train-
21 ing services, and to conduct surveys and studies;

22 (2) to conduct an inspection or investigation in
23 response to an employee complaint, to issue a cita-
24 tion for violations found during such inspection, and
25 to assess a penalty for violations which are not cor-

1 rected within a reasonable abatement period and for
2 any willful violations found;

3 (3) to take any action authorized by the Act
4 with respect to imminent dangers;

5 (4) to take any action authorized by the Act
6 with respect to health hazards;

7 (5) to take any action authorized by the Act
8 with respect to a report of an employment accident
9 which is fatal to one or more employees or which re-
10 sults in hospitalization of two or more employees,
11 and to take any action pursuant to such investiga-
12 tion authorized by the Act; and

13 (6) to take any action authorized by the Act
14 with respect to complaints of discrimination against
15 employees for exercising rights under the Act:

16 *Provided further*, That the foregoing proviso shall not
17 apply to any person who is engaged in a farming operation
18 which does not maintain a temporary labor camp and em-
19 ploys 10 or fewer employees: *Provided further*, That
20 \$11,787,000 shall be available for Susan Harwood train-
21 ing grants, of which not more than \$6,500,000 is for
22 Susan Harwood Training Capacity Building Develop-
23 mental grants, for program activities starting not later
24 than September 30, 2022 and lasting for a period of 12

1 months: *Provided further*, That not less than \$3,500,000
2 shall be for Voluntary Protection Programs.

3 MINE SAFETY AND HEALTH ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Mine Safety and
6 Health Administration, \$383,816,000, including purchase
7 and bestowal of certificates and trophies in connection
8 with mine rescue and first-aid work, and the hire of pas-
9 senger motor vehicles, including up to \$2,000,000 for
10 mine rescue and recovery activities and not less than
11 \$10,537,000 for State assistance grants: *Provided*, That
12 notwithstanding 31 U.S.C. 3302, not to exceed \$750,000
13 may be collected by the National Mine Health and Safety
14 Academy for room, board, tuition, and the sale of training
15 materials, otherwise authorized by law to be collected, to
16 be available for mine safety and health education and
17 training activities: *Provided further*, That notwithstanding
18 31 U.S.C. 3302, the Mine Safety and Health Administra-
19 tion is authorized to collect and retain up to \$2,499,000
20 from fees collected for the approval and certification of
21 equipment, materials, and explosives for use in mines, and
22 may utilize such sums for such activities: *Provided further*,
23 That the Secretary is authorized to accept lands, build-
24 ings, equipment, and other contributions from public and
25 private sources and to prosecute projects in cooperation

1 with other agencies, Federal, State, or private: *Provided*
2 *further*, That the Mine Safety and Health Administration
3 is authorized to promote health and safety education and
4 training in the mining community through cooperative
5 programs with States, industry, and safety associations:
6 *Provided further*, That the Secretary is authorized to rec-
7 ognize the Joseph A. Holmes Safety Association as a prin-
8 cipal safety association and, notwithstanding any other
9 provision of law, may provide funds and, with or without
10 reimbursement, personnel, including service of Mine Safe-
11 ty and Health Administration officials as officers in local
12 chapters or in the national organization: *Provided further*,
13 That any funds available to the Department of Labor may
14 be used, with the approval of the Secretary, to provide
15 for the costs of mine rescue and survival operations in the
16 event of a major disaster.

17 BUREAU OF LABOR STATISTICS

18 SALARIES AND EXPENSES

19 For necessary expenses for the Bureau of Labor Sta-
20 tistics, including advances or reimbursements to State,
21 Federal, and local agencies and their employees for serv-
22 ices rendered, \$619,952,000, together with not to exceed
23 \$68,000,000 which may be expended from the Employ-
24 ment Security Administration account in the Unemploy-
25 ment Trust Fund.

1 Within this amount, \$28,470,000 for costs associated
2 with the physical move of the Bureau of Labor Statistics'
3 headquarters, including replication of space, furniture, fix-
4 tures, equipment, and related costs shall remain available
5 until September 30, 2026.

6 OFFICE OF DISABILITY EMPLOYMENT POLICY

7 SALARIES AND EXPENSES

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses for the Office of Disability
10 Employment Policy to provide leadership, develop policy
11 and initiatives, and award grants furthering the objective
12 of eliminating barriers to the training and employment of
13 people with disabilities, \$40,500,000, of which not less
14 than \$9,000,000 shall be for research and demonstration
15 projects related to testing effective ways to promote great-
16 er labor force participation of people with disabilities: *Pro-*
17 *vided*, That the Secretary may transfer amounts made
18 available under this heading for research and demonstra-
19 tion projects to the "State Unemployment Insurance and
20 Employment Service Operations" account for such pur-
21 poses.

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for Departmental Manage-
5 ment, including the hire of three passenger motor vehicles,
6 \$367,389,000, together with not to exceed \$308,000,
7 which may be expended from the Employment Security
8 Administration account in the Unemployment Trust
9 Fund: *Provided*, That \$74,525,000 for the Bureau of
10 International Labor Affairs shall be available for obliga-
11 tion through December 31, 2022: *Provided further*, That
12 funds available to the Bureau of International Labor Af-
13 fairs may be used to administer or operate international
14 labor activities, bilateral and multilateral technical assist-
15 ance, and microfinance programs, by or through contracts,
16 grants, subgrants and other arrangements: *Provided fur-*
17 *ther*, That not less than \$30,175,000 shall be for programs
18 to combat exploitative child labor internationally and not
19 less than \$30,175,000 shall be used to implement model
20 programs that address worker rights issues through tech-
21 nical assistance in countries with which the United States
22 has free trade agreements or trade preference programs:
23 *Provided further*, That \$8,281,000 shall be used for pro-
24 gram evaluation and shall be available for obligation
25 through September 30, 2023: *Provided further*, That

1 funds available for program evaluation may be used to ad-
2 minister grants for the purpose of evaluation: *Provided*
3 *further*, That grants made for the purpose of evaluation
4 shall be awarded through fair and open competition: *Pro-*
5 *vided further*, That funds available for program evaluation
6 may be transferred to any other appropriate account in
7 the Department for such purpose: *Provided further*, That
8 the Committees on Appropriations of the House of Rep-
9 resentatives and the Senate are notified at least 15 days
10 in advance of any transfer: *Provided further*, That the
11 funds available to the Women's Bureau may be used for
12 grants to serve and promote the interests of women in the
13 workforce: *Provided further*, That of the amounts made
14 available to the Women's Bureau, not less than
15 \$2,500,000 shall be used for grants authorized by the
16 Women in Apprenticeship and Nontraditional Occupations
17 Act.

18 VETERANS' EMPLOYMENT AND TRAINING

19 Not to exceed \$264,841,000 may be derived from the
20 Employment Security Administration account in the Un-
21 employment Trust Fund to carry out the provisions of
22 chapters 41, 42, and 43 of title 38, United States Code,
23 of which—

24 (1) \$183,000,000 is for Jobs for Veterans State
25 grants under 38 U.S.C. 4102A(b)(5) to support dis-

1 abled veterans' outreach program specialists under
2 section 4103A of such title and local veterans' em-
3 ployment representatives under section 4104(b) of
4 such title, and for the expenses described in section
5 4102A(b)(5)(C), which shall be available for expend-
6 iture by the States through September 30, 2024,
7 and not to exceed 3 percent for the necessary Fed-
8 eral expenditures for data systems and contract sup-
9 port to allow for the tracking of participant and per-
10 formance information: *Provided*, That, in addition,
11 such funds may be used to support such specialists
12 and representatives in the provision of services to
13 transitioning members of the Armed Forces who
14 have participated in the Transition Assistance Pro-
15 gram and have been identified as in need of inten-
16 sive services, to members of the Armed Forces who
17 are wounded, ill, or injured and receiving treatment
18 in military treatment facilities or warrior transition
19 units, and to the spouses or other family caregivers
20 of such wounded, ill, or injured members;

21 (2) \$32,379,000 is for carrying out the Transi-
22 tion Assistance Program under 38 U.S.C. 4113 and
23 10 U.S.C. 1144;

24 (3) \$46,048,000 is for Federal administration
25 of chapters 41, 42, and 43 of title 38, and sections

1 2021, 2021A and 2023 of title 38, United States
2 Code: *Provided*, That, up to \$500,000 may be used
3 to carry out the Hire VETS Act (division O of Pub-
4 lic Law 115–31); and

5 (4) \$3,414,000 is for the National Veterans’
6 Employment and Training Services Institute under
7 38 U.S.C. 4109:

8 *Provided*, That the Secretary may reallocate among the
9 appropriations provided under paragraphs (1) through (4)
10 above an amount not to exceed 3 percent of the appropria-
11 tion from which such reallocation is made.

12 In addition, from the General Fund of the Treasury,
13 \$60,500,000 is for carrying out programs to assist home-
14 less veterans and veterans at risk of homelessness who are
15 transitioning from certain institutions under sections
16 2021, 2021A, and 2023 of title 38, United States Code:
17 *Provided*, That notwithstanding subsections (c)(3) and (d)
18 of section 2023, the Secretary may award grants through
19 September 30, 2022, to provide services under such sec-
20 tion: *Provided further*, That services provided under sec-
21 tions 2021 or under 2021A may include, in addition to
22 services to homeless veterans described in section
23 2002(a)(1), services to veterans who were homeless at
24 some point within the 60 days prior to program entry or
25 veterans who are at risk of homelessness within the next

1 60 days, and that services provided under section 2023
2 may include, in addition to services to the individuals de-
3 scribed in subsection (e) of such section, services to vet-
4 erans recently released from incarceration who are at risk
5 of homelessness: *Provided further*, That notwithstanding
6 paragraph (3) under this heading, funds appropriated in
7 this paragraph may be used for data systems and contract
8 support to allow for the tracking of participant and per-
9 formance information: *Provided further*, That notwith-
10 standing sections 2021(e)(2) and 2021A(f)(2) of title 38,
11 United States Code, such funds shall be available for ex-
12 penditure pursuant to 31 U.S.C. 1553.

13 In addition, fees may be assessed and deposited in
14 the HIRE Vets Medallion Award Fund pursuant to sec-
15 tion 5(b) of the HIRE Vets Act, and such amounts shall
16 be available to the Secretary to carry out the HIRE Vets
17 Medallion Award Program, as authorized by such Act, and
18 shall remain available until expended: *Provided*, That such
19 sums shall be in addition to any other funds available for
20 such purposes, including funds available under paragraph
21 (3) of this heading: *Provided further*, That section 2(d)
22 of division O of the Consolidated Appropriations Act, 2017
23 (Public Law 115–31; 38 U.S.C. 4100 note) shall not
24 apply.

1 IT MODERNIZATION

2 For necessary expenses for Department of Labor cen-
3 tralized infrastructure technology investment activities re-
4 lated to support systems and modernization, \$28,269,000,
5 which shall be available through September 30, 2023.

6 OFFICE OF INSPECTOR GENERAL

7 For salaries and expenses of the Office of Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, \$85,187,000, together with not to
10 exceed \$5,660,000 which may be expended from the Em-
11 ployment Security Administration account in the Unem-
12 ployment Trust Fund.

13 GENERAL PROVISIONS

14 SEC. 101. None of the funds appropriated by this Act
15 for the Job Corps shall be used to pay the salary and bo-
16 nuses of an individual, either as direct costs or any prora-
17 tion as an indirect cost, at a rate in excess of Executive
18 Level II.

19 (TRANSFER OF FUNDS)

20 SEC. 102. Not to exceed 1 percent of any discre-
21 tionary funds (pursuant to the Balanced Budget and
22 Emergency Deficit Control Act of 1985) which are appro-
23 priated for the current fiscal year for the Department of
24 Labor in this Act may be transferred between a program,
25 project, or activity, but no such program, project, or activ-

1 ity shall be increased by more than 3 percent by any such
2 transfer: *Provided*, That the transfer authority granted by
3 this section shall not be used to create any new program
4 or to fund any project or activity for which no funds are
5 provided in this Act: *Provided further*, That the Commit-
6 tees on Appropriations of the House of Representatives
7 and the Senate are notified at least 15 days in advance
8 of any transfer.

9 SEC. 103. In accordance with Executive Order
10 13126, none of the funds appropriated or otherwise made
11 available pursuant to this Act shall be obligated or ex-
12 pended for the procurement of goods mined, produced,
13 manufactured, or harvested or services rendered, in whole
14 or in part, by forced or indentured child labor in industries
15 and host countries already identified by the United States
16 Department of Labor prior to enactment of this Act.

17 SEC. 104. Except as otherwise provided in this sec-
18 tion, none of the funds made available to the Department
19 of Labor for grants under section 414(c) of the American
20 Competitiveness and Workforce Improvement Act of 1998
21 (29 U.S.C. 2916a) may be used for any purpose other
22 than competitive grants for training individuals who are
23 older than 16 years of age and are not currently enrolled
24 in school within a local educational agency in the occupa-
25 tions and industries for which employers are using H-1B

1 determined that those services will be more efficiently per-
2 formed by Federal employees: *Provided*, That this section
3 shall not apply to section 171 of the WIOA.

4 (b) Notwithstanding section 102, the Secretary may
5 transfer not more than 0.5 percent of each discretionary
6 appropriation made available to the Employment and
7 Training Administration by this Act to “Program Admin-
8 istration” in order to carry out program integrity activities
9 relating to any of the programs or activities that are fund-
10 ed under any such discretionary appropriations: *Provided*,
11 That notwithstanding section 102 and the preceding pro-
12 viso, the Secretary may transfer not more than 0.5 percent
13 of funds made available in paragraphs (1) and (2) of the
14 “Office of Job Corps” account to paragraph (3) of such
15 account to carry out program integrity activities related
16 to the Job Corps program: *Provided further*, That funds
17 transferred under this subsection shall be available to the
18 Secretary to carry out program integrity activities directly
19 or through grants, cooperative agreements, contracts and
20 other arrangements with States and other appropriate en-
21 tities: *Provided further*, That funds transferred under the
22 authority provided by this subsection shall be available for
23 obligation through September 30, 2023.

1 (TRANSFER OF FUNDS)

2 SEC. 107. (a) The Secretary may reserve not more
3 than 0.75 percent from each appropriation made available
4 in this Act identified in subsection (b) in order to carry
5 out evaluations of any of the programs or activities that
6 are funded under such accounts. Any funds reserved under
7 this section shall be transferred to “Departmental Man-
8 agement” for use by the Office of the Chief Evaluation
9 Officer within the Department of Labor, and shall be
10 available for obligation through September 30, 2023: *Pro-*
11 *vided*, That such funds shall only be available if the Chief
12 Evaluation Officer of the Department of Labor submits
13 a plan to the Committees on Appropriations of the House
14 of Representatives and the Senate describing the evalua-
15 tions to be carried out 15 days in advance of any transfer.

16 (b) The accounts referred to in subsection (a) are:
17 “Training and Employment Services”, “Job Corps”,
18 “Community Service Employment for Older Americans”,
19 “State Unemployment Insurance and Employment Service
20 Operations”, “Employee Benefits Security Administra-
21 tion”, “Office of Workers’ Compensation Programs”,
22 “Wage and Hour Division”, “Office of Federal Contract
23 Compliance Programs”, “Office of Labor Management
24 Standards”, “Occupational Safety and Health Adminis-
25 tration”, “Mine Safety and Health Administration”, “Of-

1 fice of Disability Employment Policy”, funding made
2 available to the “Bureau of International Labor Affairs”
3 and “Women’s Bureau” within the “Departmental Man-
4 agement, Salaries and Expenses” account, and “Veterans’
5 Employment and Training”.

6 SEC. 108. (a) Section 7 of the Fair Labor Standards
7 Act of 1938 (29 U.S.C. 207) shall be applied as if the
8 following text is part of such section:

9 “(s)(1) The provisions of this section shall not apply
10 for a period of 2 years after the occurrence of a major
11 disaster to any employee—

12 “(A) employed to adjust or evaluate claims
13 resulting from or relating to such major dis-
14 aster, by an employer not engaged, directly or
15 through an affiliate, in underwriting, selling, or
16 marketing property, casualty, or liability insur-
17 ance policies or contracts;

18 “(B) who receives from such employer on
19 average weekly compensation of not less than
20 \$591.00 per week or any minimum weekly
21 amount established by the Secretary, whichever
22 is greater, for the number of weeks such em-
23 ployee is engaged in any of the activities de-
24 scribed in subparagraph (C); and

1 “(C) whose duties include any of the fol-
2 lowing:

3 “(i) interviewing insured individuals,
4 individuals who suffered injuries or other
5 damages or losses arising from or relating
6 to a disaster, witnesses, or physicians;

7 “(ii) inspecting property damage or
8 reviewing factual information to prepare
9 damage estimates;

10 “(iii) evaluating and making rec-
11 ommendations regarding coverage or com-
12 pensability of claims or determining liabil-
13 ity or value aspects of claims;

14 “(iv) negotiating settlements; or

15 “(v) making recommendations regard-
16 ing litigation.

17 “(2) The exemption in this subsection shall not
18 affect the exemption provided by section 13(a)(1).

19 “(3) For purposes of this subsection—

20 “(A) the term ‘major disaster’ means any
21 disaster or catastrophe declared or designated
22 by any State or Federal agency or department;

23 “(B) the term ‘employee employed to ad-
24 just or evaluate claims resulting from or relat-
25 ing to such major disaster’ means an individual

1 who timely secured or secures a license required
2 by applicable law to engage in and perform the
3 activities described in clauses (i) through (v) of
4 paragraph (1)(C) relating to a major disaster,
5 and is employed by an employer that maintains
6 worker compensation insurance coverage or pro-
7 tection for its employees, if required by applica-
8 ble law, and withholds applicable Federal,
9 State, and local income and payroll taxes from
10 the wages, salaries and any benefits of such em-
11 ployees; and

12 “(C) the term ‘affiliate’ means a company
13 that, by reason of ownership or control of 25
14 percent or more of the outstanding shares of
15 any class of voting securities of one or more
16 companies, directly or indirectly, controls, is
17 controlled by, or is under common control with,
18 another company.”.

19 (b) This section shall be effective on the date of en-
20 actment of this Act.

21 SEC. 109. (a) FLEXIBILITY WITH RESPECT TO THE
22 CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE
23 SEAFOOD INDUSTRY.—

24 (1) IN GENERAL.—Subject to paragraph (2), if
25 a petition for H-2B nonimmigrants filed by an em-

1 employer in the seafood industry is granted, the em-
2 ployer may bring the nonimmigrants described in
3 the petition into the United States at any time dur-
4 ing the 120-day period beginning on the start date
5 for which the employer is seeking the services of the
6 nonimmigrants without filing another petition.

7 (2) REQUIREMENTS FOR CROSSINGS AFTER
8 90TH DAY.—An employer in the seafood industry
9 may not bring H–2B nonimmigrants into the United
10 States after the date that is 90 days after the start
11 date for which the employer is seeking the services
12 of the nonimmigrants unless the employer—

13 (A) completes a new assessment of the
14 local labor market by—

15 (i) listing job orders in local news-
16 papers on 2 separate Sundays; and

17 (ii) posting the job opportunity on the
18 appropriate Department of Labor Elec-
19 tronic Job Registry and at the employer’s
20 place of employment; and

21 (B) offers the job to an equally or better
22 qualified United States worker who—

23 (i) applies for the job; and

24 (ii) will be available at the time and
25 place of need.

1 (3) EXEMPTION FROM RULES WITH RESPECT
2 TO STAGGERING.—The Secretary of Labor shall not
3 consider an employer in the seafood industry who
4 brings H–2B nonimmigrants into the United States
5 during the 120-day period specified in paragraph (1)
6 to be staggering the date of need in violation of sec-
7 tion 655.20(d) of title 20, Code of Federal Regula-
8 tions, or any other applicable provision of law.

9 (b) H–2B NONIMMIGRANTS DEFINED.—In this sec-
10 tion, the term “H–2B nonimmigrants” means aliens ad-
11 mitted to the United States pursuant to section
12 101(a)(15)(H)(ii)(B) of the Immigration and Nationality
13 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

14 SEC. 110. The determination of prevailing wage for
15 the purposes of the H–2B program shall be the greater
16 of—(1) the actual wage level paid by the employer to other
17 employees with similar experience and qualifications for
18 such position in the same location; or (2) the prevailing
19 wage level for the occupational classification of the posi-
20 tion in the geographic area in which the H–2B non-
21 immigrant will be employed, based on the best information
22 available at the time of filing the petition. In the deter-
23 mination of prevailing wage for the purposes of the H–
24 2B program, the Secretary shall accept private wage sur-
25 veys even in instances where Occupational Employment

1 Statistics survey data are available unless the Secretary
2 determines that the methodology and data in the provided
3 survey are not statistically supported.

4 SEC. 111. None of the funds in this Act shall be used
5 to enforce the definition of corresponding employment
6 found in 20 CFR 655.5 or the three-fourths guarantee
7 rule definition found in 20 CFR 655.20, or any references
8 thereto. Further, for the purpose of regulating admission
9 of temporary workers under the H-2B program, the defi-
10 nition of temporary need shall be that provided in 8 CFR
11 214.2(h)(6)(ii)(B).

12 SEC. 112. Notwithstanding any other provision of
13 law, the Secretary may furnish through grants, coopera-
14 tive agreements, contracts, and other arrangements, up to
15 \$2,000,000 of excess personal property, at a value deter-
16 mined by the Secretary, to apprenticeship programs for
17 the purpose of training apprentices in those programs.

18 SEC. 113. (a) The Act entitled “An Act to create a
19 Department of Labor”, approved March 4, 1913 (37 Stat.
20 736, chapter 141) shall be applied as if the following text
21 is part of such Act:

22 **“SEC. 12. SECURITY DETAIL.**

23 “(a) IN GENERAL.—The Secretary of Labor is au-
24 thorized to employ law enforcement officers or special
25 agents to—

1 “(1) provide protection for the Secretary of
2 Labor during the workday of the Secretary and dur-
3 ing any activity that is preliminary or postliminary
4 to the performance of official duties by the Sec-
5 retary;

6 “(2) provide protection, incidental to the protec-
7 tion provided to the Secretary, to a member of the
8 immediate family of the Secretary who is partici-
9 pating in an activity or event relating to the official
10 duties of the Secretary;

11 “(3) provide continuous protection to the Sec-
12 retary (including during periods not described in
13 paragraph (1)) and to the members of the imme-
14 diate family of the Secretary if there is a unique and
15 articulable threat of physical harm, in accordance
16 with guidelines established by the Secretary; and

17 “(4) provide protection to the Deputy Secretary
18 of Labor or another senior officer representing the
19 Secretary of Labor at a public event if there is a
20 unique and articulable threat of physical harm, in
21 accordance with guidelines established by the Sec-
22 retary.

23 “(b) AUTHORITIES.—The Secretary of Labor may
24 authorize a law enforcement officer or special agent em-

1 ployed under subsection (a), for the purpose of performing
2 the duties authorized under subsection (a), to—

3 “(1) carry firearms;

4 “(2) make arrests without a warrant for any of-
5 fense against the United States committed in the
6 presence of such officer or special agent;

7 “(3) perform protective intelligence work, in-
8 cluding identifying and mitigating potential threats
9 and conducting advance work to review security mat-
10 ters relating to sites and events;

11 “(4) coordinate with local law enforcement
12 agencies; and

13 “(5) initiate criminal and other investigations
14 into potential threats to the security of the Sec-
15 retary, in coordination with the Inspector General of
16 the Department of Labor.

17 “(c) COMPLIANCE WITH GUIDELINES.—A law en-
18 forcement officer or special agent employed under sub-
19 section (a) shall exercise any authority provided under this
20 section in accordance with any—

21 “(1) guidelines issued by the Attorney General;
22 and

23 “(2) guidelines prescribed by the Secretary of
24 Labor.”.

1 (b) This section shall be effective on the date of en-
2 actment of this Act.

3 SEC. 114. The Secretary is authorized to dispose of
4 or divest, by any means the Secretary determines appro-
5 priate, including an agreement or partnership to construct
6 a new Job Corps center, all or a portion of the real prop-
7 erty on which the Treasure Island Job Corps Center is
8 situated. Any sale or other disposition will not be subject
9 to any requirement of any Federal law or regulation relat-
10 ing to the disposition of Federal real property, including
11 but not limited to subchapter III of chapter 5 of title 40
12 of the United States Code and subchapter V of chapter
13 119 of title 42 of the United States Code. The net pro-
14 ceeds of such a sale shall be transferred to the Secretary,
15 which shall be available until expended to carry out the
16 Job Corps Program on Treasure Island.

17 SEC. 115. None of the funds made available by this
18 Act may be used to—

19 (1) alter or terminate the Interagency Agree-
20 ment between the United States Department of
21 Labor and the United States Department of Agri-
22 culture; or

23 (2) close any of the Civilian Conservation Cen-
24 ters, except if such closure is necessary to prevent
25 the endangerment of the health and safety of the

1 students, the capacity of the program is retained,
2 and the requirements of section 159(j) of the WIOA
3 are met.

4 SEC. 116. The paragraph under the heading “Work-
5 ing Capital Fund” in the Department of Labor Appropria-
6 tions Act, 1958, Public Law 85–67, 71 Stat. 210, as
7 amended, is further amended by striking the third proviso
8 and inserting in lieu thereof “That the Secretary of Labor
9 may transfer to the Working Capital Fund, to remain
10 available for obligation for five fiscal years after the fiscal
11 year of such transfer, annually an amount not to exceed
12 \$9,000,000 from unobligated balances in the Depart-
13 ment’s salaries and expenses accounts made available in
14 Public Laws 115–245, 116–94, or 116–260, and annually
15 an amount not to exceed \$9,000,000 from unobligated bal-
16 ances in the Department’s discretionary grants accounts
17 made available in Public Laws 115–245, 116–94, 116–
18 260, for the acquisition of capital equipment and the im-
19 provement of financial management, information tech-
20 nology, infrastructure technology investment activities re-
21 lated to support systems and modernization, and other
22 support systems: *Provided further*, That the Secretary of
23 Labor may transfer to the Working Capital Fund, to re-
24 main available for obligation for five fiscal years after the
25 fiscal year of such transfer, annually an amount not to

1 exceed \$18,000,000 from unobligated balances in the De-
2 partment’s salaries and expenses accounts made available
3 in this Act and hereafter, and \$18,000,000 from unobli-
4 gated balances in the Department’s discretionary grants
5 accounts made available in this Act and hereafter for the
6 acquisition of capital equipment and the improvement of
7 financial management, information technology, infrastruc-
8 ture technology investment activities related to support
9 systems and modernization, and other support systems:”.

10 SEC. 117. Of the unobligated funds available under
11 section 286(s)(2) of the Immigration and Nationality Act
12 (8 U.S.C. 1356(s)(2)), \$72,000,000 are hereby perma-
13 nently rescinded.

14 This title may be cited as the “Department of Labor
15 Appropriations Act, 2022”.

1 TITLE II
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 HEALTH RESOURCES AND SERVICES ADMINISTRATION
5 PRIMARY HEALTH CARE

6 For carrying out titles II and III of the Public Health
7 Service Act (referred to in this Act as the “PHS Act”) *with respect to primary health care and the Native Hawaiian Health Care Act of 1988, \$1,748,772,000: Provided,*
8 *That no more than \$1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: Provided further,* That no more than
9 *\$120,000,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the*
10 *Department of Health and Human Services (referred to in this Act as “HHS”) pertaining to administrative claims made under such law.*

19 HEALTH WORKFORCE

20 For carrying out titles III, VII, and VIII of the PHS
21 Act with respect to the health workforce, sections 1128E
22 and 1921 of the Social Security Act, and the Health Care
23 Quality Improvement Act of 1986, \$1,295,742,000: *Provided,* That section 751(j)(2) of the PHS Act and the pro-
24 portional funding amounts in paragraphs (1) through (4)

1 of section 756(f) of the PHS Act shall not apply to funds
2 made available under this heading: *Provided further*, That
3 for any program operating under section 751 of the PHS
4 Act on or before January 1, 2009, the Secretary of Health
5 and Human Services (referred to in this title as the “Sec-
6 retary”) may hereafter waive any of the requirements con-
7 tained in sections 751(d)(2)(A) and 751(d)(2)(B) of such
8 Act for the full project period of a grant under such sec-
9 tion: *Provided further*, That no funds shall be available
10 for section 340G–1 of the PHS Act: *Provided further*,
11 That fees collected for the disclosure of information under
12 section 427(b) of the Health Care Quality Improvement
13 Act of 1986 and sections 1128E(d)(2) and 1921 of the
14 Social Security Act shall be sufficient to recover the full
15 costs of operating the programs authorized by such sec-
16 tions and shall remain available until expended for the Na-
17 tional Practitioner Data Bank: *Provided further*, That
18 funds transferred to this account to carry out section 846
19 and subpart 3 of part D of title III of the PHS Act may
20 be used to make prior year adjustments to awards made
21 under such section and subpart: *Provided further*, That
22 \$121,600,000 shall remain available until expended for
23 the purposes of providing primary health services, assign-
24 ing National Health Service Corps (“NHSC”) members
25 to expand the delivery of substance use disorder treatment

1 services, notwithstanding the assignment priorities and
2 limitations under sections 333(a)(1)(D), 333(b), and
3 333A(a)(1)(B)(ii) of the PHS Act, and making payments
4 under the NHSC Loan Repayment Program under section
5 338B of such Act: *Provided further*, That, within the
6 amount made available in the previous proviso,
7 \$15,600,000 shall remain available until expended for the
8 purposes of making payments under the NHSC Loan Re-
9 payment Program under section 338B of the PHS Act
10 to individuals participating in such program who provide
11 primary health services in Indian Health Service facilities,
12 Tribally-Operated 638 Health Programs, and Urban In-
13 dian Health Programs (as those terms are defined by the
14 Secretary), notwithstanding the assignment priorities and
15 limitations under section 333(b) of such Act: *Provided fur-*
16 *ther*, That for purposes of the previous two provisos, sec-
17 tion 331(a)(3)(D) of the PHS Act shall be applied as if
18 the term “primary health services” includes clinical sub-
19 stance use disorder treatment services, including those
20 provided by masters level, licensed substance use disorder
21 treatment counselors: *Provided further*, That of the funds
22 made available under this heading, \$6,000,000 shall be
23 available to make grants to establish, expand, or maintain
24 optional community-based nurse practitioner fellowship
25 programs that are accredited or in the accreditation proc-

1 ess, with a preference for those in Federally Qualified
2 Health Centers, for practicing postgraduate nurse practi-
3 tioners in primary care or behavioral health: *Provided fur-*
4 *ther*, That of the funds made available under this heading,
5 \$5,000,000 shall remain available until expended for ac-
6 tivities under section 775 of the PHS Act: *Provided fur-*
7 *ther*, That the United States may recover liquidated dam-
8 ages in an amount determined by the formula under sec-
9 tion 338E(c)(1) of the PHS Act if an individual either
10 fails to begin or complete the service obligated by a con-
11 tract under section 775(b) of the PHS Act: *Provided fur-*
12 *ther*, That for purposes of section 775(c)(1) of the PHS
13 Act, the Secretary may include other mental and behav-
14 ioral health disciplines as the Secretary deems appro-
15 priate: *Provided further*, That the Secretary may termi-
16 nate a contract entered into under section 775 of the PHS
17 Act in the same manner articulated in Section 206 of this
18 title for fiscal year 2022 contracts entered into under sec-
19 tion 338B of the PHS Act.

20 Of the funds made available under this heading,
21 \$55,000,000 shall remain available until expended for
22 grants to public institutions of higher education to expand
23 or support graduate education for physicians provided by
24 such institutions, including funding for infrastructure de-
25 velopment, maintenance, equipment, and minor renova-

1 tions or alterations: *Provided*, That, in awarding such
2 grants, the Secretary shall give priority to public institu-
3 tions of higher education located in States with a projected
4 primary care provider shortage in 2025, as determined by
5 the Secretary: *Provided further*, That grants so awarded
6 are limited to such public institutions of higher education
7 in States in the top quintile of States with a projected
8 primary care provider shortage in 2025, as determined by
9 the Secretary: *Provided further*, That the minimum
10 amount of a grant so awarded to such an institution shall
11 be not less than \$1,000,000 per year: *Provided further*,
12 That such a grant may be awarded for a period not to
13 exceed 5 years: *Provided further*, That such a grant award-
14 ed with respect to a year to such an institution shall be
15 subject to a matching requirement of non-Federal funds
16 in an amount that is not less than 10 percent of the total
17 amount of Federal funds provided in the grant to such
18 institution with respect to such year.

19 MATERNAL AND CHILD HEALTH

20 For carrying out titles III, XI, XII, and XIX of the
21 PHS Act with respect to maternal and child health and
22 title V of the Social Security Act, \$1,018,624,000: *Pro-*
23 *vided*, That notwithstanding sections 502(a)(1) and
24 502(b)(1) of the Social Security Act, not more than
25 \$169,116,000 shall be available for carrying out special

1 projects of regional and national significance pursuant to
2 section 501(a)(2) of such Act and \$10,276,000 shall be
3 available for projects described in subparagraphs (A)
4 through (F) of section 501(a)(3) of such Act.

5 RYAN WHITE HIV/AIDS PROGRAM

6 For carrying out title XXVI of the PHS Act with
7 respect to the Ryan White HIV/AIDS program,
8 \$2,494,776,000, of which \$2,014,698,000 shall remain
9 available to the Secretary through September 30, 2024,
10 for parts A and B of title XXVI of the PHS Act, and
11 of which not less than \$900,313,000 shall be for State
12 AIDS Drug Assistance Programs under the authority of
13 section 2616 or 311(c) of such Act; and of which
14 \$125,000,000, to remain available until expended, shall be
15 available to the Secretary for carrying out a program of
16 grants and contracts under title XXVI or section 311(c)
17 of such Act focused on ending the nationwide HIV/AIDS
18 epidemic, with any grants issued under such section
19 311(c) administered in conjunction with title XXVI of the
20 PHS Act, including the limitation on administrative ex-
21 penses.

22 HEALTH CARE SYSTEMS

23 For carrying out titles III and XII of the PHS Act
24 with respect to health care systems, and the Stem Cell
25 Therapeutic and Research Act of 2005, \$133,093,000, of

1 which \$122,000 shall be available until expended for facili-
2 ties-related expenses of the National Hansen's Disease
3 Program.

4 RURAL HEALTH

5 For carrying out titles III and IV of the PHS Act
6 with respect to rural health, section 427(a) of the Federal
7 Coal Mine Health and Safety Act of 1969, and sections
8 711 and 1820 of the Social Security Act, \$366,112,000,
9 of which \$62,277,000 from general revenues, notwith-
10 standing section 1820(j) of the Social Security Act, shall
11 be available for carrying out the Medicare rural hospital
12 flexibility grants program: *Provided*, That of the funds
13 made available under this heading for Medicare rural hos-
14 pital flexibility grants, \$20,942,000 shall be available for
15 the Small Rural Hospital Improvement Grant Program
16 for quality improvement and adoption of health informa-
17 tion technology, up to \$5,000,000 shall be available to es-
18 tablish by grant to public or non-profit private entities the
19 Rural Emergency Hospital Technical Assistance Program,
20 and up to \$1,000,000 shall be to carry out section
21 1820(g)(6) of the Social Security Act, with funds provided
22 for grants under section 1820(g)(6) available for the pur-
23 chase and implementation of telehealth services, including
24 pilots and demonstrations on the use of electronic health
25 records to coordinate rural veterans care between rural

1 providers and the Department of Veterans Affairs elec-
2 tronic health record system: *Provided further*, That not-
3 withstanding section 338J(k) of the PHS Act,
4 \$12,500,000 shall be available for State Offices of Rural
5 Health: *Provided further*, That \$10,500,000 shall remain
6 available through September 30, 2024, to support the
7 Rural Residency Development Program: *Provided further*,
8 That \$135,000,000 shall be for the Rural Communities
9 Opioids Response Program.

10

FAMILY PLANNING

11 For carrying out the program under title X of the
12 PHS Act to provide for voluntary family planning
13 projects, \$286,479,000: *Provided*, That amounts provided
14 to said projects under such title shall not be expended for
15 abortions, that all pregnancy counseling shall be nondirec-
16 tive, and that such amounts shall not be expended for any
17 activity (including the publication or distribution of lit-
18 erature) that in any way tends to promote public support
19 or opposition to any legislative proposal or candidate for
20 public office.

21

PROGRAM MANAGEMENT

22 For program support in the Health Resources and
23 Services Administration, \$1,213,196,000: *Provided*, That
24 funds made available under this heading may be used to
25 supplement program support funding provided under the

1 headings “Primary Health Care”, “Health Workforce”,
2 “Maternal and Child Health”, “Ryan White HIV/AIDS
3 Program”, “Health Care Systems”, and “Rural Health”:
4 *Provided further*, That of the amount made available
5 under this heading, \$1,057,896,000 shall be used for the
6 projects financing the construction and renovation (includ-
7 ing equipment) of health care and other facilities, and for
8 the projects financing one-time grants that support
9 health-related activities, including training and informa-
10 tion technology, and in the amounts specified in the table
11 titled “Community Project Funding/Congressionally Di-
12 rected Spending” included for this division in the explana-
13 tory statement described in section 4 (in the matter pre-
14 ceding division A of this consolidated Act): *Provided fur-*
15 *ther*, That of the funds made available in the preceding
16 proviso, up to \$4,000,000 may be used for related agency
17 administrative expenses: *Provided further*, That none of
18 the funds made available for projects described in the two
19 preceding provisos shall be subject to section 241 of the
20 PHS Act or section 205 of this Act.

21 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

22 For payments from the Vaccine Injury Compensation
23 Program Trust Fund (the “Trust Fund”), such sums as
24 may be necessary for claims associated with vaccine-re-
25 lated injury or death with respect to vaccines administered

1 after September 30, 1988, pursuant to subtitle 2 of title
2 XXI of the PHS Act, to remain available until expended:
3 *Provided*, That for necessary administrative expenses, not
4 to exceed \$13,200,000 shall be available from the Trust
5 Fund to the Secretary.

6 COVERED COUNTERMEASURES PROCESS FUND

7 For carrying out section 319F-4 of the PHS Act,
8 \$5,000,000, to remain available until expended.

9 CENTERS FOR DISEASE CONTROL AND PREVENTION

10 IMMUNIZATION AND RESPIRATORY DISEASES

11 For carrying out titles II, III, XVII, and XXI, and
12 section 2821 of the PHS Act, titles II and IV of the Immi-
13 gration and Nationality Act, and section 501 of the Ref-
14 ugee Education Assistance Act, with respect to immuniza-
15 tion and respiratory diseases, \$448,805,000.

16 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED
17 DISEASES, AND TUBERCULOSIS PREVENTION

18 For carrying out titles II, III, XVII, and XXIII of
19 the PHS Act with respect to HIV/AIDS, viral hepatitis,
20 sexually transmitted diseases, and tuberculosis prevention,
21 \$1,345,056,000.

22 EMERGING AND ZONOTIC INFECTIOUS DISEASES

23 For carrying out titles II, III, and XVII, and section
24 2821 of the PHS Act, titles II and IV of the Immigration
25 and Nationality Act, and section 501 of the Refugee Edu-

1 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
2 DISABILITIES AND HEALTH

3 For carrying out titles II, III, XI, and XVII of the
4 PHS Act with respect to birth defects, developmental dis-
5 abilities, disabilities and health, \$177,060,000.

6 PUBLIC HEALTH SCIENTIFIC SERVICES

7 For carrying out titles II, III, and XVII of the PHS
8 Act with respect to health statistics, surveillance, health
9 informatics, and workforce development, \$651,997,000.

10 ENVIRONMENTAL HEALTH

11 For carrying out titles II, III, and XVII of the PHS
12 Act with respect to environmental health, \$209,850,000.

13 INJURY PREVENTION AND CONTROL

14 For carrying out titles II, III, and XVII of the PHS
15 Act with respect to injury prevention and control,
16 \$714,879,000.

17 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
18 HEALTH

19 For carrying out titles II, III, and XVII of the PHS
20 Act, sections 101, 102, 103, 201, 202, 203, 301, and 501
21 of the Federal Mine Safety and Health Act, section 13
22 of the Mine Improvement and New Emergency Response
23 Act, and sections 20, 21, and 22 of the Occupational Safe-
24 ty and Health Act, with respect to occupational safety and
25 health, \$351,800,000.

1 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
2 COMPENSATION PROGRAM

3 For necessary expenses to administer the Energy
4 Employees Occupational Illness Compensation Program
5 Act, \$55,358,000, to remain available until expended: *Pro-*
6 *vided*, That this amount shall be available consistent with
7 the provision regarding administrative expenses in section
8 151(b) of division B, title I of Public Law 106–554.

9 GLOBAL HEALTH

10 For carrying out titles II, III, and XVII of the PHS
11 Act with respect to global health, \$646,843,000, of which:
12 (1) \$128,921,000 shall remain available through Sep-
13 tember 30, 2023 for international HIV/AIDS; and (2)
14 \$253,200,000 shall remain available through September
15 30, 2024 for global public health protection: *Provided*,
16 That funds may be used for purchase and insurance of
17 official motor vehicles in foreign countries.

18 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

19 For carrying out titles II, III, and XVII of the PHS
20 Act with respect to public health preparedness and re-
21 sponse, and for expenses necessary to support activities
22 related to countering potential biological, nuclear, radio-
23 logical, and chemical threats to civilian populations,
24 \$862,200,000: *Provided*, That the Director of the Centers
25 for Disease Control and Prevention (referred to in this

1 title as “CDC”) or the Administrator of the Agency for
2 Toxic Substances and Disease Registry may detail staff
3 without reimbursement to support an activation of the
4 CDC Emergency Operations Center, so long as the Direc-
5 tor or Administrator, as applicable, provides a notice to
6 the Committees on Appropriations of the House of Rep-
7 resentatives and the Senate within 15 days of the use of
8 this authority, a full report within 30 days after use of
9 this authority which includes the number of staff and
10 funding level broken down by the originating center and
11 number of days detailed, and an update of such report
12 every 180 days until staff are no longer on detail without
13 reimbursement to the CDC Emergency Operations Center.

14 BUILDINGS AND FACILITIES

15 (INCLUDING TRANSFER OF FUNDS)

16 For acquisition of real property, equipment, construc-
17 tion, installation, demolition, and renovation of facilities,
18 \$30,000,000, which shall remain available until September
19 30, 2026: *Provided*, That funds made available to this ac-
20 count in this or any prior Act that are available for the
21 acquisition of real property or for construction or improve-
22 ment of facilities shall be available to make improvements
23 on non-federally owned property, provided that any im-
24 provements that are not adjacent to federally owned prop-
25 erty do not exceed \$2,500,000, and that the primary ben-

1 efit of such improvements accrues to CDC: *Provided fur-*
2 *ther*, That funds previously set-aside by CDC for repair
3 and upgrade of the Lake Lynn Experimental Mine and
4 Laboratory shall be used to acquire a replacement mine
5 safety research facility: *Provided further*, That funds made
6 available to this account in this or any prior Act that are
7 available for the acquisition of real property or for con-
8 struction or improvement of facilities in conjunction with
9 the new replacement mine safety research facility shall be
10 available to make improvements on non-federally owned
11 property, provided that any improvements that are not ad-
12 jacent to federally owned property do not exceed
13 \$5,000,000: *Provided further*, That in addition, the prior
14 year unobligated balance of any amounts assigned to
15 former employees in accounts of CDC made available for
16 Individual Learning Accounts shall be credited to and
17 merged with the amounts made available under this head-
18 ing to support the replacement of the mine safety research
19 facility.

20 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

21 (INCLUDING TRANSFER OF FUNDS)

22 For carrying out titles II, III, XVII and XIX, and
23 section 2821 of the PHS Act and for cross-cutting activi-
24 ties and program support for activities funded in other
25 appropriations included in this Act for the Centers for

1 Disease Control and Prevention, \$333,570,000, of which
2 \$200,000,000 shall remain available through September
3 30, 2024, for public health infrastructure and capacity:
4 *Provided*, That paragraphs (1) through (3) of subsection
5 (b) of section 2821 of the PHS Act shall not apply to
6 funds appropriated under this heading and in all other ac-
7 counts of the CDC: *Provided further*, That of the amounts
8 made available under this heading, \$20,000,000, to re-
9 main available until expended, shall be available to the Di-
10 rector of the CDC for deposit in the Infectious Diseases
11 Rapid Response Reserve Fund established by section 231
12 of division B of Public Law 115–245: *Provided further*,
13 That funds appropriated under this heading may be used
14 to support a contract for the operation and maintenance
15 of an aircraft in direct support of activities throughout
16 CDC to ensure the agency is prepared to address public
17 health preparedness emergencies: *Provided further*, That
18 employees of CDC or the Public Health Service, both civil-
19 ian and commissioned officers, detailed to States, munici-
20 palities, or other organizations under authority of section
21 214 of the PHS Act, or in overseas assignments, shall be
22 treated as non-Federal employees for reporting purposes
23 only and shall not be included within any personnel ceiling
24 applicable to the Agency, Service, or HHS during the pe-
25 riod of detail or assignment: *Provided further*, That CDC

1 may use up to \$10,000 from amounts appropriated to
2 CDC in this Act for official reception and representation
3 expenses when specifically approved by the Director of
4 CDC: *Provided further*, That in addition, such sums as
5 may be derived from authorized user fees, which shall be
6 credited to the appropriation charged with the cost there-
7 of: *Provided further*, That with respect to the previous pro-
8 viso, authorized user fees from the Vessel Sanitation Pro-
9 gram and the Respirator Certification Program shall be
10 available through September 30, 2023.

11 NATIONAL INSTITUTES OF HEALTH

12 NATIONAL CANCER INSTITUTE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to cancer, \$6,718,522,000, of which up
15 to \$30,000,000 may be used for facilities repairs and im-
16 provements at the National Cancer Institute—Frederick
17 Federally Funded Research and Development Center in
18 Frederick, Maryland.

19 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to cardiovascular, lung, and blood dis-
22 eases, and blood and blood products, \$3,808,494,000.

1 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
2 RESEARCH

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to dental and craniofacial diseases,
5 \$501,231,000.

6 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
7 KIDNEY DISEASES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to diabetes and digestive and kidney dis-
10 ease, \$2,203,926,000.

11 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
12 AND STROKE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to neurological disorders and stroke,
15 \$2,535,370,000.

16 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
17 DISEASES

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to allergy and infectious diseases,
20 \$6,322,728,000.

21 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

22 For carrying out section 301 and title IV of the PHS
23 Act with respect to general medical sciences,
24 \$3,092,373,000, of which \$1,309,313,000 shall be from
25 funds available under section 241 of the PHS Act: *Pro-*

1 *vided*, That not less than \$409,957,000 is provided for
2 the Institutional Development Awards program.

3 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
4 CHILD HEALTH AND HUMAN DEVELOPMENT

5 For carrying out section 301 and title IV of the PHS
6 Act with respect to child health and human development,
7 \$1,683,009,000.

8 NATIONAL EYE INSTITUTE

9 For carrying out section 301 and title IV of the PHS
10 Act with respect to eye diseases and visual disorders,
11 \$863,918,000.

12 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
13 SCIENCES

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to environmental health sciences,
16 \$842,169,000.

17 NATIONAL INSTITUTE ON AGING

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to aging, \$4,219,936,000.

20 NATIONAL INSTITUTE OF ARTHRITIS AND
21 MUSCULOSKELETAL AND SKIN DISEASES

22 For carrying out section 301 and title IV of the PHS
23 Act with respect to arthritis and musculoskeletal and skin
24 diseases, \$655,699,000.

1 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
2 COMMUNICATION DISORDERS

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to deafness and other communication dis-
5 orders, \$514,885,000.

6 NATIONAL INSTITUTE OF NURSING RESEARCH

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to nursing research, \$180,862,000.

9 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
10 ALCOHOLISM

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to alcohol abuse and alcoholism,
13 \$573,651,000.

14 NATIONAL INSTITUTE ON DRUG ABUSE

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to drug abuse, \$1,595,474,000.

17 NATIONAL INSTITUTE OF MENTAL HEALTH

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to mental health, \$2,140,976,000.

20 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to human genome research,
23 \$639,062,000.

1 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
2 BIOENGINEERING

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to biomedical imaging and bioengineering
5 research, \$424,590,000.

6 NATIONAL CENTER FOR COMPLEMENTARY AND
7 INTEGRATIVE HEALTH

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to complementary and integrative health,
10 \$159,365,000.

11 NATIONAL INSTITUTE ON MINORITY HEALTH AND
12 HEALTH DISPARITIES

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to minority health and health disparities
15 research, \$459,056,000.

16 JOHN E. FOGARTY INTERNATIONAL CENTER

17 For carrying out the activities of the John E. Fogarty
18 International Center (described in subpart 2 of part E of
19 title IV of the PHS Act), \$86,880,000.

20 NATIONAL LIBRARY OF MEDICINE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to health information communications,
23 \$479,439,000: *Provided*, That of the amounts available for
24 improvement of information systems, \$4,000,000 shall be
25 available until September 30, 2023: *Provided further*, That

1 in fiscal year 2022, the National Library of Medicine may
2 enter into personal services contracts for the provision of
3 services in facilities owned, operated, or constructed under
4 the jurisdiction of the National Institutes of Health (re-
5 ferred to in this title as “NIH”).

6 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
7 SCIENCES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to translational sciences, \$882,265,000:
10 *Provided*, That up to \$60,000,000 shall be available to im-
11 plement section 480 of the PHS Act, relating to the Cures
12 Acceleration Network: *Provided further*, That at least
13 \$606,646,000 is provided to the Clinical and Translational
14 Sciences Awards program.

15 OFFICE OF THE DIRECTOR
16 (INCLUDING TRANSFER OF FUNDS)

17 For carrying out the responsibilities of the Office of
18 the Director, NIH, \$2,616,520,000: *Provided*, That fund-
19 ing shall be available for the purchase of not to exceed
20 29 passenger motor vehicles for replacement only: *Pro-
21 vided further*, That all funds credited to the NIH Manage-
22 ment Fund shall remain available for one fiscal year after
23 the fiscal year in which they are deposited: *Provided fur-
24 ther*, That \$180,000,000 shall be for the Environmental
25 Influences on Child Health Outcomes study: *Provided fur-*

1 *ther*, That \$657,401,000 shall be available for the Com-
2 mon Fund established under section 402A(c)(1) of the
3 PHS Act: *Provided further*, That of the funds provided,
4 \$10,000 shall be for official reception and representation
5 expenses when specifically approved by the Director of the
6 NIH: *Provided further*, That the Office of AIDS Research
7 within the Office of the Director of the NIH may spend
8 up to \$8,000,000 to make grants for construction or ren-
9 ovation of facilities as provided for in section
10 2354(a)(5)(B) of the PHS Act: *Provided further*, That
11 \$70,000,000 shall be used to carry out section 404I of
12 the PHS Act (42 U.S.C. 283K), relating to biomedical and
13 behavioral research facilities: *Provided further*, That
14 \$5,000,000 shall be transferred to and merged with the
15 appropriation for the “Office of Inspector General” for
16 oversight of grant programs and operations of the NIH,
17 including agency efforts to ensure the integrity of its grant
18 application evaluation and selection processes, and shall
19 be in addition to funds otherwise made available for over-
20 sight of the NIH: *Provided further*, That the funds pro-
21 vided in the previous proviso may be transferred from one
22 specified activity to another with 15 days prior approval
23 of the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate: *Provided further*, That the In-
25 spector General shall consult with the Committees on Ap-

1 appropriations of the House of Representatives and the Sen-
2 ate before submitting to the Committees an audit plan for
3 fiscal years 2022 and 2023 no later than 30 days after
4 the date of enactment of this Act: *Provided further*, That
5 amounts made available under this heading are also avail-
6 able to establish, operate, and support the Research Policy
7 Board authorized by section 2034(f) of the 21st Century
8 Cures Act: *Provided further*, That the funds made avail-
9 able under this heading for the Office of Research on
10 Women’s Health shall also be available for making grants
11 to serve and promote the interests of women in research,
12 and the Director of such Office may, in making such
13 grants, use the authorities available to NIH Institutes and
14 Centers.

15 In addition to other funds appropriated for the Com-
16 mon Fund established under section 402A(c) of the PHS
17 Act, \$12,600,000 is appropriated to the Common Fund
18 for the purpose of carrying out section 402(b)(7)(B)(ii)
19 of the PHS Act (relating to pediatric research), as author-
20 ized in the Gabriella Miller Kids First Research Act, of
21 which \$3,000,000 shall be derived from the 10-year Pedi-
22 atric Research Initiative Fund described in section 9008
23 of the Internal Revenue Code of 1986 (26 U.S.C. 9008).

1 BUILDINGS AND FACILITIES

2 For the study of, construction of, demolition of, ren-
3 ovation of, and acquisition of equipment for, facilities of
4 or used by NIH, including the acquisition of real property,
5 \$250,000,000, to remain available through September 30,
6 2026.

7 NIH INNOVATION ACCOUNT, CURES ACT

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses to carry out the purposes de-
10 scribed in section 1001(b)(4) of the 21st Century Cures
11 Act, in addition to amounts available for such purposes
12 in the appropriations provided to the NIH in this Act,
13 \$496,000,000, to remain available until expended: *Pro-*
14 *vided*, That such amounts are appropriated pursuant to
15 section 1001(b)(3) of such Act, are to be derived from
16 amounts transferred under section 1001(b)(2)(A) of such
17 Act, and may be transferred by the Director of the Na-
18 tional Institutes of Health to other accounts of the Na-
19 tional Institutes of Health solely for the purposes provided
20 in such Act: *Provided further*, That upon a determination
21 by the Director that funds transferred pursuant to the
22 previous proviso are not necessary for the purposes pro-
23 vided, such amounts may be transferred back to the Ac-
24 count: *Provided further*, That the transfer authority pro-

1000

1 vided under this heading is in addition to any other trans-
2 fer authority provided by law.

3 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

4 ADMINISTRATION

5 MENTAL HEALTH

6 For carrying out titles III, V, and XIX of the PHS
7 Act with respect to mental health, the Protection and Ad-
8 vocacy for Individuals with Mental Illness Act, and the
9 SUPPORT for Patients and Communities Act,
10 \$2,048,090,000: *Provided*, That of the funds made avail-
11 able under this heading, \$81,887,000 shall be for the Na-
12 tional Child Traumatic Stress Initiative: *Provided further*,
13 That notwithstanding section 520A(f)(2) of the PHS Act,
14 no funds appropriated for carrying out section 520A shall
15 be available for carrying out section 1971 of the PHS Act:
16 *Provided further*, That in addition to amounts provided
17 herein, \$21,039,000 shall be available under section 241
18 of the PHS Act to carry out subpart I of part B of title
19 XIX of the PHS Act to fund section 1920(b) technical
20 assistance, national data, data collection and evaluation
21 activities, and further that the total available under this
22 Act for section 1920(b) activities shall not exceed 5 per-
23 cent of the amounts appropriated for subpart I of part
24 B of title XIX: *Provided further*, That of the funds made
25 available under this heading for subpart I of part B of

1 title XIX of the PHS Act, at least 5 percent shall be avail-
2 able to support evidence-based crisis systems: *Provided*
3 *further*, That up to 10 percent of the amounts made avail-
4 able to carry out the Children’s Mental Health Services
5 program may be used to carry out demonstration grants
6 or contracts for early interventions with persons not more
7 than 25 years of age at clinical high risk of developing
8 a first episode of psychosis: *Provided further*, That section
9 520E(b)(2) of the PHS Act shall not apply to funds ap-
10 propriated in this Act for fiscal year 2022: *Provided fur-*
11 *ther*, That States shall expend at least 10 percent of the
12 amount each receives for carrying out section 1911 of the
13 PHS Act to support evidence-based programs that address
14 the needs of individuals with early serious mental illness,
15 including psychotic disorders, regardless of the age of the
16 individual at onset: *Provided further*, That \$315,000,000
17 shall be available until September 30, 2024 for grants to
18 communities and community organizations who meet cri-
19 teria for Certified Community Behavioral Health Clinics
20 pursuant to section 223(a) of Public Law 113–93: *Pro-*
21 *vided further*, That none of the funds provided for section
22 1911 of the PHS Act shall be subject to section 241 of
23 such Act: *Provided further*, That of the funds made avail-
24 able under this heading, \$21,420,000 shall be to carry out

1 section 224 of the Protecting Access to Medicare Act of
2 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

3 SUBSTANCE ABUSE TREATMENT

4 For carrying out titles III and V of the PHS Act
5 with respect to substance abuse treatment and title XIX
6 of such Act with respect to substance abuse treatment and
7 prevention, and the SUPPORT for Patients and Commu-
8 nities Act, \$3,873,396,000: *Provided*, That
9 \$1,525,000,000 shall be for State Opioid Response Grants
10 for carrying out activities pertaining to opioids and stimu-
11 lants undertaken by the State agency responsible for ad-
12 ministering the substance abuse prevention and treatment
13 block grant under subpart II of part B of title XIX of
14 the PHS Act (42 U.S.C. 300x–21 et seq.): *Provided fur-*
15 *ther*, That of such amount \$55,000,000 shall be made
16 available to Indian Tribes or tribal organizations: *Provided*
17 *further*, That 15 percent of the remaining amount shall
18 be for the States with the highest mortality rate related
19 to opioid use disorders: *Provided further*, That of the
20 amounts provided for State Opioid Response Grants not
21 more than 2 percent shall be available for Federal admin-
22 istrative expenses, training, technical assistance, and eval-
23 uation: *Provided further*, That of the amount not reserved
24 by the previous three provisos, the Secretary shall make
25 allocations to States, territories, and the District of Co-

1 lumbia according to a formula using national survey re-
2 sults that the Secretary determines are the most objective
3 and reliable measure of drug use and drug-related deaths:
4 *Provided further*, That the Secretary shall submit the for-
5 mula methodology to the Committees on Appropriations
6 of the House of Representatives and the Senate not less
7 than 21 days prior to publishing a Funding Opportunity
8 Announcement: *Provided further*, That prevention and
9 treatment activities funded through such grants may in-
10 clude education, treatment (including the provision of
11 medication), behavioral health services for individuals in
12 treatment programs, referral to treatment services, recov-
13 ery support, and medical screening associated with such
14 treatment: *Provided further*, That each State, as well as
15 the District of Columbia, shall receive not less than
16 \$4,000,000: *Provided further*, That in addition to amounts
17 provided herein, the following amounts shall be available
18 under section 241 of the PHS Act: (1) \$79,200,000 to
19 carry out subpart II of part B of title XIX of the PHS
20 Act to fund section 1935(b) technical assistance, national
21 data, data collection and evaluation activities, and further
22 that the total available under this Act for section 1935(b)
23 activities shall not exceed 5 percent of the amounts appro-
24 priated for subpart II of part B of title XIX; and (2)
25 \$2,000,000 to evaluate substance abuse treatment pro-

1 grams: *Provided further*, That none of the funds provided
2 for section 1921 of the PHS Act or State Opioid Response
3 Grants shall be subject to section 241 of such Act.

4 SUBSTANCE ABUSE PREVENTION

5 For carrying out titles III and V of the PHS Act
6 with respect to substance abuse prevention, \$218,219,000.

7 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

8 For program support and cross-cutting activities that
9 supplement activities funded under the headings “Mental
10 Health”, “Substance Abuse Treatment”, and “Substance
11 Abuse Prevention” in carrying out titles III, V, and XIX
12 of the PHS Act and the Protection and Advocacy for Indi-
13 viduals with Mental Illness Act in the Substance Abuse
14 and Mental Health Services Administration,
15 \$260,230,000: *Provided*, That of the amount made avail-
16 able under this heading, \$127,535,000 shall be used for
17 the projects, and in the amounts, specified in the table
18 titled “Community Project Funding/Congressionally Di-
19 rected Spending” included for this division in the explana-
20 tory statement described in section 4 (in the matter pre-
21 ceding division A of this consolidated Act): *Provided fur-*
22 *ther*, That none of the funds made available for projects
23 described in the preceding proviso shall be subject to sec-
24 tion 241 of the PHS Act or section 205 of this Act: *Pro-*
25 *vided further*, That in addition to amounts provided here-

1 in, \$31,428,000 shall be available under section 241 of
2 the PHS Act to supplement funds available to carry out
3 national surveys on drug abuse and mental health, to col-
4 lect and analyze program data, and to conduct public
5 awareness and technical assistance activities: *Provided fur-*
6 *ther*, That, in addition, fees may be collected for the costs
7 of publications, data, data tabulations, and data analysis
8 completed under title V of the PHS Act and provided to
9 a public or private entity upon request, which shall be
10 credited to this appropriation and shall remain available
11 until expended for such purposes: *Provided further*, That
12 amounts made available in this Act for carrying out sec-
13 tion 501(o) of the PHS Act shall remain available through
14 September 30, 2023: *Provided further*, That funds made
15 available under this heading (other than amounts specified
16 in the first proviso under this heading) may be used to
17 supplement program support funding provided under the
18 headings “Mental Health”, “Substance Abuse Treat-
19 ment”, and “Substance Abuse Prevention”.

20 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

21 HEALTHCARE RESEARCH AND QUALITY

22 For carrying out titles III and IX of the PHS Act,
23 part A of title XI of the Social Security Act, and section
24 1013 of the Medicare Prescription Drug, Improvement,
25 and Modernization Act of 2003, \$350,400,000: *Provided*,

1 That section 947(c) of the PHS Act shall not apply in
2 fiscal year 2022: *Provided further*, That in addition,
3 amounts received from Freedom of Information Act fees,
4 reimbursable and interagency agreements, and the sale of
5 data shall be credited to this appropriation and shall re-
6 main available until September 30, 2023.

7 CENTERS FOR MEDICARE & MEDICAID SERVICES

8 GRANTS TO STATES FOR MEDICAID

9 For carrying out, except as otherwise provided, titles
10 XI and XIX of the Social Security Act, \$368,666,106,000,
11 to remain available until expended.

12 In addition, for carrying out such titles after May 31,
13 2022, for the last quarter of fiscal year 2022 for unantici-
14 pated costs incurred for the current fiscal year, such sums
15 as may be necessary, to remain available until expended.

16 In addition, for carrying out such titles for the first
17 quarter of fiscal year 2023, \$165,722,018,000, to remain
18 available until expended.

19 Payment under such title XIX may be made for any
20 quarter with respect to a State plan or plan amendment
21 in effect during such quarter, if submitted in or prior to
22 such quarter and approved in that or any subsequent
23 quarter.

1 PAYMENTS TO THE HEALTH CARE TRUST FUNDS

2 For payment to the Federal Hospital Insurance
3 Trust Fund and the Federal Supplementary Medical In-
4 surance Trust Fund, as provided under sections 217(g),
5 1844, and 1860D–16 of the Social Security Act, sections
6 103(e) and 111(d) of the Social Security Amendments of
7 1965, section 278(d)(3) of Public Law 97–248, and for
8 administrative expenses incurred pursuant to section
9 201(g) of the Social Security Act, \$487,862,000,000.

10 In addition, for making matching payments under
11 section 1844 and benefit payments under section 1860D–
12 16 of the Social Security Act that were not anticipated
13 in budget estimates, such sums as may be necessary.

14 PROGRAM MANAGEMENT

15 For carrying out, except as otherwise provided, titles
16 XI, XVIII, XIX, and XXI of the Social Security Act, titles
17 XIII and XXVII of the PHS Act, the Clinical Laboratory
18 Improvement Amendments of 1988, and other responsibil-
19 ities of the Centers for Medicare & Medicaid Services, not
20 to exceed \$3,669,744,000 to be transferred from the Fed-
21 eral Hospital Insurance Trust Fund and the Federal Sup-
22 plementary Medical Insurance Trust Fund, as authorized
23 by section 201(g) of the Social Security Act; together with
24 all funds collected in accordance with section 353 of the
25 PHS Act and section 1857(e)(2) of the Social Security

1 Act, funds retained by the Secretary pursuant to section
2 1893(h) of the Social Security Act, and such sums as may
3 be collected from authorized user fees and the sale of data,
4 which shall be credited to this account and remain avail-
5 able until expended: *Provided*, That all funds derived in
6 accordance with 31 U.S.C. 9701 from organizations estab-
7 lished under title XIII of the PHS Act shall be credited
8 to and available for carrying out the purposes of this ap-
9 propriation: *Provided further*, That the Secretary is di-
10 rected to collect fees in fiscal year 2022 from Medicare
11 Advantage organizations pursuant to section 1857(e)(2)
12 of the Social Security Act and from eligible organizations
13 with risk-sharing contracts under section 1876 of that Act
14 pursuant to section 1876(k)(4)(D) of that Act: *Provided*
15 *further*, That of the amount made available under this
16 heading, \$397,334,000 shall remain available until Sep-
17 tember 30, 2023, and shall be available for the Survey
18 and Certification Program: *Provided further*, That
19 amounts available under this heading to support quality
20 improvement organizations (as defined in section 1152 of
21 the Social Security Act) shall not exceed the amount spe-
22 cifically provided for such purpose under this heading in
23 division H of the Consolidated Appropriations Act, 2018
24 (Public Law 115–141).

1 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

2 In addition to amounts otherwise available for pro-
3 gram integrity and program management, \$873,000,000,
4 to remain available through September 30, 2023, to be
5 transferred from the Federal Hospital Insurance Trust
6 Fund and the Federal Supplementary Medical Insurance
7 Trust Fund, as authorized by section 201(g) of the Social
8 Security Act, of which \$658,648,000 shall be for the Cen-
9 ters for Medicare & Medicaid Services program integrity
10 activities, of which \$102,145,000 shall be for the Depart-
11 ment of Health and Human Services Office of Inspector
12 General to carry out fraud and abuse activities authorized
13 by section 1817(k)(3) of such Act, and of which
14 \$112,207,000 shall be for the Department of Justice to
15 carry out fraud and abuse activities authorized by section
16 1817(k)(3) of such Act: *Provided*, That the report re-
17 quired by section 1817(k)(5) of the Social Security Act
18 for fiscal year 2022 shall include measures of the oper-
19 ational efficiency and impact on fraud, waste, and abuse
20 in the Medicare, Medicaid, and CHIP programs for the
21 funds provided by this appropriation: *Provided further*,
22 That of the amount provided under this heading,
23 \$317,000,000 is provided to meet the terms of section
24 4004(b)(3)(B) and section 4005(c)(2) of S. Con. Res. 14
25 (117th Congress), the concurrent resolution on the budget

1 for fiscal year 2022, and \$556,000,000 is additional new
2 budget authority specified for purposes of section
3 4004(b)(3) and section 4005(c) of such resolution: *Pro-*
4 *vided further*, That the Secretary shall provide not less
5 than \$30,000,000 from amounts made available under
6 this heading and amounts made available for fiscal year
7 2022 under section 1817(k)(3)(A) of the Social Security
8 Act for the Senior Medicare Patrol program to combat
9 health care fraud and abuse.

10 ADMINISTRATION FOR CHILDREN AND FAMILIES

11 PAYMENTS TO STATES FOR CHILD SUPPORT

12 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

13 For carrying out, except as otherwise provided, titles
14 I, IV–D, X, XI, XIV, and XVI of the Social Security Act
15 and the Act of July 5, 1960, \$2,795,000,000, to remain
16 available until expended; and for such purposes for the
17 first quarter of fiscal year 2023, \$1,300,000,000, to re-
18 main available until expended.

19 For carrying out, after May 31 of the current fiscal
20 year, except as otherwise provided, titles I, IV–D, X, XI,
21 XIV, and XVI of the Social Security Act and the Act of
22 July 5, 1960, for the last 3 months of the current fiscal
23 year for unanticipated costs, incurred for the current fiscal
24 year, such sums as may be necessary.

1 LOW INCOME HOME ENERGY ASSISTANCE

2 For making payments under subsections (b) and (d)
3 of section 2602 of the Low-Income Home Energy Assist-
4 ance Act of 1981 (42 U.S.C. 8621 et seq.),
5 \$3,800,304,000: *Provided*, That notwithstanding section
6 2609A(a) of such Act, not more than \$4,600,000 may be
7 reserved by the Secretary for technical assistance, train-
8 ing, and monitoring of program activities for compliance
9 with internal controls, policies and procedures, and to sup-
10 plement funding otherwise available for necessary admin-
11 istrative expenses to carry out such Act, and the Secretary
12 may, in addition to the authorities provided in section
13 2609A(a)(1), use such funds through contracts with pri-
14 vate entities that do not qualify as nonprofit organiza-
15 tions: *Provided further*, That all but \$785,000,000 of the
16 amount appropriated under this heading shall be allocated
17 as though the total appropriation for such payments for
18 fiscal year 2022 was less than \$1,975,000,000: *Provided*
19 *further*, That, after applying all applicable provisions of
20 section 2604 of such Act and the previous proviso, each
21 State or territory that would otherwise receive an alloca-
22 tion that is less than 97 percent of the amount that it
23 received under this heading for fiscal year 2021 from
24 amounts appropriated in Public Law 116–260 shall have
25 its allocation increased to that 97 percent level, with the

1 portions of other States' and territories' allocations that
2 would exceed 100 percent of the amounts they respectively
3 received in such fashion for fiscal year 2021 being ratably
4 reduced.

5 REFUGEE AND ENTRANT ASSISTANCE
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses for refugee and entrant as-
8 sistance activities authorized by section 414 of the Immi-
9 gration and Nationality Act and section 501 of the Ref-
10 ugee Education Assistance Act of 1980, and for carrying
11 out section 462 of the Homeland Security Act of 2002,
12 section 235 of the William Wilberforce Trafficking Victims
13 Protection Reauthorization Act of 2008, the Trafficking
14 Victims Protection Act of 2000 ("TVPA"), and the Tor-
15 ture Victims Relief Act of 1998, \$4,825,214,000, of which
16 \$4,777,459,000 shall remain available through September
17 30, 2024 for carrying out such sections 414, 501, 462,
18 and 235: *Provided*, That amounts available under this
19 heading to carry out the TVPA shall also be available for
20 research and evaluation with respect to activities under
21 such Act: *Provided further*, That the limitation in section
22 205 of this Act regarding transfers increasing any appro-
23 priation shall apply to transfers to appropriations under
24 this heading by substituting "15 percent" for "3 percent":
25 *Provided further*, That the contribution of funds require-

1 ment under section 235(c)(6)(C)(iii) of the William Wil-
2 berforce Trafficking Victims Protection Reauthorization
3 Act of 2008 shall not apply to funds made available under
4 this heading.

5 PAYMENTS TO STATES FOR THE CHILD CARE AND
6 DEVELOPMENT BLOCK GRANT

7 For carrying out the Child Care and Development
8 Block Grant Act of 1990 (“CCDBG Act”),
9 \$6,165,330,000 shall be used to supplement, not supplant
10 State general revenue funds for child care assistance for
11 low-income families: *Provided*, That technical assistance
12 under section 658I(a)(3) of such Act may be provided di-
13 rectly, or through the use of contracts, grants, cooperative
14 agreements, or interagency agreements: *Provided further*,
15 That all funds made available to carry out section 418
16 of the Social Security Act (42 U.S.C. 618), including
17 funds appropriated for that purpose in such section 418
18 or any other provision of law, shall be subject to the res-
19 ervation of funds authority in paragraphs (4) and (5) of
20 section 658O(a) of the CCDBG Act: *Provided further*,
21 That in addition to the amounts required to be reserved
22 by the Secretary under section 658O(a)(2)(A) of such Act,
23 \$184,960,000 shall be for Indian tribes and tribal organi-
24 zations.

1 SOCIAL SERVICES BLOCK GRANT

2 For making grants to States pursuant to section
3 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
4 *vided*, That notwithstanding subparagraph (B) of section
5 404(d)(2) of such Act, the applicable percent specified
6 under such subparagraph for a State to carry out State
7 programs pursuant to title XX–A of such Act shall be 10
8 percent.

9 CHILDREN AND FAMILIES SERVICES PROGRAMS

10 For carrying out, except as otherwise provided, the
11 Runaway and Homeless Youth Act, the Head Start Act,
12 the Every Student Succeeds Act, the Child Abuse Preven-
13 tion and Treatment Act, sections 303 and 313 of the
14 Family Violence Prevention and Services Act, the Native
15 American Programs Act of 1974, title II of the Child
16 Abuse Prevention and Treatment and Adoption Reform
17 Act of 1978 (adoption opportunities), part B–1 of title IV
18 and sections 429, 473A, 477(i), 1110, 1114A, and 1115
19 of the Social Security Act, and the Community Services
20 Block Grant Act (“CSBG Act”); and for necessary admin-
21 istrative expenses to carry out titles I, IV, V, X, XI, XIV,
22 XVI, and XX–A of the Social Security Act, the Act of
23 July 5, 1960, the Low-Income Home Energy Assistance
24 Act of 1981, and the Child Care and Development Block
25 Grant Act of 1990, \$13,438,343,000, of which

1 \$75,000,000, to remain available through September 30,
2 2023, shall be for grants to States for adoption and legal
3 guardianship incentive payments, as defined by section
4 473A of the Social Security Act and may be made for
5 adoptions and legal guardianships completed before Sep-
6 tember 30, 2022: *Provided*, That \$11,036,820,000 shall
7 be for making payments under the Head Start Act, includ-
8 ing for Early Head Start–Child Care Partnerships, and,
9 of which, notwithstanding section 640 of such Act:

10 (1) \$234,000,000 shall be available for a cost
11 of living adjustment, and with respect to any con-
12 tinuing appropriations act, funding available for a
13 cost of living adjustment shall not be construed as
14 an authority or condition under this Act;

15 (2) \$25,000,000 shall be available for allocation
16 by the Secretary to supplement activities described
17 in paragraphs (7)(B) and (9) of section 641(c) of
18 the Head Start Act under the Designation Renewal
19 System, established under the authority of sections
20 641(c)(7), 645A(b)(12), and 645A(d) of such Act,
21 and such funds shall not be included in the calcula-
22 tion of “base grant” in subsequent fiscal years, as
23 such term is used in section 640(a)(7)(A) of such
24 Act;

1 (3) \$52,000,000 shall be available for quality
2 improvement consistent with section 640(a)(5) of
3 such Act except that any amount of the funds may
4 be used on any of the activities in such section, of
5 which not less than \$2,600,000 shall be available to
6 migrant and seasonal Head Start programs for such
7 activities, in addition to funds made available for mi-
8 grant and seasonal Head Start programs under any
9 other provision of section 640(a) of such Act;

10 (4) \$6,000,000 shall be available for the Tribal
11 Colleges and Universities Head Start Partnership
12 Program consistent with section 648(g) of such Act;
13 and

14 (5) \$21,000,000 shall be available to supple-
15 ment funding otherwise available for research, eval-
16 uation, and Federal administrative costs:

17 *Provided further*, That the Secretary may reduce the res-
18 ervation of funds under section 640(a)(2)(C) of such Act
19 in lieu of reducing the reservation of funds under sections
20 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such
21 Act: *Provided further*, That \$290,000,000 shall be avail-
22 able until December 31, 2022 for carrying out sections
23 9212 and 9213 of the Every Student Succeeds Act: *Pro-*
24 *vided further*, That up to 3 percent of the funds in the
25 preceding proviso shall be available for technical assist-

1 ance and evaluation related to grants awarded under such
2 section 9212: *Provided further*, That \$787,383,000 shall
3 be for making payments under the CSBG Act: *Provided*
4 *further*, That for services furnished under the CSBG Act
5 with funds made available for such purpose in this fiscal
6 year and in fiscal year 2021, States may apply the last
7 sentence of section 673(2) of the CSBG Act by sub-
8 stituting “200 percent” for “125 percent”: *Provided fur-*
9 *ther*, That \$32,383,000 shall be for section 680 of the
10 CSBG Act, of which not less than \$21,383,000 shall be
11 for section 680(a)(2) and not less than \$11,000,000 shall
12 be for section 680(a)(3)(B) of such Act: *Provided further*,
13 That, notwithstanding section 675C(a)(3) of the CSBG
14 Act, to the extent Community Services Block Grant funds
15 are distributed as grant funds by a State to an eligible
16 entity as provided under such Act, and have not been ex-
17 pended by such entity, they shall remain with such entity
18 for carryover into the next fiscal year for expenditure by
19 such entity consistent with program purposes: *Provided*
20 *further*, That the Secretary shall establish procedures re-
21 garding the disposition of intangible assets and program
22 income that permit such assets acquired with, and pro-
23 gram income derived from, grant funds authorized under
24 section 680 of the CSBG Act to become the sole property
25 of such grantees after a period of not more than 12 years

1 after the end of the grant period for any activity consistent
2 with section 680(a)(2)(A) of the CSBG Act: *Provided fur-*
3 *ther*, That intangible assets in the form of loans, equity
4 investments and other debt instruments, and program in-
5 come may be used by grantees for any eligible purpose
6 consistent with section 680(a)(2)(A) of the CSBG Act:
7 *Provided further*, That these procedures shall apply to
8 such grant funds made available after November 29, 1999:
9 *Provided further*, That funds appropriated for section
10 680(a)(2) of the CSBG Act shall be available for financing
11 construction and rehabilitation and loans or investments
12 in private business enterprises owned by community devel-
13 opment corporations: *Provided further*, That
14 \$200,000,000 shall be for carrying out section 303(a) of
15 the Family Violence Prevention and Services Act, of which
16 \$7,000,000 shall be allocated notwithstanding section
17 303(a)(2) of such Act for carrying out section 309 of such
18 Act: *Provided further*, That the percentages specified in
19 section 112(a)(2) of the Child Abuse Prevention and
20 Treatment Act shall not apply to funds appropriated
21 under this heading: *Provided further*, That \$1,864,000
22 shall be for a human services case management system
23 for federally declared disasters, to include a comprehensive
24 national case management contract and Federal costs of
25 administering the system: *Provided further*, That up to

1 \$2,000,000 shall be for improving the Public Assistance
2 Reporting Information System, including grants to States
3 to support data collection for a study of the system's effec-
4 tiveness: *Provided further*, That \$26,992,000 shall be used
5 for the projects, and in the amounts, specified in the table
6 titled "Community Project Funding/Congressionally Di-
7 rected Spending" included for this division in the explana-
8 tory statement described in section 4 (in the matter pre-
9 ceding division A of this consolidated Act): *Provided fur-*
10 *ther*, That none of the funds made available for projects
11 described in the preceding proviso shall be subject to sec-
12 tion 241 of the PHS Act or section 205 of this Act.

13 PROMOTING SAFE AND STABLE FAMILIES

14 For carrying out, except as otherwise provided, sec-
15 tion 436 of the Social Security Act, \$345,000,000 and,
16 for carrying out, except as otherwise provided, section 437
17 of such Act, \$82,515,000: *Provided*, That of the funds
18 available to carry out section 437, \$59,765,000 shall be
19 allocated consistent with subsections (b) through (d) of
20 such section: *Provided further*, That of the funds available
21 to carry out section 437, to assist in meeting the require-
22 ments described in section 471(e)(4)(C), \$20,000,000
23 shall be for grants to each State, territory, and Indian
24 tribe operating title IV-E plans for developing, enhancing,
25 or evaluating kinship navigator programs, as described in

1 section 427(a)(1) of such Act and \$2,750,000, in addition
2 to funds otherwise appropriated in section 476 for such
3 purposes, shall be for the Family First Clearinghouse and
4 to support evaluation and technical assistance relating to
5 the evaluation of child and family services: *Provided fur-*
6 *ther*, That section 437(b)(1) shall be applied to amounts
7 in the previous proviso by substituting “5 percent” for
8 “3.3 percent”, and notwithstanding section 436(b)(1),
9 such reserved amounts may be used for identifying, estab-
10 lishing, and disseminating practices to meet the criteria
11 specified in section 471(e)(4)(C): *Provided further*, That
12 the reservation in section 437(b)(2) and the limitations
13 in section 437(d) shall not apply to funds specified in the
14 second proviso: *Provided further*, That the minimum grant
15 award for kinship navigator programs in the case of States
16 and territories shall be \$200,000, and, in the case of
17 tribes, shall be \$25,000.

18 PAYMENTS FOR FOSTER CARE AND PERMANENCY

19 For carrying out, except as otherwise provided, title
20 IV–E of the Social Security Act, \$6,963,000,000.

21 For carrying out, except as otherwise provided, title
22 IV–E of the Social Security Act, for the first quarter of
23 fiscal year 2023, \$3,200,000,000.

24 For carrying out, after May 31 of the current fiscal
25 year, except as otherwise provided, section 474 of title IV–

1 E of the Social Security Act, for the last 3 months of the
2 current fiscal year for unanticipated costs, incurred for the
3 current fiscal year, such sums as may be necessary.

4 ADMINISTRATION FOR COMMUNITY LIVING
5 AGING AND DISABILITY SERVICES PROGRAMS
6 (INCLUDING TRANSFER OF FUNDS)

7 For carrying out, to the extent not otherwise pro-
8 vided, the Older Americans Act of 1965 (“OAA”), the
9 RAISE Family Caregivers Act, the Supporting Grand-
10 parents Raising Grandchildren Act, titles III and XXIX
11 of the PHS Act, sections 1252 and 1253 of the PHS Act,
12 section 119 of the Medicare Improvements for Patients
13 and Providers Act of 2008, title XX–B of the Social Secu-
14 rity Act, the Developmental Disabilities Assistance and
15 Bill of Rights Act, parts 2 and 5 of subtitle D of title
16 II of the Help America Vote Act of 2002, the Assistive
17 Technology Act of 1998, titles II and VII (and section
18 14 with respect to such titles) of the Rehabilitation Act
19 of 1973, and for Department-wide coordination of policy
20 and program activities that assist individuals with disabil-
21 ities, \$2,264,927,000, together with \$53,115,000 to be
22 transferred from the Federal Hospital Insurance Trust
23 Fund and the Federal Supplementary Medical Insurance
24 Trust Fund to carry out section 4360 of the Omnibus
25 Budget Reconciliation Act of 1990: *Provided*, That

1 amounts appropriated under this heading may be used for
2 grants to States under section 361 of the OAA only for
3 disease prevention and health promotion programs and ac-
4 tivities which have been demonstrated through rigorous
5 evaluation to be evidence-based and effective: *Provided*
6 *further*, That of amounts made available under this head-
7 ing to carry out sections 311, 331, and 336 of the OAA,
8 up to one percent of such amounts shall be available for
9 developing and implementing evidence-based practices for
10 enhancing senior nutrition, including medically-tailored
11 meals: *Provided further*, That notwithstanding any other
12 provision of this Act, funds made available under this
13 heading to carry out section 311 of the OAA may be trans-
14 ferred to the Secretary of Agriculture in accordance with
15 such section: *Provided further*, That \$2,000,000 shall be
16 for competitive grants to support alternative financing
17 programs that provide for the purchase of assistive tech-
18 nology devices, such as a low-interest loan fund; an inter-
19 est buy-down program; a revolving loan fund; a loan guar-
20 antee; or an insurance program: *Provided further*, That
21 applicants shall provide an assurance that, and informa-
22 tion describing the manner in which, the alternative fi-
23 nancing program will expand and emphasize consumer
24 choice and control: *Provided further*, That State agencies
25 and community-based disability organizations that are di-

1 rected by and operated for individuals with disabilities
2 shall be eligible to compete: *Provided further*, That none
3 of the funds made available under this heading may be
4 used by an eligible system (as defined in section 102 of
5 the Protection and Advocacy for Individuals with Mental
6 Illness Act (42 U.S.C. 10802)) to continue to pursue any
7 legal action in a Federal or State court on behalf of an
8 individual or group of individuals with a developmental
9 disability (as defined in section 102(8)(A) of the Develop-
10 mental Disabilities and Assistance and Bill of Rights Act
11 of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to
12 a mental impairment (or a combination of mental and
13 physical impairments), that has as the requested remedy
14 the closure of State operated intermediate care facilities
15 for people with intellectual or developmental disabilities,
16 unless reasonable public notice of the action has been pro-
17 vided to such individuals (or, in the case of mental inca-
18 pacitation, the legal guardians who have been specifically
19 awarded authority by the courts to make healthcare and
20 residential decisions on behalf of such individuals) who are
21 affected by such action, within 90 days of instituting such
22 legal action, which informs such individuals (or such legal
23 guardians) of their legal rights and how to exercise such
24 rights consistent with current Federal Rules of Civil Pro-
25 cedure: *Provided further*, That the limitations in the imme-

1 diately preceding proviso shall not apply in the case of an
2 individual who is neither competent to consent nor has a
3 legal guardian, nor shall the proviso apply in the case of
4 individuals who are a ward of the State or subject to pub-
5 lic guardianship: *Provided further*, That of the amount
6 made available under this heading, \$13,871,000 shall be
7 used for the projects, and in the amounts, specified in the
8 table titled “Community Project Funding/Congressionally
9 Directed Spending” included for this division in the ex-
10 planatory statement described in section 4 (in the matter
11 preceding division A of this consolidated Act): *Provided*
12 *further*, That none of the funds made available for projects
13 described in the preceding proviso shall be subject to sec-
14 tion 241 of the PHS Act or section 205 of this Act.

15 OFFICE OF THE SECRETARY

16 GENERAL DEPARTMENTAL MANAGEMENT

17 For necessary expenses, not otherwise provided, for
18 general departmental management, including hire of six
19 passenger motor vehicles, and for carrying out titles III,
20 XVII, XXI, and section 229 of the PHS Act, the United
21 States-Mexico Border Health Commission Act, and re-
22 search studies under section 1110 of the Social Security
23 Act, \$506,294,000, together with \$64,828,000 from the
24 amounts available under section 241 of the PHS Act to
25 carry out national health or human services research and

1 evaluation activities: *Provided*, That of this amount,
2 \$56,900,000 shall be for minority AIDS prevention and
3 treatment activities: *Provided further*, That of the funds
4 made available under this heading, \$101,000,000 shall be
5 for making competitive contracts and grants to public and
6 private entities to fund medically accurate and age appro-
7 priate programs that reduce teen pregnancy and for the
8 Federal costs associated with administering and evalu-
9 ating such contracts and grants, of which not more than
10 10 percent of the available funds shall be for training and
11 technical assistance, evaluation, outreach, and additional
12 program support activities, and of the remaining amount
13 75 percent shall be for replicating programs that have
14 been proven effective through rigorous evaluation to re-
15 duce teenage pregnancy, behavioral risk factors underlying
16 teenage pregnancy, or other associated risk factors, and
17 25 percent shall be available for research and demonstra-
18 tion grants to develop, replicate, refine, and test additional
19 models and innovative strategies for preventing teenage
20 pregnancy: *Provided further*, That of the amounts pro-
21 vided under this heading from amounts available under
22 section 241 of the PHS Act, \$6,800,000 shall be available
23 to carry out evaluations (including longitudinal evalua-
24 tions) of teenage pregnancy prevention approaches: *Pro-*
25 *vided further*, That of the funds made available under this

1 heading, \$35,000,000 shall be for making competitive
2 grants which exclusively implement education in sexual
3 risk avoidance (defined as voluntarily refraining from non-
4 marital sexual activity): *Provided further*, That funding for
5 such competitive grants for sexual risk avoidance shall use
6 medically accurate information referenced to peer-re-
7 viewed publications by educational, scientific, govern-
8 mental, or health organizations; implement an evidence-
9 based approach integrating research findings with prac-
10 tical implementation that aligns with the needs and de-
11 sired outcomes for the intended audience; and teach the
12 benefits associated with self-regulation, success sequenc-
13 ing for poverty prevention, healthy relationships, goal set-
14 ting, and resisting sexual coercion, dating violence, and
15 other youth risk behaviors such as underage drinking or
16 illicit drug use without normalizing teen sexual activity:
17 *Provided further*, That no more than 10 percent of the
18 funding for such competitive grants for sexual risk avoid-
19 ance shall be available for technical assistance and admin-
20 istrative costs of such programs: *Provided further*, That
21 funds provided in this Act for embryo adoption activities
22 may be used to provide to individuals adopting embryos,
23 through grants and other mechanisms, medical and ad-
24 ministrative services deemed necessary for such adoptions:
25 *Provided further*, That such services shall be provided con-

1 sistent with 42 CFR 59.5(a)(4): *Provided further*, That
2 of the funds made available under this heading,
3 \$5,000,000 shall be for carrying out prize competitions
4 sponsored by the Office of the Secretary to accelerate in-
5 novation in the prevention, diagnosis, and treatment of
6 kidney diseases (as authorized by section 24 of the Steven-
7 son-Wydler Technology Innovation Act of 1980 (15 U.S.C.
8 3719)).

9 MEDICARE HEARINGS AND APPEALS

10 For expenses necessary for Medicare hearings and
11 appeals in the Office of the Secretary, \$196,000,000 shall
12 remain available until September 30, 2023, to be trans-
13 ferred in appropriate part from the Federal Hospital In-
14 surance Trust Fund and the Federal Supplementary Med-
15 ical Insurance Trust Fund.

16 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
17 INFORMATION TECHNOLOGY

18 For expenses necessary for the Office of the National
19 Coordinator for Health Information Technology, including
20 grants, contracts, and cooperative agreements for the de-
21 velopment and advancement of interoperable health infor-
22 mation technology, \$64,238,000 shall be from amounts
23 made available under section 241 of the PHS Act.

1028

1 OFFICE OF INSPECTOR GENERAL

2 For expenses necessary for the Office of Inspector
3 General, including the hire of passenger motor vehicles for
4 investigations, in carrying out the provisions of the Inspec-
5 tor General Act of 1978, \$82,400,000: *Provided*, That of
6 such amount, necessary sums shall be available for pro-
7 viding protective services to the Secretary and inves-
8 tigating non-payment of child support cases for which non-
9 payment is a Federal offense under 18 U.S.C. 228: *Pro-*
10 *vided further*, That of the amount appropriated under this
11 heading, necessary sums shall be available for carrying out
12 activities authorized under section 3022 of the PHS Act
13 (42 U.S.C. 300jj-52).

14 OFFICE FOR CIVIL RIGHTS

15 For expenses necessary for the Office for Civil
16 Rights, \$39,798,000.

17 RETIREMENT PAY AND MEDICAL BENEFITS FOR
18 COMMISSIONED OFFICERS

19 For retirement pay and medical benefits of Public
20 Health Service Commissioned Officers as authorized by
21 law, for payments under the Retired Serviceman's Family
22 Protection Plan and Survivor Benefit Plan, and for med-
23 ical care of dependents and retired personnel under the
24 Dependents' Medical Care Act, such amounts as may be
25 required during the current fiscal year.

1029

1 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

2 FUND

3 For expenses necessary to support activities related
4 to countering potential biological, nuclear, radiological,
5 chemical, and cybersecurity threats to civilian populations,
6 and for other public health emergencies, \$1,274,678,000,
7 of which \$745,005,000 shall remain available through
8 September 30, 2023, for expenses necessary to support
9 advanced research and development pursuant to section
10 319L of the PHS Act and other administrative expenses
11 of the Biomedical Advanced Research and Development
12 Authority: *Provided*, That funds provided under this head-
13 ing for the purpose of acquisition of security counter-
14 measures shall be in addition to any other funds available
15 for such purpose: *Provided further*, That products pur-
16 chased with funds provided under this heading may, at
17 the discretion of the Secretary, be deposited in the Stra-
18 tegic National Stockpile pursuant to section 319F-2 of
19 the PHS Act: *Provided further*, That \$5,000,000 of the
20 amounts made available to support emergency operations
21 shall remain available through September 30, 2024.

22 For expenses necessary for procuring security coun-
23 termeasures (as defined in section 319F-2(c)(1)(B) of the
24 PHS Act), \$780,000,000, to remain available until ex-
25 pended.

1 For expenses necessary to carry out section 319F–
2 2(a) of the PHS Act, \$845,000,000, to remain available
3 until expended.

4 For an additional amount for expenses necessary to
5 prepare for or respond to an influenza pandemic,
6 \$300,000,000; of which \$265,000,000 shall be available
7 until expended, for activities including the development
8 and purchase of vaccine, antivirals, necessary medical sup-
9 plies, diagnostics, and other surveillance tools: *Provided*,
10 That notwithstanding section 496(b) of the PHS Act,
11 funds may be used for the construction or renovation of
12 privately owned facilities for the production of pandemic
13 influenza vaccines and other biologics, if the Secretary
14 finds such construction or renovation necessary to secure
15 sufficient supplies of such vaccines or biologics.

16 ADVANCED RESEARCH PROJECTS AGENCY FOR HEALTH
17 (INCLUDING TRANSFER OF FUNDS)

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to advanced research projects for health,
20 \$1,000,000,000, to remain available through September
21 30, 2024: *Provided*, That the President shall appoint in
22 the Department of Health and Human Services a director
23 of advanced research projects for health (Director): *Pro-*
24 *vided further*, That funds may be used to make or rescind
25 appointments of scientific, medical, and professional per-

1 sonnel without regard to any provision in title 5 governing
2 appointments under the civil service laws: *Provided fur-*
3 *ther*, That funds may be used to fix the compensation of
4 such personnel at a rate to be determined by the Director,
5 up to the amount of annual compensation (excluding ex-
6 penses) specified in section 102 of title 3, United States
7 Code: *Provided further*, That the Director may use funds
8 made available under this heading to make awards in the
9 form of grants, contracts, cooperative agreements, and
10 cash prizes, and enter into other transactions (as defined
11 in section 319L(a)(3) of the PHS Act): *Provided further*,
12 That activities supported with funds provided under this
13 heading shall not be subject to the requirements of sec-
14 tions 406(a)(3)(A)(ii) or 492 of the PHS Act: *Provided*
15 *further*, That the Secretary may transfer the Advanced
16 Research Projects Agency for Health, including the func-
17 tions, personnel, missions, activities, authorities, and
18 funds, within 30 days of enactment of this Act to any
19 agency or office of the Department of Health and Human
20 Services, including the National Institutes of Health: *Pro-*
21 *vided further*, That the Committees on Appropriations of
22 the House of Representatives and the Senate shall be noti-
23 fied at least 15 days in advance of any transfer pursuant
24 to the preceding proviso.

1 GENERAL PROVISIONS

2 SEC. 201. Funds appropriated in this title shall be
3 available for not to exceed \$50,000 for official reception
4 and representation expenses when specifically approved by
5 the Secretary.

6 SEC. 202. None of the funds appropriated in this title
7 shall be used to pay the salary of an individual, through
8 a grant or other extramural mechanism, at a rate in excess
9 of Executive Level II: *Provided*, That none of the funds
10 appropriated in this title shall be used to prevent the NIH
11 from paying up to 100 percent of the salary of an indi-
12 vidual at this rate.

13 SEC. 203. None of the funds appropriated in this Act
14 may be expended pursuant to section 241 of the PHS Act,
15 except for funds specifically provided for in this Act, or
16 for other taps and assessments made by any office located
17 in HHS, prior to the preparation and submission of a re-
18 port by the Secretary to the Committees on Appropria-
19 tions of the House of Representatives and the Senate de-
20 tailing the planned uses of such funds.

21 SEC. 204. Notwithstanding section 241(a) of the
22 PHS Act, such portion as the Secretary shall determine,
23 but not more than 2.5 percent, of any amounts appro-
24 priated for programs authorized under such Act shall be
25 made available for the evaluation (directly, or by grants

1 or contracts) and the implementation and effectiveness of
2 programs funded in this title.

3 (TRANSFER OF FUNDS)

4 SEC. 205. Not to exceed 1 percent of any discre-
5 tionary funds (pursuant to the Balanced Budget and
6 Emergency Deficit Control Act of 1985) which are appro-
7 priated for the current fiscal year for HHS in this Act
8 may be transferred between appropriations, but no such
9 appropriation shall be increased by more than 3 percent
10 by any such transfer: *Provided*, That the transfer author-
11 ity granted by this section shall not be used to create any
12 new program or to fund any project or activity for which
13 no funds are provided in this Act: *Provided further*, That
14 the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate are notified at least 15 days
16 in advance of any transfer.

17 SEC. 206. In lieu of the timeframe specified in section
18 338E(c)(2) of the PHS Act, terminations described in
19 such section may occur up to 60 days after the effective
20 date of a contract awarded in fiscal year 2022 under sec-
21 tion 338B of such Act, or at any time if the individual
22 who has been awarded such contract has not received
23 funds due under the contract.

24 SEC. 207. None of the funds appropriated in this Act
25 may be made available to any entity under title X of the

1 PHS Act unless the applicant for the award certifies to
2 the Secretary that it encourages family participation in
3 the decision of minors to seek family planning services and
4 that it provides counseling to minors on how to resist at-
5 tempts to coerce minors into engaging in sexual activities.

6 SEC. 208. Notwithstanding any other provision of
7 law, no provider of services under title X of the PHS Act
8 shall be exempt from any State law requiring notification
9 or the reporting of child abuse, child molestation, sexual
10 abuse, rape, or incest.

11 SEC. 209. None of the funds appropriated by this Act
12 (including funds appropriated to any trust fund) may be
13 used to carry out the Medicare Advantage program if the
14 Secretary denies participation in such program to an oth-
15 erwise eligible entity (including a Provider Sponsored Or-
16 ganization) because the entity informs the Secretary that
17 it will not provide, pay for, provide coverage of, or provide
18 referrals for abortions: *Provided*, That the Secretary shall
19 make appropriate prospective adjustments to the capita-
20 tion payment to such an entity (based on an actuarially
21 sound estimate of the expected costs of providing the serv-
22 ice to such entity's enrollees): *Provided further*, That noth-
23 ing in this section shall be construed to change the Medi-
24 care program's coverage for such services and a Medicare
25 Advantage organization described in this section shall be

1 responsible for informing enrollees where to obtain infor-
2 mation about all Medicare covered services.

3 SEC. 210. None of the funds made available in this
4 title may be used, in whole or in part, to advocate or pro-
5 mote gun control.

6 SEC. 211. The Secretary shall make available through
7 assignment not more than 60 employees of the Public
8 Health Service to assist in child survival activities and to
9 work in AIDS programs through and with funds provided
10 by the Agency for International Development, the United
11 Nations International Children's Emergency Fund or the
12 World Health Organization.

13 SEC. 212. In order for HHS to carry out inter-
14 national health activities, including HIV/AIDS and other
15 infectious disease, chronic and environmental disease, and
16 other health activities abroad during fiscal year 2022:

17 (1) The Secretary may exercise authority equiv-
18 alent to that available to the Secretary of State in
19 section 2(c) of the State Department Basic Authori-
20 ties Act of 1956. The Secretary shall consult with
21 the Secretary of State and relevant Chief of Mission
22 to ensure that the authority provided in this section
23 is exercised in a manner consistent with section 207
24 of the Foreign Service Act of 1980 and other appli-

1 cable statutes administered by the Department of
2 State.

3 (2) The Secretary is authorized to provide such
4 funds by advance or reimbursement to the Secretary
5 of State as may be necessary to pay the costs of ac-
6 quisition, lease, alteration, renovation, and manage-
7 ment of facilities outside of the United States for
8 the use of HHS. The Department of State shall co-
9 operate fully with the Secretary to ensure that HHS
10 has secure, safe, functional facilities that comply
11 with applicable regulation governing location, set-
12 back, and other facilities requirements and serve the
13 purposes established by this Act. The Secretary is
14 authorized, in consultation with the Secretary of
15 State, through grant or cooperative agreement, to
16 make available to public or nonprofit private institu-
17 tions or agencies in participating foreign countries,
18 funds to acquire, lease, alter, or renovate facilities in
19 those countries as necessary to conduct programs of
20 assistance for international health activities, includ-
21 ing activities relating to HIV/AIDS and other infec-
22 tious diseases, chronic and environmental diseases,
23 and other health activities abroad.

24 (3) The Secretary is authorized to provide to
25 personnel appointed or assigned by the Secretary to

1 House of Representatives and the Senate are notified at
2 least 15 days in advance of any transfer.

3 (TRANSFER OF FUNDS)

4 SEC. 214. Of the amounts made available in this Act
5 for NIH, the amount for research related to the human
6 immunodeficiency virus, as jointly determined by the Di-
7 rector of NIH and the Director of the Office of AIDS Re-
8 search, shall be made available to the “Office of AIDS
9 Research” account. The Director of the Office of AIDS
10 Research shall transfer from such account amounts nec-
11 essary to carry out section 2353(d)(3) of the PHS Act.

12 SEC. 215. (a) AUTHORITY.—Notwithstanding any
13 other provision of law, the Director of NIH (“Director”)
14 may use funds authorized under section 402(b)(12) of the
15 PHS Act to enter into transactions (other than contracts,
16 cooperative agreements, or grants) to carry out research
17 identified pursuant to or research and activities described
18 in such section 402(b)(12).

19 (b) PEER REVIEW.—In entering into transactions
20 under subsection (a), the Director may utilize such peer
21 review procedures (including consultation with appropriate
22 scientific experts) as the Director determines to be appro-
23 priate to obtain assessments of scientific and technical
24 merit. Such procedures shall apply to such transactions
25 in lieu of the peer review and advisory council review pro-

1 cedures that would otherwise be required under sections
2 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
3 and 494 of the PHS Act.

4 SEC. 216. Not to exceed \$100,000,000 of funds ap-
5 propriated by this Act to the institutes and centers of the
6 National Institutes of Health may be used for alteration,
7 repair, or improvement of facilities, as necessary for the
8 proper and efficient conduct of the activities authorized
9 herein, at not to exceed \$5,000,000 per project.

10 (TRANSFER OF FUNDS)

11 SEC. 217. Of the amounts made available for NIH,
12 1 percent of the amount made available for National Re-
13 search Service Awards (“NRSA”) shall be made available
14 to the Administrator of the Health Resources and Services
15 Administration to make NRSA awards for research in pri-
16 mary medical care to individuals affiliated with entities
17 who have received grants or contracts under sections 736,
18 739, or 747 of the PHS Act, and 1 percent of the amount
19 made available for NRSA shall be made available to the
20 Director of the Agency for Healthcare Research and Qual-
21 ity to make NRSA awards for health service research.

22 SEC. 218. (a) The Biomedical Advanced Research
23 and Development Authority (“BARDA”) may enter into
24 a contract, for more than one but no more than 10 pro-
25 gram years, for purchase of research services or of security

1 countermeasures, as that term is defined in section 319F–
2 2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)),
3 if—

4 (1) funds are available and obligated—

5 (A) for the full period of the contract or
6 for the first fiscal year in which the contract is
7 in effect; and

8 (B) for the estimated costs associated with
9 a necessary termination of the contract; and

10 (2) the Secretary determines that a multi-year
11 contract will serve the best interests of the Federal
12 Government by encouraging full and open competi-
13 tion or promoting economy in administration, per-
14 formance, and operation of BARDA’s programs.

15 (b) A contract entered into under this section—

16 (1) shall include a termination clause as de-
17 scribed by subsection (c) of section 3903 of title 41,
18 United States Code; and

19 (2) shall be subject to the congressional notice
20 requirement stated in subsection (d) of such section.

21 SEC. 219. (a) The Secretary shall publish in the fiscal
22 year 2023 budget justification and on Departmental Web
23 sites information concerning the employment of full-time
24 equivalent Federal employees or contractors for the pur-
25 poses of implementing, administering, enforcing, or other-

1 wise carrying out the provisions of the ACA, and the
2 amendments made by that Act, in the proposed fiscal year
3 and each fiscal year since the enactment of the ACA.

4 (b) With respect to employees or contractors sup-
5 ported by all funds appropriated for purposes of carrying
6 out the ACA (and the amendments made by that Act),
7 the Secretary shall include, at a minimum, the following
8 information:

9 (1) For each such fiscal year, the section of
10 such Act under which such funds were appropriated,
11 a statement indicating the program, project, or ac-
12 tivity receiving such funds, the Federal operating di-
13 vision or office that administers such program, and
14 the amount of funding received in discretionary or
15 mandatory appropriations.

16 (2) For each such fiscal year, the number of
17 full-time equivalent employees or contracted employ-
18 ees assigned to each authorized and funded provision
19 detailed in accordance with paragraph (1).

20 (c) In carrying out this section, the Secretary may
21 exclude from the report employees or contractors who—

22 (1) are supported through appropriations en-
23 acted in laws other than the ACA and work on pro-
24 grams that existed prior to the passage of the ACA;

1 (2) spend less than 50 percent of their time on
2 activities funded by or newly authorized in the ACA;
3 or

4 (3) work on contracts for which FTE reporting
5 is not a requirement of their contract, such as fixed-
6 price contracts.

7 SEC. 220. The Secretary shall publish, as part of the
8 fiscal year 2023 budget of the President submitted under
9 section 1105(a) of title 31, United States Code, informa-
10 tion that details the uses of all funds used by the Centers
11 for Medicare & Medicaid Services specifically for Health
12 Insurance Exchanges for each fiscal year since the enact-
13 ment of the ACA and the proposed uses for such funds
14 for fiscal year 2023. Such information shall include, for
15 each such fiscal year, the amount of funds used for each
16 activity specified under the heading “Health Insurance
17 Exchange Transparency” in the explanatory statement de-
18 scribed in section 4 (in the matter preceding division A
19 of this consolidated Act).

20 SEC. 221. None of the funds made available by this
21 Act from the Federal Hospital Insurance Trust Fund or
22 the Federal Supplemental Medical Insurance Trust Fund,
23 or transferred from other accounts funded by this Act to
24 the “Centers for Medicare & Medicaid Services—Program
25 Management” account, may be used for payments under

1 section 1342(b)(1) of Public Law 111–148 (relating to
2 risk corridors).

3 (TRANSFER OF FUNDS)

4 SEC. 222. (a) Within 45 days of enactment of this
5 Act, the Secretary shall transfer funds appropriated under
6 section 4002 of the ACA to the accounts specified, in the
7 amounts specified, and for the activities specified under
8 the heading “Prevention and Public Health Fund” in the
9 explanatory statement described in section 4 (in the mat-
10 ter preceding division A of this consolidated Act).

11 (b) Notwithstanding section 4002(c) of the ACA, the
12 Secretary may not further transfer these amounts.

13 (c) Funds transferred for activities authorized under
14 section 2821 of the PHS Act shall be made available with-
15 out reference to section 2821(b) of such Act.

16 SEC. 223. Effective during the period beginning on
17 November 1, 2015 and ending January 1, 2024, any pro-
18 vision of law that refers (including through cross-reference
19 to another provision of law) to the current recommenda-
20 tions of the United States Preventive Services Task Force
21 with respect to breast cancer screening, mammography,
22 and prevention shall be administered by the Secretary in-
23 volved as if—

24 (1) such reference to such current recommenda-
25 tions were a reference to the recommendations of

1 such Task Force with respect to breast cancer
2 screening, mammography, and prevention last issued
3 before 2009; and

4 (2) such recommendations last issued before
5 2009 applied to any screening mammography modal-
6 ity under section 1861(jj) of the Social Security Act
7 (42 U.S.C. 1395x(jj)).

8 SEC. 224. In making Federal financial assistance, the
9 provisions relating to indirect costs in part 75 of title 45,
10 Code of Federal Regulations, including with respect to the
11 approval of deviations from negotiated rates, shall con-
12 tinue to apply to the National Institutes of Health to the
13 same extent and in the same manner as such provisions
14 were applied in the third quarter of fiscal year 2017. None
15 of the funds appropriated in this or prior Acts or otherwise
16 made available to the Department of Health and Human
17 Services or to any department or agency may be used to
18 develop or implement a modified approach to such provi-
19 sions, or to intentionally or substantially expand the fiscal
20 effect of the approval of such deviations from negotiated
21 rates beyond the proportional effect of such approvals in
22 such quarter.

23 (TRANSFER OF FUNDS)

24 SEC. 225. The NIH Director may transfer funds for
25 opioid addiction, opioid alternatives, stimulant misuse and

1 addiction, pain management, and addiction treatment to
2 other Institutes and Centers of the NIH to be used for
3 the same purpose 15 days after notifying the Committees
4 on Appropriations of the House of Representatives and the
5 Senate: *Provided*, That the transfer authority provided in
6 the previous proviso is in addition to any other transfer
7 authority provided by law.

8 SEC. 226. (a) The Secretary shall provide to the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate:

11 (1) Detailed monthly enrollment figures from
12 the Exchanges established under the Patient Protec-
13 tion and Affordable Care Act of 2010 pertaining to
14 enrollments during the open enrollment period; and

15 (2) Notification of any new or competitive grant
16 awards, including supplements, authorized under
17 section 330 of the Public Health Service Act.

18 (b) The Committees on Appropriations of the House
19 and Senate must be notified at least 2 business days in
20 advance of any public release of enrollment information
21 or the award of such grants.

22 SEC. 227. In addition to the amounts otherwise avail-
23 able for “Centers for Medicare & Medicaid Services, Pro-
24 gram Management”, the Secretary of Health and Human
25 Services may transfer up to \$355,000,000 to such account

1 from the Federal Hospital Insurance Trust Fund and the
2 Federal Supplementary Medical Insurance Trust Fund to
3 support program management activity related to the Medi-
4 care Program: *Provided*, That except for the foregoing
5 purpose, such funds may not be used to support any provi-
6 sion of Public Law 111–148 or Public Law 111–152 (or
7 any amendment made by either such Public Law) or to
8 supplant any other amounts within such account.

9 SEC. 228. The Department of Health and Human
10 Services shall provide the Committees on Appropriations
11 of the House of Representatives and Senate a biannual
12 report 30 days after enactment of this Act on staffing de-
13 scribed in the explanatory statement described in section
14 4 (in the matter preceding division A of this consolidated
15 Act).

16 SEC. 229. Funds appropriated in this Act that are
17 available for salaries and expenses of employees of the De-
18 partment of Health and Human Services shall also be
19 available to pay travel and related expenses of such an
20 employee or of a member of his or her family, when such
21 employee is assigned to duty, in the United States or in
22 a U.S. territory, during a period and in a location that
23 are the subject of a determination of a public health emer-
24 gency under section 319 of the Public Health Service Act
25 and such travel is necessary to obtain medical care for

1 an illness, injury, or medical condition that cannot be ade-
2 quately addressed in that location at that time. For pur-
3 poses of this section, the term “U.S. territory” means
4 Guam, the Commonwealth of Puerto Rico, the Northern
5 Mariana Islands, the Virgin Islands, American Samoa, or
6 the Trust Territory of the Pacific Islands.

7 SEC. 230. The Department of Health and Human
8 Services may accept donations from the private sector,
9 nongovernmental organizations, and other groups inde-
10 pendent of the Federal Government for the care of unac-
11 companied alien children (as defined in section 462(g)(2)
12 of the Homeland Security Act of 2002 (6 U.S.C.
13 279(g)(2))) in the care of the Office of Refugee Resettle-
14 ment of the Administration for Children and Families, in-
15 cluding medical goods and services, which may include
16 early childhood developmental screenings, school supplies,
17 toys, clothing, and any other items intended to promote
18 the wellbeing of such children.

19 SEC. 231. None of the funds made available in this
20 Act under the heading “Department of Health and
21 Human Services—Administration for Children and Fami-
22 lies—Refugee and Entrant Assistance” may be obligated
23 to a grantee or contractor to house unaccompanied alien
24 children (as such term is defined in section 462(g)(2) of
25 the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)))

1 in any facility that is not State-licensed for the care of
2 unaccompanied alien children, except in the case that the
3 Secretary determines that housing unaccompanied alien
4 children in such a facility is necessary on a temporary
5 basis due to an influx of such children or an emergency,
6 provided that—

7 (1) the terms of the grant or contract for the
8 operations of any such facility that remains in oper-
9 ation for more than six consecutive months shall re-
10 quire compliance with—

11 (A) the same requirements as licensed
12 placements, as listed in Exhibit 1 of the Flores
13 Settlement Agreement that the Secretary deter-
14 mines are applicable to non-State licensed facili-
15 ties; and

16 (B) staffing ratios of one (1) on-duty
17 Youth Care Worker for every eight (8) children
18 or youth during waking hours, one (1) on-duty
19 Youth Care Worker for every sixteen (16) chil-
20 dren or youth during sleeping hours, and clini-
21 cian ratios to children (including mental health
22 providers) as required in grantee cooperative
23 agreements;

24 (2) the Secretary may grant a 60-day waiver
25 for a contractor's or grantee's non-compliance with

1 paragraph (1) if the Secretary certifies and provides
2 a report to Congress on the contractor's or grantee's
3 good-faith efforts and progress towards compliance;

4 (3) not more than four consecutive waivers
5 under paragraph (2) may be granted to a contractor
6 or grantee with respect to a specific facility;

7 (4) ORR shall ensure full adherence to the
8 monitoring requirements set forth in section 5.5 of
9 its Policies and Procedures Guide as of May 15,
10 2019;

11 (5) for any such unlicensed facility in operation
12 for more than three consecutive months, ORR shall
13 conduct a minimum of one comprehensive moni-
14 toring visit during the first three months of oper-
15 ation, with quarterly monitoring visits thereafter;
16 and

17 (6) not later than 60 days after the date of en-
18 actment of this Act, ORR shall brief the Committees
19 on Appropriations of the House of Representatives
20 and the Senate outlining the requirements of ORR
21 for influx facilities including any requirement listed
22 in paragraph (1)(A) that the Secretary has deter-
23 mined are not applicable to non-State licensed facili-
24 ties.

1 SEC. 232. In addition to the existing Congressional
2 notification for formal site assessments of potential influx
3 facilities, the Secretary shall notify the Committees on Ap-
4 propriations of the House of Representatives and the Sen-
5 ate at least 15 days before operationalizing an unlicensed
6 facility, and shall (1) specify whether the facility is hard-
7 sided or soft-sided, and (2) provide analysis that indicates
8 that, in the absence of the influx facility, the likely out-
9 come is that unaccompanied alien children will remain in
10 the custody of the Department of Homeland Security for
11 longer than 72 hours or that unaccompanied alien children
12 will be otherwise placed in danger. Within 60 days of
13 bringing such a facility online, and monthly thereafter, the
14 Secretary shall provide to the Committees on Appropria-
15 tions of the House of Representatives and the Senate a
16 report detailing the total number of children in care at
17 the facility, the average length of stay and average length
18 of care of children at the facility, and, for any child that
19 has been at the facility for more than 60 days, their length
20 of stay and reason for delay in release.

21 SEC. 233. None of the funds made available in this
22 Act may be used to prevent a United States Senator or
23 Member of the House of Representatives from entering,
24 for the purpose of conducting oversight, any facility in the
25 United States used for the purpose of maintaining custody

1 of, or otherwise housing, unaccompanied alien children (as
2 defined in section 462(g)(2) of the Homeland Security Act
3 of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator
4 or Member has coordinated the oversight visit with the
5 Office of Refugee Resettlement not less than two business
6 days in advance to ensure that such visit would not inter-
7 fere with the operations (including child welfare and child
8 safety operations) of such facility.

9 SEC. 234. Not later than 14 days after the date of
10 enactment of this Act, and monthly thereafter, the Sec-
11 retary shall submit to the Committees on Appropriations
12 of the House of Representatives and the Senate, and make
13 publicly available online, a report with respect to children
14 who were separated from their parents or legal guardians
15 by the Department of Homeland Security (DHS) (regard-
16 less of whether or not such separation was pursuant to
17 an option selected by the children, parents, or guardians),
18 subsequently classified as unaccompanied alien children,
19 and transferred to the care and custody of ORR during
20 the previous month. Each report shall contain the fol-
21 lowing information:

22 (1) the number and ages of children so sepa-
23 rated subsequent to apprehension at or between
24 ports of entry, to be reported by sector where sepa-
25 ration occurred; and

1 unobligated balances of such funds are hereby rescinded,
2 and an amount of additional new budget authority equiva-
3 lent to the amount rescinded is hereby appropriated, to
4 remain available until expended, for the same purposes as
5 such unobligated balances, in addition to any other
6 amounts available for such purposes.

7 SEC. 238. The Secretary of Health and Human Serv-
8 ices may waive penalties and administrative requirements
9 in title XXVI of the Public Health Service Act for awards
10 under such title from amounts provided under the heading
11 “Department of Health and Human Services—Health Re-
12 sources and Services Administration” in this or any other
13 appropriations Act for this fiscal year, including amounts
14 made available to such heading by transfer.

15 SEC. 239. The Director of the National Institutes of
16 Health shall hereafter require institutions that receive
17 funds through a grant or cooperative agreement during
18 fiscal year 2022 and in future years to notify the Director
19 when individuals identified as a principal investigator or
20 as key personnel in an NIH notice of award are removed
21 from their position or are otherwise disciplined due to con-
22 cerns about harassment, bullying, retaliation, or hostile
23 working conditions. The Director may issue regulations
24 consistent with this section.

1 SEC. 240. The CDC Undergraduate Public Health
2 Scholars Program is hereby renamed as the John R. Lewis
3 CDC Undergraduate Public Health Scholars Program.

4 SEC. 241. The Center for Alzheimer’s Disease and
5 Related Dementias Building (Building T–44) at the Na-
6 tional Institutes of Health is hereby renamed as the Roy
7 Blunt Center for Alzheimer’s Disease and Related Demen-
8 tias Research Building.

9 This title may be cited as the “Department of Health
10 and Human Services Appropriations Act, 2022”.

1055

1 TITLE III
2 DEPARTMENT OF EDUCATION
3 EDUCATION FOR THE DISADVANTAGED

4 For carrying out title I and subpart 2 of part B of
5 title II of the Elementary and Secondary Education Act
6 of 1965 (referred to in this Act as “ESEA”) and section
7 418A of the Higher Education Act of 1965 (referred to
8 in this Act as “HEA”), \$18,229,790,000, of which
9 \$7,306,490,000 shall become available on July 1, 2022,
10 and shall remain available through September 30, 2023,
11 and of which \$10,841,177,000 shall become available on
12 October 1, 2022, and shall remain available through Sep-
13 tember 30, 2023, for academic year 2022–2023: *Provided*,
14 That \$6,459,401,000 shall be for basic grants under sec-
15 tion 1124 of the ESEA: *Provided further*, That up to
16 \$5,000,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2021, to obtain annually updated
19 local educational agency-level census poverty data from
20 the Bureau of the Census: *Provided further*, That
21 \$1,362,301,000 shall be for concentration grants under
22 section 1124A of the ESEA: *Provided further*, That
23 \$4,857,550,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$4,857,550,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That \$221,000,000 shall be for carrying out subpart
3 2 of part B of title II: *Provided further*, That \$48,123,000
4 shall be for carrying out section 418A of the HEA.

5 IMPACT AID

6 For carrying out programs of financial assistance to
7 federally affected schools authorized by title VII of the
8 ESEA, \$1,557,112,000, of which \$1,409,242,000 shall be
9 for basic support payments under section 7003(b),
10 \$48,316,000 shall be for payments for children with dis-
11 abilities under section 7003(d), \$17,406,000 shall be for
12 construction under section 7007(a), \$77,313,000 shall be
13 for Federal property payments under section 7002, and
14 \$4,835,000, to remain available until expended, shall be
15 for facilities maintenance under section 7008: *Provided*,
16 That for purposes of computing the amount of a payment
17 for an eligible local educational agency under section
18 7003(a) for school year 2021–2022, children enrolled in
19 a school of such agency that would otherwise be eligible
20 for payment under section 7003(a)(1)(B) of such Act, but
21 due to the deployment of both parents or legal guardians,
22 or a parent or legal guardian having sole custody of such
23 children, or due to the death of a military parent or legal
24 guardian while on active duty (so long as such children
25 reside on Federal property as described in section

1 7003(a)(1)(B)), are no longer eligible under such section,
2 shall be considered as eligible students under such section,
3 provided such students remain in average daily attendance
4 at a school in the same local educational agency they at-
5 tended prior to their change in eligibility status.

6 SCHOOL IMPROVEMENT PROGRAMS

7 For carrying out school improvement activities au-
8 thorized by part B of title I, part A of title II, subpart
9 1 of part A of title IV, part B of title IV, part B of title
10 V, and parts B and C of title VI of the ESEA; the McKin-
11 ney-Vento Homeless Assistance Act; section 203 of the
12 Educational Technical Assistance Act of 2002; the Com-
13 pact of Free Association Amendments Act of 2003; and
14 the Civil Rights Act of 1964, \$5,595,835,000, of which
15 \$3,757,312,000 shall become available on July 1, 2022,
16 and remain available through September 30, 2023, and
17 of which \$1,681,441,000 shall become available on Octo-
18 ber 1, 2022, and shall remain available through September
19 30, 2023, for academic year 2022-2023: *Provided*, That
20 \$390,000,000 shall be for part B of title I: *Provided fur-*
21 *ther*, That \$1,289,673,000 shall be for part B of title IV:
22 *Provided further*, That \$38,897,000 shall be for part B
23 of title VI, which may be used for construction, renova-
24 tion, and modernization of any public elementary school,
25 secondary school, or structure related to a public elemen-

1 tary school or secondary school that serves a predomi-
2 nantly Native Hawaiian student body, and that the 5 per-
3 cent limitation in section 6205(b) of the ESEA on the use
4 of funds for administrative purposes shall apply only to
5 direct administrative costs: *Provided further*, That
6 \$37,953,000 shall be for part C of title VI, which shall
7 be awarded on a competitive basis, and may be used for
8 construction, and that the 5 percent limitation in section
9 6305 of the ESEA on the use of funds for administrative
10 purposes shall apply only to direct administrative costs:
11 *Provided further*, That \$54,000,000 shall be available to
12 carry out section 203 of the Educational Technical Assist-
13 ance Act of 2002 and the Secretary shall make such ar-
14 rangements as determined to be necessary to ensure that
15 the Bureau of Indian Education has access to services pro-
16 vided under this section: *Provided further*, That
17 \$19,657,000 shall be available to carry out the Supple-
18 mental Education Grants program for the Federated
19 States of Micronesia and the Republic of the Marshall Is-
20 lands: *Provided further*, That the Secretary may reserve
21 up to 5 percent of the amount referred to in the previous
22 proviso to provide technical assistance in the implementa-
23 tion of these grants: *Provided further*, That \$195,000,000
24 shall be for part B of title V: *Provided further*, That

1 \$1,280,000,000 shall be available for grants under sub-
2 part 1 of part A of title IV.

3 INDIAN EDUCATION

4 For expenses necessary to carry out, to the extent
5 not otherwise provided, title VI, part A of the ESEA,
6 \$189,246,000, of which \$70,000,000 shall be for subpart
7 2 of part A of title VI and \$9,365,000 shall be for subpart
8 3 of part A of title VI: *Provided*, That the 5 percent limita-
9 tion in sections 6115(d), 6121(e), and 6133(g) of the
10 ESEA on the use of funds for administrative purposes
11 shall apply only to direct administrative costs: *Provided*
12 *further*, That grants awarded under sections 6132 and
13 6133 of the ESEA with funds provided under this heading
14 may be for a period of up to 5 years.

15 INNOVATION AND IMPROVEMENT

16 For carrying out activities authorized by subparts 1,
17 3 and 4 of part B of title II, and parts C, D, and E and
18 subparts 1 and 4 of part F of title IV of the ESEA,
19 \$1,160,250,000: *Provided*, That \$265,750,000 shall be for
20 subparts 1, 3 and 4 of part B of title II and shall be made
21 available without regard to sections 2201, 2231(b) and
22 2241: *Provided further*, That \$660,500,000 shall be for
23 parts C, D, and E and subpart 4 of part F of title IV,
24 and shall be made available without regard to sections
25 4311, 4409(a), and 4601 of the ESEA: *Provided further*,

1 That section 4303(d)(3)(A)(i) shall not apply to the funds
2 available for part C of title IV: *Provided further*, That of
3 the funds available for part C of title IV, the Secretary
4 shall use \$60,000,000 to carry out section 4304, of which
5 not more than \$10,000,000 shall be available to carry out
6 section 4304(k), \$140,000,000, to remain available
7 through March 31, 2023, to carry out section 4305(b),
8 and not more than \$15,000,000 to carry out the activities
9 in section 4305(a)(3): *Provided further*, That notwith-
10 standing section 4601(b), \$234,000,000 shall be available
11 through December 31, 2022 for subpart 1 of part F of
12 title IV: *Provided further*, That of the funds available for
13 subpart 4 of part F of title IV, \$6,000,000 shall be for
14 an award to a national nonprofit organization selected in
15 the 2018 arts in education national program competition
16 for activities authorized under section 4642(a)(1)(C), in-
17 cluding costs incurred prior to the award date, and not
18 less than \$8,000,000 shall be used to carry out a separate
19 competition for eligible national nonprofit organizations,
20 as described in the Applications for New Awards; Assist-
21 ance for Arts Education Program—Arts in Education Na-
22 tional Program published in the Federal Register on May
23 7, 2018, for activities described under section
24 4642(a)(1)(C).

1 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

2 For carrying out activities authorized by subparts 2
3 and 3 of part F of title IV of the ESEA, \$361,000,000,
4 to remain available through December 31, 2022: *Provided*,
5 That \$201,000,000 shall be available for section 4631, of
6 which up to \$5,000,000, to remain available until ex-
7 pended, shall be for the Project School Emergency Re-
8 sponse to Violence (Project SERV) program: *Provided fur-*
9 *ther*, That \$75,000,000 shall be available for section 4625:
10 *Provided further*, That \$85,000,000 shall be for section
11 4624.

12 ENGLISH LANGUAGE ACQUISITION

13 For carrying out part A of title III of the ESEA,
14 \$831,400,000, which shall become available on July 1,
15 2022, and shall remain available through September 30,
16 2023, except that 6.5 percent of such amount shall be
17 available on October 1, 2021, and shall remain available
18 through September 30, 2023, to carry out activities under
19 section 3111(c)(1)(C).

20 SPECIAL EDUCATION

21 For carrying out the Individuals with Disabilities
22 Education Act (IDEA) and the Special Olympics Sport
23 and Empowerment Act of 2004, \$14,519,119,000, of
24 which \$4,966,176,000 shall become available on July 1,
25 2022, and shall remain available through September 30,

1 2023, and of which \$9,283,383,000 shall become available
2 on October 1, 2022, and shall remain available through
3 September 30, 2023, for academic year 2022–2023: *Pro-*
4 *vided*, That the amount for section 611(b)(2) of the IDEA
5 shall be equal to the lesser of the amount available for
6 that activity during fiscal year 2021, increased by the
7 amount of inflation as specified in section 619(d)(2)(B)
8 of the IDEA, or the percent change in the funds appro-
9 priated under section 611(i) of the IDEA, but not less
10 than the amount for that activity during fiscal year 2021:
11 *Provided further*, That the Secretary shall, without regard
12 to section 611(d) of the IDEA, distribute to all other
13 States (as that term is defined in section 611(g)(2)), sub-
14 ject to the third proviso, any amount by which a State’s
15 allocation under section 611, from funds appropriated
16 under this heading, is reduced under section
17 612(a)(18)(B), according to the following: 85 percent on
18 the basis of the States’ relative populations of children
19 aged 3 through 21 who are of the same age as children
20 with disabilities for whom the State ensures the avail-
21 ability of a free appropriate public education under this
22 part, and 15 percent to States on the basis of the States’
23 relative populations of those children who are living in pov-
24 erty: *Provided further*, That the Secretary may not dis-
25 tribute any funds under the previous proviso to any State

1 whose reduction in allocation from funds appropriated
2 under this heading made funds available for such a dis-
3 tribution: *Provided further*, That the States shall allocate
4 such funds distributed under the second proviso to local
5 educational agencies in accordance with section 611(f):
6 *Provided further*, That the amount by which a State's allo-
7 cation under section 611(d) of the IDEA is reduced under
8 section 612(a)(18)(B) and the amounts distributed to
9 States under the previous provisos in fiscal year 2012 or
10 any subsequent year shall not be considered in calculating
11 the awards under section 611(d) for fiscal year 2013 or
12 for any subsequent fiscal years: *Provided further*, That,
13 notwithstanding the provision in section 612(a)(18)(B) re-
14 garding the fiscal year in which a State's allocation under
15 section 611(d) is reduced for failure to comply with the
16 requirement of section 612(a)(18)(A), the Secretary may
17 apply the reduction specified in section 612(a)(18)(B) over
18 a period of consecutive fiscal years, not to exceed 5, until
19 the entire reduction is applied: *Provided further*, That the
20 Secretary may, in any fiscal year in which a State's alloca-
21 tion under section 611 is reduced in accordance with sec-
22 tion 612(a)(18)(B), reduce the amount a State may re-
23 serve under section 611(e)(1) by an amount that bears
24 the same relation to the maximum amount described in
25 that paragraph as the reduction under section

1 612(a)(18)(B) bears to the total allocation the State
2 would have received in that fiscal year under section
3 611(d) in the absence of the reduction: *Provided further*,
4 That the Secretary shall either reduce the allocation of
5 funds under section 611 for any fiscal year following the
6 fiscal year for which the State fails to comply with the
7 requirement of section 612(a)(18)(A) as authorized by
8 section 612(a)(18)(B), or seek to recover funds under sec-
9 tion 452 of the General Education Provisions Act (20
10 U.S.C. 1234a): *Provided further*, That the funds reserved
11 under 611(c) of the IDEA may be used to provide tech-
12 nical assistance to States to improve the capacity of the
13 States to meet the data collection requirements of sections
14 616 and 618 and to administer and carry out other serv-
15 ices and activities to improve data collection, coordination,
16 quality, and use under parts B and C of the IDEA: *Pro-*
17 *vided further*, That the Secretary may use funds made
18 available for the State Personnel Development Grants pro-
19 gram under part D, subpart 1 of IDEA to evaluate pro-
20 gram performance under such subpart: *Provided further*,
21 That States may use funds reserved for other State-level
22 activities under sections 611(e)(2) and 619(f) of the IDEA
23 to make subgrants to local educational agencies, institu-
24 tions of higher education, other public agencies, and pri-
25 vate non-profit organizations to carry out activities au-

1 thORIZED by those sections: *Provided further*, That, not-
2 withstanding section 643(e)(2)(A) of the IDEA, if 5 or
3 fewer States apply for grants pursuant to section 643(e)
4 of such Act, the Secretary shall provide a grant to each
5 State in an amount equal to the maximum amount de-
6 scribed in section 643(e)(2)(B) of such Act: *Provided fur-*
7 *ther*, That if more than 5 States apply for grants pursuant
8 to section 643(e) of the IDEA, the Secretary shall award
9 funds to those States on the basis of the States' relative
10 populations of infants and toddlers except that no such
11 State shall receive a grant in excess of the amount de-
12 scribed in section 643(e)(2)(B) of such Act: *Provided fur-*
13 *ther*, That States may use funds allotted under section
14 643(e) of the IDEA to make subgrants to local edu-
15 cational agencies, institutions of higher education, other
16 public agencies, and private non-profit organizations to
17 carry out activities authorized by section 638 of IDEA:
18 *Provided further*, That, notwithstanding section 638 of the
19 IDEA, a State may use funds it receives under section
20 633 of the IDEA to offer continued early intervention
21 services to a child who previously received services under
22 part C of the IDEA from age 3 until the beginning of
23 the school year following the child's third birthday with
24 parental consent and without regard to the procedures in
25 section 635(c) of the IDEA.

1 REHABILITATION SERVICES

2 For carrying out, to the extent not otherwise pro-
3 vided, the Rehabilitation Act of 1973 and the Helen Keller
4 National Center Act, \$3,862,645,000, of which
5 \$3,719,121,000 shall be for grants for vocational rehabili-
6 tation services under title I of the Rehabilitation Act: *Pro-*
7 *vided*, That the Secretary may use amounts provided in
8 this Act that remain available subsequent to the reallocot-
9 ment of funds to States pursuant to section 110(b) of the
10 Rehabilitation Act for innovative activities aimed at in-
11 creasing competitive integrated employment as defined in
12 section 7 of such Act for youth and other individuals with
13 disabilities: *Provided further*, That up to 15 percent of the
14 amounts available for innovative activities described in the
15 preceding proviso from funds provided under this para-
16 graph in this Act and title III of the Departments of
17 Labor, Health and Human Services, and Education, and
18 Related Agencies Appropriations Act, 2021 (division H of
19 Public Law 116–260), may be used for evaluation and
20 technical assistance related to such activities: *Provided*
21 *further*, That States may award subgrants for a portion
22 of the funds to other public and private, nonprofit entities:
23 *Provided further*, That any funds provided in this Act and
24 made available subsequent to reallocation for innovative
25 activities aimed at improving the outcomes of individuals

1 with disabilities shall remain available until September 30,
2 2023: *Provided further*, That of the amounts made avail-
3 able under this heading, \$2,325,000 shall be used for the
4 projects, and in the amounts, specified in the table titled
5 “Community Project Funding/Congressionally Directed
6 Spending” included for this division in the explanatory
7 statement described in section 4 (in the matter preceding
8 division A of this consolidated Act): *Provided further*, That
9 none of the funds made available for projects described
10 in the preceding proviso shall be subject to section 302
11 of this Act.

12 SPECIAL INSTITUTIONS FOR PERSONS WITH
13 DISABILITIES
14 AMERICAN PRINTING HOUSE FOR THE BLIND

15 For carrying out the Act to Promote the Education
16 of the Blind of March 3, 1879, \$40,431,000.

17 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

18 For the National Technical Institute for the Deaf
19 under titles I and II of the Education of the Deaf Act
20 of 1986, \$88,500,000: *Provided*, That from the total
21 amount available, the Institute may at its discretion use
22 funds for the endowment program as authorized under
23 section 207 of such Act.

1 GALLAUDET UNIVERSITY

2 For the Kendall Demonstration Elementary School,
3 the Model Secondary School for the Deaf, and the partial
4 support of Gallaudet University under titles I and II of
5 the Education of the Deaf Act of 1986, \$146,361,000:
6 *Provided*, That from the total amount available, the Uni-
7 versity may at its discretion use funds for the endowment
8 program as authorized under section 207 of such Act.

9 CAREER, TECHNICAL, AND ADULT EDUCATION

10 For carrying out, to the extent not otherwise pro-
11 vided, the Carl D. Perkins Career and Technical Edu-
12 cation Act of 2006 (“Perkins Act”) and the Adult Edu-
13 cation and Family Literacy Act (“AEFLA”),
14 \$2,091,436,000, of which \$1,300,436,000 shall become
15 available on July 1, 2022, and shall remain available
16 through September 30, 2023, and of which \$791,000,000
17 shall become available on October 1, 2022, and shall re-
18 main available through September 30, 2023: *Provided*,
19 That of the amounts made available for AEFLA,
20 \$13,712,000 shall be for national leadership activities
21 under section 242.

22 STUDENT FINANCIAL ASSISTANCE

23 For carrying out subparts 1, 3, and 10 of part A,
24 and part C of title IV of the HEA, \$24,580,352,000 which
25 shall remain available through September 30, 2023.

1 of multiple student loan servicers that contract directly
2 with the Department of Education to manage a unique
3 portfolio of borrower accounts and the full life-cycle of
4 loans from disbursement to pay-off with certain limited
5 exceptions, and allocates student loan borrower accounts
6 to eligible student loan servicers based on performance:
7 *Provided further*, That the Department shall re-allocate
8 accounts from servicers for recurring non-compliance with
9 FSA guidelines, contractual requirements, and applicable
10 laws, including for failure to sufficiently inform borrowers
11 of available repayment options: *Provided further*, That
12 such servicers shall be evaluated based on their ability to
13 meet contract requirements (including an understanding
14 of Federal and State law), future performance on the con-
15 tracts, and history of compliance with applicable consumer
16 protections laws: *Provided further*, That to the extent FSA
17 permits student loan servicing subcontracting, FSA shall
18 hold prime contractors accountable for meeting the re-
19 quirements of the contract, and the performance and ex-
20 pectations of subcontractors shall be accounted for in the
21 prime contract and in the overall performance of the prime
22 contractor: *Provided further*, That FSA shall ensure that
23 the Next Generation Processing and Servicing Environ-
24 ment, or any new Federal loan servicing environment,
25 incentivize more support to borrowers at risk of delin-

1 quency or default: *Provided further*, That FSA shall en-
2 sure that in such environment contractors have the capac-
3 ity to meet and are held accountable for performance on
4 service levels; are held accountable for and have a history
5 of compliance with applicable consumer protection laws;
6 and have relevant experience and demonstrated effective-
7 ness: *Provided further*, That the Secretary shall provide
8 quarterly briefings to the Committees on Appropriations
9 and Education and Labor of the House of Representatives
10 and the Committees on Appropriations and Health, Edu-
11 cation, Labor, and Pensions of the Senate on general
12 progress related to solicitations for Federal student loan
13 servicing contracts: *Provided further*, That FSA shall
14 strengthen transparency through expanded publication of
15 aggregate data on student loan and servicer performance:
16 *Provided further*, That not later than 60 days after enact-
17 ment of this Act, FSA shall provide to the Committees
18 on Appropriations of the House of Representatives and the
19 Senate a detailed spend plan of anticipated uses of funds
20 made available in this account for fiscal year 2022 and
21 provide quarterly updates on this plan (including contracts
22 awarded, change orders, bonuses paid to staff, reorganiza-
23 tion costs, and any other activity carried out using
24 amounts provided under this heading for fiscal year 2022):
25 *Provided further*, That the FSA Next Generation Proc-

1 essing and Servicing Environment, or any new Federal
2 student loan servicing environment, shall include account-
3 ability measures that account for the performance of the
4 portfolio and contractor compliance with FSA guidelines.

5 HIGHER EDUCATION

6 For carrying out, to the extent not otherwise pro-
7 vided, titles II, III, IV, V, VI, VII, and VIII of the HEA,
8 the Mutual Educational and Cultural Exchange Act of
9 1961, and section 117 of the Perkins Act,
10 \$2,994,111,000, of which \$76,000,000 shall remain avail-
11 able through December 31, 2022: *Provided*, That notwith-
12 standing any other provision of law, funds made available
13 in this Act to carry out title VI of the HEA and section
14 102(b)(6) of the Mutual Educational and Cultural Ex-
15 change Act of 1961 may be used to support visits and
16 study in foreign countries by individuals who are partici-
17 pating in advanced foreign language training and inter-
18 national studies in areas that are vital to United States
19 national security and who plan to apply their language
20 skills and knowledge of these countries in the fields of gov-
21 ernment, the professions, or international development:
22 *Provided further*, That of the funds referred to in the pre-
23 ceding proviso up to 1 percent may be used for program
24 evaluation, national outreach, and information dissemina-
25 tion activities: *Provided further*, That up to 1.5 percent

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1 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
2 PROGRAM

3 For Federal administrative expenses to carry out ac-
4 tivities related to existing facility loans pursuant to section
5 121 of the HEA, \$435,000.

6 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
7 CAPITAL FINANCING PROGRAM ACCOUNT

8 For the cost of guaranteed loans, \$20,150,000, as au-
9 thorized pursuant to part D of title III of the HEA, which
10 shall remain available through September 30, 2023: *Pro-*
11 *vided*, That such costs, including the cost of modifying
12 such loans, shall be as defined in section 502 of the Con-
13 gressional Budget Act of 1974: *Provided further*, That
14 these funds are available to subsidize total loan principal,
15 any part of which is to be guaranteed, not to exceed
16 \$274,149,000: *Provided further*, That these funds may be
17 used to support loans to public and private Historically
18 Black Colleges and Universities without regard to the limi-
19 tations within section 344(a) of the HEA.

20 In addition, for administrative expenses to carry out
21 the Historically Black College and University Capital Fi-
22 nancing Program entered into pursuant to part D of title
23 III of the HEA, \$334,000.

1 INSTITUTE OF EDUCATION SCIENCES

2 For necessary expenses for the Institute of Education
3 Sciences as authorized by section 208 of the Department
4 of Education Organization Act and carrying out activities
5 authorized by the National Assessment of Educational
6 Progress Authorization Act, section 208 of the Edu-
7 cational Technical Assistance Act of 2002, and section
8 664 of the Individuals with Disabilities Education Act,
9 \$737,021,000, which shall remain available through Sep-
10 tember 30, 2023: *Provided*, That funds available to carry
11 out section 208 of the Educational Technical Assistance
12 Act may be used to link Statewide elementary and sec-
13 ondary data systems with early childhood, postsecondary,
14 and workforce data systems, or to further develop such
15 systems: *Provided further*, That up to \$6,000,000 of the
16 funds available to carry out section 208 of the Educational
17 Technical Assistance Act may be used for awards to public
18 or private organizations or agencies to support activities
19 to improve data coordination, quality, and use at the local,
20 State, and national levels.

21 DEPARTMENTAL MANAGEMENT

22 PROGRAM ADMINISTRATION

23 For carrying out, to the extent not otherwise pro-
24 vided, the Department of Education Organization Act, in-
25 cluding rental of conference rooms in the District of Co-

1 lumbia and hire of three passenger motor vehicles,
2 \$394,907,000, of which up to \$7,000,000, to remain avail-
3 able until expended, shall be available for relocation ex-
4 penses, and for the renovation and repair of leased build-
5 ings: *Provided*, That, notwithstanding any other provision
6 of law, none of the funds provided by this Act or provided
7 by previous Appropriations Acts to the Department of
8 Education available for obligation or expenditure in the
9 current fiscal year may be used for any activity relating
10 to implementing a reorganization that decentralizes, re-
11 duces the staffing level, or alters the responsibilities,
12 structure, authority, or functionality of the Budget Service
13 of the Department of Education, relative to the organiza-
14 tion and operation of the Budget Service as in effect on
15 January 1, 2018.

16 OFFICE FOR CIVIL RIGHTS

17 For expenses necessary for the Office for Civil
18 Rights, as authorized by section 203 of the Department
19 of Education Organization Act, \$135,500,000.

20 OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector
22 General, as authorized by section 212 of the Department
23 of Education Organization Act, \$64,000,000, of which
24 \$2,000,000 shall remain available until expended.

1 2022 may use the income from that fund to award schol-
2 arships to students, subject to the limitation in section
3 331(c)(3)(B)(i) of the HEA. The use of such income for
4 such purposes, prior to the enactment of this Act, shall
5 be considered to have been an allowable use of that in-
6 come, subject to that limitation.

7 (b) Subsection (a) shall be in effect until titles III
8 and V of the HEA are reauthorized.

9 SEC. 305. Section 114(f) of the HEA (20 U.S.C.
10 1011c(f)) shall be applied by substituting “2022” for
11 “2021”.

12 SEC. 306. Section 458(a)(4) of the HEA (20 U.S.C.
13 1087h(a)) shall be applied by substituting “2022” for
14 “2021”.

15 SEC. 307. Funds appropriated in this Act under the
16 heading “Student Aid Administration” may be available
17 for payments for student loan servicing to an institution
18 of higher education that services outstanding Federal Per-
19 kins Loans under part E of title IV of the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1087aa et seq.).

21 (RESCISSION)

22 SEC. 308. Of the unobligated balances available
23 under the heading “Student Financial Assistance” for car-
24 rying out subpart 1 of part A of title IV of the HEA,
25 \$1,050,000,000 are hereby rescinded.

1 (RESCISSION)

2 SEC. 309. Of the amounts appropriated under section
3 401(b)(7)(A)(iv)(XI) of the Higher Education Act of 1965
4 (20 U.S.C. 1070a(b)(7)(A)(iv)(XI)) for fiscal year 2022,
5 \$85,000,000 are hereby rescinded.

6 SEC. 310. Of the amounts made available under this
7 title under the heading “Student Aid Administration”,
8 \$2,300,000 shall be used by the Secretary of Education
9 to conduct outreach to borrowers of loans made under part
10 D of title IV of the Higher Education Act of 1965 who
11 may intend to qualify for loan cancellation under section
12 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that
13 borrowers are meeting the terms and conditions of such
14 loan cancellation: *Provided*, That the Secretary shall spe-
15 cifically conduct outreach to assist borrowers who would
16 qualify for loan cancellation under section 455(m) of such
17 Act except that the borrower has made some, or all, of
18 the 120 required payments under a repayment plan that
19 is not described under section 455(m)(A) of such Act, to
20 encourage borrowers to enroll in a qualifying repayment
21 plan: *Provided further*, That the Secretary shall also com-
22 municate to all Direct Loan borrowers the full require-
23 ments of section 455(m) of such Act and improve the fil-
24 ing of employment certification by providing improved out-
25 reach and information such as outbound calls, electronic

1 communications, ensuring prominent access to program
2 requirements and benefits on each servicer’s website, and
3 creating an option for all borrowers to complete the entire
4 payment certification process electronically and on a cen-
5 tralized website.

6 SEC. 311. For an additional amount for “Department
7 of Education—Federal Direct Student Loan Program Ac-
8 count”, \$25,000,000, to remain available until expended,
9 shall be for the cost, as defined under section 502 of the
10 Congressional Budget Act of 1974, of the Secretary of
11 Education providing loan cancellation in the same manner
12 as under section 455(m) of the Higher Education Act of
13 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made
14 under part D of title IV of such Act who would qualify
15 for loan cancellation under section 455(m) except some,
16 or all, of the 120 required payments under section
17 455(m)(1)(A) do not qualify for purposes of the program
18 because they were monthly payments made in accordance
19 with graduated or extended repayment plans as described
20 under subparagraph (B) or (C) of section 455(d)(1) or
21 the corresponding repayment plan for a consolidation loan
22 made under section 455(g) and that were less than the
23 amount calculated under section 455(d)(1)(A), based on
24 a 10-year repayment period: *Provided*, That the monthly
25 payment made 12 months before the borrower applied for

1 loan cancellation as described in the matter preceding this
2 proviso and the most recent monthly payment made by
3 the borrower at the time of such application were each
4 not less than the monthly amount that would be calculated
5 under, and for which the borrower would otherwise qualify
6 for, clause (i) or (iv) of section 455(m)(1)(A) regarding
7 income-based or income-contingent repayment plans, with
8 exception for a borrower who would have otherwise been
9 eligible under this section but demonstrates an unusual
10 fluctuation of income over the past 5 years: *Provided fur-*
11 *ther*, That the total loan volume, including outstanding
12 principal, fees, capitalized interest, or accrued interest, at
13 application that is eligible for such loan cancellation by
14 such borrowers shall not exceed \$75,000,000: *Provided*
15 *further*, That the Secretary shall develop and make avail-
16 able a simple method for borrowers to apply for loan can-
17 cellation under this section within 60 days of enactment
18 of this Act: *Provided further*, That the Secretary shall pro-
19 vide loan cancellation under this section to eligible bor-
20 rowers on a first-come, first-serve basis, based on the date
21 of application and subject to both the limitation on total
22 loan volume at application for such loan cancellation speci-
23 fied in the second proviso and the availability of appropria-
24 tions under this section: *Provided further*, That no bor-
25 rower may, for the same service, receive a reduction of

1 loan obligations under both this section and section 428J,
2 428K, 428L, or 460 of such Act.

3 SEC. 312. The Secretary may reserve not more than
4 0.5 percent from any amount made available in this Act
5 for an HEA program, except for any amounts made avail-
6 able for subpart 1 of part A of title IV of the HEA, to
7 carry out rigorous and independent evaluations and to col-
8 lect and analyze outcome data for any program authorized
9 by the HEA: *Provided*, That no funds made available in
10 this Act for the “Student Aid Administration” account
11 shall be subject to the reservation under this section: *Pro-*
12 *vided further*, That any funds reserved under this section
13 shall be available through September 30, 2024: *Provided*
14 *further*, That if, under any other provision of law, funds
15 are authorized to be reserved or used for evaluation activi-
16 ties with respect to a program or project, the Secretary
17 may also reserve funds for such program or project for
18 the purposes described in this section so long as the total
19 reservation of funds for such program or project does not
20 exceed any statutory limits on such reservations: *Provided*
21 *further*, That not later than 30 days prior to the initial
22 obligation of funds reserved under this section, the Sec-
23 retary shall submit to the Committees on Appropriations
24 of the Senate and the House of Representatives, the Com-
25 mittee on Health, Education, Labor and Pensions of the

1 Senate, and the Committee on Education and Labor of
2 the House of Representatives a plan that identifies the
3 source and amount of funds reserved under this section,
4 the impact on program grantees if funds are withheld for
5 the purposes of this section, and the activities to be carried
6 out with such funds.

7 SEC. 313. In addition to amounts otherwise appro-
8 priated by this Act under the heading “Innovation and
9 Improvement” for purposes authorized by the Elementary
10 and Secondary Education Act of 1965, there are hereby
11 appropriated an additional \$140,480,000 which shall be
12 used for the projects, and in the amounts, specified in the
13 table titled “Community Project Funding/Congressional-
14 ly Directed Spending” included for this division in the ex-
15 planatory statement described in section 4 (in the matter
16 preceding division A of this consolidated Act): *Provided*,
17 That none of the funds made available for such projects
18 shall be subject to section 302 of this Act.

19 SEC. 314. (a) IN GENERAL.—For the purpose of car-
20 rying out section 435(a)(2) of the HEA (20 U.S.C.
21 1085(a)(2)) or 34 CFR 668.206(a)(1), the Secretary of
22 Education may waive the requirements under sections
23 435(a)(5)(A)(i) and 435(a)(5)(A)(ii) of the HEA (20
24 U.S.C. 1085(a)(5)(A)(i) and 20 U.S.C. 1085(a)(5)(A)(ii))
25 or 34 CFR 668.213(b)(1) for an institution of higher edu-

1 cation that offers an associate degree, is a public institu-
2 tion, and is located in an economically distressed county,
3 defined as a county with a poverty rate of at least 25 per-
4 cent based on the U.S. Census Bureau’s Small Area In-
5 come and Poverty Estimate program data for 2017 that
6 was impacted by Hurricane Matthew.

7 (b) APPLICABILITY.—Subsection (a) shall apply to an
8 institution of higher education that otherwise would be in-
9 eligible to participate in a program under part D of title
10 IV of the Higher Education Act of 1965 on or after the
11 date of enactment of this Act due to the application of
12 section 435(a)(2) of the HEA (20 U.S.C. 1085(a)(2)) or
13 34 CFR 668.206(a)(1).

14 (c) COVERAGE.—This section shall be in effect for the
15 period covered by this Act and for the succeeding fiscal
16 year.

17 (RESCISSION)

18 SEC. 315. Any remaining unobligated balances from
19 amounts made available in the second and third para-
20 graphs under the heading “Historically Black College and
21 University Capital Financing Program Account” in title
22 III of division H of the Consolidated Appropriations Act,
23 2021 (Public Law 116–260) are hereby permanently re-
24 scinded.

1 This title may be cited as the “Department of Edu-
2 cation Appropriations Act, 2022”.

1086

1 TITLE IV
2 RELATED AGENCIES
3 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
4 BLIND OR SEVERELY DISABLED
5 SALARIES AND EXPENSES

6 For expenses necessary for the Committee for Pur-
7 chase From People Who Are Blind or Severely Disabled
8 (referred to in this title as “the Committee”) established
9 under section 8502 of title 41, United States Code,
10 \$11,000,000: *Provided*, That in order to authorize any
11 central nonprofit agency designated pursuant to section
12 8503(c) of title 41, United States Code, to perform re-
13 quirements of the Committee as prescribed under section
14 51–3.2 of title 41, Code of Federal Regulations, the Com-
15 mittee shall enter into a written agreement with any such
16 central nonprofit agency: *Provided further*, That such
17 agreement shall contain such auditing, oversight, and re-
18 porting provisions as necessary to implement chapter 85
19 of title 41, United States Code: *Provided further*, That
20 such agreement shall include the elements listed under the
21 heading “Committee For Purchase From People Who Are
22 Blind or Severely Disabled—Written Agreement Ele-
23 ments” in the explanatory statement described in section
24 4 of Public Law 114–113 (in the matter preceding division
25 A of that consolidated Act): *Provided further*, That any

1 such central nonprofit agency may not charge a fee under
2 section 51–3.5 of title 41, Code of Federal Regulations,
3 prior to executing a written agreement with the Com-
4 mittee: *Provided further*, That no less than \$2,650,000
5 shall be available for the Office of Inspector General.

6 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
7 OPERATING EXPENSES

8 For necessary expenses for the Corporation for Na-
9 tional and Community Service (referred to in this title as
10 “CNCS”) to carry out the Domestic Volunteer Service Act
11 of 1973 (referred to in this title as “1973 Act”) and the
12 National and Community Service Act of 1990 (referred
13 to in this title as “1990 Act”), \$865,409,000 , notwith-
14 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
15 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
16 amounts provided under this heading: (1) up to 1 percent
17 of program grant funds may be used to defray the costs
18 of conducting grant application reviews, including the use
19 of outside peer reviewers and electronic management of
20 the grants cycle; (2) \$19,094,000 shall be available to pro-
21 vide assistance to State commissions on national and com-
22 munity service, under section 126(a) of the 1990 Act and
23 notwithstanding section 501(a)(5)(B) of the 1990 Act; (3)
24 \$34,505,000 shall be available to carry out subtitle E of
25 the 1990 Act; and (4) \$6,558,000 shall be available for

1 expenses authorized under section 501(a)(4)(F) of the
2 1990 Act, which, notwithstanding the provisions of section
3 198P shall be awarded by CNCS on a competitive basis:
4 *Provided further*, That for the purposes of carrying out
5 the 1990 Act, satisfying the requirements in section
6 122(c)(1)(D) may include a determination of need by the
7 local community.

8 PAYMENT TO THE NATIONAL SERVICE TRUST
9 (INCLUDING TRANSFER OF FUNDS)

10 For payment to the National Service Trust estab-
11 lished under subtitle D of title I of the 1990 Act,
12 \$190,550,000, to remain available until expended: *Pro-*
13 *vided*, That CNCS may transfer additional funds from the
14 amount provided within “Operating Expenses” allocated
15 to grants under subtitle C of title I of the 1990 Act to
16 the National Service Trust upon determination that such
17 transfer is necessary to support the activities of national
18 service participants and after notice is transmitted to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate: *Provided further*, That amounts ap-
21 propriated for or transferred to the National Service Trust
22 may be invested under section 145(b) of the 1990 Act
23 without regard to the requirement to apportion funds
24 under 31 U.S.C. 1513(b).

1 SALARIES AND EXPENSES

2 For necessary expenses of administration as provided
3 under section 501(a)(5) of the 1990 Act and under section
4 504(a) of the 1973 Act, including payment of salaries, au-
5 thorized travel, hire of passenger motor vehicles, the rental
6 of conference rooms in the District of Columbia, the em-
7 ployment of experts and consultants authorized under 5
8 U.S.C. 3109, and not to exceed \$2,500 for official recep-
9 tion and representation expenses, \$88,082,000.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector
12 General in carrying out the Inspector General Act of 1978,
13 \$6,595,000.

14 ADMINISTRATIVE PROVISIONS

15 SEC. 401. CNCS shall make any significant changes
16 to program requirements, service delivery or policy only
17 through public notice and comment rulemaking. For fiscal
18 year 2022, during any grant selection process, an officer
19 or employee of CNCS shall not knowingly disclose any cov-
20 ered grant selection information regarding such selection,
21 directly or indirectly, to any person other than an officer
22 or employee of CNCS that is authorized by CNCS to re-
23 ceive such information.

24 SEC. 402. AmeriCorps programs receiving grants
25 under the National Service Trust program shall meet an

1 overall minimum share requirement of 24 percent for the
2 first 3 years that they receive AmeriCorps funding, and
3 thereafter shall meet the overall minimum share require-
4 ment as provided in section 2521.60 of title 45, Code of
5 Federal Regulations, without regard to the operating costs
6 match requirement in section 121(e) or the member sup-
7 port Federal share limitations in section 140 of the 1990
8 Act, and subject to partial waiver consistent with section
9 2521.70 of title 45, Code of Federal Regulations.

10 SEC. 403. Donations made to CNCS under section
11 196 of the 1990 Act for the purposes of financing pro-
12 grams and operations under titles I and II of the 1973
13 Act or subtitle B, C, D, or E of title I of the 1990 Act
14 shall be used to supplement and not supplant current pro-
15 grams and operations.

16 SEC. 404. In addition to the requirements in section
17 146(a) of the 1990 Act, use of an educational award for
18 the purpose described in section 148(a)(4) shall be limited
19 to individuals who are veterans as defined under section
20 101 of the Act.

21 SEC. 405. For the purpose of carrying out section
22 189D of the 1990 Act—

23 (1) entities described in paragraph (a) of such
24 section shall be considered “qualified entities” under

1 section 3 of the National Child Protection Act of
2 1993 (“NCPA”);

3 (2) individuals described in such section shall
4 be considered “volunteers” under section 3 of
5 NCPA; and

6 (3) State Commissions on National and Com-
7 munity Service established pursuant to section 178
8 of the 1990 Act, are authorized to receive criminal
9 history record information, consistent with Public
10 Law 92–544.

11 SEC. 406. Notwithstanding sections 139(b), 146 and
12 147 of the 1990 Act, an individual who successfully com-
13 pletes a term of service of not less than 1,200 hours dur-
14 ing a period of not more than one year may receive a na-
15 tional service education award having a value of 70 per-
16 cent of the value of a national service education award
17 determined under section 147(a) of the Act.

18 SEC. 407. Section 148(f)(2)(A)(i) of the 1990 Act
19 shall be applied by substituting “an approved national
20 service position” for “a national service program that re-
21 ceives grants under subtitle C”.

22 CORPORATION FOR PUBLIC BROADCASTING

23 For payment to the Corporation for Public Broad-
24 casting (“CPB”), as authorized by the Communications
25 Act of 1934, an amount which shall be available within

1 limitations specified by that Act, for the fiscal year 2024,
2 \$525,000,000: *Provided*, That none of the funds made
3 available to CPB by this Act shall be used to pay for re-
4 ceptions, parties, or similar forms of entertainment for
5 Government officials or employees: *Provided further*, That
6 none of the funds made available to CPB by this Act shall
7 be available or used to aid or support any program or ac-
8 tivity from which any person is excluded, or is denied ben-
9 efits, or is discriminated against, on the basis of race,
10 color, national origin, religion, or sex: *Provided further*,
11 That none of the funds made available to CPB by this
12 Act shall be used to apply any political test or qualification
13 in selecting, appointing, promoting, or taking any other
14 personnel action with respect to officers, agents, and em-
15 ployees of CPB.

16 In addition, for the costs associated with replacing
17 and upgrading the public broadcasting interconnection
18 system and other technologies and services that create in-
19 frastructure and efficiencies within the public media sys-
20 tem, \$20,000,000.

21 FEDERAL MEDIATION AND CONCILIATION SERVICE

22 SALARIES AND EXPENSES

23 For expenses necessary for the Federal Mediation
24 and Conciliation Service (“Service”) to carry out the func-
25 tions vested in it by the Labor-Management Relations Act,

1 1947, including hire of passenger motor vehicles; for ex-
2 penses necessary for the Labor-Management Cooperation
3 Act of 1978; and for expenses necessary for the Service
4 to carry out the functions vested in it by the Civil Service
5 Reform Act, \$50,058,000: *Provided*, That notwithstanding
6 31 U.S.C. 3302, fees charged, up to full-cost recovery, for
7 special training activities and other conflict resolution
8 services and technical assistance, including those provided
9 to foreign governments and international organizations,
10 and for arbitration services shall be credited to and
11 merged with this account, and shall remain available until
12 expended: *Provided further*, That fees for arbitration serv-
13 ices shall be available only for education, training, and
14 professional development of the agency workforce: *Pro-*
15 *vided further*, That the Director of the Service is author-
16 ized to accept and use on behalf of the United States gifts
17 of services and real, personal, or other property in the aid
18 of any projects or functions within the Director's jurisdic-
19 tion.

20 FEDERAL MINE SAFETY AND HEALTH REVIEW

21 COMMISSION

22 SALARIES AND EXPENSES

23 For expenses necessary for the Federal Mine Safety
24 and Health Review Commission, \$17,539,000.

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1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3 AND ADMINISTRATION

4 For carrying out the Museum and Library Services
5 Act of 1996 and the National Museum of African Amer-
6 ican History and Culture Act, \$268,000,000.

7 MEDICAID AND CHIP PAYMENT AND ACCESS

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary to carry out section 1900 of
11 the Social Security Act, \$9,043,000.

12 MEDICARE PAYMENT ADVISORY COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary to carry out section 1805 of
15 the Social Security Act, \$13,292,000, to be transferred to
16 this appropriation from the Federal Hospital Insurance
17 Trust Fund and the Federal Supplementary Medical In-
18 surance Trust Fund.

19 NATIONAL COUNCIL ON DISABILITY

20 SALARIES AND EXPENSES

21 For expenses necessary for the National Council on
22 Disability as authorized by title IV of the Rehabilitation
23 Act of 1973, \$3,500,000.

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, and other laws,
6 \$274,224,000: *Provided*, That no part of this appropria-
7 tion shall be available to organize or assist in organizing
8 agricultural laborers or used in connection with investiga-
9 tions, hearings, directives, or orders concerning bargaining
10 units composed of agricultural laborers as referred to in
11 section 2(3) of the Act of July 5, 1935, and as amended
12 by the Labor-Management Relations Act, 1947, and as de-
13 fined in section 3(f) of the Act of June 25, 1938, and
14 including in said definition employees engaged in the
15 maintenance and operation of ditches, canals, reservoirs,
16 and waterways when maintained or operated on a mutual,
17 nonprofit basis and at least 95 percent of the water stored
18 or supplied thereby is used for farming purposes.

19 ADMINISTRATIVE PROVISION

20 SEC. 408. None of the funds provided by this Act
21 or previous Acts making appropriations for the National
22 Labor Relations Board may be used to issue any new ad-
23 ministrative directive or regulation that would provide em-
24 ployees any means of voting through any electronic means

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1 in an election to determine a representative for the pur-
2 poses of collective bargaining.

3 NATIONAL MEDIATION BOARD

4 SALARIES AND EXPENSES

5 For expenses necessary to carry out the provisions
6 of the Railway Labor Act, including emergency boards ap-
7 pointed by the President, \$14,729,000.

8 OCCUPATIONAL SAFETY AND HEALTH REVIEW

9 COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary for the Occupational Safety
12 and Health Review Commission, \$13,622,000.

13 RAILROAD RETIREMENT BOARD

14 DUAL BENEFITS PAYMENTS ACCOUNT

15 For payment to the Dual Benefits Payments Ac-
16 count, authorized under section 15(d) of the Railroad Re-
17 tirement Act of 1974, \$11,000,000, which shall include
18 amounts becoming available in fiscal year 2022 pursuant
19 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
20 tion, an amount, not to exceed 2 percent of the amount
21 provided herein, shall be available proportional to the
22 amount by which the product of recipients and the average
23 benefit received exceeds the amount available for payment
24 of vested dual benefits: *Provided*, That the total amount
25 provided herein shall be credited in 12 approximately

1 equal amounts on the first day of each month in the fiscal
2 year.

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

4 ACCOUNTS

5 For payment to the accounts established in the
6 Treasury for the payment of benefits under the Railroad
7 Retirement Act for interest earned on unnegotiated
8 checks, \$150,000, to remain available through September
9 30, 2023, which shall be the maximum amount available
10 for payment pursuant to section 417 of Public Law 98–
11 76.

12 LIMITATION ON ADMINISTRATION

13 For necessary expenses for the Railroad Retirement
14 Board (“Board”) for administration of the Railroad Re-
15 tirement Act and the Railroad Unemployment Insurance
16 Act, \$124,000,000, to be derived in such amounts as de-
17 termined by the Board from the railroad retirement ac-
18 counts and from moneys credited to the railroad unem-
19 ployment insurance administration fund: *Provided*, That
20 notwithstanding section 7(b)(9) of the Railroad Retire-
21 ment Act this limitation may be used to hire attorneys
22 only through the excepted service: *Provided further*, That
23 the previous proviso shall not change the status under
24 Federal employment laws of any attorney hired by the
25 Railroad Retirement Board prior to January 1, 2013: *Pro-*

1 *vided further*, That notwithstanding section 7(b)(9) of the
2 Railroad Retirement Act, this limitation may be used to
3 hire students attending qualifying educational institutions
4 or individuals who have recently completed qualifying edu-
5 cational programs using current excepted hiring authori-
6 ties established by the Office of Personnel Management.

7 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

8 For expenses necessary for the Office of Inspector
9 General for audit, investigatory and review activities, as
10 authorized by the Inspector General Act of 1978, not more
11 than \$12,650,000, to be derived from the railroad retire-
12 ment accounts and railroad unemployment insurance ac-
13 count.

14 SOCIAL SECURITY ADMINISTRATION

15 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

16 For payment to the Federal Old-Age and Survivors
17 Insurance Trust Fund and the Federal Disability Insur-
18 ance Trust Fund, as provided under sections 201(m) and
19 1131(b)(2) of the Social Security Act, \$11,000,000.

20 SUPPLEMENTAL SECURITY INCOME PROGRAM

21 For carrying out titles XI and XVI of the Social Se-
22 curity Act, section 401 of Public Law 92-603, section 212
23 of Public Law 93-66, as amended, and section 405 of
24 Public Law 95-216, including payment to the Social Secu-
25 rity trust funds for administrative expenses incurred pur-

1 suant to section 201(g)(1) of the Social Security Act,
2 \$45,913,823,000, to remain available until expended: *Pro-*
3 *vided*, That any portion of the funds provided to a State
4 in the current fiscal year and not obligated by the State
5 during that year shall be returned to the Treasury: *Pro-*
6 *vided further*, That not more than \$86,000,000 shall be
7 available for research and demonstrations under sections
8 1110, 1115, and 1144 of the Social Security Act, and re-
9 main available through September 30, 2024.

10 For making, after June 15 of the current fiscal year,
11 benefit payments to individuals under title XVI of the So-
12 cial Security Act, for unanticipated costs incurred for the
13 current fiscal year, such sums as may be necessary.

14 For making benefit payments under title XVI of the
15 Social Security Act for the first quarter of fiscal year
16 2023, \$15,600,000,000, to remain available until ex-
17 pended.

18 LIMITATION ON ADMINISTRATIVE EXPENSES

19 For necessary expenses, including the hire and pur-
20 chase of two passenger motor vehicles, and not to exceed
21 \$20,000 for official reception and representation expenses,
22 not more than \$13,202,945,000 may be expended, as au-
23 thorized by section 201(g)(1) of the Social Security Act,
24 from any one or all of the trust funds referred to in such
25 section: *Provided*, That not less than \$2,600,000 shall be

1 for the Social Security Advisory Board: *Provided further,*
2 That \$55,000,000 shall remain available through Sep-
3 tember 30, 2023, for activities to address the disability
4 hearings backlog within the Office of Hearings Oper-
5 ations: *Provided further,* That unobligated balances of
6 funds provided under this paragraph at the end of fiscal
7 year 2022 not needed for fiscal year 2022 shall remain
8 available until expended to invest in the Social Security
9 Administration information technology and telecommuni-
10 cations hardware and software infrastructure, including
11 related equipment and non-payroll administrative expenses
12 associated solely with this information technology and tele-
13 communications infrastructure: *Provided further,* That the
14 Commissioner of Social Security shall notify the Commit-
15 tees on Appropriations of the House of Representatives
16 and the Senate prior to making unobligated balances
17 available under the authority in the previous proviso: *Pro-*
18 *vided further,* That reimbursement to the trust funds
19 under this heading for expenditures for official time for
20 employees of the Social Security Administration pursuant
21 to 5 U.S.C. 7131, and for facilities or support services
22 for labor organizations pursuant to policies, regulations,
23 or procedures referred to in section 7135(b) of such title
24 shall be made by the Secretary of the Treasury, with inter-
25 est, from amounts in the general fund not otherwise ap-

1 appropriated, as soon as possible after such expenditures are
2 made.

3 Of the total amount made available in the first para-
4 graph under this heading, not more than \$1,708,000,000,
5 to remain available through March 31, 2023, is for the
6 costs associated with continuing disability reviews under
7 titles II and XVI of the Social Security Act, including
8 work-related continuing disability reviews to determine
9 whether earnings derived from services demonstrate an in-
10 dividual's ability to engage in substantial gainful activity,
11 for the cost associated with conducting redeterminations
12 of eligibility under title XVI of the Social Security Act,
13 for the cost of co-operative disability investigation units,
14 and for the cost associated with the prosecution of fraud
15 in the programs and operations of the Social Security Ad-
16 ministration by Special Assistant United States Attorneys:
17 *Provided*, That, of such amount, \$273,000,000 is provided
18 to meet the terms of section 4004(b)(1)(B)(i) and section
19 4005(a)(2)(A) of S. Con. Res. 14 (117th Congress), the
20 concurrent resolution on the budget for fiscal year 2022,
21 and \$1,435,000,000 is additional new budget authority
22 specified for purposes of section 4004(b)(1) and section
23 4005(a) of such resolution: *Provided further*, That, of the
24 additional new budget authority described in the preceding
25 proviso, up to \$12,100,000 may be transferred to the "Of-

1 fice of Inspector General”, Social Security Administration,
2 for the cost of jointly operated co-operative disability in-
3 vestigation units: *Provided further*, That such transfer au-
4 thority is in addition to any other transfer authority pro-
5 vided by law: *Provided further*, That the Commissioner
6 shall provide to the Congress (at the conclusion of the fis-
7 cal year) a report on the obligation and expenditure of
8 these funds, similar to the reports that were required by
9 section 103(d)(2) of Public Law 104–121 for fiscal years
10 1996 through 2002.

11 In addition, \$138,000,000 to be derived from admin-
12 istration fees in excess of \$5.00 per supplementary pay-
13 ment collected pursuant to section 1616(d) of the Social
14 Security Act or section 212(b)(3) of Public Law 93–66,
15 which shall remain available until expended: *Provided*,
16 That to the extent that the amounts collected pursuant
17 to such sections in fiscal year 2022 exceed \$138,000,000,
18 the amounts shall be available in fiscal year 2023 only
19 to the extent provided in advance in appropriations Acts.

20 In addition, up to \$1,000,000 to be derived from fees
21 collected pursuant to section 303(c) of the Social Security
22 Protection Act, which shall remain available until ex-
23 pended.

1 OFFICE OF INSPECTOR GENERAL
2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses necessary for the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, \$30,900,000, together with not to
6 exceed \$77,765,000, to be transferred and expended as
7 authorized by section 201(g)(1) of the Social Security Act
8 from the Federal Old-Age and Survivors Insurance Trust
9 Fund and the Federal Disability Insurance Trust Fund:
10 *Provided*, That \$2,000,000 shall remain available until ex-
11 pended for information technology modernization, includ-
12 ing related hardware and software infrastructure and
13 equipment, and for administrative expenses directly asso-
14 ciated with information technology modernization.

15 In addition, an amount not to exceed 3 percent of
16 the total provided in this appropriation may be transferred
17 from the “Limitation on Administrative Expenses”, Social
18 Security Administration, to be merged with this account,
19 to be available for the time and purposes for which this
20 account is available: *Provided*, That notice of such trans-
21 fers shall be transmitted promptly to the Committees on
22 Appropriations of the House of Representatives and the
23 Senate at least 15 days in advance of any transfer.

1104

1 TITLE V

2 GENERAL PROVISIONS

3 (TRANSFER OF FUNDS)

4 SEC. 501. The Secretaries of Labor, Health and
5 Human Services, and Education are authorized to transfer
6 unexpended balances of prior appropriations to accounts
7 corresponding to current appropriations provided in this
8 Act. Such transferred balances shall be used for the same
9 purpose, and for the same periods of time, for which they
10 were originally appropriated.

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

14 SEC. 503. (a) No part of any appropriation contained
15 in this Act or transferred pursuant to section 4002 of
16 Public Law 111–148 shall be used, other than for normal
17 and recognized executive-legislative relationships, for pub-
18 licity or propaganda purposes, for the preparation, dis-
19 tribution, or use of any kit, pamphlet, booklet, publication,
20 electronic communication, radio, television, or video pres-
21 entation designed to support or defeat the enactment of
22 legislation before the Congress or any State or local legis-
23 lature or legislative body, except in presentation to the
24 Congress or any State or local legislature itself, or de-
25 signed to support or defeat any proposed or pending regu-

1 lation, administrative action, or order issued by the execu-
2 tive branch of any State or local government, except in
3 presentation to the executive branch of any State or local
4 government itself.

5 (b) No part of any appropriation contained in this
6 Act or transferred pursuant to section 4002 of Public Law
7 111–148 shall be used to pay the salary or expenses of
8 any grant or contract recipient, or agent acting for such
9 recipient, related to any activity designed to influence the
10 enactment of legislation, appropriations, regulation, ad-
11 ministrative action, or Executive order proposed or pend-
12 ing before the Congress or any State government, State
13 legislature or local legislature or legislative body, other
14 than for normal and recognized executive-legislative rela-
15 tionships or participation by an agency or officer of a
16 State, local or tribal government in policymaking and ad-
17 ministrative processes within the executive branch of that
18 government.

19 (c) The prohibitions in subsections (a) and (b) shall
20 include any activity to advocate or promote any proposed,
21 pending or future Federal, State or local tax increase, or
22 any proposed, pending, or future requirement or restric-
23 tion on any legal consumer product, including its sale or
24 marketing, including but not limited to the advocacy or
25 promotion of gun control.

1 SEC. 504. The Secretaries of Labor and Education
2 are authorized to make available not to exceed \$28,000
3 and \$20,000, respectively, from funds available for sala-
4 ries and expenses under titles I and III, respectively, for
5 official reception and representation expenses; the Direc-
6 tor of the Federal Mediation and Conciliation Service is
7 authorized to make available for official reception and rep-
8 resentation expenses not to exceed \$5,000 from the funds
9 available for “Federal Mediation and Conciliation Service,
10 Salaries and Expenses”; and the Chairman of the Na-
11 tional Mediation Board is authorized to make available for
12 official reception and representation expenses not to ex-
13 ceed \$5,000 from funds available for “National Mediation
14 Board, Salaries and Expenses”.

15 SEC. 505. When issuing statements, press releases,
16 requests for proposals, bid solicitations and other docu-
17 ments describing projects or programs funded in whole or
18 in part with Federal money, all grantees receiving Federal
19 funds included in this Act, including but not limited to
20 State and local governments and recipients of Federal re-
21 search grants, shall clearly state—

22 (1) the percentage of the total costs of the pro-
23 gram or project which will be financed with Federal
24 money;

1 (2) the dollar amount of Federal funds for the
2 project or program; and

3 (3) percentage and dollar amount of the total
4 costs of the project or program that will be financed
5 by non-governmental sources.

6 SEC. 506. (a) None of the funds appropriated in this
7 Act, and none of the funds in any trust fund to which
8 funds are appropriated in this Act, shall be expended for
9 any abortion.

10 (b) None of the funds appropriated in this Act, and
11 none of the funds in any trust fund to which funds are
12 appropriated in this Act, shall be expended for health ben-
13 efits coverage that includes coverage of abortion.

14 (c) The term “health benefits coverage” means the
15 package of services covered by a managed care provider
16 or organization pursuant to a contract or other arrange-
17 ment.

18 SEC. 507. (a) The limitations established in the pre-
19 ceding section shall not apply to an abortion—

20 (1) if the pregnancy is the result of an act of
21 rape or incest; or

22 (2) in the case where a woman suffers from a
23 physical disorder, physical injury, or physical illness,
24 including a life-endangering physical condition
25 caused by or arising from the pregnancy itself, that

1 would, as certified by a physician, place the woman
2 in danger of death unless an abortion is performed.

3 (b) Nothing in the preceding section shall be con-
4 strued as prohibiting the expenditure by a State, locality,
5 entity, or private person of State, local, or private funds
6 (other than a State's or locality's contribution of Medicaid
7 matching funds).

8 (c) Nothing in the preceding section shall be con-
9 strued as restricting the ability of any managed care pro-
10 vider from offering abortion coverage or the ability of a
11 State or locality to contract separately with such a pro-
12 vider for such coverage with State funds (other than a
13 State's or locality's contribution of Medicaid matching
14 funds).

15 (d)(1) None of the funds made available in this Act
16 may be made available to a Federal agency or program,
17 or to a State or local government, if such agency, program,
18 or government subjects any institutional or individual
19 health care entity to discrimination on the basis that the
20 health care entity does not provide, pay for, provide cov-
21 erage of, or refer for abortions.

22 (2) In this subsection, the term "health care
23 entity" includes an individual physician or other
24 health care professional, a hospital, a provider-spon-
25 sored organization, a health maintenance organiza-

1 tion, a health insurance plan, or any other kind of
2 health care facility, organization, or plan.

3 SEC. 508. (a) None of the funds made available in
4 this Act may be used for—

5 (1) the creation of a human embryo or embryos
6 for research purposes; or

7 (2) research in which a human embryo or em-
8 bryos are destroyed, discarded, or knowingly sub-
9 jected to risk of injury or death greater than that
10 allowed for research on fetuses in utero under 45
11 CFR 46.204(b) and section 498(b) of the Public
12 Health Service Act (42 U.S.C. 289g(b)).

13 (b) For purposes of this section, the term “human
14 embryo or embryos” includes any organism, not protected
15 as a human subject under 45 CFR 46 as of the date of
16 the enactment of this Act, that is derived by fertilization,
17 parthenogenesis, cloning, or any other means from one or
18 more human gametes or human diploid cells.

19 SEC. 509. (a) None of the funds made available in
20 this Act may be used for any activity that promotes the
21 legalization of any drug or other substance included in
22 schedule I of the schedules of controlled substances estab-
23 lished under section 202 of the Controlled Substances Act
24 except for normal and recognized executive-congressional
25 communications.

1 (b) The limitation in subsection (a) shall not apply
2 when there is significant medical evidence of a therapeutic
3 advantage to the use of such drug or other substance or
4 that federally sponsored clinical trials are being conducted
5 to determine therapeutic advantage.

6 SEC. 510. None of the funds made available in this
7 Act may be used to promulgate or adopt any final stand-
8 ard under section 1173(b) of the Social Security Act pro-
9 viding for, or providing for the assignment of, a unique
10 health identifier for an individual (except in an individ-
11 ual's capacity as an employer or a health care provider),
12 until legislation is enacted specifically approving the
13 standard.

14 SEC. 511. None of the funds made available in this
15 Act may be obligated or expended to enter into or renew
16 a contract with an entity if—

17 (1) such entity is otherwise a contractor with
18 the United States and is subject to the requirement
19 in 38 U.S.C. 4212(d) regarding submission of an
20 annual report to the Secretary of Labor concerning
21 employment of certain veterans; and

22 (2) such entity has not submitted a report as
23 required by that section for the most recent year for
24 which such requirement was applicable to such enti-
25 ty.

1 SEC. 512. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government, except
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in, this Act or any other appropriation Act.

6 SEC. 513. None of the funds made available by this
7 Act to carry out the Library Services and Technology Act
8 may be made available to any library covered by para-
9 graph (1) of section 224(f) of such Act, as amended by
10 the Children’s Internet Protection Act, unless such library
11 has made the certifications required by paragraph (4) of
12 such section.

13 SEC. 514. (a) None of the funds provided under this
14 Act, or provided under previous appropriations Acts to the
15 agencies funded by this Act that remain available for obli-
16 gation or expenditure in fiscal year 2022, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

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

1 (4) relocates an office or employees;

2 (5) reorganizes or renames offices;

3 (6) reorganizes programs or activities; or

4 (7) contracts out or privatizes any functions or
5 activities presently performed by Federal employees;

6 unless the Committees on Appropriations of the House of
7 Representatives and the Senate are consulted 15 days in
8 advance of such reprogramming or of an announcement
9 of intent relating to such reprogramming, whichever oc-
10 curs earlier, and are notified in writing 10 days in advance
11 of such reprogramming.

12 (b) None of the funds provided under this Act, or
13 provided under previous appropriations Acts to the agen-
14 cies funded by this Act that remain available for obligation
15 or expenditure in fiscal year 2022, or provided from any
16 accounts in the Treasury of the United States derived by
17 the collection of fees available to the agencies funded by
18 this Act, shall be available for obligation or expenditure
19 through a reprogramming of funds in excess of \$500,000
20 or 10 percent, whichever is less, that—

21 (1) augments existing programs, projects (in-
22 cluding construction projects), or activities;

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

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

5 unless the Committees on Appropriations of the House of
6 Representatives and the Senate are consulted 15 days in
7 advance of such reprogramming or of an announcement
8 of intent relating to such reprogramming, whichever oc-
9 curs earlier, and are notified in writing 10 days in advance
10 of such reprogramming.

11 SEC. 515. (a) None of the funds made available in
12 this Act may be used to request that a candidate for ap-
13 pointment to a Federal scientific advisory committee dis-
14 close the political affiliation or voting history of the can-
15 didate or the position that the candidate holds with re-
16 spect to political issues not directly related to and nec-
17 essary for the work of the committee involved.

18 (b) None of the funds made available in this Act may
19 be used to disseminate information that is deliberately
20 false or misleading.

21 SEC. 516. Within 45 days of enactment of this Act,
22 each department and related agency funded through this
23 Act shall submit an operating plan that details at the pro-
24 gram, project, and activity level any funding allocations
25 for fiscal year 2022 that are different than those specified

1 in this Act, the explanatory statement described in section
2 4 (in the matter preceding division A of this consolidated
3 Act) or the fiscal year 2022 budget request.

4 SEC. 517. The Secretaries of Labor, Health and
5 Human Services, and Education shall each prepare and
6 submit to the Committees on Appropriations of the House
7 of Representatives and the Senate a report on the number
8 and amount of contracts, grants, and cooperative agree-
9 ments exceeding \$500,000, individually or in total for a
10 particular project, activity, or programmatic initiative, in
11 value and awarded by the Department on a non-competi-
12 tive basis during each quarter of fiscal year 2022, but not
13 to include grants awarded on a formula basis or directed
14 by law. Such report shall include the name of the con-
15 tractor or grantee, the amount of funding, the govern-
16 mental purpose, including a justification for issuing the
17 award on a non-competitive basis. Such report shall be
18 transmitted to the Committees within 30 days after the
19 end of the quarter for which the report is submitted.

20 SEC. 518. None of the funds appropriated in this Act
21 shall be expended or obligated by the Commissioner of So-
22 cial Security, for purposes of administering Social Security
23 benefit payments under title II of the Social Security Act,
24 to process any claim for credit for a quarter of coverage
25 based on work performed under a social security account

1 number that is not the claimant's number and the per-
2 formance of such work under such number has formed the
3 basis for a conviction of the claimant of a violation of sec-
4 tion 208(a)(6) or (7) of the Social Security Act.

5 SEC. 519. None of the funds appropriated by this Act
6 may be used by the Commissioner of Social Security or
7 the Social Security Administration to pay the compensa-
8 tion of employees of the Social Security Administration
9 to administer Social Security benefit payments, under any
10 agreement between the United States and Mexico estab-
11 lishing totalization arrangements between the social secu-
12 rity system established by title II of the Social Security
13 Act and the social security system of Mexico, which would
14 not otherwise be payable but for such agreement.

15 SEC. 520. (a) None of the funds made available in
16 this Act may be used to maintain or establish a computer
17 network unless such network blocks the viewing,
18 downloading, and exchanging of pornography.

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

23 SEC. 521. For purposes of carrying out Executive
24 Order 13589, Office of Management and Budget Memo-
25 randum M-12-12 dated May 11, 2012, and requirements

1 contained in the annual appropriations bills relating to
2 conference attendance and expenditures:

3 (1) the operating divisions of HHS shall be con-
4 sidered independent agencies; and

5 (2) attendance at and support for scientific con-
6 ferences shall be tabulated separately from and not
7 included in agency totals.

8 SEC. 522. Federal agencies funded under this Act
9 shall clearly state within the text, audio, or video used for
10 advertising or educational purposes, including emails or
11 Internet postings, that the communication is printed, pub-
12 lished, or produced and disseminated at United States tax-
13 payer expense. The funds used by a Federal agency to
14 carry out this requirement shall be derived from amounts
15 made available to the agency for advertising or other com-
16 munications regarding the programs and activities of the
17 agency.

18 SEC. 523. (a) Federal agencies may use Federal dis-
19 cretionary funds that are made available in this Act to
20 carry out up to 10 Performance Partnership Pilots. Such
21 Pilots shall be governed by the provisions of section 526
22 of division H of Public Law 113–76, except that in car-
23 rying out such Pilots section 526 shall be applied by sub-
24 stituting “Fiscal Year 2022” for “Fiscal Year 2014” in
25 the title of subsection (b) and by substituting “September

1 30, 2026” for “September 30, 2018” each place it ap-
2 pears: *Provided*, That such pilots shall include commu-
3 nities that have experienced civil unrest.

4 (b) In addition, Federal agencies may use Federal
5 discretionary funds that are made available in this Act to
6 participate in Performance Partnership Pilots that are
7 being carried out pursuant to the authority provided by
8 section 526 of division H of Public Law 113–76, section
9 524 of division G of Public Law 113–235, section 525 of
10 division H of Public Law 114–113, section 525 of division
11 H of Public Law 115–31, section 525 of division H of
12 Public Law 115–141, section 524 of division A of Public
13 Law 116–94, and section 524 of division H of Public Law
14 116–260.

15 (c) Pilot sites selected under authorities in this Act
16 and prior appropriations Acts may be granted by relevant
17 agencies up to an additional 5 years to operate under such
18 authorities.

19 SEC. 524. Not later than 30 days after the end of
20 each calendar quarter, beginning with the first month of
21 fiscal year 2022 the Departments of Labor, Health and
22 Human Services and Education and the Social Security
23 Administration shall provide the Committees on Appro-
24 priations of the House of Representatives and Senate a
25 report on the status of balances of appropriations: *Pro-*

1 *vided*, That for balances that are unobligated and uncom-
2 mitted, committed, and obligated but unexpended, the
3 monthly reports shall separately identify the amounts at-
4 tributable to each source year of appropriation (beginning
5 with fiscal year 2012, or, to the extent feasible, earlier
6 fiscal years) from which balances were derived.

7 SEC. 525. The Departments of Labor, Health and
8 Human Services, and Education shall provide to the Com-
9 mittees on Appropriations of the House of Representatives
10 and the Senate a comprehensive list of any new or com-
11 petitive grant award notifications, including supplements,
12 issued at the discretion of such Departments not less than
13 3 full business days before any entity selected to receive
14 a grant award is announced by the Department or its of-
15 fices (other than emergency response grants at any time
16 of the year or for grant awards made during the last 10
17 business days of the fiscal year, or if applicable, of the
18 program year).

19 SEC. 526. Notwithstanding any other provision of
20 this Act, no funds appropriated in this Act shall be used
21 to purchase sterile needles or syringes for the hypodermic
22 injection of any illegal drug: *Provided*, That such limita-
23 tion does not apply to the use of funds for elements of
24 a program other than making such purchases if the rel-
25 evant State or local health department, in consultation

1 with the Centers for Disease Control and Prevention, de-
2 termines that the State or local jurisdiction, as applicable,
3 is experiencing, or is at risk for, a significant increase in
4 hepatitis infections or an HIV outbreak due to injection
5 drug use, and such program is operating in accordance
6 with State and local law.

7 SEC. 527. Each department and related agency fund-
8 ed through this Act shall provide answers to questions
9 submitted for the record by members of the Committee
10 within 45 business days after receipt.

11 SEC. 528. Of amounts deposited in the Child Enroll-
12 ment Contingency Fund under section 2104(n)(2) of the
13 Social Security Act and the income derived from invest-
14 ment of those funds pursuant to section 2104(n)(2)(C) of
15 that Act, \$12,679,000,000 shall not be available for obli-
16 gation in this fiscal year.

17 SEC. 529. (a) This section applies to: (1) the Admin-
18 istration for Children and Families in the Department of
19 Health and Human Services; and (2) The Chief Evalua-
20 tion Office and the statistical-related cooperative and
21 interagency agreements and contracting activities of the
22 Bureau of Labor Statistics in the Department of Labor.

23 (b) Amounts made available under this Act which are
24 either appropriated, allocated, advanced on a reimbursable
25 basis, or transferred to the functions and organizations

1 identified in subsection (a) for research, evaluation, or sta-
2 tistical purposes shall be available for obligation through
3 September 30, 2026: *Provided*, That when an office ref-
4 erenced in subsection (a) receives research and evaluation
5 funding from multiple appropriations, such offices may
6 use a single Treasury account for such activities, with
7 funding advanced on a reimbursable basis.

8 (c) Amounts referenced in subsection (b) that are un-
9 expended at the time of completion of a contract, grant,
10 or cooperative agreement may be deobligated and shall im-
11 mediately become available and may be reobligated in that
12 fiscal year or the subsequent fiscal year for the research,
13 evaluation, or statistical purposes for which such amounts
14 are available.

15 SEC. 530. (a) An institution of higher education that
16 received funds under paragraph (2) of section 18004(a)
17 of the CARES Act (20 U.S.C. 3401 note; 134 Stat. 567),
18 paragraph (2) of section 314(a) of the Coronavirus Re-
19 sponse and Relief Supplemental Appropriations Act, 2021
20 (division M of Public Law 116–260; 134 Stat. 1932), or
21 section 2003 of the American Rescue Plan Act of 2021
22 (Public Law 117–2; 135 Stat. 23) to the extent such funds
23 are allocated (in accordance with such section) under
24 paragraph (2) of section 314(a) of the Coronavirus Re-
25 sponse and Relief Supplemental Appropriations Act, 2021

1 (134 Stat. 1932) may use such funds for the acquisition
2 of real property or construction directly related to pre-
3 venting, preparing for, and responding to coronavirus,
4 provided that such use meets all other applicable require-
5 ments and limitations specified in such Acts appropriating
6 such funds.

7 (b) Amounts repurposed pursuant to this section that
8 were previously designated by the Congress as an emer-
9 gency requirement pursuant to section 251(b)(2)(A)(i) of
10 the Balanced Budget and Emergency Deficit Control Act
11 of 1985 are designated by the Congress as an emergency
12 requirement pursuant to section 4001(a)(1) and section
13 4001(b) of S. Con. Res. 14 (117th Congress), the concur-
14 rent resolution on the budget for fiscal year 2022.

15 This division may be cited as the “Departments of
16 Labor, Health and Human Services, and Education, and
17 Related Agencies Appropriations Act, 2022”.

1 **DIVISION I—LEGISLATIVE BRANCH**
2 **APPROPRIATIONS ACT, 2022**

3 **TITLE I**

4 **LEGISLATIVE BRANCH**

5 **SENATE**

6 **EXPENSE ALLOWANCES**

7 For expense allowances of the Vice President,
8 \$20,000; the President Pro Tempore of the Senate,
9 \$40,000; Majority Leader of the Senate, \$40,000; Minor-
10 ity Leader of the Senate, \$40,000; Majority Whip of the
11 Senate, \$10,000; Minority Whip of the Senate, \$10,000;
12 President Pro Tempore Emeritus, \$15,000; Chairmen of
13 the Majority and Minority Conference Committees, \$5,000
14 for each Chairman; and Chairmen of the Majority and Mi-
15 nority Policy Committees, \$5,000 for each Chairman; in
16 all, \$195,000.

17 For representation allowances of the Majority and
18 Minority Leaders of the Senate, \$15,000 for each such
19 Leader; in all, \$30,000.

20 **SALARIES, OFFICERS AND EMPLOYEES**

21 For compensation of officers, employees, and others
22 as authorized by law, including agency contributions,
23 \$239,404,000, which shall be paid from this appropriation
24 as follows:

1 OFFICE OF THE VICE PRESIDENT

2 For the Office of the Vice President, \$2,641,000.

3 OFFICE OF THE PRESIDENT PRO TEMPORE

4 For the Office of the President Pro Tempore,
5 \$796,000.

6 OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

7 For the Office of the President Pro Tempore Emer-
8 itus, \$343,000.

9 OFFICES OF THE MAJORITY AND MINORITY LEADERS

10 For Offices of the Majority and Minority Leaders,
11 \$5,906,000.

12 OFFICES OF THE MAJORITY AND MINORITY WHIPS

13 For Offices of the Majority and Minority Whips,
14 \$3,774,000.

15 COMMITTEE ON APPROPRIATIONS

16 For salaries of the Committee on Appropriations,
17 \$16,900,000.

18 CONFERENCE COMMITTEES

19 For the Conference of the Majority and the Con-
20 ference of the Minority, at rates of compensation to be
21 fixed by the Chairman of each such committee,
22 \$1,813,000 for each such committee; in all, \$3,626,000.

1 OFFICES OF THE SECRETARIES OF THE CONFERENCE OF
2 THE MAJORITY AND THE CONFERENCE OF THE MINORITY
3 For Offices of the Secretaries of the Conference of
4 the Majority and the Conference of the Minority,
5 \$900,000.

6 POLICY COMMITTEES

7 For salaries of the Majority Policy Committee and
8 the Minority Policy Committee, \$1,852,000 for each such
9 committee; in all, \$3,704,000.

10 OFFICE OF THE CHAPLAIN

11 For Office of the Chaplain, \$562,000.

12 OFFICE OF THE SECRETARY

13 For Office of the Secretary, \$28,091,000.

14 OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

15 For Office of the Sergeant at Arms and Doorkeeper,
16 \$98,563,000.

17 OFFICES OF THE SECRETARIES FOR THE MAJORITY AND
18 MINORITY

19 For Offices of the Secretary for the Majority and the
20 Secretary for the Minority, \$2,038,000.

21 AGENCY CONTRIBUTIONS AND RELATED EXPENSES

22 For agency contributions for employee benefits, as
23 authorized by law, and related expenses, \$71,560,000.

1 OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

2 For salaries and expenses of the Office of the Legisla-
3 tive Counsel of the Senate, \$7,353,000.

4 OFFICE OF SENATE LEGAL COUNSEL

5 For salaries and expenses of the Office of Senate
6 Legal Counsel, \$1,299,000.

7 EXPENSE ALLOWANCES OF THE SECRETARY OF THE
8 SENATE, SERGEANT AT ARMS AND DOORKEEPER OF
9 THE SENATE, AND SECRETARIES FOR THE MAJOR-
10 ITY AND MINORITY OF THE SENATE

11 For expense allowances of the Secretary of the Sen-
12 ate, \$7,500; Sergeant at Arms and Doorkeeper of the Sen-
13 ate, \$7,500; Secretary for the Majority of the Senate,
14 \$7,500; Secretary for the Minority of the Senate, \$7,500;
15 in all, \$30,000.

16 CONTINGENT EXPENSES OF THE SENATE

17 INQUIRIES AND INVESTIGATIONS

18 For expenses of inquiries and investigations ordered
19 by the Senate, or conducted under paragraph 1 of rule
20 XXVI of the Standing Rules of the Senate, section 112
21 of the Supplemental Appropriations and Rescission Act,
22 1980 (Public Law 96–304), and Senate Resolution 281,
23 96th Congress, agreed to March 11, 1980, \$136,600,000,
24 of which \$13,660,000 shall remain available until Sep-
25 tember 30, 2024.

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1 U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS
2 CONTROL

3 For expenses of the United States Senate Caucus on
4 International Narcotics Control, \$530,000.

5 SECRETARY OF THE SENATE

6 For expenses of the Office of the Secretary of the
7 Senate, \$23,036,000, of which \$8,936,000 shall remain
8 available until September 30, 2026, and of which
9 \$14,100,000 shall remain available until expended.

10 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

11 For expenses of the Office of the Sergeant at Arms
12 and Doorkeeper of the Senate, \$151,820,874, of which
13 \$147,820,874 shall remain available until September 30,
14 2026, and of which \$4,000,000 shall be for Senate hearing
15 room audiovisual equipment, to remain available until ex-
16 pended.

17 SERGEANT AT ARMS BUSINESS CONTINUITY AND
18 DISASTER RECOVERY FUND

19 For expenses of the Sergeant at Arms Business Con-
20 tinuity and Disaster Recovery Fund established in section
21 5 of the Legislative Branch Appropriations Act, 1991 (2
22 U.S.C. 6611), as amended by section 103 of this Act,
23 \$25,000,000, which shall remain available until expended:
24 *Provided*, That such amount and any amounts transferred
25 to the Fund shall be allocated in accordance with a spend-

1 ing plan submitted to the Committee on Appropriations
2 of the Senate: *Provided further*, That the spending plan
3 in the preceding proviso must be updated before any
4 amount in the Fund is obligated, if such obligation is not
5 in accordance with that plan: *Provided further*, That if the
6 Sergeant at Arms submits to the Committee on Appro-
7 priations of the Senate a request for emergency supple-
8 mental funding, the Sergeant at Arms shall include with
9 the request an update to the latest spending plan sub-
10 mitted to the Committee on Appropriations of the Senate:
11 *Provided further*, That any spending plan submitted pur-
12 suant to the preceding three provisos shall include a pres-
13 entation of the total amount of obligated and unobligated
14 amounts in the Fund.

15 MISCELLANEOUS ITEMS

16 For miscellaneous items, \$23,021,500 which shall re-
17 main available until September 30, 2024.

18 SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE

19 ACCOUNT

20 For Senators' Official Personnel and Office Expense
21 Account, \$486,274,200, of which \$20,128,950 shall re-
22 main available until September 30, 2024, and of which
23 \$7,000,000 shall be allocated solely for the purpose of pro-
24 viding financial compensation to Senate interns.

1 OFFICIAL MAIL COSTS

2 For expenses necessary for official mail costs of the
3 Senate, \$300,000.

4 ADMINISTRATIVE PROVISIONS

5 REQUIRING AMOUNTS REMAINING IN SENATORS' OFFI-
6 CIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT
7 TO BE USED FOR DEFICIT REDUCTION OR TO RE-
8 DUCE THE FEDERAL DEBT

9 SEC. 101. Notwithstanding any other provision of
10 law, any amounts appropriated under this Act under the
11 heading "SENATE" under the heading "CONTINGENT
12 EXPENSES OF THE SENATE" under the heading "SEN-
13 ATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE AC-
14 COUNT" shall be available for obligation only during the
15 fiscal year or fiscal years for which such amounts are
16 made available. Any unexpended balances under such al-
17 lowances remaining after the end of the period of avail-
18 ability shall be returned to the Treasury in accordance
19 with the undesignated paragraph under the center heading
20 "GENERAL PROVISION" under chapter XI of the
21 Third Supplemental Appropriation Act, 1957 (2 U.S.C.
22 4107) and used for deficit reduction (or, if there is no
23 Federal budget deficit after all such payments have been
24 made, for reducing the Federal debt, in such manner as
25 the Secretary of the Treasury considers appropriate).

1 ADJUSTMENTS TO SENATORS' PERSONNEL AND OFFICE
2 EXPENSE ACCOUNT ALLOWANCE

3 SEC. 102. Effective on and after October 1, 2021,
4 each of the dollar amounts contained in the table under
5 section 105(d)(1)(A) of the Legislative Branch Appropria-
6 tions Act, 1968 (2 U.S.C. 4575(d)(1)(A)) shall be deemed
7 to be the dollar amounts in that table, as adjusted by law
8 and in effect on September 30, 2021, increased by an ad-
9 ditional \$75,000 each.

10 SERGEANT AT ARMS BUSINESS CONTINUITY AND
11 DISASTER RECOVERY FUND

12 SEC. 103. Section 5 of the Legislative Branch Appro-
13 priations Act, 1991 (2 U.S.C. 6611) is amended—

14 (1) by striking all that precedes “is author-
15 ized,” and inserting the following:

16 **“SEC. 5. TRANSFER AUTHORITY AND SERGEANT AT ARMS**
17 **BUSINESS CONTINUITY AND DISASTER RE-**
18 **COVERY FUND.**

19 “(a) IN GENERAL.—The Sergeant at Arms and
20 Doorkeeper of the Senate”; and

21 (2) by adding at the end the following:

22 “(b) SERGEANT AT ARMS BUSINESS CONTINUITY
23 AND DISASTER RECOVERY FUND.—

24 “(1) DEFINITIONS.—In this subsection—

1 “(A) the term ‘Fund’ means the Sergeant
2 at Arms Business Continuity and Disaster Re-
3 covery Fund established under paragraph (2);
4 and

5 “(B) the term ‘Sergeant at Arms’ means
6 the Sergeant at Arms and Doorkeeper of the
7 Senate.

8 “(2) ESTABLISHMENT.—There is established
9 under the heading ‘CONTINGENT EXPENSES OF THE
10 SENATE’ an account to be known as the ‘Sergeant
11 at Arms Business Continuity and Disaster Recovery
12 Fund’.

13 “(3) USE OF AMOUNTS.—Amounts in the Fund
14 shall be available to the Sergeant at Arms for pur-
15 poses of the business continuity and disaster recov-
16 ery needs of the Senate.

17 “(4) AUTHORITY TO TRANSFER.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (C), prior to the date of the withdrawal
20 of amounts appropriated under the heading
21 ‘CONTINGENT EXPENSES OF THE SENATE—
22 SERGEANT AT ARMS AND DOORKEEPER OF THE
23 SENATE’ in accordance with the matter under
24 the heading ‘GENERAL PROVISION’ under
25 chapter XI of the Third Supplemental Appro-

1 patriation Act, 1957 (2 U.S.C. 4107), any unobli-
2 gated balances of expired discretionary appro-
3 priations of such amounts may be transferred
4 by the Sergeant at Arms to the Fund.

5 “(B) PERIOD OF AVAILABILITY.—Amounts
6 transferred under subparagraph (A) shall re-
7 main available until expended.

8 “(C) NOTICE.—If the Sergeant at Arms
9 intends to transfer amounts under subpara-
10 graph (A), the Sergeant at Arms shall submit
11 to the Committee on Appropriations of the Sen-
12 ate written notice not later than 15 days before
13 the date of the withdrawal of such amounts in
14 accordance with the matter under the heading
15 ‘GENERAL PROVISION’ under chapter XI of
16 the Third Supplemental Appropriation Act,
17 1957 (2 U.S.C. 4107).

18 “(D) APPLICABILITY.—The authority to
19 transfer amounts under this paragraph shall
20 apply with respect to amounts appropriated for
21 fiscal year 2022, or any fiscal year thereafter.

22 “(5) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to the Fund
24 such sums as are necessary for fiscal year 2022 and
25 each fiscal year thereafter.”

1 HOUSE OF REPRESENTATIVES

2 PAYMENT TO WIDOWS AND HEIRS OF DECEASED

3 MEMBERS OF CONGRESS

4 Notwithstanding any other provision of this Act,
5 there is hereby appropriated for fiscal year 2022 for pay-
6 ment to Jennifer K. Carnahan, beneficiary of Jim
7 Hagedorn, late a Representative from the State of Min-
8 nesota, \$174,000.

9 SALARIES AND EXPENSES

10 For salaries and expenses of the House of Represent-
11 atives, \$1,714,996,045, as follows:

12 HOUSE LEADERSHIP OFFICES

13 For salaries and expenses, as authorized by law,
14 \$34,949,640, including: Office of the Speaker,
15 \$10,036,950, including \$35,000 for official expenses of
16 the Speaker; Office of the Majority Floor Leader,
17 \$3,565,870, including \$15,000 for official expenses of the
18 Majority Leader; Office of the Minority Floor Leader,
19 \$10,036,950, including \$17,500 for official expenses of
20 the Minority Leader; Office of the Majority Whip, includ-
21 ing the Chief Deputy Majority Whip, \$2,962,080, includ-
22 ing \$5,000 for official expenses of the Majority Whip; Of-
23 fice of the Minority Whip, including the Chief Deputy Mi-
24 nority Whip, \$2,684,990, including \$5,000 for official ex-
25 penses of the Minority Whip; Republican Conference,

1 \$2,831,400; Democratic Caucus, \$2,831,400: *Provided*,
2 That such amount for salaries and expenses shall remain
3 available from January 3, 2022 until January 2, 2023.

4 MEMBERS' REPRESENTATIONAL ALLOWANCES
5 INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES
6 OF MEMBERS, AND OFFICIAL MAIL

7 For Members' representational allowances, including
8 Members' clerk hire, official expenses, and official mail,
9 \$774,400,000.

10 ALLOWANCE FOR COMPENSATION OF INTERNS IN
11 MEMBER OFFICES

12 For the allowance established under section 120 of
13 the Legislative Branch Appropriations Act, 2019 (2
14 U.S.C. 5322a) for the compensation of interns who serve
15 in the offices of Members of the House of Representatives,
16 \$15,435,000, to remain available through January 2,
17 2023: *Provided*, That notwithstanding section 120(b) of
18 such Act, an office of a Member of the House of Rep-
19 resentatives may use not more than \$35,000 of the allow-
20 ance available under this heading during legislative year
21 2022.

22 ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE
23 LEADERSHIP OFFICES

24 For the allowance established under section 113 of
25 the Legislative Branch Appropriations Act, 2020 (2

1 U.S.C. 5106) for the compensation of interns who serve
2 in House leadership offices, \$438,000, to remain available
3 through January 2, 2023: *Provided*, That of the amount
4 provided under this heading, \$240,500 shall be available
5 for the compensation of interns who serve in offices of the
6 majority, to be allocated among such offices by the Speak-
7 er of the House of Representatives, and \$197,500 shall
8 be available for the compensation of interns who serve in
9 offices of the minority, to be allocated among such offices
10 by the Minority Floor Leader.

11 ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE
12 STANDING, SPECIAL AND SELECT COMMITTEE OFFICES

13 For the allowance established under section
14 113(a)(1) of this Act for the compensation of interns who
15 serve in offices of standing, special, and select committees
16 (other than the Committee on Appropriations),
17 \$1,943,910, to remain available through January 2, 2023:
18 *Provided*, That of the amount provided under this head-
19 ing, \$971,955 shall be available for the compensation of
20 interns who serve in offices of the majority, and \$971,955
21 shall be available for the compensation of interns who
22 serve in offices of the minority, to be allocated among such
23 offices by the Chair, in consultation with the ranking mi-
24 nority member, of the Committee on House Administra-
25 tion.

1 ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE
2 APPROPRIATIONS COMMITTEE OFFICES

3 For the allowance established under section
4 113(a)(2) of this Act for the compensation of interns who
5 serve in offices of the Committee on Appropriations,
6 \$345,584: *Provided*, That of the amount provided under
7 this heading, \$172,792 shall be available for the com-
8 pensation of interns who serve in offices of the majority,
9 and \$172,792 shall be available for the compensation of
10 interns who serve in offices of the minority, to be allocated
11 among such offices by the Chair, in consultation with the
12 ranking minority member, of the Committee on Appro-
13 priations.

14 COMMITTEE EMPLOYEES
15 STANDING COMMITTEES, SPECIAL AND SELECT

16 For salaries and expenses of standing committees,
17 special and select, authorized by House resolutions,
18 \$167,101,000: *Provided*, That such amount shall remain
19 available for such salaries and expenses until December
20 31, 2022, except that \$3,100,000 of such amount shall
21 remain available until expended for committee room up-
22 grading.

23 COMMITTEE ON APPROPRIATIONS

24 For salaries and expenses of the Committee on Ap-
25 propriations, \$29,917,250, including studies and examina-

1 tions of executive agencies and temporary personal serv-
2 ices for such committee, to be expended in accordance with
3 section 202(b) of the Legislative Reorganization Act of
4 1946 and to be available for reimbursement to agencies
5 for services performed: *Provided*, That such amount shall
6 remain available for such salaries and expenses until De-
7 cember 31, 2022.

8 SALARIES, OFFICERS AND EMPLOYEES

9 For compensation and expenses of officers and em-
10 ployees, as authorized by law, \$288,480,800, including:
11 for salaries and expenses of the Office of the Clerk, includ-
12 ing the positions of the Chaplain and the Historian, and
13 including not more than \$25,000 for official representa-
14 tion and reception expenses, of which not more than
15 \$20,000 is for the Family Room and not more than
16 \$2,000 is for the Office of the Chaplain, \$36,500,000, of
17 which \$9,000,000 shall remain available until expended;
18 for salaries and expenses of the Office of the Sergeant at
19 Arms, including the position of Superintendent of Garages
20 and the Office of Emergency Management, and including
21 not more than \$3,000 for official representation and re-
22 ception expenses, \$27,695,000, of which \$15,000,000
23 shall remain available until expended; for salaries and ex-
24 penses of the Office of the Chief Administrative Officer
25 including not more than \$3,000 for official representation

1 and reception expenses, \$193,187,800, of which
2 \$30,000,000 shall remain available until expended; for sal-
3 aries and expenses of the Office of Diversity and Inclusion,
4 \$3,000,000, of which \$1,000,000 shall remain available
5 until expended; for salaries and expenses of the Office of
6 the Whistleblower Ombuds, \$1,250,000; for salaries and
7 expenses of the Office of the Inspector General,
8 \$5,019,000; for salaries and expenses of the Office of Gen-
9 eral Counsel, \$1,912,000; for salaries and expenses of the
10 Office of the Parliamentarian, including the Parliamen-
11 tarian, \$2,000 for preparing the Digest of Rules, and not
12 more than \$1,000 for official representation and reception
13 expenses, \$2,134,000; for salaries and expenses of the Of-
14 fice of the Law Revision Counsel of the House,
15 \$3,600,000; for salaries and expenses of the Office of the
16 Legislative Counsel of the House, \$12,625,000, of which
17 \$2,000,000 shall remain available until expended; for sala-
18 ries and expenses of the Office of Interparliamentary Af-
19 fairs, \$934,000; for other authorized employees,
20 \$624,000.

21 ALLOWANCES AND EXPENSES

22 For allowances and expenses as authorized by House
23 resolution or law, \$399,984,861, including: supplies, mate-
24 rials, administrative costs and Federal tort claims,
25 \$1,555,000; official mail for committees, leadership of-

1 fices, and administrative offices of the House, \$190,000;
2 Government contributions for health, retirement, Social
3 Security, contractor support for actuarial projections, and
4 other applicable employee benefits, \$356,000,000, to re-
5 main available until March 31, 2023, except that
6 \$25,000,000 of such amount shall remain available until
7 expended; salaries and expenses for Business Continuity
8 and Disaster Recovery, \$23,812,861, of which \$6,000,000
9 shall remain available until expended; transition activities
10 for new members and staff, \$5,895,000, to remain avail-
11 able until expended; Green and Gold Congressional Aide
12 Program under section 114 of this Act, \$9,294,000, to
13 remain available until expended; Office of Congressional
14 Ethics, \$1,738,000; and miscellaneous items including
15 purchase, exchange, maintenance, repair and operation of
16 House motor vehicles, interparliamentary receptions, and
17 gratuities to heirs of deceased employees of the House,
18 \$1,500,000.

19 HOUSE OF REPRESENTATIVES MODERNIZATION

20 INITIATIVES ACCOUNT

21 (INCLUDING TRANSFER OF FUNDS)

22 For the House of Representatives Modernization Ini-
23 tiatives Account established under section 115 of the Leg-
24 islative Branch Appropriations Act, 2021 (2 U.S.C. 5513),
25 \$2,000,000, to remain available until expended: *Provided,*

1 That disbursement from this account is subject to ap-
2 proval of the Committee on Appropriations of the House
3 of Representatives: *Provided further*, That funds provided
4 in this account shall only be used for initiatives rec-
5 ommended by the Select Committee on Modernization or
6 approved by the Committee on House Administration.

7 ADMINISTRATIVE PROVISIONS

8 REQUIRING AMOUNTS REMAINING IN MEMBERS' REP-
9 RESENTATIONAL ALLOWANCES TO BE USED FOR
10 DEFICIT REDUCTION OR TO REDUCE THE FEDERAL
11 DEBT

12 SEC. 110. (a) Notwithstanding any other provision
13 of law, any amounts appropriated under this Act for
14 "HOUSE OF REPRESENTATIVES—SALARIES AND
15 EXPENSES—MEMBERS' REPRESENTATIONAL ALLOW-
16 ANCES" shall be available only for fiscal year 2022. Any
17 amount remaining after all payments are made under such
18 allowances for fiscal year 2022 shall be deposited in the
19 Treasury and used for deficit reduction (or, if there is no
20 Federal budget deficit after all such payments have been
21 made, for reducing the Federal debt, in such manner as
22 the Secretary of the Treasury considers appropriate).

23 (b) The Committee on House Administration of the
24 House of Representatives shall have authority to prescribe
25 regulations to carry out this section.

1 (c) As used in this section, the term “Member of the
2 House of Representatives” means a Representative in, or
3 a Delegate or Resident Commissioner to, the Congress.

4 LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

5 SEC. 111. None of the funds made available in this
6 Act may be used by the Chief Administrative Officer of
7 the House of Representatives to make any payments from
8 any Members’ Representational Allowance for the leasing
9 of a vehicle, excluding mobile district offices, in an aggre-
10 gate amount that exceeds \$1,000 for the vehicle in any
11 month.

12 CYBERSECURITY ASSISTANCE FOR HOUSE OF
13 REPRESENTATIVES

14 SEC. 112. The head of any Federal entity that pro-
15 vides assistance to the House of Representatives in the
16 House’s efforts to deter, prevent, mitigate, or remediate
17 cybersecurity risks to, and incidents involving, the infor-
18 mation systems of the House shall take all necessary steps
19 to ensure the constitutional integrity of the separate
20 branches of the government at all stages of providing the
21 assistance, including applying minimization procedures to
22 limit the spread or sharing of privileged House and Mem-
23 ber information.

1 ALLOWANCES FOR COMPENSATION OF INTERNS IN HOUSE
2 COMMITTEE OFFICES

3 SEC. 113. (a) ESTABLISHMENT OF ALLOWANCES.—

4 There are established for the House of Representatives the
5 following allowances:

6 (1) An allowance which shall be available for
7 the compensation of interns who serve in offices of
8 a standing, special, or select committee of the House
9 (other than the Committee on Appropriations).

10 (2) An allowance which shall be available for
11 the compensation of interns who serve in offices of
12 the Committee on Appropriations.

13 (b) BENEFIT EXCLUSION.—Section 104(b) of the
14 House of Representatives Administrative Reform Tech-
15 nical Corrections Act (2 U.S.C. 5321(b)) shall apply with
16 respect to an intern who is compensated under an allow-
17 ance under this section in the same manner as such sec-
18 tion applies with respect to an intern who is compensated
19 under the Members' Representational Allowance.

20 (c) DEFINITIONS.—In this section, the term “in-
21 tern”, with respect to a committee of the House, has the
22 meaning given such term with respect to a Member of the
23 House of Representatives in section 104(c)(2) of the
24 House of Representatives Administrative Reform Tech-
25 nical Corrections Act (2 U.S.C. 5321(c)(2)).

1 (d) CONFORMING AMENDMENT RELATING TO
2 TRANSFER OF AMOUNTS.—Section 101(c)(2) of the Leg-
3 islative Branch Appropriations Act, 1993 (2 U.S.C.
4 5507(c)(2)) is amended by inserting after “‘Allowance for
5 Compensation of Interns in Member Offices’,” the fol-
6 lowing: “‘Allowance for Compensation of Interns in House
7 Appropriations Committee Offices’, ‘Allowance for Com-
8 pensation of Interns in House Standing, Special and Se-
9 lect Committee Offices’,”.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 such sums as may be necessary for fiscal year 2022 and
13 each succeeding fiscal year.

14 GREEN AND GOLD CONGRESSIONAL AIDE PROGRAM

15 SEC. 114. (a) ESTABLISHMENT.—There is estab-
16 lished in the House of Representatives the Green and Gold
17 Congressional Aide Program (hereafter in this section re-
18 ferred to as the “Program”) for veterans and Gold Star
19 Families, under the direction of the Chief Administrative
20 Officer of the House of Representatives, under which an
21 eligible individual may serve a 2-year fellowship in the of-
22 fice of a Member of the House of Representatives (includ-
23 ing a Delegate or Resident Commissioner to the Congress)
24 or House Officer.

1 (b) PLACEMENT.—An individual may serve a fellow-
2 ship under the Program at the Member’s office in the Dis-
3 trict of Columbia or the Member’s office in the congres-
4 sional district the Member represents. Fellows assigned to
5 House Officers may serve where assigned.

6 (c) EXCLUSION OF APPOINTEES FOR PURPOSES OF
7 LIMIT ON NUMBER OF EMPLOYEES IN MEMBER OF-
8 FICES.—Any individual serving a fellowship under the
9 Program in the office of a Member shall not be included
10 in the determination of the number of employees employed
11 by the Member under section 104(a) of the House of Rep-
12 resentatives Administrative Reform Technical Corrections
13 Act (2 U.S.C. 5321(a)).

14 (d) REGULATIONS.—The Program shall be carried
15 out in accordance with regulations promulgated by the
16 Committee on House Administration.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated for fiscal year 2022 and
19 each succeeding fiscal year such sums as may be necessary
20 to carry out the Program.

21 (f) EFFECTIVE DATE.—This section shall apply with
22 respect to fiscal year 2022 and each succeeding fiscal year.

23 DAVID R. OBEY HEARING ROOM

24 SEC. 115. Hereafter, the hearing room of the Sub-
25 committee on Labor, Health and Human Services, Edu-

1 (3) an allowance of \$900 per month each to
2 three medical officers while on duty in the Office of
3 the Attending Physician;

4 (4) an allowance of \$900 per month to 2 assist-
5 ants and \$900 per month each not to exceed 11 as-
6 sistants on the basis heretofore provided for such as-
7 sistants; and

8 (5) \$2,880,000 for reimbursement to the De-
9 partment of the Navy for expenses incurred for staff
10 and equipment assigned to the Office of the Attend-
11 ing Physician, which shall be advanced and credited
12 to the applicable appropriation or appropriations
13 from which such salaries, allowances, and other ex-
14 penses are payable and shall be available for all the
15 purposes thereof, \$4,063,000, to be disbursed by the
16 Chief Administrative Officer of the House of Rep-
17 resentatives.

18 OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

19 SALARIES AND EXPENSES

20 For salaries and expenses of the Office of Congres-
21 sional Accessibility Services, \$1,606,000, to be disbursed
22 by the Secretary of the Senate.

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1 CAPITOL POLICE

2 SALARIES

3 For salaries of employees of the Capitol Police, in-
4 cluding overtime, hazardous duty pay, and Government
5 contributions for health, retirement, social security, pro-
6 fessional liability insurance, and other applicable employee
7 benefits, \$468,861,000 of which overtime shall not exceed
8 \$71,289,224 unless the Committees on Appropriations of
9 the House and Senate are notified, to be disbursed by the
10 Chief of the Capitol Police or a duly authorized designee.

11 GENERAL EXPENSES

12 For necessary expenses of the Capitol Police, includ-
13 ing motor vehicles, communications and other equipment,
14 security equipment and installation, uniforms, weapons,
15 supplies, materials, training, medical services, forensic
16 services, stenographic services, personal and professional
17 services, the employee assistance program, the awards pro-
18 gram, postage, communication services, travel advances,
19 relocation of instructor and liaison personnel for the Fed-
20 eral Law Enforcement Training Centers, and not more
21 than \$5,000 to be expended on the certification of the
22 Chief of the Capitol Police in connection with official rep-
23 resentation and reception expenses, \$133,648,000, to be
24 disbursed by the Chief of the Capitol Police or a duly au-
25 thorized designee: *Provided*, That, notwithstanding any

1 other provision of law, the cost of basic training for the
2 Capitol Police at the Federal Law Enforcement Training
3 Centers for fiscal year 2022 shall be paid by the Secretary
4 of Homeland Security from funds available to the Depart-
5 ment of Homeland Security.

6 ADMINISTRATIVE PROVISION

7 NOTIFICATION OF OBLIGATION

8 SEC. 120. (a) Beginning on the date of enactment
9 of this Act, the Chief of the United States Capitol Police
10 shall provide written notice to the Committee on Appro-
11 priations of the Senate and the Committee on Appropria-
12 tions of the House of Representatives before any obliga-
13 tion of funds under section 2802(a)(2) of the Supple-
14 mental Appropriations Act, 2001 (2 U.S.C. 1905(a)(2))
15 that equals or exceeds \$100,000.

16 (b) This section shall apply with respect to fiscal year
17 2022 and each fiscal year thereafter.

18 OFFICE OF CONGRESSIONAL WORKPLACE

19 RIGHTS

20 SALARIES AND EXPENSES

21 For salaries and expenses necessary for the operation
22 of the Office of Congressional Workplace Rights,
23 \$7,500,000, of which \$2,000,000 shall remain available
24 until September 30, 2023, and of which not more than
25 \$1,000 may be expended on the certification of the Execu-

1 tive Director in connection with official representation and
2 reception expenses.

3 CONGRESSIONAL BUDGET OFFICE

4 SALARIES AND EXPENSES

5 For salaries and expenses necessary for operation of
6 the Congressional Budget Office, including not more than
7 \$6,000 to be expended on the certification of the Director
8 of the Congressional Budget Office in connection with offi-
9 cial representation and reception expenses, \$60,953,000:
10 *Provided*, That the Director shall use not less than
11 \$500,000 of the amount made available under this head-
12 ing for (1) improving technical systems, processes, and
13 models for the purpose of improving the transparency of
14 estimates of budgetary effects to Members of Congress,
15 employees of Members of Congress, and the public, and
16 (2) to increase the availability of models, economic as-
17 sumptions, and data for Members of Congress, employees
18 of Members of Congress, and the public.

19 ARCHITECT OF THE CAPITOL

20 CAPITAL CONSTRUCTION AND OPERATIONS

21 For salaries for the Architect of the Capitol, and
22 other personal services, at rates of pay provided by law;
23 for all necessary expenses for surveys and studies, con-
24 struction, operation, and general and administrative sup-
25 port in connection with facilities and activities under the

1 furnishings to be expended under the control and super-
2 vision of the Architect of the Capitol, \$81,977,000, of
3 which \$9,000,000 shall remain available until September
4 30, 2026, and of which \$2,000,000 shall remain available
5 until expended.

6 HOUSE OFFICE BUILDINGS

7 (INCLUDING TRANSFER OF FUNDS)

8 For all necessary expenses for the maintenance, care
9 and operation of the House office buildings,
10 \$212,422,500, of which \$12,000,000 shall remain avail-
11 able until September 30, 2026, and of which
12 \$128,000,000 shall remain available until expended for
13 the restoration and renovation of the Cannon House Office
14 Building: *Provided*, That of the amount made available
15 under this heading, \$9,000,000 shall be derived by trans-
16 fer from the House Office Building Fund established
17 under section 176(d) of the Continuing Appropriations
18 Act, 2017, as added by section 101(3) of the Further Con-
19 tinuing Appropriation Act, 2017 (Public Law 114-254; 2
20 U.S.C. 2001 note).

21 CAPITOL POWER PLANT

22 For all necessary expenses for the maintenance, care
23 and operation of the Capitol Power Plant; lighting, heat-
24 ing, power (including the purchase of electrical energy)
25 and water and sewer services for the Capitol, Senate and

1 House office buildings, Library of Congress buildings, and
2 the grounds about the same, Botanic Garden, Senate ga-
3 rage, and air conditioning refrigeration not supplied from
4 plants in any of such buildings; heating the Government
5 Publishing Office and Washington City Post Office, and
6 heating and chilled water for air conditioning for the Su-
7 preme Court Building, the Union Station complex, the
8 Thurgood Marshall Federal Judiciary Building and the
9 Folger Shakespeare Library, expenses for which shall be
10 advanced or reimbursed upon request of the Architect of
11 the Capitol and amounts so received shall be deposited
12 into the Treasury to the credit of this appropriation,
13 \$114,598,000, of which \$24,575,000 shall remain avail-
14 able until September 30, 2026: *Provided*, That not more
15 than \$10,000,000 of the funds credited or to be reim-
16 bursed to this appropriation as herein provided shall be
17 available for obligation during fiscal year 2022.

18 LIBRARY BUILDINGS AND GROUNDS

19 For all necessary expenses for the mechanical and
20 structural maintenance, care and operation of the Library
21 buildings and grounds, \$64,544,000, of which
22 \$31,000,000 shall remain available until September 30,
23 2026.

1 CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

2 For all necessary expenses for the maintenance, care
3 and operation of buildings, grounds and security enhance-
4 ments of the United States Capitol Police, wherever lo-
5 cated, the Alternate Computing Facility, and Architect of
6 the Capitol security operations, \$62,389,733, of which
7 \$637,639 shall remain available until September 30, 2024,
8 and be used to make bulk purchases of, store, and dis-
9 tribute in coordination with partnering agencies personal
10 protective equipment wherever needed, subject to prior no-
11 tification to the Senate Committee on Appropriations and
12 the House Committee on Appropriations, and
13 \$30,000,000 shall remain available until September 30,
14 2026.

15 BOTANIC GARDEN

16 For all necessary expenses for the maintenance, care
17 and operation of the Botanic Garden and the nurseries,
18 buildings, grounds, and collections; and purchase and ex-
19 change, maintenance, repair, and operation of a passenger
20 motor vehicle; all under the direction of the Joint Com-
21 mittee on the Library, \$24,463,500, of which \$10,100,000
22 shall remain available until September 30, 2026: *Provided,*
23 That, of the amount made available under this heading,
24 the Architect of the Capitol may obligate and expend such
25 sums as may be necessary for the maintenance, care and

1 operation of the National Garden established under sec-
2 tion 307E of the Legislative Branch Appropriations Act,
3 1989 (2 U.S.C. 2146), upon vouchers approved by the Ar-
4 chitect of the Capitol or a duly authorized designee.

5 CAPITOL VISITOR CENTER

6 For all necessary expenses for the operation of the
7 Capitol Visitor Center, \$25,569,000.

8 ADMINISTRATIVE PROVISIONS

9 NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR
10 OVER BUDGET

11 SEC. 130. None of the funds made available in this
12 Act for the Architect of the Capitol may be used to make
13 incentive or award payments to contractors for work on
14 contracts or programs for which the contractor is behind
15 schedule or over budget, unless the Architect of the Cap-
16 itol, or agency-employed designee, determines that any
17 such deviations are due to unforeseeable events, govern-
18 ment-driven scope changes, or are not significant within
19 the overall scope of the project and/or program.

20 AVAILABILITY OF COINS COLLECTED FROM FOUNTAINS
21 FOR MAINTENANCE OPERATIONS

22 SEC. 131. Section 504 of Public Law 110–437 (as
23 codified at 2 U.S.C. 2273) is amended in subsection (c)
24 by adding before the period at the end of the first sentence

1 the following: “, and maintaining fountains under the ju-
2 risdiction of the Architect of the Capitol”.

3 LIBRARY OF CONGRESS

4 SALARIES AND EXPENSES

5 For all necessary expenses of the Library of Congress
6 not otherwise provided for, including development and
7 maintenance of the Library’s catalogs; custody and custo-
8 dial care of the Library buildings; information technology
9 services provided centrally; special clothing; cleaning,
10 laundering and repair of uniforms; preservation of motion
11 pictures in the custody of the Library; operation and
12 maintenance of the American Folklife Center in the Li-
13 brary; preparation and distribution of catalog records and
14 other publications of the Library; hire or purchase of one
15 passenger motor vehicle; and expenses of the Library of
16 Congress Trust Fund Board not properly chargeable to
17 the income of any trust fund held by the Board,
18 \$550,620,874, and, in addition, amounts credited to this
19 appropriation during fiscal year 2022 under the Act of
20 June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C.
21 150), shall remain available until expended: *Provided*,
22 That the Library of Congress may not obligate or expend
23 any funds derived from collections under the Act of June
24 28, 1902, in excess of the amount authorized for obliga-
25 tion or expenditure in appropriations Acts: *Provided fur-*

1 *ther*, That of the total amount appropriated, not more
2 than \$18,000 may be expended, on the certification of the
3 Librarian of Congress, in connection with official rep-
4 resentation and reception expenses, including for the Over-
5 seas Field Offices: *Provided further*, That of the total
6 amount appropriated, \$9,661,000 shall remain available
7 until expended for the Teaching with Primary Sources
8 program: *Provided further*, That of the total amount ap-
9 propriated, \$1,419,000 shall remain available until ex-
10 pended for upgrade of the Legislative Branch Financial
11 Management System: *Provided further*, That of the total
12 amount appropriated, \$250,000 shall remain available
13 until expended for the Surplus Books Program to promote
14 the program and facilitate a greater number of donations
15 to eligible entities across the United States: *Provided fur-*
16 *ther*, That of the total amount appropriated, \$3,831,000
17 shall remain available until expended for the Veterans
18 History Project to continue digitization efforts of already
19 collected materials, reach a greater number of veterans to
20 record their stories, and promote public access to the
21 Project: *Provided further*, That of the total amount appro-
22 priated, \$10,000,000 shall remain available until expended
23 for the Library's Visitor Experience project, and may be
24 obligated and expended only upon approval by the Sub-
25 committee on the Legislative Branch of the Committee on

1 Appropriations of the House of Representatives and by the
2 Subcommittee on the Legislative Branch of the Committee
3 on Appropriations of the Senate.

4 COPYRIGHT OFFICE

5 SALARIES AND EXPENSES

6 For all necessary expenses of the Copyright Office,
7 \$98,038,000, of which not more than \$38,004,000, to re-
8 main available until expended, shall be derived from collec-
9 tions credited to this appropriation during fiscal year 2022
10 under sections 708(d) and 1316 of title 17, United States
11 Code: *Provided*, That the Copyright Office may not obli-
12 gate or expend any funds derived from collections under
13 such section in excess of the amount authorized for obliga-
14 tion or expenditure in appropriations Acts: *Provided fur-*
15 *ther*, That not more than \$6,969,000 shall be derived from
16 collections during fiscal year 2022 under sections
17 111(d)(2), 119(b)(3), 803(e), and 1005 of such title: *Pro-*
18 *vided further*, That the total amount available for obliga-
19 tion shall be reduced by the amount by which collections
20 are less than \$44,973,000: *Provided further*, That of the
21 funds provided under this heading, not less than
22 \$17,100,000 is for modernization initiatives, of which
23 \$10,000,000 shall remain available until September 30,
24 2023: *Provided further*, That not more than \$100,000 of
25 the amount appropriated is available for the maintenance

1 of an “International Copyright Institute” in the Copyright
2 Office of the Library of Congress for the purpose of train-
3 ing nationals of developing countries in intellectual prop-
4 erty laws and policies: *Provided further*, That not more
5 than \$6,500 may be expended, on the certification of the
6 Librarian of Congress, in connection with official rep-
7 resentation and reception expenses for activities of the
8 International Copyright Institute and for copyright dele-
9 gations, visitors, and seminars: *Provided further*, That,
10 notwithstanding any provision of chapter 8 of title 17,
11 United States Code, any amounts made available under
12 this heading which are attributable to royalty fees and
13 payments received by the Copyright Office pursuant to
14 sections 111, 119, and chapter 10 of such title may be
15 used for the costs incurred in the administration of the
16 Copyright Royalty Judges program, with the exception of
17 the costs of salaries and benefits for the Copyright Royalty
18 Judges and staff under section 802(e).

19 CONGRESSIONAL RESEARCH SERVICE

20 SALARIES AND EXPENSES

21 For all necessary expenses to carry out the provisions
22 of section 203 of the Legislative Reorganization Act of
23 1946 (2 U.S.C. 166) and to revise and extend the Anno-
24 tated Constitution of the United States of America,
25 \$129,106,000: *Provided*, That no part of such amount

1 may be used to pay any salary or expense in connection
2 with any publication, or preparation of material therefor
3 (except the Digest of Public General Bills), to be issued
4 by the Library of Congress unless such publication has
5 obtained prior approval of either the Committee on House
6 Administration of the House of Representatives or the
7 Committee on Rules and Administration of the Senate:
8 *Provided further*, That this prohibition does not apply to
9 publication of non-confidential Congressional Research
10 Service (CRS) products: *Provided further*, That a non-con-
11 fidential CRS product includes any written product con-
12 taining research or analysis that is currently available for
13 general congressional access on the CRS Congressional
14 Intranet, or that would be made available on the CRS
15 Congressional Intranet in the normal course of business
16 and does not include material prepared in response to
17 Congressional requests for confidential analysis or re-
18 search.

19 NATIONAL LIBRARY SERVICE FOR THE BLIND AND
20 PRINT DISABLED
21 SALARIES AND EXPENSES

22 For all necessary expenses to carry out the Act of
23 March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C.
24 135a), \$61,227,000: *Provided*, That of the total amount
25 appropriated, \$650,000 shall be available to contract to

1 provide newspapers to blind and print disabled residents
2 at no cost to the individual.

3 ADMINISTRATIVE PROVISIONS

4 REIMBURSABLE AND REVOLVING FUND ACTIVITIES

5 SEC. 140. (a) IN GENERAL.—For fiscal year 2022,
6 the obligational authority of the Library of Congress for
7 the activities described in subsection (b) may not exceed
8 \$292,430,000.

9 (b) ACTIVITIES.—The activities referred to in sub-
10 section (a) are reimbursable and revolving fund activities
11 that are funded from sources other than appropriations
12 to the Library in appropriations Acts for the legislative
13 branch.

14 GIFTS

15 SEC. 141. (a) REVISING AUTHORITIES OF LIBRARIAN
16 TO ACCEPT GIFTS.—The first undesignated paragraph of
17 section 4 of the Act entitled “An Act to create a Library
18 of Congress Trust Fund Board, and for other purposes”,
19 approved March 3, 1925 (2 U.S.C. 160), is amended—

20 (1) in the first sentence—

21 (A) by striking “and” before “(3) gifts or
22 bequests of money for immediate disburse-
23 ment”; and

24 (B) by striking the period at the end and
25 inserting the following: “; and (4) gifts or be-

1 quests of securities or other personal prop-
2 erty.”;

3 (2) in the second sentence, by inserting “of
4 money” after “bequests”;

5 (3) in the third sentence, by striking “enter
6 them” and inserting “enter the gift, bequest, or pro-
7 ceeds”; and

8 (4) by inserting after the second sentence the
9 following new sentence: “In the case of a gift of se-
10 curities, the Librarian shall sell the gift and provide
11 the donor with such acknowledgment as needed for
12 the donor to substantiate the gift.”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to fiscal year 2022
15 and each succeeding fiscal year.

16 LIBRARY OF CONGRESS ORDERS UNDER TASK AND
17 DELIVERY ORDER CONTRACTS

18 SEC. 142. (a) CONTRACT MODIFICATIONS.—An order
19 issued under a task order contract or a delivery order con-
20 tract (as such terms are defined in section 4101 of title
21 41, United States Code) entered into by the Librarian of
22 Congress may not increase the scope, period, or maximum
23 value of the contract under which the order is issued. The
24 scope, period, or maximum value of the contract may be
25 increased only by modification of the contract.

1 (b) EXCEPTIONS FROM ADVERTISING REQUIRE-
2 MENT.—Section 6102 of title 41, United States Code, is
3 amended by adding at the end the following:

4 “(j) LIBRARIAN OF CONGRESS.—Section 6101 of this
5 title does not apply to a procurement made against an
6 order placed under a task order contract or a delivery
7 order contract (as such terms are defined in section 4101
8 of this title) entered into by the Librarian of Congress.”.

9 (c) PROTESTS.—

10 (1) PROTEST NOT AUTHORIZED.—A protest to
11 an order described in subsection (a) filed pursuant
12 to the procedures in subchapter V of chapter 35 of
13 title 31, United States Code, is not authorized un-
14 less such protest—

15 (A) is an objection on the basis that the
16 order is in violation of subsection (a); or

17 (B) concerns an order valued in excess of
18 \$10,000,000.

19 (2) JURISDICTION OVER PROTESTS.—Notwith-
20 standing section 3556 of title 31, United States
21 Code, the Comptroller General shall have exclusive
22 jurisdiction of a protest authorized under paragraph
23 (1)(B).

1 (d) EFFECTIVE DATE.—This section and the amend-
2 ment made by this section shall apply with respect to fiscal
3 year 2022 and each succeeding fiscal year.

4 GOVERNMENT PUBLISHING OFFICE

5 CONGRESSIONAL PUBLISHING

6 (INCLUDING TRANSFER OF FUNDS)

7 For authorized publishing of congressional informa-
8 tion and the distribution of congressional information in
9 any format; publishing of Government publications au-
10 thorized by law to be distributed to Members of Congress;
11 and publishing, and distribution of Government publica-
12 tions authorized by law to be distributed without charge
13 to the recipient, \$78,872,161: *Provided*, That this appro-
14 priation shall not be available for paper copies of the per-
15 manent edition of the Congressional Record for individual
16 Representatives, Resident Commissioners or Delegates au-
17 thorized under section 906 of title 44, United States Code:
18 *Provided further*, That this appropriation shall be available
19 for the payment of obligations incurred under the appro-
20 priations for similar purposes for preceding fiscal years:
21 *Provided further*, That notwithstanding the 2-year limita-
22 tion under section 718 of title 44, United States Code,
23 none of the funds appropriated or made available under
24 this Act or any other Act for printing and binding and
25 related services provided to Congress under chapter 7 of

1 title 44, United States Code, may be expended to print
2 a document, report, or publication after the 27-month pe-
3 riod beginning on the date that such document, report,
4 or publication is authorized by Congress to be printed, un-
5 less Congress reauthorizes such printing in accordance
6 with section 718 of title 44, United States Code: *Provided*
7 *further*, That unobligated or unexpended balances of ex-
8 pired discretionary funds made available under this head-
9 ing in this Act for this fiscal year may be transferred to,
10 and merged with, funds under the heading “GOVERNMENT
11 PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING
12 FUND” no later than the end of the fifth fiscal year after
13 the last fiscal year for which such funds are available for
14 the purposes for which appropriated, to be available for
15 carrying out the purposes of this heading, subject to the
16 approval of the Committees on Appropriations of the
17 House of Representatives and the Senate: *Provided fur-*
18 *ther*, That notwithstanding sections 901, 902, and 906 of
19 title 44, United States Code, this appropriation may be
20 used to prepare indexes to the Congressional Record on
21 only a monthly and session basis.

1 PUBLIC INFORMATION PROGRAMS OF THE
2 SUPERINTENDENT OF DOCUMENTS
3 SALARIES AND EXPENSES
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses of the public information programs of
6 the Office of Superintendent of Documents necessary to
7 provide for the cataloging and indexing of Government
8 publications in any format, and their distribution to the
9 public, Members of Congress, other Government agencies,
10 and designated depository and international exchange li-
11 braries as authorized by law, \$34,020,000: *Provided*, That
12 amounts of not more than \$2,000,000 from current year
13 appropriations are authorized for producing and dissemi-
14 nating Congressional serial sets and other related publica-
15 tions for the preceding two fiscal years to depository and
16 other designated libraries: *Provided further*, That unobli-
17 gated or unexpended balances of expired discretionary
18 funds made available under this heading in this Act for
19 this fiscal year may be transferred to, and merged with,
20 funds under the heading “GOVERNMENT PUBLISHING OF-
21 FICE BUSINESS OPERATIONS REVOLVING FUND” no later
22 than the end of the fifth fiscal year after the last fiscal
23 year for which such funds are available for the purposes
24 for which appropriated, to be available for carrying out
25 the purposes of this heading, subject to the approval of

1 the Committees on Appropriations of the House of Rep-
2 resentatives and the Senate.

3 GOVERNMENT PUBLISHING OFFICE BUSINESS

4 OPERATIONS REVOLVING FUND

5 For payment to the Government Publishing Office
6 Business Operations Revolving Fund, \$11,345,000, to re-
7 main available until expended, for information technology
8 development and facilities repair: *Provided*, That the Gov-
9 ernment Publishing Office is hereby authorized to make
10 such expenditures, within the limits of funds available and
11 in accordance with law, and to make such contracts and
12 commitments without regard to fiscal year limitations as
13 provided by section 9104 of title 31, United States Code,
14 as may be necessary in carrying out the programs and
15 purposes set forth in the budget for the current fiscal year
16 for the Government Publishing Office Business Operations
17 Revolving Fund: *Provided further*, That not more than
18 \$7,500 may be expended on the certification of the Direc-
19 tor of the Government Publishing Office in connection
20 with official representation and reception expenses: *Pro-*
21 *vided further*, That the Business Operations Revolving
22 Fund shall be available for the hire or purchase of not
23 more than 12 passenger motor vehicles: *Provided further*,
24 That expenditures in connection with travel expenses of
25 the advisory councils to the Director of the Government

1 Publishing Office shall be deemed necessary to carry out
2 the provisions of title 44, United States Code: *Provided*
3 *further*, That the Business Operations Revolving Fund
4 shall be available for temporary or intermittent services
5 under section 3109(b) of title 5, United States Code, but
6 at rates for individuals not more than the daily equivalent
7 of the annual rate of basic pay for level V of the Executive
8 Schedule under section 5316 of such title: *Provided fur-*
9 *ther*, That activities financed through the Business Oper-
10 ations Revolving Fund may provide information in any
11 format: *Provided further*, That the Business Operations
12 Revolving Fund and the funds provided under the heading
13 “PUBLIC INFORMATION PROGRAMS OF THE SUPER-
14 INTENDENT OF DOCUMENTS” may not be used for con-
15 tracted security services at Government Publishing Of-
16 fice’s passport facility in the District of Columbia.

17 GOVERNMENT ACCOUNTABILITY OFFICE

18 SALARIES AND EXPENSES

19 For necessary expenses of the Government Account-
20 ability Office, including not more than \$12,500 to be ex-
21 pended on the certification of the Comptroller General of
22 the United States in connection with official representa-
23 tion and reception expenses; temporary or intermittent
24 services under section 3109(b) of title 5, United States
25 Code, but at rates for individuals not more than the daily

1 equivalent of the annual rate of basic pay for level IV of
2 the Executive Schedule under section 5315 of such title;
3 hire of one passenger motor vehicle; advance payments in
4 foreign countries in accordance with section 3324 of title
5 31, United States Code; benefits comparable to those pay-
6 able under sections 901(5), (6), and (8) of the Foreign
7 Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8));
8 and under regulations prescribed by the Comptroller Gen-
9 eral of the United States, rental of living quarters in for-
10 eign countries, \$719,230,113: *Provided*, That, in addition,
11 \$38,900,000 of payments received under sections 782,
12 791, 3521, and 9105 of title 31, United States Code, shall
13 be available without fiscal year limitation: *Provided fur-*
14 *ther*, That this appropriation and appropriations for ad-
15 ministrative expenses of any other department or agency
16 which is a member of the National Intergovernmental
17 Audit Forum or a Regional Intergovernmental Audit
18 Forum shall be available to finance an appropriate share
19 of either Forum's costs as determined by the respective
20 Forum, including necessary travel expenses of non-Federal
21 participants: *Provided further*, That payments hereunder
22 to the Forum may be credited as reimbursements to any
23 appropriation from which costs involved are initially fi-
24 nanced.

1 CONGRESSIONAL OFFICE FOR INTERNATIONAL
2 LEADERSHIP FUND

3 For a payment to the Congressional Office for Inter-
4 national Leadership Fund for financing activities of the
5 Congressional Office for International Leadership under
6 section 313 of the Legislative Branch Appropriations Act,
7 2001 (2 U.S.C. 1151), as amended by section 140 of this
8 Act, \$6,000,000: *Provided*, That funds made available to
9 support Russian participants shall only be used for those
10 engaging in free market development, humanitarian activi-
11 ties, and civic engagement, and shall not be used for offi-
12 cials of the central government of Russia.

13 ADMINISTRATIVE PROVISION

14 CONVERSION OF OPEN WORLD LEADERSHIP CENTER TO
15 CONGRESSIONAL OFFICE FOR INTERNATIONAL LEAD-
16 ERSHIP

17 SEC. 150. (a) CONVERSION.—

18 (1) ESTABLISHMENT OF OFFICE.—Section 313
19 of the Legislative Branch Appropriations Act, 2001
20 (2 U.S.C. 1151) is amended—

21 (A) in the heading, by striking “OPEN
22 WORLD LEADERSHIP CENTER” and in-
23 serting “CONGRESSIONAL OFFICE FOR
24 INTERNATIONAL LEADERSHIP”;

1 (B) by amending paragraph (1) of sub-
2 section (a) to read as follows:

3 “(1) IN GENERAL.—There is established in the
4 legislative branch of the Government an office to be
5 known as the ‘Congressional Office for International
6 Leadership’ (the ‘Office’).”; and

7 (C) in paragraph (2) of subsection (a), by
8 striking “The Center” and inserting “The Of-
9 fice”.

10 (2) PURPOSE; GRANT PROGRAM; APPLICA-
11 TION.—Section 313(b) of such Act (2 U.S.C.
12 1151(b)) is amended—

13 (A) in paragraph (1), by striking “the
14 Center” and inserting “the Office”;

15 (B) in paragraph (2), by striking “the
16 Center” each place it appears and inserting
17 “the Office”;

18 (C) in paragraph (3)(C)(iii), by striking
19 “the Center” and inserting “the Office”;

20 (D) in paragraph (4)(A), by striking “the
21 Center” each place it appears and inserting
22 “the Office”; and

23 (E) in paragraph (4)(B)(iv), by striking
24 “the Center” and inserting “the Office”.

1 (3) TRUST FUND.—Section 313(c) of such Act
2 (2 U.S.C. 1151(c)) is amended—

3 (A) by amending paragraph (1) to read as
4 follows:

5 “(1) IN GENERAL.—There is established in the
6 Treasury of the United States a trust fund to be
7 known as the ‘Congressional Office for International
8 Leadership Fund’ (the ‘Fund’), which shall consist
9 of amounts which may be appropriated, credited, or
10 transferred to it under this section.”; and

11 (B) by striking “the Center” each place it
12 appears in paragraphs (2) and (3)(B) and in-
13 serting “the Office”.

14 (4) EXECUTIVE DIRECTOR.—Section 313(d) of
15 such Act (2 U.S.C. 1151(d)) is amended by striking
16 “the Center” each place it appears and inserting
17 “the Office”.

18 (5) ADMINISTRATIVE PROVISIONS.—Section
19 313(e) of such Act (2 U.S.C. 1151(e)) is amended
20 by striking “the Center” each place it appears and
21 inserting “the Office”.

22 (b) PARTICIPATION OF EMERGING CIVIC LEADERS
23 OF ELIGIBLE FOREIGN STATES.—Section 313(b) of such
24 Act (2 U.S.C. 1151(b)) is amended by striking “political

1 leaders” each place it appears in paragraphs (1) and (2)
2 and inserting “political and civic leaders”.

3 (c) REFERENCES IN LAW.—Any reference in any law,
4 rule, or regulation—

5 (1) to the Open World Leadership Center shall
6 be deemed to refer to the Congressional Office for
7 International Leadership; and

8 (2) to the Open World Leadership Center Trust
9 Fund shall be deemed to refer to the Congressional
10 Office for International Leadership Fund.

11 (d) EFFECTIVE DATE; TRANSITION.—

12 (1) EFFECTIVE DATE.—This section and the
13 amendments made by this section shall take effect
14 on or after the later of October 1, 2021, or the date
15 of the enactment of this Act.

16 (2) SERVICE OF CURRENT EXECUTIVE DIREC-
17 TOR.—The individual serving as the Executive Di-
18 rector of the Open World Leadership Center as of
19 the day before the date of the enactment of this Act
20 shall be deemed to have been appointed by the Li-
21 brarian of Congress to serve as the Executive Direc-
22 tor of the Congressional Office for International
23 Leadership.

1 JOHN C. STENNIS CENTER FOR PUBLIC
2 SERVICE TRAINING AND DEVELOPMENT

3 For payment to the John C. Stennis Center for Pub-
4 lic Service Development Trust Fund established under
5 section 116 of the John C. Stennis Center for Public Serv-
6 ice Training and Development Act (2 U.S.C. 1105),
7 \$430,000.

8 TITLE II

9 GENERAL PROVISIONS

10 MAINTENANCE AND CARE OF PRIVATE VEHICLES

11 SEC. 201. No part of the funds appropriated in this
12 Act shall be used for the maintenance or care of private
13 vehicles, except for emergency assistance and cleaning as
14 may be provided under regulations relating to parking fa-
15 cilities for the House of Representatives issued by the
16 Committee on House Administration and for the Senate
17 issued by the Committee on Rules and Administration.

18 FISCAL YEAR LIMITATION

19 SEC. 202. No part of the funds appropriated in this
20 Act shall remain available for obligation beyond fiscal year
21 2022 unless expressly so provided in this Act.

22 RATES OF COMPENSATION AND DESIGNATION

23 SEC. 203. Whenever in this Act any office or position
24 not specifically established by the Legislative Pay Act of
25 1929 (46 Stat. 32 et seq.) is appropriated for or the rate

1 of compensation or designation of any office or position
2 appropriated for is different from that specifically estab-
3 lished by such Act, the rate of compensation and the des-
4 igation in this Act shall be the permanent law with re-
5 spect thereto: *Provided*, That the provisions in this Act
6 for the various items of official expenses of Members, offi-
7 cers, and committees of the Senate and House of Rep-
8 resentatives, and clerk hire for Senators and Members of
9 the House of Representatives shall be the permanent law
10 with respect thereto.

11 CONSULTING SERVICES

12 SEC. 204. The expenditure of any appropriation
13 under this Act for any consulting service through procure-
14 ment contract, under section 3109 of title 5, United States
15 Code, shall be limited to those contracts where such ex-
16 penditures are a matter of public record and available for
17 public inspection, except where otherwise provided under
18 existing law, or under existing Executive order issued
19 under existing law.

20 COSTS OF LEGISLATIVE BRANCH FINANCIAL MANAGERS

21 COUNCIL

22 SEC. 205. Amounts available for administrative ex-
23 penses of any legislative branch entity which participates
24 in the Legislative Branch Financial Managers Council
25 (LBFMC) established by charter on March 26, 1996, shall

1 be available to finance an appropriate share of LBFMC
2 costs as determined by the LBFMC, except that the total
3 LBFMC costs to be shared among all participating legisla-
4 tive branch entities (in such allocations among the entities
5 as the entities may determine) may not exceed \$2,000.

6 LIMITATION ON TRANSFERS

7 SEC. 206. None of the funds made available in this
8 Act may be transferred to any department, agency, or in-
9 strumentality of the United States Government, except
10 pursuant to a transfer made by, or transfer authority pro-
11 vided in, this Act or any other appropriation Act.

12 GUIDED TOURS OF THE CAPITOL

13 SEC. 207. (a) Except as provided in subsection (b),
14 none of the funds made available to the Architect of the
15 Capitol in this Act may be used to eliminate or restrict
16 guided tours of the United States Capitol which are led
17 by employees and interns of offices of Members of Con-
18 gress and other offices of the House of Representatives
19 and Senate, unless through regulations as authorized by
20 section 402(b)(8) of the Capitol Visitor Center Act of
21 2008 (2 U.S.C. 2242(b)(8)).

22 (b) At the direction of the Capitol Police Board, or
23 at the direction of the Architect of the Capitol with the
24 approval of the Capitol Police Board, guided tours of the
25 United States Capitol which are led by employees and in-

1 terms described in subsection (a) may be suspended tempo-
2 rarily or otherwise subject to restriction for security or re-
3 lated reasons to the same extent as guided tours of the
4 United States Capitol which are led by the Architect of
5 the Capitol.

6 LIMITATION ON TELECOMMUNICATIONS EQUIPMENT

7 PROCUREMENT

8 SEC. 208. (a) None of the funds appropriated or oth-
9 erwise made available under this Act may be used to ac-
10 quire telecommunications equipment produced by Huawei
11 Technologies Company or ZTE Corporation for a high or
12 moderate impact information system, as defined for secu-
13 rity categorization in the National Institute of Standards
14 and Technology's (NIST) Federal Information Processing
15 Standard Publication 199, "Standards for Security Cat-
16 egorization of Federal Information and Information Sys-
17 tems" unless the agency, office, or other entity acquiring
18 the equipment or system has—

19 (1) reviewed the supply chain risk for the infor-
20 mation systems against criteria developed by NIST
21 to inform acquisition decisions for high or moderate
22 impact information systems within the Federal Gov-
23 ernment;

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

1 threat information provided by the Federal Bureau
2 of Investigation and other appropriate agencies; and
3 (3) in consultation with the Federal Bureau of
4 Investigation or other appropriate Federal entity,
5 conducted an assessment of any risk of cyber-espio-
6 nage or sabotage associated with the acquisition of
7 such telecommunications equipment for inclusion in
8 a high or moderate impact system, including any
9 risk associated with such system being produced,
10 manufactured, or assembled by one or more entities
11 identified by the United States Government as pos-
12 ing a cyber threat, including but not limited to,
13 those that may be owned, directed, or subsidized by
14 the People's Republic of China, the Islamic Republic
15 of Iran, the Democratic People's Republic of Korea,
16 or the Russian Federation.

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

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

1 (2) determined, in consultation with NIST and
2 the Federal Bureau of Investigation, that the acqui-
3 sition of such telecommunications equipment for in-
4 clusion in a high or moderate impact system is in
5 the vital national security interest of the United
6 States; and

7 (3) reported that determination to the Commit-
8 tees on Appropriations of the House of Representa-
9 tives and the Senate in a manner that identifies the
10 telecommunications equipment for inclusion in a
11 high or moderate impact system intended for acqui-
12 sition and a detailed description of the mitigation
13 strategies identified in paragraph (1), provided that
14 such report may include a classified annex as nec-
15 essary.

16 PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

17 SEC. 209. (a) None of the funds made available in
18 this Act may be used to maintain or establish a computer
19 network unless such network blocks the viewing,
20 downloading, and exchanging of pornography.

21 (b) Nothing in subsection (a) shall limit the use of
22 funds necessary for any Federal, State, tribal, or local law
23 enforcement agency or any other entity carrying out crimi-
24 nal investigations, prosecution, or adjudication activities
25 or other official government activities.

1 PLASTIC WASTE REDUCTION

2 SEC. 210. All agencies and offices funded by this Act
3 that contract with a food service provider or providers
4 shall confer and coordinate with such food service provider
5 or providers, in consultation with disability advocacy
6 groups, to eliminate or reduce plastic waste, including
7 waste from plastic straws, explore the use of biodegradable
8 items, and increase recycling and composting opportuni-
9 ties.

10 CAPITOL COMPLEX HEALTH AND SAFETY

11 SEC. 211. In addition to the amounts appropriated
12 under this Act under the heading “OFFICE OF THE AT-
13 TENDING PHYSICIAN”, there is hereby appropriated to the
14 Office of the Attending Physician \$5,000,000, to remain
15 available until expended, for response to COVID–19, in-
16 cluding testing, subject to the same terms and conditions
17 as the amounts appropriated under such heading.

18 ANNUAL RATE OF PAY FOR PERSONNEL OF CERTAIN

19 LEGISLATIVE BRANCH OFFICES

20 SEC. 212. (a) ARCHITECT OF THE CAPITOL.—Sec-
21 tion 1 of the Act entitled “An Act to fix the annual rates
22 of pay for the Architect of the Capitol and the Assistant
23 Architect of the Capitol” (2 U.S.C. 1802) is amended by
24 striking “the maximum rate” and all that follows and in-
25 serting “the annual rate of basic pay for level II of the

1 Executive Schedule under section 5313 of title 5, United
2 States Code.”.

3 (b) CHIEF OF THE CAPITOL POLICE.—Subsection (c)
4 of the first section of the Act entitled “An Act to establish
5 by law the position of Chief of the Capitol Police, and for
6 other purposes” (2 U.S.C. 1902) is amended by striking
7 “\$1,000 less than” and all that follows and inserting “the
8 annual rate of basic pay for level II of the Executive
9 Schedule under section 5313 of title 5, United States
10 Code.”.

11 (c) EFFECTIVE DATE.—This section and the amend-
12 ments made by this section shall take effect on the first
13 day of the first applicable pay period beginning on or after
14 the date of enactment of this Act.

15 SENATE STAFF COMPENSATION

16 SEC. 213. (a) IN GENERAL.—

17 (1) CHANGE IN MAXIMUM RATES.—Section 105
18 of the Legislative Branch Appropriation Act, 1968
19 (2 U.S.C. 4575) is amended by striking “\$173,900”
20 each place it appears and inserting “the annual rate
21 of basic pay in effect for level II of the Executive
22 Schedule under section 5313 of title 5, United
23 States Code”.

24 (2) ADJUSTMENTS.—

1 (A) IN GENERAL.—Section 4 of the Fed-
2 eral Pay Comparability Act of 1970 (2 U.S.C.
3 4571) is amended—

4 (i) in subsection (a), in the matter fol-
5 lowing paragraph (2), by striking “and ad-
6 just” and all that follows through “and
7 Senators.” and inserting “, subject to sec-
8 tion 105(f) of the Legislative Branch Ap-
9 propriation Act, 1968 (2 U.S.C.
10 4575(f)).”;

11 (ii) by striking subsection (d); and

12 (iii) by redesignating subsections (e)
13 and (f) as subsections (d) and (e), respec-
14 tively.

15 (B) OTHER ADJUSTMENTS.—Section
16 315(a) of the Legislative Branch Appropria-
17 tions Act, 1991 (2 U.S.C. 4573(a)) is amended
18 by striking “to the extent” and all that follows
19 through “Senators.” and inserting “, subject to
20 section 105(f) of the Legislative Branch Appro-
21 priation Act, 1968 (2 U.S.C. 4575(f)).”.

22 (b) EFFECTIVE DATE.—This section and the amend-
23 ments made by this section shall take effect on the first
24 day of the first applicable pay period beginning on or after
25 the date of enactment of this Act.

1 PLAQUE TO HONOR MEMBERS OF LAW ENFORCEMENT
2 WHO RESPONDED ON JANUARY 6

3 SEC. 214. (a) SENSE OF CONGRESS.—It is the sense
4 of Congress that the United States owes its deepest grati-
5 tude to those officers of the United States Capitol Police
6 and the Metropolitan Police Department of the District
7 of Columbia, as well as officers from other Federal, State,
8 and local law enforcement agencies and protective entities,
9 who valiantly protected the United States Capitol, Mem-
10 bers of Congress, and staff on January 6, 2021.

11 (b) PLAQUE.—Not later than 1 year after the date
12 of the enactment of this Act, the Architect of the Capitol
13 shall obtain an honorific plaque listing the names of all
14 of the officers of the United States Capitol Police, the
15 Metropolitan Police Department of the District of Colum-
16 bia, and other Federal, State, and local law enforcement
17 agencies and protective entities who responded to the vio-
18 lence that occurred at the United States Capitol on Janu-
19 ary 6, 2021, and shall place the plaque at a permanent
20 location on the western front of the United States Capitol.

21 (c) COMPILATION AND CONFIRMATION OF LIST OF
22 NAMES.—

23 (1) LIST OF NAMES FOR PLAQUE.—The Chairs
24 and Ranking Members of the Committee on House
25 Administration of the House of Representatives, the

1 Committee on Rules and Administration of the Sen-
2 ate, and the Subcommittees on the Legislative
3 Branch of the Committees on Appropriations of the
4 House of Representatives and Senate shall jointly
5 compile and confirm a list of the officers of the
6 United States Capitol Police, the Metropolitan Police
7 Department of the District of Columbia, and other
8 Federal, State, and local law enforcement agencies
9 and protective entities whose names should be in-
10 cluded on the plaque under this section.

11 (2) INCLUSION OF NAMES OF SPECIFIC OFFI-
12 CERS.—In compiling the list under paragraph (1),
13 the Chairs and Ranking Members of the Committees
14 and Subcommittees described in such paragraph
15 shall include the names of the specific individuals
16 described in paragraph (2) of section 215(c) of H.
17 R. 4346, One Hundred Seventeenth Congress, as
18 passed by the House of Representatives on July 28,
19 2021.

20 This division may be cited as the “Legislative Branch
21 Appropriations Act, 2022”.

1 **DIVISION J—MILITARY CONSTRUCTION,**
2 **VETERANS AFFAIRS, AND RELATED**
3 **AGENCIES APPROPRIATIONS ACT, 2022**

4 TITLE I

5 DEPARTMENT OF DEFENSE

6 MILITARY CONSTRUCTION, ARMY

7 For acquisition, construction, installation, and equip-
8 ment of temporary or permanent public works, military
9 installations, facilities, and real property for the Army as
10 currently authorized by law, including personnel in the
11 Army Corps of Engineers and other personal services nec-
12 essary for the purposes of this appropriation, and for con-
13 struction and operation of facilities in support of the func-
14 tions of the Commander in Chief, \$1,051,772,000, to re-
15 main available until September 30, 2026: *Provided*, That,
16 of this amount, not to exceed \$190,619,000 shall be avail-
17 able for study, planning, design, architect and engineer
18 services, and host nation support, as authorized by law,
19 unless the Secretary of the Army determines that addi-
20 tional obligations are necessary for such purposes and no-
21 tifies the Committees on Appropriations of both Houses
22 of Congress of the determination and the reasons therefor:
23 *Provided further*, That of the amount made available
24 under this heading, \$182,080,000 shall be for the projects
25 and activities, and in the amounts, specified under the

1 heading “Military Construction, Army” in the explanatory
2 statement described in section 4 (in the matter preceding
3 division A of this consolidated Act), in addition to amounts
4 otherwise available for such purposes.

5 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, naval in-
8 stallations, facilities, and real property for the Navy and
9 Marine Corps as currently authorized by law, including
10 personnel in the Naval Facilities Engineering Command
11 and other personal services necessary for the purposes of
12 this appropriation, \$2,644,277,000, to remain available
13 until September 30, 2026: *Provided*, That, of this amount,
14 not to exceed \$453,652,000 shall be available for study,
15 planning, design, and architect and engineer services, as
16 authorized by law, unless the Secretary of the Navy deter-
17 mines that additional obligations are necessary for such
18 purposes and notifies the Committees on Appropriations
19 of both Houses of Congress of the determination and the
20 reasons therefor: *Provided further*, That of the amount
21 made available under this heading, \$476,145,000 shall be
22 for the projects and activities, and in the amounts, speci-
23 fied under the heading “Military Construction, Navy and
24 Marine Corps” in the explanatory statement described in
25 section 4 (in the matter preceding division A of this con-

1 solidated Act), in addition to amounts otherwise available
2 for such purposes.

3 MILITARY CONSTRUCTION, AIR FORCE

4 For acquisition, construction, installation, and equip-
5 ment of temporary or permanent public works, military
6 installations, facilities, and real property for the Air Force
7 as currently authorized by law, \$2,204,750,000, to remain
8 available until September 30, 2026: *Provided*, That, of
9 this amount, not to exceed \$287,175,000 shall be available
10 for study, planning, design, and architect and engineer
11 services, as authorized by law, unless the Secretary of the
12 Air Force determines that additional obligations are nec-
13 essary for such purposes and notifies the Committees on
14 Appropriations of both Houses of Congress of the deter-
15 mination and the reasons therefor: *Provided further*, That
16 of the amount made available under this heading,
17 \$291,060,000 shall be for the projects and activities, and
18 in the amounts, specified under the heading “Military
19 Construction, Air Force” in the explanatory statement de-
20 scribed in section 4 (in the matter preceding division A
21 of this consolidated Act), in addition to amounts otherwise
22 available for such purposes.

1 MILITARY CONSTRUCTION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For acquisition, construction, installation, and equip-
4 ment of temporary or permanent public works, installa-
5 tions, facilities, and real property for activities and agen-
6 cies of the Department of Defense (other than the military
7 departments), as currently authorized by law,
8 \$2,206,051,000, to remain available until September 30,
9 2026: *Provided*, That such amounts of this appropriation
10 as may be determined by the Secretary of Defense may
11 be transferred to such appropriations of the Department
12 of Defense available for military construction or family
13 housing as the Secretary may designate, to be merged with
14 and to be available for the same purposes, and for the
15 same time period, as the appropriation or fund to which
16 transferred: *Provided further*, That, of the amount, not to
17 exceed \$347,727,000 shall be available for study, plan-
18 ning, design, and architect and engineer services, as au-
19 thorized by law, unless the Secretary of Defense deter-
20 mines that additional obligations are necessary for such
21 purposes and notifies the Committees on Appropriations
22 of both Houses of Congress of the determination and the
23 reasons therefor: *Provided further*, That of the amount
24 made available under this heading, \$91,655,000 shall be
25 for the projects and activities, and in the amounts, speci-

1 fied under the heading “Military Construction, Defense-
2 Wide” in the explanatory statement described in section
3 4 (in the matter preceding division A of this consolidated
4 Act), in addition to amounts otherwise available for such
5 purposes.

6 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

7 For construction, acquisition, expansion, rehabilita-
8 tion, and conversion of facilities for the training and ad-
9 ministration of the Army National Guard, and contribu-
10 tions therefor, as authorized by chapter 1803 of title 10,
11 United States Code, and Military Construction Authoriza-
12 tion Acts, \$337,893,000, to remain available until Sep-
13 tember 30, 2026: *Provided*, That, of the amount, not to
14 exceed \$57,725,000 shall be available for study, planning,
15 design, and architect and engineer services, as authorized
16 by law, unless the Director of the Army National Guard
17 determines that additional obligations are necessary for
18 such purposes and notifies the Committees on Appropria-
19 tions of both Houses of Congress of the determination and
20 the reasons therefor: *Provided further*, That of the amount
21 made available under this heading, \$49,790,000 shall be
22 for the projects and activities, and in the amounts, speci-
23 fied under the heading “Military Construction, Army Na-
24 tional Guard” in the explanatory statement described in
25 section 4 (in the matter preceding division A of this con-

1 solidated Act), in addition to amounts otherwise available
2 for such purposes.

3 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

4 For construction, acquisition, expansion, rehabilita-
5 tion, and conversion of facilities for the training and ad-
6 ministration of the Air National Guard, and contributions
7 therefor, as authorized by chapter 1803 of title 10, United
8 States Code, and Military Construction Authorization
9 Acts, \$305,050,000, to remain available until September
10 30, 2026: *Provided*, That, of the amount, not to exceed
11 \$23,682,000 shall be available for study, planning, design,
12 and architect and engineer services, as authorized by law,
13 unless the Director of the Air National Guard determines
14 that additional obligations are necessary for such purposes
15 and notifies the Committees on Appropriations of both
16 Houses of Congress of the determination and the reasons
17 therefor: *Provided further*, That of the amount made avail-
18 able under this heading, \$104,280,000 shall be for the
19 projects and activities, and in the amounts, specified
20 under the heading “Military Construction, Air National
21 Guard” in the explanatory statement described in section
22 4 (in the matter preceding division A of this consolidated
23 Act), in addition to amounts otherwise available for such
24 purposes.

1 MILITARY CONSTRUCTION, ARMY RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Army Reserve as authorized by chapter
5 1803 of title 10, United States Code, and Military Con-
6 struction Authorization Acts, \$94,111,000, to remain
7 available until September 30, 2026: *Provided*, That, of the
8 amount, not to exceed \$7,167,000 shall be available for
9 study, planning, design, and architect and engineer serv-
10 ices, as authorized by law, unless the Chief of the Army
11 Reserve determines that additional obligations are nec-
12 essary for such purposes and notifies the Committees on
13 Appropriations of both Houses of Congress of the deter-
14 mination and the reasons therefor: *Provided further*, That
15 of the amount made available under this heading,
16 \$29,200,000 shall be for the projects and activities, and
17 in the amounts, specified under the heading “Military
18 Construction, Army Reserve” in the explanatory state-
19 ment described in section 4 (in the matter preceding divi-
20 sion A of this consolidated Act), in addition to amounts
21 otherwise available for such purposes.

22 MILITARY CONSTRUCTION, NAVY RESERVE

23 For construction, acquisition, expansion, rehabilita-
24 tion, and conversion of facilities for the training and ad-
25 ministration of the reserve components of the Navy and

1 Marine Corps as authorized by chapter 1803 of title 10,
2 United States Code, and Military Construction Authoriza-
3 tion Acts, \$71,804,000, to remain available until Sep-
4 tember 30, 2026: *Provided*, That, of the amount, not to
5 exceed \$6,005,000 shall be available for study, planning,
6 design, and architect and engineer services, as authorized
7 by law, unless the Secretary of the Navy determines that
8 additional obligations are necessary for such purposes and
9 notifies the Committees on Appropriations of both Houses
10 of Congress of the determination and the reasons therefor.

11 MILITARY CONSTRUCTION, AIR FORCE RESERVE

12 For construction, acquisition, expansion, rehabilita-
13 tion, and conversion of facilities for the training and ad-
14 ministration of the Air Force Reserve as authorized by
15 chapter 1803 of title 10, United States Code, and Military
16 Construction Authorization Acts, \$120,074,000, to remain
17 available until September 30, 2026: *Provided*, That, of the
18 amount, not to exceed \$5,830,000 shall be available for
19 study, planning, design, and architect and engineer serv-
20 ices, as authorized by law, unless the Chief of the Air
21 Force Reserve determines that additional obligations are
22 necessary for such purposes and notifies the Committees
23 on Appropriations of both Houses of Congress of the de-
24 termination and the reasons therefor: *Provided further*,
25 That of the amount made available under this heading,

1 \$41,700,000 shall be for the projects and activities, and
2 in the amounts, specified under the heading “Military
3 Construction, Air Force Reserve” in the explanatory state-
4 ment described in section 4 (in the matter preceding divi-
5 sion A of this consolidated Act), in addition to amounts
6 otherwise available for such purposes.

7 NORTH ATLANTIC TREATY ORGANIZATION

8 SECURITY INVESTMENT PROGRAM

9 For the United States share of the cost of the North
10 Atlantic Treaty Organization Security Investment Pro-
11 gram for the acquisition and construction of military fa-
12 cilities and installations (including international military
13 headquarters) and for related expenses for the collective
14 defense of the North Atlantic Treaty Area as authorized
15 by section 2806 of title 10, United States Code, and Mili-
16 tary Construction Authorization Acts, \$215,853,000, to
17 remain available until expended.

18 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

19 For deposit into the Department of Defense Base
20 Closure Account, established by section 2906(a) of the De-
21 fense Base Closure and Realignment Act of 1990 (10
22 U.S.C. 2687 note), \$529,639,000, to remain available
23 until expended.

1 FAMILY HOUSING CONSTRUCTION, ARMY

2 For expenses of family housing for the Army for con-
3 struction, including acquisition, replacement, addition, ex-
4 pansion, extension, and alteration, as authorized by law,
5 \$99,849,000, to remain available until September 30,
6 2026.

7 FAMILY HOUSING OPERATION AND MAINTENANCE,

8 ARMY

9 For expenses of family housing for the Army for op-
10 eration and maintenance, including debt payment, leasing,
11 minor construction, principal and interest charges, and in-
12 surance premiums, as authorized by law, \$391,227,000.

13 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE

14 CORPS

15 For expenses of family housing for the Navy and Ma-
16 rine Corps for construction, including acquisition, replace-
17 ment, addition, expansion, extension, and alteration, as
18 authorized by law, \$77,616,000, to remain available until
19 September 30, 2026.

20 FAMILY HOUSING OPERATION AND MAINTENANCE,

21 NAVY AND MARINE CORPS

22 For expenses of family housing for the Navy and Ma-
23 rine Corps for operation and maintenance, including debt
24 payment, leasing, minor construction, principal and inter-

1 est charges, and insurance premiums, as authorized by
2 law, \$357,341,000.

3 FAMILY HOUSING CONSTRUCTION, AIR FORCE

4 For expenses of family housing for the Air Force for
5 construction, including acquisition, replacement, addition,
6 expansion, extension, and alteration, as authorized by law,
7 \$115,716,000, to remain available until September 30,
8 2026.

9 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
10 FORCE

11 For expenses of family housing for the Air Force for
12 operation and maintenance, including debt payment, leas-
13 ing, minor construction, principal and interest charges,
14 and insurance premiums, as authorized by law,
15 \$325,445,000.

16 FAMILY HOUSING OPERATION AND MAINTENANCE,
17 DEFENSE-WIDE

18 For expenses of family housing for the activities and
19 agencies of the Department of Defense (other than the
20 military departments) for operation and maintenance,
21 leasing, and minor construction, as authorized by law,
22 \$49,785,000.

1194

1 DEPARTMENT OF DEFENSE
2 FAMILY HOUSING IMPROVEMENT FUND

3 For the Department of Defense Family Housing Im-
4 provement Fund, \$6,081,000, to remain available until ex-
5 pended, for family housing initiatives undertaken pursu-
6 ant to section 2883 of title 10, United States Code, pro-
7 viding alternative means of acquiring and improving mili-
8 tary family housing and supporting facilities.

9 DEPARTMENT OF DEFENSE
10 MILITARY UNACCOMPANIED HOUSING IMPROVEMENT
11 FUND

12 For the Department of Defense Military Unaccom-
13 panied Housing Improvement Fund, \$494,000, to remain
14 available until expended, for unaccompanied housing ini-
15 tiatives undertaken pursuant to section 2883 of title 10,
16 United States Code, providing alternative means of acquir-
17 ing and improving military unaccompanied housing and
18 supporting facilities.

19 ADMINISTRATIVE PROVISIONS

20 SEC. 101. None of the funds made available in this
21 title shall be expended for payments under a cost-plus-a-
22 fixed-fee contract for construction, where cost estimates
23 exceed \$25,000, to be performed within the United States,
24 except Alaska, without the specific approval in writing of

1 the Secretary of Defense setting forth the reasons there-
2 for.

3 SEC. 102. Funds made available in this title for con-
4 struction shall be available for hire of passenger motor ve-
5 hicles.

6 SEC. 103. Funds made available in this title for con-
7 struction may be used for advances to the Federal High-
8 way Administration, Department of Transportation, for
9 the construction of access roads as authorized by section
10 210 of title 23, United States Code, when projects author-
11 ized therein are certified as important to the national de-
12 fense by the Secretary of Defense.

13 SEC. 104. None of the funds made available in this
14 title may be used to begin construction of new bases in
15 the United States for which specific appropriations have
16 not been made.

17 SEC. 105. None of the funds made available in this
18 title shall be used for purchase of land or land easements
19 in excess of 100 percent of the value as determined by
20 the Army Corps of Engineers or the Naval Facilities Engi-
21 neering Command, except: (1) where there is a determina-
22 tion of value by a Federal court; (2) purchases negotiated
23 by the Attorney General or the designee of the Attorney
24 General; (3) where the estimated value is less than

1 \$25,000; or (4) as otherwise determined by the Secretary
2 of Defense to be in the public interest.

3 SEC. 106. None of the funds made available in this
4 title shall be used to: (1) acquire land; (2) provide for site
5 preparation; or (3) install utilities for any family housing,
6 except housing for which funds have been made available
7 in annual Acts making appropriations for military con-
8 struction.

9 SEC. 107. None of the funds made available in this
10 title for minor construction may be used to transfer or
11 relocate any activity from one base or installation to an-
12 other, without prior notification to the Committees on Ap-
13 propriations of both Houses of Congress.

14 SEC. 108. None of the funds made available in this
15 title may be used for the procurement of steel for any con-
16 struction project or activity for which American steel pro-
17 ducers, fabricators, and manufacturers have been denied
18 the opportunity to compete for such steel procurement.

19 SEC. 109. None of the funds available to the Depart-
20 ment of Defense for military construction or family hous-
21 ing during the current fiscal year may be used to pay real
22 property taxes in any foreign nation.

23 SEC. 110. None of the funds made available in this
24 title may be used to initiate a new installation overseas

1 without prior notification to the Committees on Appro-
2 priations of both Houses of Congress.

3 SEC. 111. None of the funds made available in this
4 title may be obligated for architect and engineer contracts
5 estimated by the Government to exceed \$500,000 for
6 projects to be accomplished in Japan, in any North Atlan-
7 tic Treaty Organization member country, or in countries
8 bordering the Arabian Gulf, unless such contracts are
9 awarded to United States firms or United States firms
10 in joint venture with host nation firms.

11 SEC. 112. None of the funds made available in this
12 title for military construction in the United States terri-
13 tories and possessions in the Pacific and on Kwajalein
14 Atoll, or in countries bordering the Arabian Gulf, may be
15 used to award any contract estimated by the Government
16 to exceed \$1,000,000 to a foreign contractor: *Provided*,
17 That this section shall not be applicable to contract
18 awards for which the lowest responsive and responsible bid
19 of a United States contractor exceeds the lowest respon-
20 sive and responsible bid of a foreign contractor by greater
21 than 20 percent: *Provided further*, That this section shall
22 not apply to contract awards for military construction on
23 Kwajalein Atoll for which the lowest responsive and re-
24 sponsible bid is submitted by a Marshallese contractor.

1 SEC. 113. The Secretary of Defense shall inform the
2 appropriate committees of both Houses of Congress, in-
3 cluding the Committees on Appropriations, of plans and
4 scope of any proposed military exercise involving United
5 States personnel 30 days prior to its occurring, if amounts
6 expended for construction, either temporary or permanent,
7 are anticipated to exceed \$100,000.

8 SEC. 114. Funds appropriated to the Department of
9 Defense for construction in prior years shall be available
10 for construction authorized for each such military depart-
11 ment by the authorizations enacted into law during the
12 current session of Congress.

13 SEC. 115. For military construction or family housing
14 projects that are being completed with funds otherwise ex-
15 pired or lapsed for obligation, expired or lapsed funds may
16 be used to pay the cost of associated supervision, inspec-
17 tion, overhead, engineering and design on those projects
18 and on subsequent claims, if any.

19 SEC. 116. Notwithstanding any other provision of
20 law, any funds made available to a military department
21 or defense agency for the construction of military projects
22 may be obligated for a military construction project or
23 contract, or for any portion of such a project or contract,
24 at any time before the end of the fourth fiscal year after
25 the fiscal year for which funds for such project were made

1 available, if the funds obligated for such project: (1) are
2 obligated from funds available for military construction
3 projects; and (2) do not exceed the amount appropriated
4 for such project, plus any amount by which the cost of
5 such project is increased pursuant to law.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 117. Subject to 30 days prior notification, or
8 14 days for a notification provided in an electronic me-
9 dium pursuant to sections 480 and 2883 of title 10,
10 United States Code, to the Committees on Appropriations
11 of both Houses of Congress, such additional amounts as
12 may be determined by the Secretary of Defense may be
13 transferred to: (1) the Department of Defense Family
14 Housing Improvement Fund from amounts appropriated
15 for construction in “Family Housing” accounts, to be
16 merged with and to be available for the same purposes
17 and for the same period of time as amounts appropriated
18 directly to the Fund; or (2) the Department of Defense
19 Military Unaccompanied Housing Improvement Fund
20 from amounts appropriated for construction of military
21 unaccompanied housing in “Military Construction” ac-
22 counts, to be merged with and to be available for the same
23 purposes and for the same period of time as amounts ap-
24 propriated directly to the Fund: *Provided*, That appropria-
25 tions made available to the Funds shall be available to

1 cover the costs, as defined in section 502(5) of the Con-
2 gressional Budget Act of 1974, of direct loans or loan
3 guarantees issued by the Department of Defense pursuant
4 to the provisions of subchapter IV of chapter 169 of title
5 10, United States Code, pertaining to alternative means
6 of acquiring and improving military family housing, mili-
7 tary unaccompanied housing, and supporting facilities.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 118. In addition to any other transfer authority
10 available to the Department of Defense, amounts may be
11 transferred from the Department of Defense Base Closure
12 Account to the fund established by section 1013(d) of the
13 Demonstration Cities and Metropolitan Development Act
14 of 1966 (42 U.S.C. 3374) to pay for expenses associated
15 with the Homeowners Assistance Program incurred under
16 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall
17 be merged with and be available for the same purposes
18 and for the same time period as the fund to which trans-
19 ferred.

20 SEC. 119. Notwithstanding any other provision of
21 law, funds made available in this title for operation and
22 maintenance of family housing shall be the exclusive
23 source of funds for repair and maintenance of all family
24 housing units, including general or flag officer quarters:
25 *Provided*, That not more than \$35,000 per unit may be

1 spent annually for the maintenance and repair of any gen-
2 eral or flag officer quarters without 30 days prior notifica-
3 tion, or 14 days for a notification provided in an electronic
4 medium pursuant to sections 480 and 2883 of title 10,
5 United States Code, to the Committees on Appropriations
6 of both Houses of Congress, except that an after-the-fact
7 notification shall be submitted if the limitation is exceeded
8 solely due to costs associated with environmental remedi-
9 ation that could not be reasonably anticipated at the time
10 of the budget submission: *Provided further*, That the
11 Under Secretary of Defense (Comptroller) is to report an-
12 nually to the Committees on Appropriations of both
13 Houses of Congress all operation and maintenance ex-
14 penditures for each individual general or flag officer quar-
15 ters for the prior fiscal year.

16 SEC. 120. Amounts contained in the Ford Island Im-
17 provement Account established by subsection (h) of sec-
18 tion 2814 of title 10, United States Code, are appro-
19 priated and shall be available until expended for the pur-
20 poses specified in subsection (i)(1) of such section or until
21 transferred pursuant to subsection (i)(3) of such section.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 121. During the 5-year period after appropria-
24 tions available in this Act to the Department of Defense
25 for military construction and family housing operation and

1 maintenance and construction have expired for obligation,
2 upon a determination that such appropriations will not be
3 necessary for the liquidation of obligations or for making
4 authorized adjustments to such appropriations for obliga-
5 tions incurred during the period of availability of such ap-
6 propriations, unobligated balances of such appropriations
7 may be transferred into the appropriation “Foreign Cur-
8 rency Fluctuations, Construction, Defense”, to be merged
9 with and to be available for the same time period and for
10 the same purposes as the appropriation to which trans-
11 ferred.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 122. Amounts appropriated or otherwise made
14 available in an account funded under the headings in this
15 title may be transferred among projects and activities
16 within the account in accordance with the reprogramming
17 guidelines for military construction and family housing
18 construction contained in Department of Defense Finan-
19 cial Management Regulation 7000.14–R, Volume 3, Chap-
20 ter 7, of March 2011, as in effect on the date of enactment
21 of this Act.

22 SEC. 123. None of the funds made available in this
23 title may be obligated or expended for planning and design
24 and construction of projects at Arlington National Ceme-
25 tery.

1 SEC. 124. For an additional amount for the accounts
2 and in the amounts specified, to remain available until
3 September 30, 2026:

4 “Military Construction, Army”, \$636,100,000;

5 “Military Construction, Navy and Marine
6 Corps”, \$1,281,980,000;

7 “Military Construction, Air Force”,
8 \$237,450,000;

9 “Military Construction, Defense-Wide”,
10 \$93,000,000;

11 “Military Construction, Army National Guard”,
12 \$71,000,000;

13 “Military Construction, Air National Guard”,
14 \$86,620,000;

15 “Military Construction, Army Reserve”,
16 \$29,200,000;

17 “Military Construction, Air Force Reserve”,
18 \$44,000,000; and

19 “Family Housing Construction, Army”,
20 \$88,064,000:

21 *Provided*, That such funds may only be obligated to carry
22 out construction and cost to complete projects identified
23 in the respective military department’s unfunded priority
24 list for fiscal year 2022 submitted to Congress: *Provided*
25 *further*, That such projects are subject to authorization

1 prior to obligation and expenditure of funds to carry out
2 construction: *Provided further*, That not later than 30
3 days after enactment of this Act, the Secretary of the mili-
4 tary department concerned, or his or her designee, shall
5 submit to the Committees on Appropriations of both
6 Houses of Congress an expenditure plan for funds pro-
7 vided under this section.

8 SEC. 125. All amounts appropriated to the “Depart-
9 ment of Defense—Military Construction, Army”, “De-
10 partment of Defense—Military Construction, Navy and
11 Marine Corps”, “Department of Defense—Military Con-
12 struction, Air Force”, and “Department of Defense—Mili-
13 tary Construction, Defense-Wide” accounts pursuant to
14 the authorization of appropriations in a National Defense
15 Authorization Act specified for fiscal year 2022 in the
16 funding table in section 4601 of that Act shall be imme-
17 diately available and allotted to contract for the full scope
18 of authorized projects.

19 SEC. 126. Notwithstanding section 116 of this Act,
20 funds made available in this Act or any available unobli-
21 gated balances from prior appropriations Acts may be obli-
22 gated before October 1, 2023 for fiscal year 2017 military
23 construction projects for which project authorization has
24 not lapsed or for which authorization is extended for fiscal
25 year 2022 by a National Defense Authorization Act: *Pro-*

1 *vided*, That no amounts may be obligated pursuant to this
2 section from amounts that were designated by the Con-
3 gress as an emergency requirement pursuant to a concur-
4 rent resolution on the budget or the Balanced Budget and
5 Emergency Deficit Control Act of 1985.

6 (RESCISSION OF FUNDS)

7 SEC. 127. Of the unobligated balances available to
8 the Department of Defense from prior appropriations Acts
9 under the heading “Military Construction, Defense-Wide”,
10 \$131,000,000 is hereby rescinded: *Provided*, That no
11 amounts may be rescinded from amounts that were des-
12 ignated by the Congress for Overseas Contingency Oper-
13 ations/Global War on Terrorism or as an emergency re-
14 quirement pursuant to a concurrent resolution on the
15 budget or the Balanced Budget and Emergency Deficit
16 Control Act of 1985.

17 SEC. 128. For the purposes of this Act, the term
18 “congressional defense committees” means the Commit-
19 tees on Armed Services of the House of Representatives
20 and the Senate, the Subcommittee on Military Construc-
21 tion and Veterans Affairs of the Committee on Appropria-
22 tions of the Senate, and the Subcommittee on Military
23 Construction and Veterans Affairs of the Committee on
24 Appropriations of the House of Representatives.

1 SEC. 129. For an additional amount for the accounts
2 and in the amounts specified for planning and design, un-
3 specified minor construction, and authorized major con-
4 struction projects, for construction improvements to De-
5 partment of Defense laboratory facilities, to remain avail-
6 able until September 30, 2026:

7 “Military Construction, Army”, \$85,000,000;

8 “Military Construction, Navy and Marine
9 Corps”, \$15,000,000; and

10 “Military Construction, Air Force”,
11 \$25,000,000:

12 *Provided*, That not later than 30 days after enactment of
13 this Act, the Secretary of the military department con-
14 cerned, or his or her designee, shall submit to the Commit-
15 tees on Appropriations of both Houses of Congress an ex-
16 penditure plan for funds provided under this section: *Pro-*
17 *vided further*, That the Secretary of the military depart-
18 ment concerned may not obligate or expend any funds
19 prior to approval by the Committees on Appropriations of
20 both Houses of Congress of the expenditure plan required
21 by this section.

22 SEC. 130. For an additional amount for “Military
23 Construction, Navy and Marine Corps”, \$275,000,000, to
24 remain available until September 30, 2026, for Shipyard
25 Infrastructure Optimization Plan unspecified worldwide

1 construction: *Provided*, That such funds may only be obli-
2 gated to carry out construction projects identified in the
3 Department of the Navy’s unfunded priority list for fiscal
4 year 2022 submitted to Congress or for planning and de-
5 sign necessary to support the Shipyard Infrastructure Op-
6 timization Plan: *Provided further*, That not later than 60
7 days after enactment of this Act, the Secretary of the
8 Navy, or his or her designee, shall submit to the Commit-
9 tees on Appropriations of both Houses of Congress an ex-
10 penditure plan for funds provided under this section.

11 SEC. 131. For an additional amount for “Military
12 Construction, Defense-Wide”, \$153,000,000, to remain
13 available until September 30, 2026: *Provided*, That such
14 funds may only be obligated to carry out construction
15 projects specified in a National Defense Authorization Act
16 for fiscal year 2022 in the funding table in section 4601
17 of that Act: *Provided further*, That not later than 30 days
18 after enactment of this Act, the Secretary of Defense, or
19 his or her designee, shall submit to the Committees on
20 Appropriations of both Houses of Congress an expenditure
21 plan for funds provided under this section.

22 SEC. 132. For an additional amount for the accounts
23 and in the amounts specified for planning and design and
24 unspecified minor construction, for improving military in-

1 stallation resilience, to remain available until September
2 30, 2026:

3 “Military Construction, Army”, \$25,000,000;

4 “Military Construction, Navy and Marine
5 Corps”, \$40,000,000;

6 “Military Construction, Air Force”,
7 \$40,000,000; and

8 “Military Construction, Defense-Wide”,
9 \$15,000,000:

10 *Provided*, That not later than 60 days after enactment of
11 this Act, the Secretary of the military department con-
12 cerned, or his or her designee, shall submit to the Commit-
13 tees on Appropriations of both Houses of Congress an ex-
14 penditure plan for funds provided under this section: *Pro-*
15 *vided further*, That the Secretary of the military depart-
16 ment concerned may not obligate or expend any funds
17 prior to approval by the Committees on Appropriations of
18 both Houses of Congress of the expenditure plan required
19 by this section.

20 SEC. 133. For an additional amount for the accounts
21 and in the amounts specified for planning and design, for
22 child development centers, to remain available until Sep-
23 tember 30, 2026:

24 “Military Construction, Army”, \$11,000,000;

1 “Military Construction, Navy and Marine
2 Corps”, \$11,000,000; and

3 “Military Construction, Air Force”,
4 \$11,000,000:

5 *Provided*, That not later than 60 days after the date of
6 enactment of this Act, the Secretary of the military de-
7 partment concerned, or his or her designee, shall submit
8 to the Committees on Appropriations of both Houses of
9 Congress an expenditure plan for funds provided under
10 this section.

11 SEC. 134. For an additional amount for the accounts
12 and in the amounts specified for expenses incurred as a
13 result of natural disasters, to remain available until Sep-
14 tember 30, 2026:

15 “Military Construction, Navy and Marine
16 Corps”, \$20,000,000; and

17 “Military Construction, Air Force”,
18 \$130,000,000:

19 *Provided*, That not later than 60 days after the date of
20 enactment of this Act, the Secretary of the military de-
21 partment concerned, or his or her designee, shall submit
22 to the Committees on Appropriations of both Houses of
23 Congress an expenditure plan for funds provided under
24 this section.

1 SEC. 135. For an additional amount for the accounts
2 and in the amounts specified, to remain available until
3 September 30, 2024:

4 “Military Construction, Army National Guard”,
5 \$86,536,000; and

6 “Military Construction, Air National Guard”,
7 \$35,371,000:

8 *Provided*, That such funds may only be obligated to carry
9 out construction projects identified in the respective mili-
10 tary department’s cost to complete projects list of pre-
11 viously appropriated projects submitted to Congress: *Pro-*
12 *vided further*, That such projects are subject to authoriza-
13 tion prior to obligation and expenditure of funds to carry
14 out construction: *Provided further*, That not later than 30
15 days after the date of enactment of this Act, the Secretary
16 of the military department concerned, or his or her des-
17 ignee, shall submit to the Committees on Appropriations
18 of both Houses of Congress an expenditure plan for funds
19 provided under this section.

20 SEC. 136. The Secretary concerned may waive the
21 percentage or dollar cost limitations applicable to a mili-
22 tary construction project or a military family housing
23 project with a total authorized cost less than
24 \$500,000,000 pursuant to subsection (c) of section 2853
25 of title 10, United States Code, with notice to the congres-

1 sional defense committees, even if that waiver would in-
2 crease the project cost by more than 50 percent of the
3 total authorized cost of the project: *Provided*, That such
4 authority to waive cost limitations may only be used by
5 the Secretary concerned with respect to a military con-
6 struction or military family housing project with a total
7 authorized cost greater than \$500,000,000 with notice to
8 the congressional defense committees, if that waiver would
9 not increase the project cost by more than 50 percent of
10 the total authorized cost of the project: *Provided further*,
11 That the authority provided by this section shall remain
12 available until enactment of a National Defense Author-
13 ization Act for Fiscal Year 2023.

14 SEC. 137. For an additional amount for “Military
15 Construction, Navy and Marine Corps”, \$50,000,000, to
16 remain available until September 30, 2026, for planning
17 and design of water treatment and distribution facilities
18 construction: *Provided*, That not later than 30 days after
19 the date of enactment of this Act, the Secretary of the
20 Navy, or his or her designee, shall submit to the Commit-
21 tees on Appropriations of both Houses of Congress an ex-
22 penditure plan for funds provided under this section: *Pro-*
23 *vided further*, That the Secretary of the Navy may not ob-
24 ligate or expend any funds prior to approval by the Com-

1 mittees on Appropriations of both Houses of Congress of
2 the expenditure plan required by this section.

3 SEC. 138. For an additional amount for the accounts
4 and in the amounts specified to address cost increases
5 identified subsequent to the fiscal year 2022 budget re-
6 quest for authorized major construction projects included
7 in that request, to remain available until September 30,
8 2026:

9 “Military Construction, Army”, \$4,000,000;

10 “Military Construction, Navy and Marine
11 Corps”, \$11,000,000;

12 “Military Construction, Air Force”,
13 \$25,000,000;

14 “Military Construction, Defense-Wide”,
15 \$30,000,000;

16 “Military Construction, Air National Guard”,
17 \$11,800,000;

18 “Military Construction, Army Reserve”,
19 \$5,800,000;

20 “Military Construction, Air Force Reserve”,
21 \$4,400,000; and

22 “Family Housing Construction, Navy and Ma-
23 rine Corps”, \$13,000,000:

24 *Provided*, That not later than 30 days after the date of
25 enactment of this Act, the Secretary of the military de-

1 department concerned, or his or her designee, shall submit
2 to the Committees on Appropriations of both Houses of
3 Congress an expenditure plan for funds provided under
4 this section: *Provided further*, That the Secretary of the
5 military department concerned may not obligate or expend
6 any funds prior to approval by the Committees on Appro-
7 priations of both Houses of Congress of the expenditure
8 plan required by this section.

9 SEC. 139. For an additional amount for the accounts
10 and in the amounts specified to address cost increases for
11 authorized major construction projects funded by this Act,
12 to remain available until September 30, 2026:

13 “Military Construction, Army”, \$20,800,000;

14 “Military Construction, Navy and Marine
15 Corps”, \$18,926,000;

16 “Military Construction, Air Force”,
17 \$46,574,000;

18 “Military Construction, Defense-Wide”,
19 \$11,410,000;

20 “Military Construction, Army National Guard”,
21 \$9,961,000;

22 “Military Construction, Air National Guard”,
23 \$9,180,000;

24 “Military Construction, Army Reserve”,
25 \$7,000,000; and

1 “Military Construction, Air Force Reserve”,
2 \$2,000,000:

3 *Provided*, That not later than 30 days after the date of
4 enactment of this Act, the Secretary of the military de-
5 partment concerned, or his or her designee, shall submit
6 to the Committees on Appropriations of both Houses of
7 Congress an expenditure plan for funds provided under
8 this section: *Provided further*, That the Secretary of the
9 military department concerned may not obligate or expend
10 any funds prior to approval by the Committees on Appro-
11 priations of both Houses of Congress of the expenditure
12 plan required by this section.

13 SEC. 140. None of the funds made available by this
14 Act may be used to carry out the closure or realignment
15 of the United States Naval Station, Guantánamo Bay,
16 Cuba.

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1 TITLE II
2 DEPARTMENT OF VETERANS AFFAIRS
3 VETERANS BENEFITS ADMINISTRATION
4 COMPENSATION AND PENSIONS
5 (INCLUDING TRANSFER OF FUNDS)

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$8,955,364,000, which shall be in addition to funds pre-
22 viously appropriated under this heading that became avail-
23 able on October 1, 2021, to remain available until ex-
24 pended; and, in addition, \$152,016,542,000, which shall
25 become available on October 1, 2022, to remain available

1 until expended: *Provided*, That not to exceed \$20,115,000
2 of the amount made available for fiscal year 2023 under
3 this heading shall be reimbursed to “General Operating
4 Expenses, Veterans Benefits Administration”, and “Infor-
5 mation Technology Systems” for necessary expenses in
6 implementing the provisions of chapters 51, 53, and 55
7 of title 38, United States Code, the funding source for
8 which is specifically provided as the “Compensation and
9 Pensions” appropriation: *Provided further*, That such
10 sums as may be earned on an actual qualifying patient
11 basis, shall be reimbursed to “Medical Care Collections
12 Fund” to augment the funding of individual medical facili-
13 ties for nursing home care provided to pensioners as au-
14 thorized.

15 READJUSTMENT BENEFITS

16 For the payment of readjustment and rehabilitation
17 benefits to or on behalf of veterans as authorized by chap-
18 ters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and
19 61 of title 38, United States Code, \$8,906,851,000, which
20 shall become available on October 1, 2022, to remain
21 available until expended: *Provided*, That expenses for re-
22 habilitation program services and assistance which the
23 Secretary is authorized to provide under subsection (a) of
24 section 3104 of title 38, United States Code, other than

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1 under paragraphs (1), (2), (5), and (11) of that sub-
2 section, shall be charged to this account.

3 VETERANS INSURANCE AND INDEMNITIES

4 For military and naval insurance, national service life
5 insurance, servicemen's indemnities, service-disabled vet-
6 erans insurance, and veterans mortgage life insurance as
7 authorized by chapters 19 and 21 of title 38, United
8 States Code, \$109,865,000, which shall become available
9 on October 1, 2022, to remain available until expended.

10 VETERANS HOUSING BENEFIT PROGRAM FUND

11 For the cost of direct and guaranteed loans, such
12 sums as may be necessary to carry out the program, as
13 authorized by subchapters I through III of chapter 37 of
14 title 38, United States Code: *Provided*, That such costs,
15 including the cost of modifying such loans, shall be as de-
16 fined in section 502 of the Congressional Budget Act of
17 1974: *Provided further*, That, during fiscal year 2022,
18 within the resources available, not to exceed \$500,000 in
19 gross obligations for direct loans are authorized for spe-
20 cially adapted housing loans.

21 In addition, for administrative expenses to carry out
22 the direct and guaranteed loan programs, \$229,500,000.

23 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

24 For the cost of direct loans, \$2,838, as authorized
25 by chapter 31 of title 38, United States Code: *Provided*,

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1 That such costs, including the cost of modifying such
2 loans, shall be as defined in section 502 of the Congres-
3 sional Budget Act of 1974: *Provided further*, That funds
4 made available under this heading are available to sub-
5 sidize gross obligations for the principal amount of direct
6 loans not to exceed \$1,662,758.

7 In addition, for administrative expenses necessary to
8 carry out the direct loan program, \$429,467, which may
9 be paid to the appropriation for “General Operating Ex-
10 penses, Veterans Benefits Administration”.

11 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

12 ACCOUNT

13 For administrative expenses to carry out the direct
14 loan program authorized by subchapter V of chapter 37
15 of title 38, United States Code, \$1,400,000.

16 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

17 ADMINISTRATION

18 For necessary operating expenses of the Veterans
19 Benefits Administration, not otherwise provided for, in-
20 cluding hire of passenger motor vehicles, reimbursement
21 of the General Services Administration for security guard
22 services, and reimbursement of the Department of De-
23 fense for the cost of overseas employee mail,
24 \$3,453,813,000: *Provided*, That expenses for services and
25 assistance authorized under paragraphs (1), (2), (5), and

1 (11) of section 3104(a) of title 38, United States Code,
2 that the Secretary of Veterans Affairs determines are nec-
3 essary to enable entitled veterans: (1) to the maximum ex-
4 tent feasible, to become employable and to obtain and
5 maintain suitable employment; or (2) to achieve maximum
6 independence in daily living, shall be charged to this ac-
7 count: *Provided further*, That, of the funds made available
8 under this heading, not to exceed 10 percent shall remain
9 available until September 30, 2023.

10 VETERANS HEALTH ADMINISTRATION

11 MEDICAL SERVICES

12 For necessary expenses for furnishing, as authorized
13 by law, inpatient and outpatient care and treatment to
14 beneficiaries of the Department of Veterans Affairs and
15 veterans described in section 1705(a) of title 38, United
16 States Code, including care and treatment in facilities not
17 under the jurisdiction of the Department, and including
18 medical supplies and equipment, bioengineering services,
19 food services, and salaries and expenses of healthcare em-
20 ployees hired under title 38, United States Code, assist-
21 ance and support services for caregivers as authorized by
22 section 1720G of title 38, United States Code, loan repay-
23 ments authorized by section 604 of the Caregivers and
24 Veterans Omnibus Health Services Act of 2010 (Public
25 Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note),

1 monthly assistance allowances authorized by section
2 322(d) of title 38, United States Code, grants authorized
3 by section 521A of title 38, United States Code, and ad-
4 ministrative expenses necessary to carry out sections
5 322(d) and 521A of title 38, United States Code, and hos-
6 pital care and medical services authorized by section 1787
7 of title 38, United States Code; \$70,323,116,000, plus re-
8 imbursements, shall become available on October 1, 2022,
9 and shall remain available until September 30, 2023: *Pro-*
10 *vided*, That, of the amount made available on October 1,
11 2022, under this heading, \$1,500,000,000 shall remain
12 available until September 30, 2024: *Provided further*,
13 That, notwithstanding any other provision of law, the Sec-
14 retary of Veterans Affairs shall establish a priority for the
15 provision of medical treatment for veterans who have serv-
16 ice-connected disabilities, lower income, or have special
17 needs: *Provided further*, That, notwithstanding any other
18 provision of law, the Secretary of Veterans Affairs shall
19 give priority funding for the provision of basic medical
20 benefits to veterans in enrollment priority groups 1
21 through 6: *Provided further*, That, notwithstanding any
22 other provision of law, the Secretary of Veterans Affairs
23 may authorize the dispensing of prescription drugs from
24 Veterans Health Administration facilities to enrolled vet-
25 erans with privately written prescriptions based on re-

1 requirements established by the Secretary: *Provided further*,
2 That the implementation of the program described in the
3 previous proviso shall incur no additional cost to the De-
4 partment of Veterans Affairs: *Provided further*, That the
5 Secretary of Veterans Affairs shall ensure that sufficient
6 amounts appropriated under this heading for medical sup-
7 plies and equipment are available for the acquisition of
8 prosthetics designed specifically for female veterans.

9 MEDICAL COMMUNITY CARE

10 For necessary expenses for furnishing health care to
11 individuals pursuant to chapter 17 of title 38, United
12 States Code, at non-Department facilities,
13 \$3,269,000,000, which shall be in addition to funds pre-
14 viously appropriated under this heading that became avail-
15 able on October 1, 2021; and, in addition,
16 \$24,156,659,000, plus reimbursements, shall become
17 available on October 1, 2022, and shall remain available
18 until September 30, 2023: *Provided*, That, of the amount
19 made available on October 1, 2022, under this heading,
20 \$2,000,000,000 shall remain available until September 30,
21 2024.

22 MEDICAL SUPPORT AND COMPLIANCE

23 For necessary expenses in the administration of the
24 medical, hospital, nursing home, domiciliary, construction,
25 supply, and research activities, as authorized by law; ad-

1 ministrative expenses in support of capital policy activi-
2 ties; and administrative and legal expenses of the Depart-
3 ment for collecting and recovering amounts owed the De-
4 partment as authorized under chapter 17 of title 38,
5 United States Code, and the Federal Medical Care Recov-
6 ery Act (42 U.S.C. 2651 et seq.), \$9,673,409,000, plus
7 reimbursements, shall become available on October 1,
8 2022, and shall remain available until September 30,
9 2023: *Provided*, That, of the amount made available on
10 October 1, 2022, under this heading, \$200,000,000 shall
11 remain available until September 30, 2024.

12 MEDICAL FACILITIES

13 For necessary expenses for the maintenance and op-
14 eration of hospitals, nursing homes, domiciliary facilities,
15 and other necessary facilities of the Veterans Health Ad-
16 ministration; for administrative expenses in support of
17 planning, design, project management, real property ac-
18 quisition and disposition, construction, and renovation of
19 any facility under the jurisdiction or for the use of the
20 Department; for oversight, engineering, and architectural
21 activities not charged to project costs; for repairing, alter-
22 ing, improving, or providing facilities in the several hos-
23 pitals and homes under the jurisdiction of the Depart-
24 ment, not otherwise provided for, either by contract or by
25 the hire of temporary employees and purchase of mate-

1 rials; for leases of facilities; and for laundry services;
2 \$7,133,816,000, plus reimbursements, shall become avail-
3 able on October 1, 2022, and shall remain available until
4 September 30, 2023: *Provided*, That, of the amount made
5 available on October 1, 2022, under this heading,
6 \$350,000,000 shall remain available until September 30,
7 2024.

8 MEDICAL AND PROSTHETIC RESEARCH

9 For necessary expenses in carrying out programs of
10 medical and prosthetic research and development as au-
11 thorized by chapter 73 of title 38, United States Code,
12 \$882,000,000, plus reimbursements, shall remain avail-
13 able until September 30, 2023: *Provided*, That the Sec-
14 retary of Veterans Affairs shall ensure that sufficient
15 amounts appropriated under this heading are available for
16 prosthetic research specifically for female veterans, and
17 for toxic exposure research.

18 NATIONAL CEMETERY ADMINISTRATION

19 For necessary expenses of the National Cemetery Ad-
20 ministration for operations and maintenance, not other-
21 wise provided for, including uniforms or allowances there-
22 for; cemeterial expenses as authorized by law; purchase
23 of one passenger motor vehicle for use in cemeterial oper-
24 ations; hire of passenger motor vehicles; and repair, alter-
25 ation or improvement of facilities under the jurisdiction

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1 of the National Cemetery Administration, \$394,000,000,
2 of which not to exceed 10 percent shall remain available
3 until September 30, 2023.

4 DEPARTMENTAL ADMINISTRATION

5 GENERAL ADMINISTRATION

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary operating expenses of the Department
8 of Veterans Affairs, not otherwise provided for, including
9 administrative expenses in support of Department-wide
10 capital planning, management and policy activities, uni-
11 forms, or allowances therefor; not to exceed \$25,000 for
12 official reception and representation expenses; hire of pas-
13 senger motor vehicles; and reimbursement of the General
14 Services Administration for security guard services,
15 \$401,200,000, of which not to exceed 10 percent shall re-
16 main available until September 30, 2023: *Provided*, That
17 funds provided under this heading may be transferred to
18 “General Operating Expenses, Veterans Benefits Adminis-
19 tration”.

20 BOARD OF VETERANS APPEALS

21 For necessary operating expenses of the Board of
22 Veterans Appeals, \$228,000,000, of which not to exceed
23 10 percent shall remain available until September 30,
24 2023.

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1 INFORMATION TECHNOLOGY SYSTEMS
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for information technology
4 systems and telecommunications support, including devel-
5 opmental information systems and operational information
6 systems; for pay and associated costs; and for the capital
7 asset acquisition of information technology systems, in-
8 cluding management and related contractual costs of said
9 acquisitions, including contractual costs associated with
10 operations authorized by section 3109 of title 5, United
11 States Code, \$4,842,800,000, plus reimbursements: *Pro-*
12 *vided*, That \$1,414,215,000 shall be for pay and associ-
13 ated costs, of which not to exceed 3 percent shall remain
14 available until September 30, 2023: *Provided further*, That
15 \$3,131,585,000 shall be for operations and maintenance,
16 of which not to exceed 5 percent shall remain available
17 until September 30, 2023: *Provided further*, That
18 \$297,000,000 shall be for information technology systems
19 development, and shall remain available until September
20 30, 2023: *Provided further*, That amounts made available
21 for salaries and expenses, operations and maintenance,
22 and information technology systems development may be
23 transferred among the three subaccounts after the Sec-
24 retary of Veterans Affairs requests from the Committees
25 on Appropriations of both Houses of Congress the author-

1 ity to make the transfer and an approval is issued: *Pro-*
2 *vided further*, That amounts made available for the “Infor-
3 mation Technology Systems” account for development
4 may be transferred among projects or to newly defined
5 projects: *Provided further*, That no project may be in-
6 creased or decreased by more than \$3,000,000 of cost
7 prior to submitting a request to the Committees on Appro-
8 priations of both Houses of Congress to make the transfer
9 and an approval is issued, or absent a response, a period
10 of 30 days has elapsed: *Provided further*, That the funds
11 made available under this heading for information tech-
12 nology systems development shall be for the projects, and
13 in the amounts, specified under this heading in the explan-
14 atory statement described in section 4 (in the matter pre-
15 ceding division A of this consolidated Act).

16 VETERANS ELECTRONIC HEALTH RECORD

17 For activities related to implementation, preparation,
18 development, interface, management, rollout, and mainte-
19 nance of a Veterans Electronic Health Record system, in-
20 cluding contractual costs associated with operations au-
21 thorized by section 3109 of title 5, United States Code,
22 and salaries and expenses of employees hired under titles
23 5 and 38, United States Code, \$2,500,000,000, to remain
24 available until September 30, 2024: *Provided*, That the
25 Secretary of Veterans Affairs shall submit to the Commit-

1 tees on Appropriations of both Houses of Congress quar-
2 terly reports detailing obligations, expenditures, and de-
3 ployment implementation by facility, including any
4 changes from the deployment plan or schedule: *Provided*
5 *further*, That the funds provided in this account shall only
6 be available to the Office of the Deputy Secretary, to be
7 administered by that Office: *Provided further*, That 25
8 percent of the funds made available under this heading
9 shall not be available until July 1, 2022, and are contin-
10 gent upon the Secretary of Veterans Affairs providing a
11 plan with benchmarks and measurable metrics for deploy-
12 ment, and a plan for addressing all required infrastructure
13 upgrades, no later than 30 days prior to that date to the
14 Committees on Appropriations.

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector
17 General, to include information technology, in carrying out
18 the provisions of the Inspector General Act of 1978 (5
19 U.S.C. App.), \$239,000,000, of which not to exceed 10
20 percent shall remain available until September 30, 2023.

21 CONSTRUCTION, MAJOR PROJECTS

22 For constructing, altering, extending, and improving
23 any of the facilities, including parking projects, under the
24 jurisdiction or for the use of the Department of Veterans
25 Affairs, or for any of the purposes set forth in sections

1 316, 2404, 2406 and chapter 81 of title 38, United States
2 Code, not otherwise provided for, including planning, ar-
3 chitectural and engineering services, construction manage-
4 ment services, maintenance or guarantee period services
5 costs associated with equipment guarantees provided
6 under the project, services of claims analysts, offsite utility
7 and storm drainage system construction costs, and site ac-
8 quisition, where the estimated cost of a project is more
9 than the amount set forth in section 8104(a)(3)(A) of title
10 38, United States Code, or where funds for a project were
11 made available in a previous major project appropriation,
12 \$1,611,000,000, of which \$911,000,000 shall remain
13 available until September 30, 2026, and of which
14 \$700,000,000 shall remain available until expended, of
15 which \$100,000,000 shall be available for seismic improve-
16 ment projects and seismic program management activities,
17 including for projects that would otherwise be funded by
18 the Construction, Minor Projects, Medical Facilities or
19 National Cemetery Administration accounts: *Provided,*
20 That except for advance planning activities, including
21 needs assessments which may or may not lead to capital
22 investments, and other capital asset management related
23 activities, including portfolio development and manage-
24 ment activities, and planning, cost estimating, and design
25 for major medical facility projects and major medical facil-

1 ity leases and investment strategy studies funded through
2 the advance planning fund and the planning and design
3 activities funded through the design fund, staffing ex-
4 penses, and funds provided for the purchase, security, and
5 maintenance of land for the National Cemetery Adminis-
6 tration through the land acquisition line item, none of the
7 funds made available under this heading shall be used for
8 any project that has not been notified to Congress through
9 the budgetary process or that has not been approved by
10 the Congress through statute, joint resolution, or in the
11 explanatory statement accompanying such Act and pre-
12 sented to the President at the time of enrollment: *Provided*
13 *further*, That such sums as may be necessary shall be
14 available to reimburse the “General Administration” ac-
15 count for payment of salaries and expenses of all Office
16 of Construction and Facilities Management employees to
17 support the full range of capital infrastructure services
18 provided, including minor construction and leasing serv-
19 ices: *Provided further*, That funds made available under
20 this heading for fiscal year 2022, for each approved
21 project shall be obligated: (1) by the awarding of a con-
22 struction documents contract by September 30, 2022; and
23 (2) by the awarding of a construction contract by Sep-
24 tember 30, 2023: *Provided further*, That the Secretary of
25 Veterans Affairs shall promptly submit to the Committees

1 on Appropriations of both Houses of Congress a written
2 report on any approved major construction project for
3 which obligations are not incurred within the time limita-
4 tions established above: *Provided further*, That notwith-
5 standing the requirements of section 8104(a) of title 38,
6 United States Code, amounts made available under this
7 heading for seismic improvement projects and seismic pro-
8 gram management activities shall be available for the com-
9 pletion of both new and existing seismic projects of the
10 Department.

11 CONSTRUCTION, MINOR PROJECTS

12 For constructing, altering, extending, and improving
13 any of the facilities, including parking projects, under the
14 jurisdiction or for the use of the Department of Veterans
15 Affairs, including planning and assessments of needs
16 which may lead to capital investments, architectural and
17 engineering services, maintenance or guarantee period
18 services costs associated with equipment guarantees pro-
19 vided under the project, services of claims analysts, offsite
20 utility and storm drainage system construction costs, and
21 site acquisition, or for any of the purposes set forth in
22 sections 316, 2404, 2406 and chapter 81 of title 38,
23 United States Code, not otherwise provided for, where the
24 estimated cost of a project is equal to or less than the
25 amount set forth in section 8104(a)(3)(A) of title 38,

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1 United States Code, \$553,000,000, of which
2 \$497,700,000 shall remain available until September 30,
3 2026, and of which \$55,300,000 shall remain available
4 until expended, along with unobligated balances of pre-
5 vious “Construction, Minor Projects” appropriations
6 which are hereby made available for any project where the
7 estimated cost is equal to or less than the amount set forth
8 in such section: *Provided*, That funds made available
9 under this heading shall be for: (1) repairs to any of the
10 nonmedical facilities under the jurisdiction or for the use
11 of the Department which are necessary because of loss or
12 damage caused by any natural disaster or catastrophe;
13 and (2) temporary measures necessary to prevent or to
14 minimize further loss by such causes.

15 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
16 FACILITIES

17 For grants to assist States to acquire or construct
18 State nursing home and domiciliary facilities and to re-
19 model, modify, or alter existing hospital, nursing home,
20 and domiciliary facilities in State homes, for furnishing
21 care to veterans as authorized by sections 8131 through
22 8137 of title 38, United States Code, \$50,000,000, to re-
23 main available until expended.

1 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

2 For grants to assist States and tribal organizations
3 in establishing, expanding, or improving veterans ceme-
4 teries as authorized by section 2408 of title 38, United
5 States Code, \$48,500,000, to remain available until ex-
6 pended.

7 ASSET AND INFRASTRUCTURE REVIEW

8 For carrying out the VA Asset and Infrastructure
9 Review Act of 2018 (subtitle A of title II of Public Law
10 115–182), \$5,000,000, to remain available until Sep-
11 tember 30, 2023.

12 ADMINISTRATIVE PROVISIONS

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 201. Any appropriation for fiscal year 2022 for
15 “Compensation and Pensions”, “Readjustment Benefits”,
16 and “Veterans Insurance and Indemnities” may be trans-
17 ferred as necessary to any other of the mentioned appro-
18 priations: *Provided*, That, before a transfer may take
19 place, the Secretary of Veterans Affairs shall request from
20 the Committees on Appropriations of both Houses of Con-
21 gress the authority to make the transfer and such Com-
22 mittees issue an approval, or absent a response, a period
23 of 30 days has elapsed.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 202. Amounts made available for the Depart-
3 ment of Veterans Affairs for fiscal year 2022, in this or
4 any other Act, under the “Medical Services”, “Medical
5 Community Care”, “Medical Support and Compliance”,
6 and “Medical Facilities” accounts may be transferred
7 among the accounts: *Provided*, That any transfers among
8 the “Medical Services”, “Medical Community Care”, and
9 “Medical Support and Compliance” accounts of 1 percent
10 or less of the total amount appropriated to the account
11 in this or any other Act may take place subject to notifica-
12 tion from the Secretary of Veterans Affairs to the Com-
13 mittees on Appropriations of both Houses of Congress of
14 the amount and purpose of the transfer: *Provided further*,
15 That any transfers among the “Medical Services”, “Med-
16 ical Community Care”, and “Medical Support and Compli-
17 ance” accounts in excess of 1 percent, or exceeding the
18 cumulative 1 percent for the fiscal year, may take place
19 only after the Secretary requests from the Committees on
20 Appropriations of both Houses of Congress the authority
21 to make the transfer and an approval is issued: *Provided*
22 *further*, That any transfers to or from the “Medical Facili-
23 ties” account may take place only after the Secretary re-
24 quests from the Committees on Appropriations of both

1 Houses of Congress the authority to make the transfer
2 and an approval is issued.

3 SEC. 203. Appropriations available in this title for
4 salaries and expenses shall be available for services au-
5 thorized by section 3109 of title 5, United States Code;
6 hire of passenger motor vehicles; lease of a facility or land
7 or both; and uniforms or allowances therefore, as author-
8 ized by sections 5901 through 5902 of title 5, United
9 States Code.

10 SEC. 204. No appropriations in this title (except the
11 appropriations for “Construction, Major Projects”, and
12 “Construction, Minor Projects”) shall be available for the
13 purchase of any site for or toward the construction of any
14 new hospital or home.

15 SEC. 205. No appropriations in this title shall be
16 available for hospitalization or examination of any persons
17 (except beneficiaries entitled to such hospitalization or ex-
18 amination under the laws providing such benefits to vet-
19 erans, and persons receiving such treatment under sec-
20 tions 7901 through 7904 of title 5, United States Code,
21 or the Robert T. Stafford Disaster Relief and Emergency
22 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-
23 bursement of the cost of such hospitalization or examina-
24 tion is made to the “Medical Services” account at such
25 rates as may be fixed by the Secretary of Veterans Affairs.

1 SEC. 206. Appropriations available in this title for
2 “Compensation and Pensions”, “Readjustment Benefits”,
3 and “Veterans Insurance and Indemnities” shall be avail-
4 able for payment of prior year accrued obligations re-
5 quired to be recorded by law against the corresponding
6 prior year accounts within the last quarter of fiscal year
7 2021.

8 SEC. 207. Appropriations available in this title shall
9 be available to pay prior year obligations of corresponding
10 prior year appropriations accounts resulting from sections
11 3328(a), 3334, and 3712(a) of title 31, United States
12 Code, except that if such obligations are from trust fund
13 accounts they shall be payable only from “Compensation
14 and Pensions”.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 208. Notwithstanding any other provision of
17 law, during fiscal year 2022, the Secretary of Veterans
18 Affairs shall, from the National Service Life Insurance
19 Fund under section 1920 of title 38, United States Code,
20 the Veterans’ Special Life Insurance Fund under section
21 1923 of title 38, United States Code, and the United
22 States Government Life Insurance Fund under section
23 1955 of title 38, United States Code, reimburse the “Gen-
24 eral Operating Expenses, Veterans Benefits Administra-
25 tion” and “Information Technology Systems” accounts for

1 the cost of administration of the insurance programs fi-
2 nanced through those accounts: *Provided*, That reimburse-
3 ment shall be made only from the surplus earnings accu-
4 mulated in such an insurance program during fiscal year
5 2022 that are available for dividends in that program after
6 claims have been paid and actuarially determined reserves
7 have been set aside: *Provided further*, That if the cost of
8 administration of such an insurance program exceeds the
9 amount of surplus earnings accumulated in that program,
10 reimbursement shall be made only to the extent of such
11 surplus earnings: *Provided further*, That the Secretary
12 shall determine the cost of administration for fiscal year
13 2022 which is properly allocable to the provision of each
14 such insurance program and to the provision of any total
15 disability income insurance included in that insurance pro-
16 gram.

17 SEC. 209. Amounts deducted from enhanced-use
18 lease proceeds to reimburse an account for expenses in-
19 curred by that account during a prior fiscal year for pro-
20 viding enhanced-use lease services shall be available until
21 expended.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 210. Funds available in this title or funds for
24 salaries and other administrative expenses shall also be
25 available to reimburse the Office of Resolution Manage-

1 ment, Diversity and Inclusion, the Office of Employment
2 Discrimination Complaint Adjudication, and the Alter-
3 native Dispute Resolution function within the Office of
4 Human Resources and Administration for all services pro-
5 vided at rates which will recover actual costs but not to
6 exceed \$78,417,225 for the Office of Resolution Manage-
7 ment, Diversity and Inclusion, \$6,609,000 for the Office
8 of Employment Discrimination Complaint Adjudication,
9 and \$3,822,000 for the Alternative Dispute Resolution
10 function within the Office of Human Resources and Ad-
11 ministration: *Provided*, That payments may be made in
12 advance for services to be furnished based on estimated
13 costs: *Provided further*, That amounts received shall be
14 credited to the “General Administration” and “Informa-
15 tion Technology Systems” accounts for use by the office
16 that provided the service.

17 SEC. 211. No funds of the Department of Veterans
18 Affairs shall be available for hospital care, nursing home
19 care, or medical services provided to any person under
20 chapter 17 of title 38, United States Code, for a non-serv-
21 ice-connected disability described in section 1729(a)(2) of
22 such title, unless that person has disclosed to the Sec-
23 retary of Veterans Affairs, in such form as the Secretary
24 may require, current, accurate third-party reimbursement
25 information for purposes of section 1729 of such title: *Pro-*

1 *vided*, That the Secretary may recover, in the same man-
2 ner as any other debt due the United States, the reason-
3 able charges for such care or services from any person who
4 does not make such disclosure as required: *Provided fur-*
5 *ther*, That any amounts so recovered for care or services
6 provided in a prior fiscal year may be obligated by the
7 Secretary during the fiscal year in which amounts are re-
8 ceived.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 212. Notwithstanding any other provision of
11 law, proceeds or revenues derived from enhanced-use leas-
12 ing activities (including disposal) may be deposited into
13 the “Construction, Major Projects” and “Construction,
14 Minor Projects” accounts and be used for construction
15 (including site acquisition and disposition), alterations,
16 and improvements of any medical facility under the juris-
17 diction or for the use of the Department of Veterans Af-
18 fairs. Such sums as realized are in addition to the amount
19 provided for in “Construction, Major Projects” and “Con-
20 struction, Minor Projects”.

21 SEC. 213. Amounts made available under “Medical
22 Services” are available—

23 (1) for furnishing recreational facilities, sup-
24 plies, and equipment; and

1 (2) for funeral expenses, burial expenses, and
2 other expenses incidental to funerals and burials for
3 beneficiaries receiving care in the Department.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 214. Such sums as may be deposited into the
6 Medical Care Collections Fund pursuant to section 1729A
7 of title 38, United States Code, may be transferred to the
8 “Medical Services” and “Medical Community Care” ac-
9 counts to remain available until expended for the purposes
10 of these accounts.

11 SEC. 215. The Secretary of Veterans Affairs may
12 enter into agreements with Federally Qualified Health
13 Centers in the State of Alaska and Indian tribes and tribal
14 organizations which are party to the Alaska Native Health
15 Compact with the Indian Health Service, to provide
16 healthcare, including behavioral health and dental care, to
17 veterans in rural Alaska. The Secretary shall require par-
18 ticipating veterans and facilities to comply with all appro-
19 priate rules and regulations, as established by the Sec-
20 retary. The term “rural Alaska” shall mean those lands
21 which are not within the boundaries of the municipality
22 of Anchorage or the Fairbanks North Star Borough.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 216. Such sums as may be deposited into the
25 Department of Veterans Affairs Capital Asset Fund pur-

1 suant to section 8118 of title 38, United States Code, may
2 be transferred to the “Construction, Major Projects” and
3 “Construction, Minor Projects” accounts, to remain avail-
4 able until expended for the purposes of these accounts.

5 SEC. 217. Not later than 30 days after the end of
6 each fiscal quarter, the Secretary of Veterans Affairs shall
7 submit to the Committees on Appropriations of both
8 Houses of Congress a report on the financial status of the
9 Department of Veterans Affairs for the preceding quarter:
10 *Provided*, That, at a minimum, the report shall include
11 the direction contained in the paragraph entitled “Quar-
12 terly reporting”, under the heading “General Administra-
13 tion” in the joint explanatory statement accompanying
14 Public Law 114–223.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 218. Amounts made available under the “Med-
17 ical Services”, “Medical Community Care”, “Medical Sup-
18 port and Compliance”, “Medical Facilities”, “General Op-
19 erating Expenses, Veterans Benefits Administration”,
20 “Board of Veterans Appeals”, “General Administration”,
21 and “National Cemetery Administration” accounts for fis-
22 cal year 2022 may be transferred to or from the “Informa-
23 tion Technology Systems” account: *Provided*, That such
24 transfers may not result in a more than 10 percent aggre-
25 gate increase in the total amount made available by this

1 Act for the “Information Technology Systems” account:
2 *Provided further*, That, before a transfer may take place,
3 the Secretary of Veterans Affairs shall request from the
4 Committees on Appropriations of both Houses of Congress
5 the authority to make the transfer and an approval is
6 issued.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 219. Of the amounts appropriated to the De-
9 partment of Veterans Affairs for fiscal year 2022 for
10 “Medical Services”, “Medical Community Care”, “Medical
11 Support and Compliance”, “Medical Facilities”, “Con-
12 struction, Minor Projects”, and “Information Technology
13 Systems”, up to \$379,009,000, plus reimbursements, may
14 be transferred to the Joint Department of Defense—De-
15 partment of Veterans Affairs Medical Facility Demonstra-
16 tion Fund, established by section 1704 of the National De-
17 fense Authorization Act for Fiscal Year 2010 (Public Law
18 111–84; 123 Stat. 3571) and may be used for operation
19 of the facilities designated as combined Federal medical
20 facilities as described by section 706 of the Duncan Hun-
21 ter National Defense Authorization Act for Fiscal Year
22 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*,
23 That additional funds may be transferred from accounts
24 designated in this section to the Joint Department of De-
25 fense—Department of Veterans Affairs Medical Facility

1 Demonstration Fund upon written notification by the Sec-
2 retary of Veterans Affairs to the Committees on Appro-
3 priations of both Houses of Congress: *Provided further*,
4 That section 220 of title II of division J of Public Law
5 116–260 is repealed.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 220. Of the amounts appropriated to the De-
8 partment of Veterans Affairs which become available on
9 October 1, 2022, for “Medical Services”, “Medical Com-
10 munity Care”, “Medical Support and Compliance”, and
11 “Medical Facilities”, up to \$323,242,000, plus reimburse-
12 ments, may be transferred to the Joint Department of De-
13 fense—Department of Veterans Affairs Medical Facility
14 Demonstration Fund, established by section 1704 of the
15 National Defense Authorization Act for Fiscal Year 2010
16 (Public Law 111–84; 123 Stat. 3571) and may be used
17 for operation of the facilities designated as combined Fed-
18 eral medical facilities as described by section 706 of the
19 Duncan Hunter National Defense Authorization Act for
20 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500):
21 *Provided*, That additional funds may be transferred from
22 accounts designated in this section to the Joint Depart-
23 ment of Defense—Department of Veterans Affairs Med-
24 ical Facility Demonstration Fund upon written notifica-

1 tion by the Secretary of Veterans Affairs to the Commit-
2 tees on Appropriations of both Houses of Congress.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 221. Such sums as may be deposited into the
5 Medical Care Collections Fund pursuant to section 1729A
6 of title 38, United States Code, for healthcare provided
7 at facilities designated as combined Federal medical facili-
8 ties as described by section 706 of the Duncan Hunter
9 National Defense Authorization Act for Fiscal Year 2009
10 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
11 able: (1) for transfer to the Joint Department of De-
12 fense—Department of Veterans Affairs Medical Facility
13 Demonstration Fund, established by section 1704 of the
14 National Defense Authorization Act for Fiscal Year 2010
15 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
16 ations of the facilities designated as combined Federal
17 medical facilities as described by section 706 of the Dun-
18 can Hunter National Defense Authorization Act for Fiscal
19 Year 2009 (Public Law 110–417; 122 Stat. 4500): *Pro-*
20 *vided*, That, notwithstanding section 1704(b)(3) of the
21 National Defense Authorization Act for Fiscal Year 2010
22 (Public Law 111–84; 123 Stat. 2573), amounts trans-
23 ferred to the Joint Department of Defense—Department
24 of Veterans Affairs Medical Facility Demonstration Fund
25 shall remain available until expended.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 222. Of the amounts available in this title for
3 “Medical Services”, “Medical Community Care”, “Medical
4 Support and Compliance”, and “Medical Facilities”, a
5 minimum of \$15,000,000 shall be transferred to the
6 DOD–VA Health Care Sharing Incentive Fund, as au-
7 thorized by section 8111(d) of title 38, United States
8 Code, to remain available until expended, for any purpose
9 authorized by section 8111 of title 38, United States Code.

10 SEC. 223. None of the funds available to the Depart-
11 ment of Veterans Affairs, in this or any other Act, may
12 be used to replace the current system by which the Vet-
13 erans Integrated Service Networks select and contract for
14 diabetes monitoring supplies and equipment.

15 SEC. 224. The Secretary of Veterans Affairs shall no-
16 tify the Committees on Appropriations of both Houses of
17 Congress of all bid savings in a major construction project
18 that total at least \$5,000,000, or 5 percent of the pro-
19 grammed amount of the project, whichever is less: *Pro-*
20 *vided*, That such notification shall occur within 14 days
21 of a contract identifying the programmed amount: *Pro-*
22 *vided further*, That the Secretary shall notify the Commit-
23 tees on Appropriations of both Houses of Congress 14
24 days prior to the obligation of such bid savings and shall
25 describe the anticipated use of such savings.

1 SEC. 225. None of the funds made available for
2 “Construction, Major Projects” may be used for a project
3 in excess of the scope specified for that project in the origi-
4 nal justification data provided to the Congress as part of
5 the request for appropriations unless the Secretary of Vet-
6 erans Affairs receives approval from the Committees on
7 Appropriations of both Houses of Congress.

8 SEC. 226. Not later than 30 days after the end of
9 each fiscal quarter, the Secretary of Veterans Affairs shall
10 submit to the Committees on Appropriations of both
11 Houses of Congress a quarterly report containing perform-
12 ance measures and data from each Veterans Benefits Ad-
13 ministration Regional Office: *Provided*, That, at a min-
14 imum, the report shall include the direction contained in
15 the section entitled “Disability claims backlog”, under the
16 heading “General Operating Expenses, Veterans Benefits
17 Administration” in the joint explanatory statement accom-
18 panying Public Law 114–223: *Provided further*, That the
19 report shall also include information on the number of ap-
20 peals pending at the Veterans Benefits Administration as
21 well as the Board of Veterans Appeals on a quarterly
22 basis.

23 SEC. 227. The Secretary of Veterans Affairs shall
24 provide written notification to the Committees on Appro-
25 priations of both Houses of Congress 15 days prior to or-

1 ganizational changes which result in the transfer of 25 or
2 more full-time equivalents from one organizational unit of
3 the Department of Veterans Affairs to another.

4 SEC. 228. The Secretary of Veterans Affairs shall
5 provide on a quarterly basis to the Committees on Appro-
6 priations of both Houses of Congress notification of any
7 single national outreach and awareness marketing cam-
8 paign in which obligations exceed \$1,000,000.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 229. The Secretary of Veterans Affairs, upon
11 determination that such action is necessary to address
12 needs of the Veterans Health Administration, may trans-
13 fer to the “Medical Services” account any discretionary
14 appropriations made available for fiscal year 2022 in this
15 title (except appropriations made to the “General Oper-
16 ating Expenses, Veterans Benefits Administration” ac-
17 count) or any discretionary unobligated balances within
18 the Department of Veterans Affairs, including those ap-
19 propriated for fiscal year 2022, that were provided in ad-
20 vance by appropriations Acts: *Provided*, That transfers
21 shall be made only with the approval of the Office of Man-
22 agement and Budget: *Provided further*, That the transfer
23 authority provided in this section is in addition to any
24 other transfer authority provided by law: *Provided further*,
25 That no amounts may be transferred from amounts that

1 were designated by Congress as an emergency requirement
2 pursuant to a concurrent resolution on the budget or the
3 Balanced Budget and Emergency Deficit Control Act of
4 1985: *Provided further*, That such authority to transfer
5 may not be used unless for higher priority items, based
6 on emergent healthcare requirements, than those for
7 which originally appropriated and in no case where the
8 item for which funds are requested has been denied by
9 Congress: *Provided further*, That, upon determination that
10 all or part of the funds transferred from an appropriation
11 are not necessary, such amounts may be transferred back
12 to that appropriation and shall be available for the same
13 purposes as originally appropriated: *Provided further*,
14 That before a transfer may take place, the Secretary of
15 Veterans Affairs shall request from the Committees on
16 Appropriations of both Houses of Congress the authority
17 to make the transfer and receive approval of that request.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 230. Amounts made available for the Depart-
20 ment of Veterans Affairs for fiscal year 2022, under the
21 “Board of Veterans Appeals” and the “General Operating
22 Expenses, Veterans Benefits Administration” accounts
23 may be transferred between such accounts: *Provided*, That
24 before a transfer may take place, the Secretary of Vet-
25 erans Affairs shall request from the Committees on Appro-

1 priations of both Houses of Congress the authority to
2 make the transfer and receive approval of that request.

3 SEC. 231. The Secretary of Veterans Affairs may not
4 reprogram funds among major construction projects or
5 programs if such instance of reprogramming will exceed
6 \$7,000,000, unless such reprogramming is approved by
7 the Committees on Appropriations of both Houses of Con-
8 gress.

9 SEC. 232. (a) The Secretary of Veterans Affairs shall
10 ensure that the toll-free suicide hotline under section
11 1720F(h) of title 38, United States Code—

12 (1) provides to individuals who contact the hot-
13 line immediate assistance from a trained profes-
14 sional; and

15 (2) adheres to all requirements of the American
16 Association of Suicidology.

17 (b)(1) None of the funds made available by this Act
18 may be used to enforce or otherwise carry out any Execu-
19 tive action that prohibits the Secretary of Veterans Affairs
20 from appointing an individual to occupy a vacant civil
21 service position, or establishing a new civil service position,
22 at the Department of Veterans Affairs with respect to
23 such a position relating to the hotline specified in sub-
24 section (a).

25 (2) In this subsection—

1 (A) the term “civil service” has the meaning
2 given such term in section 2101(1) of title 5, United
3 States Code; and

4 (B) the term “Executive action” includes—

5 (i) any Executive order, Presidential
6 memorandum, or other action by the President;
7 and

8 (ii) any agency policy, order, or other di-
9 rective.

10 (c)(1) The Secretary of Veterans Affairs shall con-
11 duct a study on the effectiveness of the hotline specified
12 in subsection (a) during the 5-year period beginning on
13 January 1, 2016, based on an analysis of national suicide
14 data and data collected from such hotline.

15 (2) At a minimum, the study required by paragraph
16 (1) shall—

17 (A) determine the number of veterans who con-
18 tact the hotline specified in subsection (a) and who
19 receive follow up services from the hotline or mental
20 health services from the Department of Veterans Af-
21 fairs thereafter;

22 (B) determine the number of veterans who con-
23 tact the hotline who are not referred to, or do not
24 continue receiving, mental health care who commit
25 suicide; and

1 (C) determine the number of veterans described
2 in subparagraph (A) who commit or attempt suicide.

3 SEC. 233. Effective during the period beginning on
4 October 1, 2018, and ending on January 1, 2024, none
5 of the funds made available to the Secretary of Veterans
6 Affairs by this or any other Act may be obligated or ex-
7 pended in contravention of the “Veterans Health Adminis-
8 tration Clinical Preventive Services Guidance Statement
9 on the Veterans Health Administration’s Screening for
10 Breast Cancer Guidance” published on May 10, 2017, as
11 issued by the Veterans Health Administration National
12 Center for Health Promotion and Disease Prevention.

13 SEC. 234. (a) Notwithstanding any other provision
14 of law, the amounts appropriated or otherwise made avail-
15 able to the Department of Veterans Affairs for the “Med-
16 ical Services” account may be used to provide—

17 (1) fertility counseling and treatment using as-
18 sisted reproductive technology to a covered veteran
19 or the spouse of a covered veteran; or

20 (2) adoption reimbursement to a covered vet-
21 eran.

22 (b) In this section:

23 (1) The term “service-connected” has the
24 meaning given such term in section 101 of title 38,
25 United States Code.

1 (2) The term “covered veteran” means a vet-
2 eran, as such term is defined in section 101 of title
3 38, United States Code, who has a service-connected
4 disability that results in the inability of the veteran
5 to procreate without the use of fertility treatment.

6 (3) The term “assisted reproductive tech-
7 nology” means benefits relating to reproductive as-
8 sistance provided to a member of the Armed Forces
9 who incurs a serious injury or illness on active duty
10 pursuant to section 1074(c)(4)(A) of title 10, United
11 States Code, as described in the memorandum on
12 the subject of “Policy for Assisted Reproductive
13 Services for the Benefit of Seriously or Severely Ill/
14 Injured (Category II or III) Active Duty Service
15 Members” issued by the Assistant Secretary of De-
16 fense for Health Affairs on April 3, 2012, and the
17 guidance issued to implement such policy, including
18 any limitations on the amount of such benefits avail-
19 able to such a member except that—

20 (A) the time periods regarding embryo
21 cryopreservation and storage set forth in part
22 III(G) and in part IV(H) of such memorandum
23 shall not apply; and

24 (B) such term includes embryo
25 cryopreservation and storage without limitation

1 on the duration of such cryopreservation and
2 storage.

3 (4) The term “adoption reimbursement” means
4 reimbursement for the adoption-related expenses for
5 an adoption that is finalized after the date of the en-
6 actment of this Act under the same terms as apply
7 under the adoption reimbursement program of the
8 Department of Defense, as authorized in Depart-
9 ment of Defense Instruction 1341.09, including the
10 reimbursement limits and requirements set forth in
11 such instruction.

12 (c) Amounts made available for the purposes speci-
13 fied in subsection (a) of this section are subject to the
14 requirements for funds contained in section 508 of division
15 H of the Consolidated Appropriations Act, 2018 (Public
16 Law 115–141).

17 SEC. 235. None of the funds appropriated or other-
18 wise made available by this Act or any other Act for the
19 Department of Veterans Affairs may be used in a manner
20 that is inconsistent with: (1) section 842 of the Transpor-
21 tation, Treasury, Housing and Urban Development, the
22 Judiciary, the District of Columbia, and Independent
23 Agencies Appropriations Act, 2006 (Public Law 109–115;
24 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
25 United States Code.

1 SEC. 236. Section 842 of Public Law 109–115 shall
2 not apply to conversion of an activity or function of the
3 Veterans Health Administration, Veterans Benefits Ad-
4 ministration, or National Cemetery Administration to con-
5 tractor performance by a business concern that is at least
6 51 percent owned by one or more Indian tribes as defined
7 in section 5304(e) of title 25, United States Code, or one
8 or more Native Hawaiian Organizations as defined in sec-
9 tion 637(a)(15) of title 15, United States Code.

10 SEC. 237. (a) Except as provided in subsection (b),
11 the Secretary of Veterans Affairs, in consultation with the
12 Secretary of Defense and the Secretary of Labor, shall dis-
13 continue using Social Security account numbers to identify
14 individuals in all information systems of the Department
15 of Veterans Affairs as follows:

16 (1) For all veterans submitting to the Secretary
17 of Veterans Affairs new claims for benefits under
18 laws administered by the Secretary, not later than
19 March 23, 2023.

20 (2) For all individuals not described in para-
21 graph (1), not later than March 23, 2026.

22 (b) The Secretary of Veterans Affairs may use a So-
23 cial Security account number to identify an individual in
24 an information system of the Department of Veterans Af-
25 fairs if and only if the use of such number is required

1 to obtain information the Secretary requires from an in-
2 formation system that is not under the jurisdiction of the
3 Secretary.

4 (c) The matter in subsections (a) and (b) shall super-
5 sede section 238 of Public Law 116–94.

6 SEC. 238. For funds provided to the Department of
7 Veterans Affairs for each of fiscal year 2022 and 2023
8 for “Medical Services”, section 239 of division A of Public
9 Law 114–223 shall apply.

10 SEC. 239. None of the funds appropriated in this or
11 prior appropriations Acts or otherwise made available to
12 the Department of Veterans Affairs may be used to trans-
13 fer any amounts from the Filipino Veterans Equity Com-
14 pensation Fund to any other account within the Depart-
15 ment of Veterans Affairs.

16 SEC. 240. Of the funds provided to the Department
17 of Veterans Affairs for each of fiscal year 2022 and fiscal
18 year 2023 for “Medical Services”, funds may be used in
19 each year to carry out and expand the child care program
20 authorized by section 205 of Public Law 111–163, not-
21 withstanding subsection (e) of such section.

22 SEC. 241. None of the funds appropriated or other-
23 wise made available in this title may be used by the Sec-
24 retary of Veterans Affairs to enter into an agreement re-
25 lated to resolving a dispute or claim with an individual

1 that would restrict in any way the individual from speak-
2 ing to members of Congress or their staff on any topic
3 not otherwise prohibited from disclosure by Federal law
4 or required by Executive order to be kept secret in the
5 interest of national defense or the conduct of foreign af-
6 fairs.

7 SEC. 242. For funds provided to the Department of
8 Veterans Affairs for each of fiscal year 2022 and 2023,
9 section 258 of division A of Public Law 114–223 shall
10 apply.

11 SEC. 243. (a) None of the funds appropriated or oth-
12 erwise made available by this Act may be used to deny
13 an Inspector General funded under this Act timely access
14 to any records, documents, or other materials available to
15 the department or agency over which that Inspector Gen-
16 eral has responsibilities under the Inspector General Act
17 of 1978 (5 U.S.C. App.), or to prevent or impede the ac-
18 cess of the Inspector General to such records, documents,
19 or other materials, under any provision of law, except a
20 provision of law that expressly refers to such Inspector
21 General and expressly limits the right of access.

22 (b) A department or agency covered by this section
23 shall provide its Inspector General access to all records,
24 documents, and other materials in a timely manner.

1 (c) Each Inspector General shall ensure compliance
2 with statutory limitations on disclosure relevant to the in-
3 formation provided by the establishment over which that
4 Inspector General has responsibilities under the Inspector
5 General Act of 1978 (5 U.S.C. App.).

6 (d) Each Inspector General covered by this section
7 shall report to the Committee on Appropriations of the
8 Senate and the Committee on Appropriations of the House
9 of Representatives within 5 calendar days of any failure
10 by any department or agency covered by this section to
11 comply with this requirement.

12 SEC. 244. None of the funds made available in this
13 Act may be used in a manner that would increase wait
14 times for veterans who seek care at medical facilities of
15 the Department of Veterans Affairs.

16 SEC. 245. None of the funds appropriated or other-
17 wise made available by this Act to the Veterans Health
18 Administration may be used in fiscal year 2022 to convert
19 any program which received specific purpose funds in fis-
20 cal year 2021 to a general purpose funded program unless
21 the Secretary of Veterans Affairs submits written notifica-
22 tion of any such proposal to the Committees on Appropria-
23 tions of both Houses of Congress at least 30 days prior
24 to any such action and an approval is issued by the Com-
25 mittees.

1 SEC. 246. For funds provided to the Department of
2 Veterans Affairs for each of fiscal year 2022 and 2023,
3 section 248 of division A of Public Law 114–223 shall
4 apply.

5 SEC. 247. (a) None of the funds appropriated or oth-
6 erwise made available by this Act may be used to conduct
7 research commencing on or after October 1, 2019, that
8 uses any canine, feline, or non-human primate unless the
9 Secretary of Veterans Affairs approves such research spe-
10 cifically and in writing pursuant to subsection (b).

11 (b)(1) The Secretary of Veterans Affairs may approve
12 the conduct of research commencing on or after October
13 1, 2019, using canines, felines, or non-human primates if
14 the Secretary determines that—

15 (A) the scientific objectives of the research can
16 only be met by using such canines, felines, or non-
17 human primates;

18 (B) such scientific objectives are directly related
19 to an illness or injury that is combat-related; and

20 (C) the research is consistent with the revised
21 Department of Veterans Affairs canine research pol-
22 icy document dated December 15, 2017, including
23 any subsequent revisions to such document.

24 (2) The Secretary may not delegate the authority
25 under this subsection.

1 (c) If the Secretary approves any new research pursu-
2 ant to subsection (b), not later than 30 days before the
3 commencement of such research, the Secretary shall sub-
4 mit to the Committees on Appropriations of the Senate
5 and House of Representatives a report describing—

6 (1) the nature of the research to be conducted
7 using canines, felines, or non-human primates;

8 (2) the date on which the Secretary approved
9 the research;

10 (3) the justification for the determination of the
11 Secretary that the scientific objectives of such re-
12 search could only be met using canines, felines, or
13 non-human primates;

14 (4) the frequency and duration of such re-
15 search; and

16 (5) the protocols in place to ensure the neces-
17 sity, safety, and efficacy of the research.

18 (d) Not later than 180 days after the date of the en-
19 actment of this Act, and biannually thereafter, the Sec-
20 retary shall submit to such Committees a report describ-
21 ing—

22 (1) any research being conducted by the De-
23 partment of Veterans Affairs using canines, felines,
24 or non-human primates as of the date of the sub-
25 mittal of the report;

1 (2) the circumstances under which such re-
2 search was conducted using canines, felines, or non-
3 human primates;

4 (3) the justification for using canines, felines,
5 or non-human primates to conduct such research;
6 and

7 (4) the protocols in place to ensure the neces-
8 sity, safety, and efficacy of such research.

9 (e) The Department shall implement a plan under
10 which the Secretary will eliminate or reduce the research
11 conducted using canines, felines, or non-human primates
12 by not later than 5 years after the date of enactment of
13 Public Law 116–94.

14 SEC. 248. (a) The Secretary of Veterans Affairs may
15 use amounts appropriated or otherwise made available in
16 this title to ensure that the ratio of veterans to full-time
17 employment equivalents within any program of rehabilita-
18 tion conducted under chapter 31 of title 38, United States
19 Code, does not exceed 125 veterans to one full-time em-
20 ployment equivalent.

21 (b) Not later than 180 days after the date of the en-
22 actment of this Act, the Secretary shall submit to Con-
23 gress a report on the programs of rehabilitation conducted
24 under chapter 31 of title 38, United States Code, includ-
25 ing—

1 (1) an assessment of the veteran-to-staff ratio
2 for each such program; and

3 (2) recommendations for such action as the
4 Secretary considers necessary to reduce the veteran-
5 to-staff ratio for each such program.

6 SEC. 249. Amounts made available for the “Veterans
7 Health Administration, Medical Community Care” ac-
8 count in this or any other Act for fiscal years 2022 and
9 2023 may be used for expenses that would otherwise be
10 payable from the Veterans Choice Fund established by
11 section 802 of the Veterans Access, Choice, and Account-
12 ability Act, as amended (38 U.S.C. 1701 note).

13 SEC. 250. Obligations and expenditures applicable to
14 the “Medical Services” account in fiscal years 2017
15 through 2019 for aid to state homes (as authorized by
16 section 1741 of title 38, United States Code) shall remain
17 in the “Medical Community Care” account for such fiscal
18 years.

19 SEC. 251. Of the amounts made available for the De-
20 partment of Veterans Affairs for fiscal year 2022, in this
21 or any other Act, under the “Veterans Health Administra-
22 tion—Medical Services”, “Veterans Health Administra-
23 tion—Medical Community Care”, “Veterans Health Ad-
24 ministration—Medical Support and Compliance”, and
25 “Veterans Health Administration—Medical Facilities” ac-

1 counts, \$840,446,000 shall be made available for gender-
2 specific care and programmatic efforts to deliver care for
3 women veterans.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 252. Amounts made available for the Depart-
6 ment of Veterans Affairs for “Medical Facilities” and
7 “General Administration” in this Act or prior Acts that
8 remain available for obligation in fiscal year 2022 may be
9 transferred as necessary to the “Asset and Infrastructure
10 Review” account for the purposes of carrying out the VA
11 Asset and Infrastructure Review Act of 2018 (subtitle A
12 of title II of Public Law 115–182): *Provided*, That the
13 total amounts transferred may not increase the account
14 by more than \$2,000,000: *Provided further*, That in ad-
15 vance of any such transfer, the Secretary of Veterans Af-
16 fairs shall request from the Committees on Appropriations
17 of both Houses of Congress the authority to make the
18 transfer and such Committees issue an approval, or absent
19 a response, a period of 30 days has elapsed.

20 (RESCISSION OF FUNDS)

21 SEC. 253. (a) Of the unobligated balances in the “Re-
22 curring Expenses Transformational Fund” established in
23 section 243 of division J of Public Law 114–113,
24 \$820,000,000 is hereby rescinded immediately upon enact-
25 ment of this Act.

1 (b) For an additional amount for the accounts and
2 in the amounts specified, to remain available until ex-
3 pended, in addition to such other funds as may be avail-
4 able for such purposes, as follows:

5 (1) “Departmental Administration—Informa-
6 tion Technology Systems”, \$670,000,000, for infor-
7 mation technology systems improvements and
8 sustainment; and

9 (2) “Veterans Health Administration—Medical
10 Facilities”, \$150,000,000, for facilities infrastruc-
11 ture improvements, including non-recurring mainte-
12 nance, at existing hospitals and clinics of the Vet-
13 erans Health Administration:

14 *Provided*, That prior to obligation of any of the funds pro-
15 vided in this subsection, the Secretary of Veterans Affairs
16 must provide a plan for the execution of the funds appro-
17 priated in this subsection to the Committees on Appropria-
18 tions of both Houses of Congress and such Committees
19 issue an approval, or absent a response, a period of 30
20 days has elapsed.

21 SEC. 254. Not later than 30 days after the end of
22 each fiscal quarter, the Secretary of Veterans Affairs shall
23 submit to the Committees on Appropriations of both
24 Houses of Congress a quarterly report on the status of
25 the “Veterans Medical Care and Health Fund”, estab-

1 lished to execute section 8002 of the American Rescue
2 Plan Act of 2021 (Public Law 117–2): *Provided*, That,
3 at a minimum, the report shall include an update on obli-
4 gations by program, project or activity and a plan for ex-
5 pending the remaining funds: *Provided further*, That the
6 Secretary of Veterans Affairs must submit notification of
7 any plans to reallocate funds from the current apporportion-
8 ment categories of “Medical Services”, “Medical Support
9 and Compliance”, “Medical Facilities”, “Medical Commu-
10 nity Care”, or “Medical and Prosthetic Research”, includ-
11 ing the amount and purpose of each reallocation to the
12 Committees on Appropriations of both Houses of Congress
13 and such Committees issue an approval, or absent a re-
14 sponse, a period of 30 days has elapsed.

15 (RESCISSIONS OF FUNDS)

16 SEC. 255. Of the unobligated balances available to
17 the Department of Veterans Affairs from prior appropria-
18 tions Acts, the following funds are hereby rescinded from
19 the following accounts in the amounts specified:

20 “Veterans Health Administration—Medical
21 Services”, \$200,000,000;

22 “Veterans Health Administration—Medical
23 Community Care”, \$200,000,000; and

24 “Departmental Administration—Veterans Elec-
25 tronic Health Record”, \$200,000,000:

1 *Provided*, That no amounts may be rescinded from
2 amounts that were designated by the Congress as an
3 emergency requirement pursuant to a concurrent resolu-
4 tion on the budget or the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985.

6 (RESCISSION OF FUNDS)

7 SEC. 256. Immediately upon enactment of this Act,
8 of the unobligated balances of funds made available by sec-
9 tion 8003 of the American Rescue Plan Act of 2021 (Pub-
10 lic Law 117–2) to the Department of Veterans Affairs for
11 the supply chain modernization initiative, \$76,105,000 is
12 hereby rescinded.

13 SEC. 257. Any amounts transferred to the Secretary
14 and administered by a corporation referred to in section
15 7364(b) of title 38, United States Code, between October
16 1, 2016 and September 30, 2017 for purposes of carrying
17 out an order placed with the Department of Veterans Af-
18 fairs pursuant to section 1535 of title 31, United States
19 Code, that are available for obligation pursuant to section
20 7364(b)(1) of title 38, United States Code, are to remain
21 available for the liquidation of valid obligations incurred
22 by such corporation during the period of performance of
23 such order, provided that the Secretary of Veterans Af-
24 fairs determines that such amounts need to remain avail-
25 able for such liquidation.

1265

1 TITLE III

2 RELATED AGENCIES

3 AMERICAN BATTLE MONUMENTS COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,
6 of the American Battle Monuments Commission, including
7 the acquisition of land or interest in land in foreign coun-
8 tries; purchases and repair of uniforms for caretakers of
9 national cemeteries and monuments outside of the United
10 States and its territories and possessions; rent of office
11 and garage space in foreign countries; purchase (one-for-
12 one replacement basis only) and hire of passenger motor
13 vehicles; not to exceed \$15,000 for official reception and
14 representation expenses; and insurance of official motor
15 vehicles in foreign countries, when required by law of such
16 countries, \$87,500,000, to remain available until ex-
17 pended.

18 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

19 For necessary expenses, not otherwise provided for,
20 of the American Battle Monuments Commission, such
21 sums as may be necessary, to remain available until ex-
22 pended, for purposes authorized by section 2109 of title
23 36, United States Code.

1266

1 UNITED STATES COURT OF APPEALS FOR VETERANS

2 CLAIMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the
5 United States Court of Appeals for Veterans Claims as
6 authorized by sections 7251 through 7298 of title 38,
7 United States Code, \$41,700,000: *Provided*, That
8 \$3,385,104 shall be available for the purpose of providing
9 financial assistance as described and in accordance with
10 the process and reporting procedures set forth under this
11 heading in Public Law 102–229.

12 DEPARTMENT OF DEFENSE—CIVIL

13 CEMETERIAL EXPENSES, ARMY

14 SALARIES AND EXPENSES

15 For necessary expenses for maintenance, operation,
16 and improvement of Arlington National Cemetery and Sol-
17 diers' and Airmen's Home National Cemetery, including
18 the purchase or lease of passenger motor vehicles for re-
19 placement on a one-for-one basis only, and not to exceed
20 \$2,000 for official reception and representation expenses,
21 \$87,000,000, of which not to exceed \$15,000,000 shall re-
22 main available until September 30, 2024. In addition,
23 such sums as may be necessary for parking maintenance,
24 repairs and replacement, to be derived from the "Lease

1267

1 of Department of Defense Real Property for Defense
2 Agencies’’ account.

3 CONSTRUCTION

4 For necessary expenses for planning and design and
5 construction at Arlington National Cemetery and Soldiers’
6 and Airmen’s Home National Cemetery, \$141,000,000, to
7 remain available until expended, for planning and design
8 and construction associated with the Southern Expansion
9 project at Arlington National Cemetery.

10 ARMED FORCES RETIREMENT HOME

11 TRUST FUND

12 For expenses necessary for the Armed Forces Retire-
13 ment Home to operate and maintain the Armed Forces
14 Retirement Home—Washington, District of Columbia,
15 and the Armed Forces Retirement Home—Gulfport, Mis-
16 sissippi, to be paid from funds available in the Armed
17 Forces Retirement Home Trust Fund, \$77,000,000, to re-
18 main available until September 30, 2023, of which
19 \$9,000,000 shall remain available until expended for con-
20 struction and renovation of the physical plants at the
21 Armed Forces Retirement Home—Washington, District of
22 Columbia, and the Armed Forces Retirement Home—
23 Gulfport, Mississippi: *Provided*, That of the amounts made
24 available under this heading from funds available in the
25 Armed Forces Retirement Home Trust Fund,

1 \$25,000,000 shall be paid from the general fund of the
2 Treasury to the Trust Fund.

3 ADMINISTRATIVE PROVISION

4 SEC. 301. Amounts deposited into the special account
5 established under 10 U.S.C. 7727 are appropriated and
6 shall be available until expended to support activities at
7 the Army National Military Cemeteries.

1 TITLE IV

2 GENERAL PROVISIONS

3 SEC. 401. No part of any appropriation contained in
4 this Act shall remain available for obligation beyond the
5 current fiscal year unless expressly so provided herein.

6 SEC. 402. None of the funds made available in this
7 Act may be used for any program, project, or activity,
8 when it is made known to the Federal entity or official
9 to which the funds are made available that the program,
10 project, or activity is not in compliance with any Federal
11 law relating to risk assessment, the protection of private
12 property rights, or unfunded mandates.

13 SEC. 403. All departments and agencies funded under
14 this Act are encouraged, within the limits of the existing
15 statutory authorities and funding, to expand their use of
16 “E-Commerce” technologies and procedures in the con-
17 duct of their business practices and public service activi-
18 ties.

19 SEC. 404. Unless stated otherwise, all reports and no-
20 tifications required by this Act shall be submitted to the
21 Subcommittee on Military Construction and Veterans Af-
22 fairs, and Related Agencies of the Committee on Appro-
23 priations of the House of Representatives and the Sub-
24 committee on Military Construction and Veterans Affairs,

1 and Related Agencies of the Committee on Appropriations
2 of the Senate.

3 SEC. 405. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this or any other appropriations Act.

8 SEC. 406. None of the funds made available in this
9 Act may be used for a project or program named for an
10 individual serving as a Member, Delegate, or Resident
11 Commissioner of the United States House of Representa-
12 tives.

13 SEC. 407. (a) Any agency receiving funds made avail-
14 able in this Act, shall, subject to subsections (b) and (c),
15 post on the public Web site of that agency any report re-
16 quired to be submitted by the Congress in this or any
17 other Act, upon the determination by the head of the agen-
18 cy that it shall serve the national interest.

19 (b) Subsection (a) shall not apply to a report if—

20 (1) the public posting of the report com-
21 promises national security; or

22 (2) the report contains confidential or propri-
23 etary information.

24 (c) The head of the agency posting such report shall
25 do so only after such report has been made available to

1 the requesting Committee or Committees of Congress for
2 no less than 45 days.

3 SEC. 408. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network blocks the viewing,
6 downloading, and exchanging of pornography.

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

11 SEC. 409. None of the funds made available in this
12 Act may be used by an agency of the executive branch
13 to pay for first-class travel by an employee of the agency
14 in contravention of sections 301–10.122 through 301–
15 10.124 of title 41, Code of Federal Regulations.

16 SEC. 410. None of the funds made available in this
17 Act may be used to execute a contract for goods or serv-
18 ices, including construction services, where the contractor
19 has not complied with Executive Order No. 12989.

20 SEC. 411. None of the funds made available by this
21 Act may be used in contravention of section 101(e)(8) of
22 title 10, United States Code.

23 SEC. 412. (a) IN GENERAL.—None of the funds ap-
24 propriated or otherwise made available to the Department
25 of Defense in this Act may be used to construct, renovate,

1 or expand any facility in the United States, its territories,
2 or possessions to house any individual detained at United
3 States Naval Station, Guantánamo Bay, Cuba, for the
4 purposes of detention or imprisonment in the custody or
5 under the control of the Department of Defense.

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

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

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

15 (2) is—

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

18 (B) otherwise under detention at United
19 States Naval Station, Guantánamo Bay, Cuba.

20 This division may be cited as the “Military Construc-
21 tion, Veterans Affairs, and Related Agencies Appropria-
22 tions Act, 2022”.

1 **DIVISION K—DEPARTMENT OF STATE,**
2 **FOREIGN OPERATIONS, AND RELATED**
3 **PROGRAMS APPROPRIATIONS ACT,**
4 **2022**

5 TITLE I

6 DEPARTMENT OF STATE AND RELATED

7 AGENCY

8 DEPARTMENT OF STATE

9 ADMINISTRATION OF FOREIGN AFFAIRS

10 DIPLOMATIC PROGRAMS

11 For necessary expenses of the Department of State
12 and the Foreign Service not otherwise provided for,
13 \$9,178,789,000, of which \$808,589,000 may remain avail-
14 able until September 30, 2023, and of which up to
15 \$3,788,199,000 may remain available until expended for
16 Worldwide Security Protection: *Provided*, That funds
17 made available under this heading shall be allocated in ac-
18 cordance with paragraphs (1) through (4) as follows:

19 (1) HUMAN RESOURCES.—For necessary ex-
20 penses for training, human resources management,
21 and salaries, including employment without regard
22 to civil service and classification laws of persons on
23 a temporary basis (not to exceed \$700,000), as au-
24 thorized by section 801 of the United States Infor-
25 mation and Educational Exchange Act of 1948 (62

1 Stat. 11; Chapter 36), \$3,216,871,000, of which up
2 to \$661,240,000 is for Worldwide Security Protec-
3 tion.

4 (2) OVERSEAS PROGRAMS.—For necessary ex-
5 penses for the regional bureaus of the Department
6 of State and overseas activities as authorized by law,
7 \$1,791,425,000.

8 (3) DIPLOMATIC POLICY AND SUPPORT.—For
9 necessary expenses for the functional bureaus of the
10 Department of State, including representation to
11 certain international organizations in which the
12 United States participates pursuant to treaties rati-
13 fied pursuant to the advice and consent of the Sen-
14 ate or specific Acts of Congress, general administra-
15 tion, and arms control, nonproliferation, and disar-
16 mament activities as authorized, \$994,768,000.

17 (4) SECURITY PROGRAMS.—For necessary ex-
18 penses for security activities, \$3,175,725,000, of
19 which up to \$3,126,959,000 is for Worldwide Secu-
20 rity Protection.

21 (5) FEES AND PAYMENTS COLLECTED.—In ad-
22 dition to amounts otherwise made available under
23 this heading—

24 (A) as authorized by section 810 of the
25 United States Information and Educational Ex-

1 change Act, not to exceed \$5,000,000, to re-
2 main available until expended, may be credited
3 to this appropriation from fees or other pay-
4 ments received from English teaching, library,
5 motion pictures, and publication programs and
6 from fees from educational advising and coun-
7 seling and exchange visitor programs; and

8 (B) not to exceed \$15,000, which shall be
9 derived from reimbursements, surcharges, and
10 fees for use of Blair House facilities.

11 (6) TRANSFER OF FUNDS, REPROGRAMMING,
12 AND OTHER MATTERS.—

13 (A) Notwithstanding any other provision of
14 this Act, funds may be reprogrammed within
15 and between paragraphs (1) through (4) under
16 this heading subject to section 7015 of this Act.

17 (B) Of the amount made available under
18 this heading for Worldwide Security Protection,
19 not to exceed \$50,000,000 may be transferred
20 to, and merged with, funds made available by
21 this Act under the heading “Emergencies in the
22 Diplomatic and Consular Service”, to be avail-
23 able only for emergency evacuations and re-
24 wards, as authorized: *Provided*, That the exer-
25 cise of the authority provided by this subpara-

1 graph shall be subject to prior consultation with
2 the Committees on Appropriations.

3 (C) Funds appropriated under this heading
4 are available for acquisition by exchange or pur-
5 chase of passenger motor vehicles as authorized
6 by law and, pursuant to section 1108(g) of title
7 31, United States Code, for the field examina-
8 tion of programs and activities in the United
9 States funded from any account contained in
10 this title.

11 (D) Funds appropriated under this head-
12 ing shall be made available for the following
13 purposes and as specified under this heading in
14 the explanatory statement described in section
15 4 (in the matter preceding division A of this
16 consolidated Act) to—

17 (i) support the activities of an Amba-
18 sador-at-Large for the Arctic Region; and

19 (ii) implement an Arctic Indigenous
20 Exchange Program.

21 (E) Of the amount made available under
22 this heading, up to \$100,000,000 may be trans-
23 ferred to, and merged with, funds made avail-
24 able in title I of this Act under the heading
25 “Capital Investment Fund”: *Provided*, That the

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1 exercise of the authority provided by this sub-
2 paragraph shall be subject to prior consultation
3 with the Committees on Appropriations.

4 CAPITAL INVESTMENT FUND

5 For necessary expenses of the Capital Investment
6 Fund, as authorized, \$300,000,000, to remain available
7 until expended.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
10 General, \$91,458,000, of which \$13,718,000 may remain
11 available until September 30, 2023: *Provided*, That funds
12 appropriated under this heading are made available not-
13 withstanding section 209(a)(1) of the Foreign Service Act
14 of 1980 (22 U.S.C. 3929(a)(1)), as it relates to post in-
15 spections.

16 In addition, for the Special Inspector General for Af-
17 ghanistan Reconstruction (SIGAR) for reconstruction
18 oversight, \$40,000,000, to remain available until Sep-
19 tember 30, 2023: *Provided*, That funds appropriated
20 under this heading that are made available for the print-
21 ing and reproduction costs of SIGAR shall not exceed
22 amounts for such costs during the prior fiscal year.

23 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

24 For necessary expenses of educational and cultural
25 exchange programs, as authorized, \$753,000,000, to re-

1 main available until expended, of which not less than
2 \$275,000,000 shall be for the Fulbright Program and not
3 less than \$113,860,000 shall be for Citizen Exchange Pro-
4 gram: *Provided*, That fees or other payments received
5 from, or in connection with, English teaching, educational
6 advising and counseling programs, and exchange visitor
7 programs as authorized may be credited to this account,
8 to remain available until expended: *Provided further*, That
9 a portion of the Fulbright awards from the Eurasia and
10 Central Asia regions shall be designated as Edmund S.
11 Muskie Fellowships, following consultation with the Com-
12 mittees on Appropriations: *Provided further*, That funds
13 appropriated under this heading that are made available
14 for the Benjamin Gilman International Scholarships Pro-
15 gram shall also be made available for the John S. McCain
16 Scholars Program, pursuant to section 7075 of the De-
17 partment of State, Foreign Operations, and Related Pro-
18 grams Appropriations Act, 2019 (division F of Public Law
19 116–6): *Provided further*, That funds appropriated under
20 this heading shall be made available for the Community
21 Engagement Exchange Program as described under the
22 heading “Civil Society Exchange Program” in Senate Re-
23 port 116–126: *Provided further*, That any substantive
24 modifications from the prior fiscal year to programs fund-
25 ed by this Act under this heading shall be subject to prior

1 consultation with, and the regular notification procedures
2 of, the Committees on Appropriations.

3 REPRESENTATION EXPENSES

4 For representation expenses as authorized,
5 \$7,415,000.

6 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

7 For necessary expenses, not otherwise provided, to
8 enable the Secretary of State to provide for extraordinary
9 protective services, as authorized, \$30,890,000, to remain
10 available until September 30, 2023.

11 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

12 For necessary expenses for carrying out the Foreign
13 Service Buildings Act of 1926 (22 U.S.C. 292 et seq.),
14 preserving, maintaining, repairing, and planning for real
15 property that are owned or leased by the Department of
16 State, and renovating, in addition to funds otherwise avail-
17 able, the Harry S Truman Building, \$850,722,000, to re-
18 main available until September 30, 2026, of which not to
19 exceed \$25,000 may be used for overseas representation
20 expenses as authorized: *Provided*, That none of the funds
21 appropriated in this paragraph shall be available for acqui-
22 sition of furniture, furnishings, or generators for other de-
23 partments and agencies of the United States Government.

1 In addition, for the costs of worldwide security up-
2 grades, acquisition, and construction as authorized,
3 \$1,132,427,000, to remain available until expended.

4 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR
5 SERVICE

6 For necessary expenses to enable the Secretary of
7 State to meet unforeseen emergencies arising in the Diplo-
8 matic and Consular Service, as authorized, \$7,885,000, to
9 remain available until expended, of which not to exceed
10 \$1,000,000 may be transferred to, and merged with, funds
11 appropriated by this Act under the heading “Repatriation
12 Loans Program Account”.

13 REPATRIATION LOANS PROGRAM ACCOUNT

14 For the cost of direct loans, \$1,300,000, as author-
15 ized: *Provided*, That such costs, including the cost of
16 modifying such loans, shall be as defined in section 502
17 of the Congressional Budget Act of 1974: *Provided fur-*
18 *ther*, That such funds are available to subsidize gross obli-
19 gations for the principal amount of direct loans not to ex-
20 ceed \$4,937,742.

21 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

22 For necessary expenses to carry out the Taiwan Rela-
23 tions Act (Public Law 96–8), \$32,583,000.

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1 INTERNATIONAL CENTER, WASHINGTON, DISTRICT OF
2 COLUMBIA

3 Not to exceed \$1,806,600 shall be derived from fees
4 collected from other executive agencies for lease or use of
5 facilities at the International Center in accordance with
6 section 4 of the International Center Act (Public Law 90–
7 553), and, in addition, as authorized by section 5 of such
8 Act, \$743,000, to be derived from the reserve authorized
9 by such section, to be used for the purposes set out in
10 that section.

11 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
12 DISABILITY FUND

13 For payment to the Foreign Service Retirement and
14 Disability Fund, as authorized, \$158,900,000.

15 INTERNATIONAL ORGANIZATIONS

16 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

17 For necessary expenses, not otherwise provided for,
18 to meet annual obligations of membership in international
19 multilateral organizations, pursuant to treaties ratified
20 pursuant to the advice and consent of the Senate, conven-
21 tions, or specific Acts of Congress, \$1,662,928,000, of
22 which \$96,240,000 may remain available until September
23 30, 2023: *Provided*, That the Secretary of State shall, at
24 the time of the submission of the President’s budget to
25 Congress under section 1105(a) of title 31, United States

1 Code, transmit to the Committees on Appropriations the
2 most recent biennial budget prepared by the United Na-
3 tions for the operations of the United Nations: *Provided*
4 *further*, That the Secretary of State shall notify the Com-
5 mittees on Appropriations at least 15 days in advance (or
6 in an emergency, as far in advance as is practicable) of
7 any United Nations action to increase funding for any
8 United Nations program without identifying an offsetting
9 decrease elsewhere in the United Nations budget: *Provided*
10 *further*, That any payment of arrearages under this head-
11 ing shall be directed to activities that are mutually agreed
12 upon by the United States and the respective international
13 organization and shall be subject to the regular notifica-
14 tion procedures of the Committees on Appropriations: *Pro-*
15 *vided further*, That none of the funds appropriated under
16 this heading shall be available for a United States con-
17 tribution to an international organization for the United
18 States share of interest costs made known to the United
19 States Government by such organization for loans in-
20 curred on or after October 1, 1984, through external bor-
21 rowings.

22 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
23 ACTIVITIES

24 For necessary expenses to pay assessed and other ex-
25 penses of international peacekeeping activities directed to

1 the maintenance or restoration of international peace and
2 security, \$1,498,614,000, of which \$749,307,000 may re-
3 main available until September 30, 2023: *Provided*, That
4 none of the funds made available by this Act shall be obli-
5 gated or expended for any new or expanded United Na-
6 tions peacekeeping mission unless, at least 15 days in ad-
7 vance of voting for such mission in the United Nations
8 Security Council (or in an emergency as far in advance
9 as is practicable), the Committees on Appropriations are
10 notified of: (1) the estimated cost and duration of the mis-
11 sion, the objectives of the mission, the national interest
12 that will be served, and the exit strategy; and (2) the
13 sources of funds, including any reprogrammings or trans-
14 fers, that will be used to pay the cost of the new or ex-
15 panded mission, and the estimated cost in future fiscal
16 years: *Provided further*, That none of the funds appro-
17 priated under this heading may be made available for obli-
18 gation unless the Secretary of State certifies and reports
19 to the Committees on Appropriations on a peacekeeping
20 mission-by-mission basis that the United Nations is imple-
21 menting effective policies and procedures to prevent
22 United Nations employees, contractor personnel, and
23 peacekeeping troops serving in such mission from traf-
24 ficking in persons, exploiting victims of trafficking, or
25 committing acts of sexual exploitation and abuse or other

1 violations of human rights, and to hold accountable indi-
2 viduals who engage in such acts while participating in
3 such mission, including prosecution in their home coun-
4 tries and making information about such prosecutions
5 publicly available on the website of the United Nations:
6 *Provided further*, That the Secretary of State shall work
7 with the United Nations and foreign governments contrib-
8 uting peacekeeping troops to implement effective vetting
9 procedures to ensure that such troops have not violated
10 human rights: *Provided further*, That funds shall be avail-
11 able for peacekeeping expenses unless the Secretary of
12 State determines that United States manufacturers and
13 suppliers are not being given opportunities to provide
14 equipment, services, and material for United Nations
15 peacekeeping activities equal to those being given to for-
16 eign manufacturers and suppliers: *Provided further*, That
17 none of the funds appropriated or otherwise made avail-
18 able under this heading may be used for any United Na-
19 tions peacekeeping mission that will involve United States
20 Armed Forces under the command or operational control
21 of a foreign national, unless the President's military advi-
22 sors have submitted to the President a recommendation
23 that such involvement is in the national interest of the
24 United States and the President has submitted to Con-
25 gress such a recommendation: *Provided further*, That any

1 payment of arrearages with funds appropriated by this Act
2 shall be subject to the regular notification procedures of
3 the Committees on Appropriations.

4 INTERNATIONAL COMMISSIONS

5 For necessary expenses, not otherwise provided for,
6 to meet obligations of the United States arising under
7 treaties, or specific Acts of Congress, as follows:

8 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
9 UNITED STATES AND MEXICO

10 For necessary expenses for the United States Section
11 of the International Boundary and Water Commission,
12 United States and Mexico, and to comply with laws appli-
13 cable to the United States Section, including not to exceed
14 \$6,000 for representation expenses; as follows:

15 SALARIES AND EXPENSES

16 For salaries and expenses, not otherwise provided for,
17 \$51,970,000, of which \$7,796,000 may remain available
18 until September 30, 2023.

19 CONSTRUCTION

20 For detailed plan preparation and construction of au-
21 thorized projects, \$51,030,000, to remain available until
22 expended, as authorized: *Provided*, That of the funds ap-
23 propriated under this heading in this Act and prior Acts
24 making appropriations for the Department of State, for-
25 eign operations, and related programs for the United

1 States Section, except for funds designated by the Con-
2 gress as an emergency requirement pursuant to a concur-
3 rent resolution on the budget or the Balanced Budget and
4 Emergency Deficit Control Act of 1985, up to \$5,000,000
5 may be transferred to, and merged with, funds appro-
6 priated under the heading “Salaries and Expenses” to
7 carry out the purposes of the United States Section, which
8 shall be subject to prior consultation with, and the regular
9 notification procedures of, the Committees on Appropria-
10 tions: *Provided further*, That such transfer authority is in
11 addition to any other transfer authority provided in this
12 Act.

13 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

14 For necessary expenses, not otherwise provided, for
15 the International Joint Commission and the International
16 Boundary Commission, United States and Canada, as au-
17 thorized by treaties between the United States and Can-
18 ada or Great Britain, and for technical assistance grants
19 and the Community Assistance Program of the North
20 American Development Bank, \$15,008,000: *Provided*,
21 That of the amount provided under this heading for the
22 International Joint Commission, up to \$1,250,000 may re-
23 main available until September 30, 2023, and up to
24 \$9,000 may be made available for representation expenses:
25 *Provided further*, That of the amount provided under this

1 heading for the International Boundary Commission, up
2 to \$1,000 may be made available for representation ex-
3 penses.

4 INTERNATIONAL FISHERIES COMMISSIONS

5 For necessary expenses for international fisheries
6 commissions, not otherwise provided for, as authorized by
7 law, \$62,846,000: *Provided*, That the United States share
8 of such expenses may be advanced to the respective com-
9 missions pursuant to section 3324 of title 31, United
10 States Code.

11 RELATED AGENCY

12 UNITED STATES AGENCY FOR GLOBAL MEDIA

13 INTERNATIONAL BROADCASTING OPERATIONS

14 For necessary expenses to enable the United States
15 Agency for Global Media (USAGM), as authorized, to
16 carry out international communication activities, and to
17 make and supervise grants for radio, Internet, and tele-
18 vision broadcasting to the Middle East, \$850,300,000:
19 *Provided*, That in addition to amounts otherwise available
20 for such purposes, up to \$47,708,000 of the amount ap-
21 propriated under this heading may remain available until
22 expended for satellite transmissions and Internet freedom
23 programs, of which not less than \$27,000,000 shall be for
24 Internet freedom programs: *Provided further*, That of the
25 total amount appropriated under this heading, not to ex-

1 ceed \$35,000 may be used for representation expenses, of
2 which \$10,000 may be used for such expenses within the
3 United States as authorized, and not to exceed \$30,000
4 may be used for representation expenses of Radio Free
5 Europe/Radio Liberty: *Provided further*, That funds ap-
6 propriated under this heading shall be allocated in accord-
7 ance with the table included under this heading in the ex-
8 planatory statement described in section 4 (in the matter
9 preceding division A of this consolidated Act): *Provided*
10 *further*, That notwithstanding the previous proviso, funds
11 may be reprogrammed within and between amounts des-
12 ignated in such table, subject to the regular notification
13 procedures of the Committees on Appropriations, except
14 that no such reprogramming may reduce a designated
15 amount by more than 5 percent: *Provided further*, That
16 funds appropriated under this heading shall be made avail-
17 able in accordance with the principles and standards set
18 forth in section 303(a) and (b) of the United States Inter-
19 national Broadcasting Act of 1994 (22 U.S.C. 6202) and
20 section 305(b) of such Act (22 U.S.C. 6204): *Provided fur-*
21 *ther*, That the USAGM Chief Executive Officer shall no-
22 tify the Committees on Appropriations within 15 days of
23 any determination by the USAGM that any of its broad-
24 cast entities, including its grantee organizations, provides
25 an open platform for international terrorists or those who

1 support international terrorism, or is in violation of the
2 principles and standards set forth in section 303(a) and
3 (b) of such Act or the entity’s journalistic code of ethics:
4 *Provided further*, That in addition to funds made available
5 under this heading, and notwithstanding any other provi-
6 sion of law, up to \$5,000,000 in receipts from advertising
7 and revenue from business ventures, up to \$500,000 in
8 receipts from cooperating international organizations, and
9 up to \$1,000,000 in receipts from privatization efforts of
10 the Voice of America and the International Broadcasting
11 Bureau, shall remain available until expended for carrying
12 out authorized purposes: *Provided further*, That signifi-
13 cant modifications to USAGM broadcast hours previously
14 justified to Congress, including changes to transmission
15 platforms (shortwave, medium wave, satellite, Internet,
16 and television), for all USAGM language services shall be
17 subject to the regular notification procedures of the Com-
18 mittees on Appropriations: *Provided further*, That up to
19 \$5,000,000 from the USAGM Buying Power Maintenance
20 account may be transferred to, and merged with, funds
21 appropriated by this Act under the heading “International
22 Broadcasting Operations”, which shall remain available
23 until expended: *Provided further*, That such transfer au-
24 thority is in addition to any transfer authority otherwise
25 available under any other provision of law and shall be

1 subject to prior consultation with, and the regular notifica-
2 tion procedures of, the Committees on Appropriations.

3 BROADCASTING CAPITAL IMPROVEMENTS

4 For the purchase, rent, construction, repair, preser-
5 vation, and improvement of facilities for radio, television,
6 and digital transmission and reception; the purchase, rent,
7 and installation of necessary equipment for radio, tele-
8 vision, and digital transmission and reception, including
9 to Cuba, as authorized; and physical security worldwide,
10 in addition to amounts otherwise available for such pur-
11 poses, \$9,700,000, to remain available until expended, as
12 authorized.

13 RELATED PROGRAMS

14 THE ASIA FOUNDATION

15 For a grant to The Asia Foundation, as authorized
16 by The Asia Foundation Act (22 U.S.C. 4402),
17 \$21,500,000, to remain available until expended.

18 UNITED STATES INSTITUTE OF PEACE

19 For necessary expenses of the United States Institute
20 of Peace, as authorized by the United States Institute of
21 Peace Act (22 U.S.C. 4601 et seq.), \$54,000,000, to re-
22 main available until September 30, 2023, which shall not
23 be used for construction activities.

1 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE
2 TRUST FUND

3 For necessary expenses of the Center for Middle
4 Eastern-Western Dialogue Trust Fund, as authorized by
5 section 633 of the Departments of Commerce, Justice, and
6 State, the Judiciary, and Related Agencies Appropriations
7 Act, 2004 (22 U.S.C. 2078), the total amount of the inter-
8 est and earnings accruing to such Fund on or before Sep-
9 tember 30, 2022, to remain available until expended.

10 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

11 For necessary expenses of Eisenhower Exchange Fel-
12 lowships, Incorporated, as authorized by sections 4 and
13 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
14 U.S.C. 5204–5205), all interest and earnings accruing to
15 the Eisenhower Exchange Fellowship Program Trust
16 Fund on or before September 30, 2022, to remain avail-
17 able until expended: *Provided*, That none of the funds ap-
18 propriated herein shall be used to pay any salary or other
19 compensation, or to enter into any contract providing for
20 the payment thereof, in excess of the rate authorized by
21 section 5376 of title 5, United States Code; or for pur-
22 poses which are not in accordance with section 200 of title
23 2 of the Code of Federal Regulations, including the re-
24 strictions on compensation for personal services.

1 ISRAELI ARAB SCHOLARSHIP PROGRAM

2 For necessary expenses of the Israeli Arab Scholar-
3 ship Program, as authorized by section 214 of the Foreign
4 Relations Authorization Act, Fiscal Years 1992 and 1993
5 (22 U.S.C. 2452 note), all interest and earnings accruing
6 to the Israeli Arab Scholarship Fund on or before Sep-
7 tember 30, 2022, to remain available until expended.

8 EAST-WEST CENTER

9 To enable the Secretary of State to provide for car-
10 rying out the provisions of the Center for Cultural and
11 Technical Interchange Between East and West Act of
12 1960, by grant to the Center for Cultural and Technical
13 Interchange Between East and West in the State of Ha-
14 waii, \$19,700,000.

15 NATIONAL ENDOWMENT FOR DEMOCRACY

16 For grants made by the Department of State to the
17 National Endowment for Democracy, as authorized by the
18 National Endowment for Democracy Act (22 U.S.C.
19 4412), \$315,000,000, to remain available until expended,
20 of which \$195,840,000 shall be allocated in the traditional
21 and customary manner, including for the core institutes,
22 and \$104,160,000 shall be for democracy programs: *Pro-*
23 *vided*, That the requirements of section 7062(a) of this
24 Act shall not apply to funds made available under this
25 heading.

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1 OTHER COMMISSIONS

2 COMMISSION FOR THE PRESERVATION OF AMERICA'S

3 HERITAGE ABROAD

4 SALARIES AND EXPENSES

5 For necessary expenses for the Commission for the
6 Preservation of America's Heritage Abroad, \$642,000, as
7 authorized by chapter 3123 of title 54, United States
8 Code: *Provided*, That the Commission may procure tem-
9 porary, intermittent, and other services notwithstanding
10 paragraph (3) of section 312304(b) of such chapter: *Pro-*
11 *vided further*, That such authority shall terminate on Oc-
12 tober 1, 2022: *Provided further*, That the Commission
13 shall notify the Committees on Appropriations prior to ex-
14 ercising such authority.

15 UNITED STATES COMMISSION ON INTERNATIONAL

16 RELIGIOUS FREEDOM

17 SALARIES AND EXPENSES

18 For necessary expenses for the United States Com-
19 mission on International Religious Freedom, as authorized
20 by title II of the International Religious Freedom Act of
21 1998 (22 U.S.C. 6431 et seq.), \$4,500,000, to remain
22 available until September 30, 2023, including not more
23 than \$4,000 for representation expenses: *Provided*, That
24 of the funds appropriated under this heading, \$1,000,000
25 shall be subject to prior consultation with the Committees

1 on Appropriations: *Provided further*, That the United
2 States Commission on International Religious Freedom
3 shall, on a regular basis, monitor, report on, and advocate
4 against laws and policies of, foreign governments that per-
5 mit or condone discrimination against, or violations of
6 human rights of, minority groups and other vulnerable
7 communities on the basis of religion.

8 COMMISSION ON SECURITY AND COOPERATION IN
9 EUROPE

10 SALARIES AND EXPENSES

11 For necessary expenses of the Commission on Secu-
12 rity and Cooperation in Europe, as authorized by Public
13 Law 94–304 (22 U.S.C. 3001 et seq.), \$2,908,000, includ-
14 ing not more than \$5,000 for representation expenses, to
15 remain available until September 30, 2023.

16 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
17 PEOPLE’S REPUBLIC OF CHINA

18 SALARIES AND EXPENSES

19 For necessary expenses of the Congressional-Execu-
20 tive Commission on the People’s Republic of China, as au-
21 thorized by title III of the U.S.-China Relations Act of
22 2000 (22 U.S.C. 6911 et seq.), \$2,250,000, including not
23 more than \$3,000 for representation expenses, to remain
24 available until September 30, 2023.

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1 UNITED STATES-CHINA ECONOMIC AND SECURITY
2 REVIEW COMMISSION
3 SALARIES AND EXPENSES

4 For necessary expenses of the United States-China
5 Economic and Security Review Commission, as authorized
6 by section 1238 of the Floyd D. Spence National Defense
7 Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002),
8 \$4,000,000, including not more than \$4,000 for represen-
9 tation expenses, to remain available until September 30,
10 2023: *Provided*, That the authorities, requirements, limi-
11 tations, and conditions contained in the second through
12 fifth provisos under this heading in the Department of
13 State, Foreign Operations, and Related Programs Appro-
14 priations Act, 2010 (division F of Public Law 111–117)
15 shall continue in effect during fiscal year 2022 and shall
16 apply to funds appropriated under this heading.

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1 TITLE II
2 UNITED STATES AGENCY FOR INTERNATIONAL
3 DEVELOPMENT
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 OPERATING EXPENSES

6 For necessary expenses to carry out the provisions
7 of section 667 of the Foreign Assistance Act of 1961,
8 \$1,635,947,000, of which up to \$245,392,000 may remain
9 available until September 30, 2023: *Provided*, That none
10 of the funds appropriated under this heading and under
11 the heading “Capital Investment Fund” in this title may
12 be made available to finance the construction (including
13 architect and engineering services), purchase, or long-term
14 lease of offices for use by the United States Agency for
15 International Development, unless the USAID Adminis-
16 trator has identified such proposed use of funds in a re-
17 port submitted to the Committees on Appropriations at
18 least 15 days prior to the obligation of funds for such pur-
19 poses: *Provided further*, That contracts or agreements en-
20 tered into with funds appropriated under this heading may
21 entail commitments for the expenditure of such funds
22 through the following fiscal year: *Provided further*, That
23 the authority of sections 610 and 109 of the Foreign As-
24 sistance Act of 1961 may be exercised by the Secretary
25 of State to transfer funds appropriated to carry out chap-

1 ter 1 of part I of such Act to “Operating Expenses” in
2 accordance with the provisions of those sections: *Provided*
3 *further*, That of the funds appropriated or made available
4 under this heading, not to exceed \$250,000 may be avail-
5 able for representation and entertainment expenses, of
6 which not to exceed \$5,000 may be available for entertain-
7 ment expenses, and not to exceed \$100,500 shall be for
8 official residence expenses, for USAID during the current
9 fiscal year.

10 CAPITAL INVESTMENT FUND

11 For necessary expenses for overseas construction and
12 related costs, and for the procurement and enhancement
13 of information technology and related capital investments,
14 pursuant to section 667 of the Foreign Assistance Act of
15 1961, \$258,200,000, to remain available until expended:
16 *Provided*, That this amount is in addition to funds other-
17 wise available for such purposes: *Provided further*, That
18 funds appropriated under this heading shall be available
19 subject to the regular notification procedures of the Com-
20 mittees on Appropriations.

21 OFFICE OF INSPECTOR GENERAL

22 For necessary expenses to carry out the provisions
23 of section 667 of the Foreign Assistance Act of 1961,
24 \$80,000,000, of which up to \$12,000,000 may remain
25 available until September 30, 2023, for the Office of In-

1 spector General of the United States Agency for Inter-
2 national Development.

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1 TITLE III

2 BILATERAL ECONOMIC ASSISTANCE

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 For necessary expenses to enable the President to
5 carry out the provisions of the Foreign Assistance Act of
6 1961, and for other purposes, as follows:

7 GLOBAL HEALTH PROGRAMS

8 For necessary expenses to carry out the provisions
9 of chapters 1 and 10 of part I of the Foreign Assistance
10 Act of 1961, for global health activities, in addition to
11 funds otherwise available for such purposes,
12 \$3,880,000,000, to remain available until September 30,
13 2023, and which shall be apportioned directly to the
14 United States Agency for International Development: *Pro-*
15 *vided*, That this amount shall be made available for train-
16 ing, equipment, and technical assistance to build the ca-
17 pacity of public health institutions and organizations in
18 developing countries, and for such activities as: (1) child
19 survival and maternal health programs; (2) immunization
20 and oral rehydration programs; (3) other health, nutrition,
21 water and sanitation programs which directly address the
22 needs of mothers and children, and related education pro-
23 grams; (4) assistance for children displaced or orphaned
24 by causes other than AIDS; (5) programs for the preven-
25 tion, treatment, control of, and research on HIV/AIDS,

1 tuberculosis, polio, malaria, and other infectious diseases
2 including neglected tropical diseases, and for assistance to
3 communities severely affected by HIV/AIDS, including
4 children infected or affected by AIDS; (6) disaster pre-
5 paredness training for health crises; (7) programs to pre-
6 vent, prepare for, and respond to unanticipated and
7 emerging global health threats, including zoonotic dis-
8 eases; and (8) family planning/reproductive health: *Pro-*
9 *vided further*, That funds appropriated under this para-
10 graph may be made available for United States contribu-
11 tions to The GAVI Alliance and to a multilateral vaccine
12 development partnership to support epidemic prepared-
13 ness: *Provided further*, That none of the funds made avail-
14 able in this Act nor any unobligated balances from prior
15 appropriations Acts may be made available to any organi-
16 zation or program which, as determined by the President
17 of the United States, supports or participates in the man-
18 agement of a program of coercive abortion or involuntary
19 sterilization: *Provided further*, That any determination
20 made under the previous proviso must be made not later
21 than 6 months after the date of enactment of this Act,
22 and must be accompanied by the evidence and criteria uti-
23 lized to make the determination: *Provided further*, That
24 none of the funds made available under this Act may be
25 used to pay for the performance of abortion as a method

1 of family planning or to motivate or coerce any person
2 to practice abortions: *Provided further*, That nothing in
3 this paragraph shall be construed to alter any existing
4 statutory prohibitions against abortion under section 104
5 of the Foreign Assistance Act of 1961: *Provided further*,
6 That none of the funds made available under this Act may
7 be used to lobby for or against abortion: *Provided further*,
8 That in order to reduce reliance on abortion in developing
9 nations, funds shall be available only to voluntary family
10 planning projects which offer, either directly or through
11 referral to, or information about access to, a broad range
12 of family planning methods and services, and that any
13 such voluntary family planning project shall meet the fol-
14 lowing requirements: (1) service providers or referral
15 agents in the project shall not implement or be subject
16 to quotas, or other numerical targets, of total number of
17 births, number of family planning acceptors, or acceptors
18 of a particular method of family planning (this provision
19 shall not be construed to include the use of quantitative
20 estimates or indicators for budgeting and planning pur-
21 poses); (2) the project shall not include payment of incen-
22 tives, bribes, gratuities, or financial reward to: (A) an indi-
23 vidual in exchange for becoming a family planning accep-
24 tor; or (B) program personnel for achieving a numerical
25 target or quota of total number of births, number of fam-

1 ily planning acceptors, or acceptors of a particular method
2 of family planning; (3) the project shall not deny any right
3 or benefit, including the right of access to participate in
4 any program of general welfare or the right of access to
5 health care, as a consequence of any individual's decision
6 not to accept family planning services; (4) the project shall
7 provide family planning acceptors comprehensible infor-
8 mation on the health benefits and risks of the method cho-
9 sen, including those conditions that might render the use
10 of the method inadvisable and those adverse side effects
11 known to be consequent to the use of the method; and
12 (5) the project shall ensure that experimental contracep-
13 tive drugs and devices and medical procedures are pro-
14 vided only in the context of a scientific study in which
15 participants are advised of potential risks and benefits;
16 and, not less than 60 days after the date on which the
17 USAID Administrator determines that there has been a
18 violation of the requirements contained in paragraph (1),
19 (2), (3), or (5) of this proviso, or a pattern or practice
20 of violations of the requirements contained in paragraph
21 (4) of this proviso, the Administrator shall submit to the
22 Committees on Appropriations a report containing a de-
23 scription of such violation and the corrective action taken
24 by the Agency: *Provided further*, That in awarding grants
25 for natural family planning under section 104 of the For-

1 eign Assistance Act of 1961 no applicant shall be discrimi-
2 nated against because of such applicant’s religious or con-
3 scientious commitment to offer only natural family plan-
4 ning; and, additionally, all such applicants shall comply
5 with the requirements of the previous proviso: *Provided*
6 *further*, That for purposes of this or any other Act author-
7 izing or appropriating funds for the Department of State,
8 foreign operations, and related programs, the term “moti-
9 vate”, as it relates to family planning assistance, shall not
10 be construed to prohibit the provision, consistent with
11 local law, of information or counseling about all pregnancy
12 options: *Provided further*, That information provided
13 about the use of condoms as part of projects or activities
14 that are funded from amounts appropriated by this Act
15 shall be medically accurate and shall include the public
16 health benefits and failure rates of such use.

17 In addition, for necessary expenses to carry out the
18 provisions of the Foreign Assistance Act of 1961 for the
19 prevention, treatment, and control of, and research on,
20 HIV/AIDS, \$5,950,000,000, to remain available until
21 September 30, 2026, which shall be apportioned directly
22 to the Department of State: *Provided*, That funds appro-
23 priated under this paragraph may be made available, not-
24 withstanding any other provision of law, except for the
25 United States Leadership Against HIV/AIDS, Tuber-

1 culosis, and Malaria Act of 2003 (Public Law 108–25),
2 for a United States contribution to the Global Fund to
3 Fight AIDS, Tuberculosis and Malaria (Global Fund):
4 *Provided further*, That the amount of such contribution
5 shall be \$1,560,000,000: *Provided further*, That up to 5
6 percent of the aggregate amount of funds made available
7 to the Global Fund in fiscal year 2022 may be made avail-
8 able to USAID for technical assistance related to the ac-
9 tivities of the Global Fund, subject to the regular notifica-
10 tion procedures of the Committees on Appropriations: *Pro-*
11 *vided further*, That of the funds appropriated under this
12 paragraph, up to \$17,000,000 may be made available, in
13 addition to amounts otherwise available for such purposes,
14 for administrative expenses of the Office of the United
15 States Global AIDS Coordinator.

16 DEVELOPMENT ASSISTANCE

17 For necessary expenses to carry out the provisions
18 of sections 103, 105, 106, 214, and sections 251 through
19 255, and chapter 10 of part I of the Foreign Assistance
20 Act of 1961, \$4,140,494,000, to remain available until
21 September 30, 2023: *Provided*, That funds made available
22 under this heading shall be apportioned to the United
23 States Agency for International Development.

1 INTERNATIONAL DISASTER ASSISTANCE

2 For necessary expenses to carry out the provisions
3 of section 491 of the Foreign Assistance Act of 1961 for
4 international disaster relief, rehabilitation, and recon-
5 struction assistance, \$3,905,460,000, to remain available
6 until expended: *Provided*, That funds made available
7 under this heading shall be apportioned to the United
8 States Agency for International Development not later
9 than 60 days after enactment of this Act.

10 TRANSITION INITIATIVES

11 For necessary expenses for international disaster re-
12 habilitation and reconstruction assistance administered by
13 the Office of Transition Initiatives, United States Agency
14 for International Development, pursuant to section 491 of
15 the Foreign Assistance Act of 1961, and to support transi-
16 tion to democracy and long-term development of countries
17 in crisis, \$80,000,000, to remain available until expended:
18 *Provided*, That such support may include assistance to de-
19 velop, strengthen, or preserve democratic institutions and
20 processes, revitalize basic infrastructure, and foster the
21 peaceful resolution of conflict: *Provided further*, That the
22 USAID Administrator shall submit a report to the Com-
23 mittees on Appropriations at least 5 days prior to begin-
24 ning a new, or terminating a, program of assistance: *Pro-*
25 *vided further*, That if the Secretary of State determines

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1 ECONOMIC SUPPORT FUND

2 For necessary expenses to carry out the provisions
3 of chapter 4 of part II of the Foreign Assistance Act of
4 1961, \$4,099,000,000, to remain available until Sep-
5 tember 30, 2023.

6 DEMOCRACY FUND

7 For necessary expenses to carry out the provisions
8 of the Foreign Assistance Act of 1961 for the promotion
9 of democracy globally, including to carry out the purposes
10 of section 502(b)(3) and (5) of Public Law 98–164 (22
11 U.S.C. 4411), \$215,450,000, to remain available until
12 September 30, 2023, which shall be made available for the
13 Human Rights and Democracy Fund of the Bureau of De-
14 mocracy, Human Rights, and Labor, Department of
15 State: *Provided*, That funds appropriated under this head-
16 ing that are made available to the National Endowment
17 for Democracy and its core institutes are in addition to
18 amounts otherwise available by this Act for such purposes:
19 *Provided further*, That the Assistant Secretary for Democ-
20 racy, Human Rights, and Labor, Department of State,
21 shall consult with the Committees on Appropriations prior
22 to the initial obligation of funds appropriated under this
23 paragraph.

24 For an additional amount for such purposes,
25 \$125,250,000, to remain available until September 30,

1 2023, which shall be made available for the Bureau for
2 Development, Democracy, and Innovation, United States
3 Agency for International Development.

4 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

5 For necessary expenses to carry out the provisions
6 of the Foreign Assistance Act of 1961, the FREEDOM
7 Support Act (Public Law 102–511), and the Support for
8 Eastern European Democracy (SEED) Act of 1989 (Pub-
9 lic Law 101–179), \$500,000,000, to remain available until
10 September 30, 2023, which shall be available, notwith-
11 standing any other provision of law, except section 7047
12 of this Act, for assistance and related programs for coun-
13 tries identified in section 3 of the FREEDOM Support
14 Act (22 U.S.C. 5801) and section 3(c) of the SEED Act
15 of 1989 (22 U.S.C. 5402), in addition to funds otherwise
16 available for such purposes: *Provided*, That funds appro-
17 priated by this Act under the headings “Global Health
18 Programs”, “Economic Support Fund”, and “Inter-
19 national Narcotics Control and Law Enforcement” that
20 are made available for assistance for such countries shall
21 be administered in accordance with the responsibilities of
22 the coordinator designated pursuant to section 102 of the
23 FREEDOM Support Act and section 601 of the SEED
24 Act of 1989: *Provided further*, That funds appropriated
25 under this heading shall be considered to be economic as-

1 sistance under the Foreign Assistance Act of 1961 for
2 purposes of making available the administrative authori-
3 ties contained in that Act for the use of economic assist-
4 ance: *Provided further*, That funds appropriated under
5 this heading may be made available for contributions to
6 multilateral initiatives to counter hybrid threats.

7 DEPARTMENT OF STATE

8 MIGRATION AND REFUGEE ASSISTANCE

9 For necessary expenses not otherwise provided for,
10 to enable the Secretary of State to carry out the provisions
11 of section 2(a) and (b) of the Migration and Refugee As-
12 sistance Act of 1962 (22 U.S.C. 2601), and other activi-
13 ties to meet refugee and migration needs; salaries and ex-
14 penses of personnel and dependents as authorized by the
15 Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);
16 allowances as authorized by sections 5921 through 5925
17 of title 5, United States Code; purchase and hire of pas-
18 senger motor vehicles; and services as authorized by sec-
19 tion 3109 of title 5, United States Code, \$2,912,188,000,
20 to remain available until expended, of which \$5,000,000
21 shall be made available for refugees resettling in Israel.

22 UNITED STATES EMERGENCY REFUGEE AND MIGRATION

23 ASSISTANCE FUND

24 For necessary expenses to carry out the provisions
25 of section 2(c) of the Migration and Refugee Assistance

1 Act of 1962 (22 U.S.C. 2601(c)), \$100,000, to remain
2 available until expended: *Provided*, That amounts in ex-
3 cess of the limitation contained in paragraph (2) of such
4 section shall be transferred to, and merged with, funds
5 made available by this Act under the heading “Migration
6 and Refugee Assistance”.

7 INDEPENDENT AGENCIES

8 PEACE CORPS

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses to carry out the provisions
11 of the Peace Corps Act (22 U.S.C. 2501 et seq.), including
12 the purchase of not to exceed five passenger motor vehicles
13 for administrative purposes for use outside of the United
14 States, \$410,500,000, of which \$6,330,000 is for the Of-
15 fice of Inspector General, to remain available until Sep-
16 tember 30, 2023: *Provided*, That the Director of the Peace
17 Corps may transfer to the Foreign Currency Fluctuations
18 Account, as authorized by section 16 of the Peace Corps
19 Act (22 U.S.C. 2515), an amount not to exceed
20 \$5,000,000: *Provided further*, That funds transferred pur-
21 suant to the previous proviso may not be derived from
22 amounts made available for Peace Corps overseas oper-
23 ations: *Provided further*, That of the funds appropriated
24 under this heading, not to exceed \$104,000 may be avail-
25 able for representation expenses, of which not to exceed

1 \$4,000 may be made available for entertainment expenses:
2 *Provided further*, That in addition to the requirements
3 under section 7015(a) of this Act, the Peace Corps shall
4 consult with the Committees on Appropriations prior to
5 any decision to open, close, or suspend a domestic or over-
6 seas office or a country program unless there is a substan-
7 tial risk to volunteers or other Peace Corps personnel: *Pro-*
8 *vided further*, That none of the funds appropriated under
9 this heading shall be used to pay for abortions: *Provided*
10 *further*, That notwithstanding the previous proviso, section
11 614 of division E of Public Law 113–76 shall apply to
12 funds appropriated under this heading.

13 MILLENNIUM CHALLENGE CORPORATION

14 For necessary expenses to carry out the provisions
15 of the Millennium Challenge Act of 2003 (22 U.S.C. 7701
16 et seq.) (MCA), \$912,000,000, to remain available until
17 expended: *Provided*, That of the funds appropriated under
18 this heading, up to \$115,000,000 may be available for ad-
19 ministrative expenses of the Millennium Challenge Cor-
20 poration: *Provided further*, That section 605(e) of the
21 MCA (22 U.S.C. 7704(e)) shall apply to funds appro-
22 priated under this heading: *Provided further*, That funds
23 appropriated under this heading may be made available
24 for a Millennium Challenge Compact entered into pursu-
25 ant to section 609 of the MCA (22 U.S.C. 7708) only if

1 such Compact obligates, or contains a commitment to obli-
2 gate subject to the availability of funds and the mutual
3 agreement of the parties to the Compact to proceed, the
4 entire amount of the United States Government funding
5 anticipated for the duration of the Compact: *Provided fur-*
6 *ther*, That no country should be eligible for a threshold
7 program after such country has completed a country com-
8 pact: *Provided further*, That of the funds appropriated
9 under this heading, not to exceed \$100,000 may be avail-
10 able for representation and entertainment expenses, of
11 which not to exceed \$5,000 may be available for entertain-
12 ment expenses.

13 INTER-AMERICAN FOUNDATION

14 For necessary expenses to carry out the functions of
15 the Inter-American Foundation in accordance with the
16 provisions of section 401 of the Foreign Assistance Act
17 of 1969, \$42,000,000, to remain available until September
18 30, 2023: *Provided*, That of the funds appropriated under
19 this heading, not to exceed \$2,000 may be available for
20 representation expenses.

21 UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

22 For necessary expenses to carry out the African De-
23 velopment Foundation Act (title V of Public Law 96-533;
24 22 U.S.C. 290h et seq.), \$40,000,000, to remain available
25 until September 30, 2023, of which not to exceed \$2,000

1 may be available for representation expenses: *Provided,*
2 That funds made available to grantees may be invested
3 pending expenditure for project purposes when authorized
4 by the Board of Directors of the United States African
5 Development Foundation (USADF): *Provided further,*
6 That interest earned shall be used only for the purposes
7 for which the grant was made: *Provided further,* That not-
8 withstanding section 505(a)(2) of the African Develop-
9 ment Foundation Act (22 U.S.C. 290h-3(a)(2)), in excep-
10 tional circumstances the Board of Directors of the
11 USADF may waive the \$250,000 limitation contained in
12 that section with respect to a project and a project may
13 exceed the limitation by up to 10 percent if the increase
14 is due solely to foreign currency fluctuation: *Provided fur-*
15 *ther,* That the USADF shall submit a report to the appro-
16 priate congressional committees after each time such waiv-
17 er authority is exercised: *Provided further,* That the
18 USADF may make rent or lease payments in advance
19 from appropriations available for such purpose for offices,
20 buildings, grounds, and quarters in Africa as may be nec-
21 essary to carry out its functions: *Provided further,* That
22 the USADF may maintain bank accounts outside the
23 United States Treasury and retain any interest earned on
24 such accounts, in furtherance of the purposes of the Afri-
25 can Development Foundation Act: *Provided further,* That

1 the USADF may not withdraw any appropriation from the
2 Treasury prior to the need of spending such funds for pro-
3 gram purposes.

4 DEPARTMENT OF THE TREASURY

5 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

6 For necessary expenses to carry out the provisions
7 of section 129 of the Foreign Assistance Act of 1961,
8 \$38,000,000, to remain available until expended, of which
9 not more than \$9,500,000 may be used for administrative
10 expenses: *Provided*, That amounts made available under
11 this heading may be made available to contract for services
12 as described in section 129(d)(3)(A) of the Foreign Assist-
13 ance Act of 1961, without regard to the location in which
14 such services are performed.

15 DEBT RESTRUCTURING

16 For “Bilateral Economic Assistance—Department of
17 the Treasury—Debt Restructuring” there is appropriated
18 \$52,000,000, to remain available until September 30,
19 2023, for the costs, as defined in section 502 of the Con-
20 gressional Budget Act of 1974, of modifying loans and
21 loan guarantees for, or credits extended to, such countries
22 as the President may determine, including the costs of
23 selling, reducing, or canceling amounts owed to the United
24 States pursuant to the “Common Framework for Debt
25 Treatments beyond the Debt Service Suspension Initiative

1 (DSSI)”, and for reducing interest rates paid by any coun-
2 try eligible for the DSSI: *Provided*, That such amounts
3 may be used notwithstanding any other provision of law.

4 TROPICAL FOREST AND CORAL REEF CONSERVATION

5 For the costs, as defined in section 502 of the Con-
6 gressional Budget Act of 1974, of modifying loans and
7 loan guarantees, as the President may determine, for
8 which funds have been appropriated or otherwise made
9 available for programs within the International Affairs
10 Budget Function 150, including the costs of selling, reduc-
11 ing, or canceling amounts owed to the United States as
12 a result of concessional loans made to eligible countries
13 pursuant to part V of the Foreign Assistance Act of 1961,
14 \$15,000,000, to remain available until September 30,
15 2025.

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1 TITLE IV
2 INTERNATIONAL SECURITY ASSISTANCE
3 DEPARTMENT OF STATE
4 INTERNATIONAL NARCOTICS CONTROL AND LAW
5 ENFORCEMENT

6 For necessary expenses to carry out section 481 of
7 the Foreign Assistance Act of 1961, \$1,391,004,000, to
8 remain available until September 30, 2023: *Provided,*
9 That the Department of State may use the authority of
10 section 608 of the Foreign Assistance Act of 1961, with-
11 out regard to its restrictions, to receive excess property
12 from an agency of the United States Government for the
13 purpose of providing such property to a foreign country
14 or international organization under chapter 8 of part I of
15 such Act, subject to the regular notification procedures of
16 the Committees on Appropriations: *Provided further,* That
17 section 482(b) of the Foreign Assistance Act of 1961 shall
18 not apply to funds appropriated under this heading, except
19 that any funds made available notwithstanding such sec-
20 tion shall be subject to the regular notification procedures
21 of the Committees on Appropriations: *Provided further,*
22 That funds appropriated under this heading shall be made
23 available to support training and technical assistance for
24 foreign law enforcement, corrections, judges, and other ju-
25 dicial authorities, utilizing regional partners: *Provided fur-*

1 *ther*, That of the funds appropriated under this heading,
2 not less than \$9,000,000 shall be made available, on a
3 competitive basis, for rule of law programs for transitional
4 and post-conflict states, and for activities to coordinate
5 rule of law programs among foreign governments, inter-
6 national and nongovernmental organizations, and other
7 United States Government agencies: *Provided further*,
8 That funds made available under this heading that are
9 transferred to another department, agency, or instrumen-
10 tality of the United States Government pursuant to sec-
11 tion 632(b) of the Foreign Assistance Act of 1961 valued
12 in excess of \$5,000,000, and any agreement made pursu-
13 ant to section 632(a) of such Act, shall be subject to the
14 regular notification procedures of the Committees on Ap-
15 propriations: *Provided further*, That funds made available
16 under this heading for Program Development and Support
17 may be made available notwithstanding pre-obligation re-
18 quirements contained in this Act, except for the notifica-
19 tion requirements of section 7015.

20 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
21 RELATED PROGRAMS

22 For necessary expenses for nonproliferation, anti-ter-
23 rorism, demining and related programs and activities,
24 \$900,000,000, to remain available until September 30,
25 2023, to carry out the provisions of chapter 8 of part II

1 of the Foreign Assistance Act of 1961 for anti-terrorism
2 assistance, chapter 9 of part II of the Foreign Assistance
3 Act of 1961, section 504 of the FREEDOM Support Act
4 (22 U.S.C. 5854), section 23 of the Arms Export Control
5 Act (22 U.S.C. 2763), or the Foreign Assistance Act of
6 1961 for demining activities, the clearance of unexploded
7 ordnance, the destruction of small arms, and related ac-
8 tivities, notwithstanding any other provision of law, includ-
9 ing activities implemented through nongovernmental and
10 international organizations, and section 301 of the For-
11 eign Assistance Act of 1961 for a United States contribu-
12 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
13 paratory Commission, and for a voluntary contribution to
14 the International Atomic Energy Agency (IAEA): *Pro-*
15 *vided*, That funds made available under this heading for
16 the Nonproliferation and Disarmament Fund shall be
17 made available, notwithstanding any other provision of law
18 and subject to prior consultation with, and the regular no-
19 tification procedures of, the Committees on Appropria-
20 tions, to promote bilateral and multilateral activities relat-
21 ing to nonproliferation, disarmament, and weapons de-
22 struction, and shall remain available until expended: *Pro-*
23 *vided further*, That such funds may also be used for such
24 countries other than the Independent States of the former
25 Soviet Union and international organizations when it is

1 in the national security interest of the United States to
2 do so: *Provided further*, That funds appropriated under
3 this heading may be made available for the IAEA unless
4 the Secretary of State determines that Israel is being de-
5 nied its right to participate in the activities of that Agen-
6 cy: *Provided further*, That funds made available for con-
7 ventional weapons destruction programs, including
8 demining and related activities, in addition to funds other-
9 wise available for such purposes, may be used for adminis-
10 trative expenses related to the operation and management
11 of such programs and activities, subject to the regular no-
12 tification procedures of the Committees on Appropria-
13 tions.

14 PEACEKEEPING OPERATIONS

15 For necessary expenses to carry out the provisions
16 of section 551 of the Foreign Assistance Act of 1961,
17 \$455,000,000, of which \$227,500,000 may remain avail-
18 able until September 30, 2023: *Provided*, That funds ap-
19 propriated under this heading may be used, notwith-
20 standing section 660 of the Foreign Assistance Act of
21 1961, to provide assistance to enhance the capacity of for-
22 eign civilian security forces, including gendarmes, to par-
23 ticipate in peacekeeping operations: *Provided further*, That
24 of the funds appropriated under this heading, not less
25 than \$24,000,000 shall be made available for a United

1 States contribution to the Multinational Force and Ob-
2 servers mission in the Sinai: *Provided further*, That funds
3 appropriated under this heading may be made available
4 to pay assessed expenses of international peacekeeping ac-
5 tivities in Somalia under the same terms and conditions,
6 as applicable, as funds appropriated by this Act under the
7 heading “Contributions for International Peacekeeping
8 Activities”: *Provided further*, That funds appropriated
9 under this heading shall be subject to the regular notifica-
10 tion procedures of the Committees on Appropriations.

11 FUNDS APPROPRIATED TO THE PRESIDENT

12 INTERNATIONAL MILITARY EDUCATION AND TRAINING

13 For necessary expenses to carry out the provisions
14 of section 541 of the Foreign Assistance Act of 1961,
15 \$112,925,000, of which up to \$56,463,000 may remain
16 available until September 30, 2023: *Provided*, That the
17 civilian personnel for whom military education and train-
18 ing may be provided under this heading may include civil-
19 ians who are not members of a government whose partici-
20 pation would contribute to improved civil-military rela-
21 tions, civilian control of the military, or respect for human
22 rights: *Provided further*, That of the funds appropriated
23 under this heading, \$3,000,000 shall remain available
24 until expended to increase the participation of women in
25 programs and activities funded under this heading, fol-

1 lowing consultation with, and the regular notification pro-
2 cedures of, the Committees on Appropriations: *Provided*
3 *further*, That of the funds appropriated under this head-
4 ing, not to exceed \$50,000 may be available for entertain-
5 ment expenses.

6 FOREIGN MILITARY FINANCING PROGRAM

7 For necessary expenses for grants to enable the
8 President to carry out the provisions of section 23 of the
9 Arms Export Control Act (22 U.S.C. 2763),
10 \$6,040,424,000: *Provided*, That to expedite the provision
11 of assistance to foreign countries and international organi-
12 zations, the Secretary of State, following consultation with
13 the Committees on Appropriations and subject to the reg-
14 ular notification procedures of such Committees, may use
15 the funds appropriated under this heading to procure de-
16 fense articles and services to enhance the capacity of for-
17 eign security forces: *Provided further*, That funds appro-
18 priated or otherwise made available under this heading
19 shall be nonrepayable notwithstanding any requirement in
20 section 23 of the Arms Export Control Act: *Provided fur-*
21 *ther*, That funds made available under this heading shall
22 be obligated upon apportionment in accordance with para-
23 graph (5)(C) of section 1501(a) of title 31, United States
24 Code.

1 None of the funds made available under this heading
2 shall be available to finance the procurement of defense
3 articles, defense services, or design and construction serv-
4 ices that are not sold by the United States Government
5 under the Arms Export Control Act unless the foreign
6 country proposing to make such procurement has first
7 signed an agreement with the United States Government
8 specifying the conditions under which such procurement
9 may be financed with such funds: *Provided*, That all coun-
10 try and funding level increases in allocations shall be sub-
11 mitted through the regular notification procedures of sec-
12 tion 7015 of this Act: *Provided further*, That funds made
13 available under this heading may be used, notwithstanding
14 any other provision of law, for demining, the clearance of
15 unexploded ordnance, and related activities, and may in-
16 clude activities implemented through nongovernmental
17 and international organizations: *Provided further*, That
18 only those countries for which assistance was justified for
19 the “Foreign Military Sales Financing Program” in the
20 fiscal year 1989 congressional presentation for security as-
21 sistance programs may utilize funds made available under
22 this heading for procurement of defense articles, defense
23 services, or design and construction services that are not
24 sold by the United States Government under the Arms
25 Export Control Act: *Provided further*, That funds appro-

1 priated under this heading shall be expended at the min-
2 imum rate necessary to make timely payment for defense
3 articles and services: *Provided further*, That not more than
4 \$70,000,000 of the funds appropriated under this heading
5 may be obligated for necessary expenses, including the
6 purchase of passenger motor vehicles for replacement only
7 for use outside of the United States, for the general costs
8 of administering military assistance and sales, except that
9 this limitation may be exceeded only through the regular
10 notification procedures of the Committees on Appropria-
11 tions: *Provided further*, That of the funds made available
12 under this heading for general costs of administering mili-
13 tary assistance and sales, not to exceed \$4,000 may be
14 available for entertainment expenses and not to exceed
15 \$130,000 may be available for representation expenses:
16 *Provided further*, That not more than \$1,186,853,000 of
17 funds realized pursuant to section 21(e)(1)(A) of the Arms
18 Export Control Act (22 U.S.C. 2761(e)(1)(A)) may be ob-
19 ligated for expenses incurred by the Department of De-
20 fense during fiscal year 2022 pursuant to section 43(b)
21 of the Arms Export Control Act (22 U.S.C. 2792(b)), ex-
22 cept that this limitation may be exceeded only through the
23 regular notification procedures of the Committees on Ap-
24 propriations.

1324

1 TITLE V

2 MULTILATERAL ASSISTANCE

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

5 For necessary expenses to carry out the provisions
6 of section 301 of the Foreign Assistance Act of 1961,
7 \$423,000,000: *Provided*, That section 307(a) of the For-
8 eign Assistance Act of 1961 shall not apply to contribu-
9 tions to the United Nations Democracy Fund: *Provided*
10 *further*, That not later than 60 days after enactment of
11 this Act, such funds shall be made available for core con-
12 tributions for each entity listed in the table under this
13 heading in the explanatory statement described in section
14 4 (in the matter preceding division A of this consolidated
15 Act) unless otherwise provided for in this Act, or if the
16 Secretary of State has justified to the Committees on Ap-
17 propriations the proposed uses of funds other than for
18 core contributions following prior consultation with, and
19 subject to the regular notification procedures of, such
20 Committees.

21 INTERNATIONAL FINANCIAL INSTITUTIONS

22 GLOBAL ENVIRONMENT FACILITY

23 For payment to the International Bank for Recon-
24 struction and Development as trustee for the Global Envi-

1 ronment Facility by the Secretary of the Treasury,
2 \$149,288,000, to remain available until expended.

3 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

4 For contribution to the Clean Technology Fund,
5 \$125,000,000, to remain available until expended: *Pro-*
6 *vided*, That up to \$125,000,000 of such amount shall be
7 available to cover costs, as defined in section 502 of the
8 Congressional Budget Act of 1974, of direct loans issued
9 to the Clean Technology Fund: *Provided further*, That
10 such funds are available to subsidize gross obligations for
11 the principal amount of direct loans without limitation.

12 CONTRIBUTION TO THE INTERNATIONAL BANK FOR
13 RECONSTRUCTION AND DEVELOPMENT

14 For payment to the International Bank for Recon-
15 struction and Development by the Secretary of the Treas-
16 ury for the United States share of the paid-in portion of
17 the increases in capital stock, \$206,500,000, to remain
18 available until expended.

19 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

20 The United States Governor of the International
21 Bank for Reconstruction and Development may subscribe
22 without fiscal year limitation to the callable capital portion
23 of the United States share of increases in capital stock
24 in an amount not to exceed \$1,421,275,728.70.

1326

1 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
2 ASSOCIATION

3 For payment to the International Development Asso-
4 ciation by the Secretary of the Treasury, \$1,001,400,000,
5 to remain available until expended.

6 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

7 For payment to the Asian Development Bank's Asian
8 Development Fund by the Secretary of the Treasury,
9 \$53,323,000, to remain available until expended.

10 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

11 For payment to the African Development Bank by
12 the Secretary of the Treasury for the United States share
13 of the paid-in portion of the increases in capital stock,
14 \$54,648,752, to remain available until expended.

15 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

16 The United States Governor of the African Develop-
17 ment Bank may subscribe without fiscal year limitation
18 to the callable capital portion of the United States share
19 of increases in capital stock in an amount not to exceed
20 \$856,174,624.

21 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

22 For payment to the African Development Fund by
23 the Secretary of the Treasury, \$211,300,000, to remain
24 available until expended.

1327

1 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
2 AGRICULTURAL DEVELOPMENT

3 For payment to the International Fund for Agricul-
4 tural Development by the Secretary of the Treasury,
5 \$43,000,000, to remain available until expended.

6 GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

7 For payment to the Global Agriculture and Food Se-
8 curity Program by the Secretary of the Treasury,
9 \$5,000,000, to remain available until expended.

10 CONTRIBUTIONS TO THE INTERNATIONAL MONETARY

11 FUND FACILITIES AND TRUST FUNDS

12 For contribution by the Secretary of the Treasury to
13 the Poverty Reduction and Growth Trust or other special
14 purpose vehicle of the International Monetary Fund,
15 \$102,000,000, to remain available until December 31,
16 2031.

1328

1 TITLE VI
2 EXPORT AND INVESTMENT ASSISTANCE
3 EXPORT-IMPORT BANK OF THE UNITED STATES
4 INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978 (5 U.S.C. App.), \$6,500,000, of
8 which up to \$975,000 may remain available until Sep-
9 tember 30, 2023.

10 PROGRAM ACCOUNT

11 The Export-Import Bank of the United States is au-
12 thorized to make such expenditures within the limits of
13 funds and borrowing authority available to such corpora-
14 tion, and in accordance with law, and to make such con-
15 tracts and commitments without regard to fiscal year limi-
16 tations, as provided by section 9104 of title 31, United
17 States Code, as may be necessary in carrying out the pro-
18 gram for the current fiscal year for such corporation: *Pro-*
19 *vided*, That none of the funds available during the current
20 fiscal year may be used to make expenditures, contracts,
21 or commitments for the export of nuclear equipment, fuel,
22 or technology to any country, other than a nuclear-weapon
23 state as defined in Article IX of the Treaty on the Non-
24 Proliferation of Nuclear Weapons eligible to receive eco-
25 nomic or military assistance under this Act, that has deto-

1 nated a nuclear explosive after the date of enactment of
2 this Act.

3 ADMINISTRATIVE EXPENSES

4 For administrative expenses to carry out the direct
5 and guaranteed loan and insurance programs, including
6 hire of passenger motor vehicles and services as authorized
7 by section 3109 of title 5, United States Code, and not
8 to exceed \$30,000 for official reception and representation
9 expenses for members of the Board of Directors, not to
10 exceed \$114,000,000, of which up to \$17,100,000 may re-
11 main available until September 30, 2023: *Provided*, That
12 the Export-Import Bank (the Bank) may accept, and use,
13 payment or services provided by transaction participants
14 for legal, financial, or technical services in connection with
15 any transaction for which an application for a loan, guar-
16 antee or insurance commitment has been made: *Provided*
17 *further*, That notwithstanding subsection (b) of section
18 117 of the Export Enhancement Act of 1992, subsection
19 (a) of such section shall remain in effect until September
20 30, 2022: *Provided further*, That the Bank shall charge
21 fees for necessary expenses (including special services per-
22 formed on a contract or fee basis, but not including other
23 personal services) in connection with the collection of mon-
24 eys owed the Bank, repossession or sale of pledged collat-
25 eral or other assets acquired by the Bank in satisfaction

1 of moneys owed the Bank, or the investigation or appraisal
2 of any property, or the evaluation of the legal, financial,
3 or technical aspects of any transaction for which an appli-
4 cation for a loan, guarantee or insurance commitment has
5 been made, or systems infrastructure directly supporting
6 transactions: *Provided further*, That in addition to other
7 funds appropriated for administrative expenses, such fees
8 shall be credited to this account for such purposes, to re-
9 main available until expended.

10 PROGRAM BUDGET APPROPRIATIONS

11 For the cost of direct loans, loan guarantees, insur-
12 ance, and tied-aid grants as authorized by section 10 of
13 the Export-Import Bank Act of 1945, as amended, not
14 to exceed \$5,000,000, to remain available until September
15 30, 2025: *Provided*, That such costs, including the cost
16 of modifying such loans, shall be as defined in section 502
17 of the Congressional Budget Act of 1974: *Provided fur-*
18 *ther*, That such funds shall remain available until Sep-
19 tember 30, 2037, for the disbursement of direct loans,
20 loan guarantees, insurance and tied-aid grants obligated
21 in fiscal years 2022, 2023, 2024, and 2025.

22 RECEIPTS COLLECTED

23 Receipts collected pursuant to the Export-Import
24 Bank Act of 1945 (Public Law 79–173) and the Federal
25 Credit Reform Act of 1990, in an amount not to exceed

1 the amount appropriated herein, shall be credited as off-
2 setting collections to this account: *Provided*, That the
3 sums herein appropriated from the General Fund shall be
4 reduced on a dollar-for-dollar basis by such offsetting col-
5 lections so as to result in a final fiscal year appropriation
6 from the General Fund estimated at \$0.

7 UNITED STATES INTERNATIONAL DEVELOPMENT
8 FINANCE CORPORATION
9 INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978 (5 U.S.C. App.), \$2,800,000, to re-
13 main available until September 30, 2023.

14 CORPORATE CAPITAL ACCOUNT

15 The United States International Development Fi-
16 nance Corporation (the Corporation) is authorized to
17 make such expenditures and commitments within the lim-
18 its of funds and borrowing authority available to the Cor-
19 poration, and in accordance with the law, and to make
20 such expenditures and commitments without regard to fis-
21 cal year limitations, as provided by section 9104 of title
22 31, United States Code, as may be necessary in carrying
23 out the programs for the current fiscal year for the Cor-
24 poration: *Provided*, That for necessary expenses of the ac-
25 tivities described in subsections (b), (c), (e), (f), and (g)

1 of section 1421 of the BUILD Act of 2018 (division F
2 of Public Law 115–254) and for administrative expenses
3 to carry out authorized activities and project-specific
4 transaction costs described in section 1434(d) of such Act,
5 \$698,000,000: *Provided further*, That of the amount pro-
6 vided—

7 (1) \$198,000,000 shall remain available until
8 September 30, 2024, for administrative expenses to
9 carry out authorized activities (including an amount
10 for official reception and representation expenses
11 which shall not exceed \$25,000) and project-specific
12 transaction costs as described in section 1434(k) of
13 such Act, of which \$1,000,000 shall remain available
14 until September 30, 2026;

15 (2) \$500,000,000 shall remain available until
16 September 30, 2024, for the activities described in
17 subsections (b), (c), (e), (f), and (g) of section 1421
18 of the BUILD Act of 2018, except such amounts ob-
19 ligated in a fiscal year for activities described in sec-
20 tion 1421(c) of such Act shall remain available for
21 disbursement for the term of the underlying project:
22 *Provided further*, That if the term of the project ex-
23 tends longer than 10 fiscal years, the Chief Execu-
24 tive Officer of the Corporation shall inform the ap-
25 propriate congressional committees prior to the obli-

1 gation or disbursement of funds, as applicable: *Pro-*
2 *vided further*, That amounts made available under
3 this paragraph may be paid to the “United States
4 International Development Finance Corporation—
5 Program Account” for programs authorized by sub-
6 sections (b), (e), (f), and (g) of section 1421 of the
7 BUILD Act of 2018:

8 *Provided further*, That funds may only be obligated pursu-
9 ant to section 1421(g) of the BUILD Act of 2018 subject
10 to prior consultation with the appropriate congressional
11 committees and the regular notification procedures of the
12 Committees on Appropriations: *Provided further*, That in
13 fiscal year 2022 collections of amounts described in sec-
14 tion 1434(h) of the BUILD Act of 2018 shall be credited
15 as offsetting collections to this appropriation: *Provided*
16 *further*, That such collections collected in fiscal year 2022
17 in excess of \$698,000,000 shall be credited to this account
18 and shall be available in future fiscal years only to the
19 extent provided in advance in appropriations Acts: *Pro-*
20 *vided further*, That in fiscal year 2022, if such collections
21 are less than \$698,000,000, receipts collected pursuant to
22 the BUILD Act of 2018 and the Federal Credit Reform
23 Act of 1990, in an amount equal to such shortfall, shall
24 be credited as offsetting collections to this appropriation:
25 *Provided further*, That funds appropriated or otherwise

1 made available under this heading may not be used to pro-
2 vide any type of assistance that is otherwise prohibited
3 by any other provision of law or to provide assistance to
4 any foreign country that is otherwise prohibited by any
5 other provision of law: *Provided further*, That the sums
6 herein appropriated from the General Fund shall be re-
7 duced on a dollar-for-dollar basis by the offsetting collec-
8 tions described under this heading so as to result in a final
9 fiscal year appropriation from the General Fund estimated
10 at \$316,000,000.

11 PROGRAM ACCOUNT

12 Amounts paid from “United States International De-
13 velopment Finance Corporation—Corporate Capital Ac-
14 count” (CCA) shall remain available until September 30,
15 2024: *Provided*, That up to \$550,000,000 of amounts paid
16 to this account from CCA or transferred to this account
17 pursuant to section 1434(j) of the BUILD Act of 2018
18 (division F of Public Law 115–254) shall be available for
19 the costs of direct and guaranteed loans provided by the
20 Corporation pursuant to section 1421(b) of such Act and
21 the costs of modifying loans and loan guarantees trans-
22 ferred to the Corporation pursuant to section 1463 of such
23 Act: *Provided further*, That such costs, including the cost
24 of modifying such loans, shall be as defined in section 502
25 of the Congressional Budget Act of 1974: *Provided fur-*

1 *ther*, That such amounts obligated in a fiscal year shall
2 remain available for disbursement for the following 8 fiscal
3 years: *Provided further*, That funds made available in this
4 Act and transferred to carry out the Foreign Assistance
5 Act of 1961 pursuant to section 1434(j) of the BUILD
6 Act of 2018 may remain available for obligation for 1 ad-
7 ditional fiscal year: *Provided further*, That the total loan
8 principal or guaranteed principal amount shall not exceed
9 \$8,000,000,000.

10 TRADE AND DEVELOPMENT AGENCY

11 For necessary expenses to carry out the provisions
12 of section 661 of the Foreign Assistance Act of 1961,
13 \$79,500,000, to remain available until September 30,
14 2023, of which no more than \$19,000,000 may be used
15 for administrative expenses: *Provided*, That of the funds
16 appropriated under this heading, not more than \$5,000
17 may be available for representation and entertainment ex-
18 penses.

1336

1 TITLE VII

2 GENERAL PROVISIONS

3 ALLOWANCES AND DIFFERENTIALS

4 SEC. 7001. Funds appropriated under title I of this
5 Act shall be available, except as otherwise provided, for
6 allowances and differentials as authorized by subchapter
7 59 of title 5, United States Code; for services as author-
8 ized by section 3109 of such title and for hire of passenger
9 transportation pursuant to section 1343(b) of title 31,
10 United States Code.

11 UNOBLIGATED BALANCES REPORT

12 SEC. 7002. Any department or agency of the United
13 States Government to which funds are appropriated or
14 otherwise made available by this Act shall provide to the
15 Committees on Appropriations a quarterly accounting of
16 cumulative unobligated balances and obligated, but unex-
17 pended, balances by program, project, and activity, and
18 Treasury Account Fund Symbol of all funds received by
19 such department or agency in fiscal year 2022 or any pre-
20 vious fiscal year, disaggregated by fiscal year: *Provided*,
21 That the report required by this section shall be submitted
22 not later than 30 days after the end of each fiscal quarter
23 and should specify by account the amount of funds obli-
24 gated pursuant to bilateral agreements which have not
25 been further sub-obligated.

1 CONSULTING SERVICES

2 SEC. 7003. The expenditure of any appropriation
3 under title I of this Act for any consulting service through
4 procurement contract, pursuant to section 3109 of title
5 5, United States Code, shall be limited to those contracts
6 where such expenditures are a matter of public record and
7 available for public inspection, except where otherwise pro-
8 vided under existing law, or under existing Executive order
9 issued pursuant to existing law.

10 DIPLOMATIC FACILITIES

11 SEC. 7004. (a) CAPITAL SECURITY COST SHARING
12 EXCEPTION.—Notwithstanding paragraph (2) of section
13 604(e) of the Secure Embassy Construction and Counter-
14 terrorism Act of 1999 (title VI of division A of H.R. 3427,
15 as enacted into law by section 1000(a)(7) of Public Law
16 106–113 and contained in appendix G of that Act), as
17 amended by section 111 of the Department of State Au-
18 thorities Act, Fiscal Year 2017 (Public Law 114–323), a
19 project to construct a facility of the United States may
20 include office space or other accommodations for members
21 of the United States Marine Corps.

22 (b) NEW DIPLOMATIC FACILITIES.—For the pur-
23 poses of calculating the fiscal year 2022 costs of providing
24 new United States diplomatic facilities in accordance with
25 section 604(e) of the Secure Embassy Construction and

1 Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the
2 Secretary of State, in consultation with the Director of
3 the Office of Management and Budget, shall determine the
4 annual program level and agency shares in a manner that
5 is proportional to the contribution of the Department of
6 State for this purpose.

7 (c) CONSULTATION AND NOTIFICATION.—Funds ap-
8 propriated by this Act and prior Acts making appropria-
9 tions for the Department of State, foreign operations, and
10 related programs, which may be made available for the
11 acquisition of property or award of construction contracts
12 for overseas United States diplomatic facilities during fis-
13 cal year 2022, shall be subject to prior consultation with,
14 and the regular notification procedures of, the Committees
15 on Appropriations: *Provided*, That notifications pursuant
16 to this subsection shall include the information enumer-
17 ated under the heading “Embassy Security, Construction,
18 and Maintenance” in House Report 117–84.

19 (d) INTERIM AND TEMPORARY FACILITIES
20 ABROAD.—

21 (1) SECURITY VULNERABILITIES.—Funds ap-
22 propriated by this Act under the heading “Embassy
23 Security, Construction, and Maintenance” may be
24 made available, following consultation with the ap-
25 propriate congressional committees, to address secu-

1 rity vulnerabilities at interim and temporary United
2 States diplomatic facilities abroad, including physical
3 security upgrades and local guard staffing.

4 (2) CONSULTATION.—Notwithstanding any
5 other provision of law, the opening, closure, or any
6 significant modification to an interim or temporary
7 United States diplomatic facility shall be subject to
8 prior consultation with the appropriate congressional
9 committees and the regular notification procedures
10 of the Committees on Appropriations, except that
11 such consultation and notification may be waived if
12 there is a security risk to personnel.

13 (e) SOFT TARGETS.—Funds appropriated by this Act
14 under the heading “Embassy Security, Construction, and
15 Maintenance” may be made available for security up-
16 grades to soft targets, including schools, recreational fa-
17 cilities, and residences used by United States diplomatic
18 personnel and their dependents.

19 PERSONNEL ACTIONS

20 SEC. 7005. Any costs incurred by a department or
21 agency funded under title I of this Act resulting from per-
22 sonnel actions taken in response to funding reductions in-
23 cluded in this Act shall be absorbed within the total budg-
24 etary resources available under title I to such department
25 or agency: *Provided*, That the authority to transfer funds

1 between appropriations accounts as may be necessary to
2 carry out this section is provided in addition to authorities
3 included elsewhere in this Act: *Provided further*, That use
4 of funds to carry out this section shall be treated as a
5 reprogramming of funds under section 7015 of this Act.

6 PROHIBITION ON PUBLICITY OR PROPAGANDA

7 SEC. 7006. No part of any appropriation contained
8 in this Act shall be used for publicity or propaganda pur-
9 poses within the United States not authorized before en-
10 actment of this Act by Congress: *Provided*, That up to
11 \$25,000 may be made available to carry out the provisions
12 of section 316 of the International Security and Develop-
13 ment Cooperation Act of 1980 (Public Law 96–533; 22
14 U.S.C. 2151a note).

15 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
16 COUNTRIES

17 SEC. 7007. None of the funds appropriated or other-
18 wise made available pursuant to titles III through VI of
19 this Act shall be obligated or expended to finance directly
20 any assistance or reparations for the governments of
21 Cuba, North Korea, Iran, or Syria: *Provided*, That for
22 purposes of this section, the prohibition on obligations or
23 expenditures shall include direct loans, credits, insurance,
24 and guarantees of the Export-Import Bank or its agents.

1 COUPS D'ÉTAT

2 SEC. 7008. None of the funds appropriated or other-
3 wise made available pursuant to titles III through VI of
4 this Act shall be obligated or expended to finance directly
5 any assistance to the government of any country whose
6 duly elected head of government is deposed by military
7 coup d'état or decree or, after the date of enactment of
8 this Act, a coup d'état or decree in which the military
9 plays a decisive role: *Provided*, That assistance may be re-
10 sumed to such government if the Secretary of State cer-
11 tifies and reports to the appropriate congressional commit-
12 tees that subsequent to the termination of assistance a
13 democratically elected government has taken office: *Pro-*
14 *vided further*, That the provisions of this section shall not
15 apply to assistance to promote democratic elections or
16 public participation in democratic processes: *Provided fur-*
17 *ther*, That funds made available pursuant to the previous
18 provisos shall be subject to the regular notification proce-
19 dures of the Committees on Appropriations.

20 TRANSFER OF FUNDS AUTHORITY

21 SEC. 7009. (a) DEPARTMENT OF STATE AND
22 UNITED STATES AGENCY FOR GLOBAL MEDIA.—

23 (1) DEPARTMENT OF STATE.—

24 (A) IN GENERAL.—Not to exceed 5 percent
25 of any appropriation made available for the cur-

1 rent fiscal year for the Department of State
2 under title I of this Act may be transferred be-
3 tween, and merged with, such appropriations,
4 but no such appropriation, except as otherwise
5 specifically provided, shall be increased by more
6 than 10 percent by any such transfers, and no
7 such transfer may be made to increase the ap-
8 propriation under the heading “Representation
9 Expenses”.

10 (B) EMBASSY SECURITY.—Funds appro-
11 priated under the headings “Diplomatic Pro-
12 grams”, including for Worldwide Security Pro-
13 tection, “Embassy Security, Construction, and
14 Maintenance”, and “Emergencies in the Diplo-
15 matic and Consular Service” in this Act may be
16 transferred to, and merged with, funds appro-
17 priated under such headings if the Secretary of
18 State determines and reports to the Committees
19 on Appropriations that to do so is necessary to
20 implement the recommendations of the
21 Benghazi Accountability Review Board, for
22 emergency evacuations, or to prevent or re-
23 spond to security situations and requirements,
24 following consultation with, and subject to the
25 regular notification procedures of, such Com-

1 mittees: *Provided*, That such transfer authority
2 is in addition to any transfer authority other-
3 wise available in this Act and under any other
4 provision of law.

5 (2) UNITED STATES AGENCY FOR GLOBAL
6 MEDIA.—Not to exceed 5 percent of any appropria-
7 tion made available for the current fiscal year for
8 the United States Agency for Global Media under
9 title I of this Act may be transferred between, and
10 merged with, such appropriations, but no such ap-
11 propriation, except as otherwise specifically provided,
12 shall be increased by more than 10 percent by any
13 such transfers.

14 (3) TREATMENT AS REPROGRAMMING.—Any
15 transfer pursuant to this subsection shall be treated
16 as a reprogramming of funds under section 7015 of
17 this Act and shall not be available for obligation or
18 expenditure except in compliance with the proce-
19 dures set forth in that section.

20 (b) LIMITATION ON TRANSFERS OF FUNDS BE-
21 TWEEN AGENCIES.—

22 (1) IN GENERAL.—None of the funds made
23 available under titles II through V of this Act may
24 be transferred to any department, agency, or instru-
25 mentality of the United States Government, except

1 pursuant to a transfer made by, or transfer author-
2 ity provided in, this Act or any other appropriations
3 Act.

4 (2) ALLOCATION AND TRANSFERS.—Notwith-
5 standing paragraph (1), in addition to transfers
6 made by, or authorized elsewhere in, this Act, funds
7 appropriated by this Act to carry out the purposes
8 of the Foreign Assistance Act of 1961 may be allo-
9 cated or transferred to agencies of the United States
10 Government pursuant to the provisions of sections
11 109, 610, and 632 of the Foreign Assistance Act of
12 1961, and section 1434(j) of the BUILD Act of
13 2018 (division F of Public Law 115–254).

14 (3) NOTIFICATION.—Any agreement entered
15 into by the United States Agency for International
16 Development or the Department of State with any
17 department, agency, or instrumentality of the United
18 States Government pursuant to section 632(b) of the
19 Foreign Assistance Act of 1961 valued in excess of
20 \$1,000,000 and any agreement made pursuant to
21 section 632(a) of such Act, with funds appropriated
22 by this Act or prior Acts making appropriations for
23 the Department of State, foreign operations, and re-
24 lated programs under the headings “Global Health
25 Programs”, “Development Assistance”, “Economic

1 Support Fund”, and “Assistance for Europe, Eur-
2 asia and Central Asia” shall be subject to the reg-
3 ular notification procedures of the Committees on
4 Appropriations: *Provided*, That the requirement in
5 the previous sentence shall not apply to agreements
6 entered into between USAID and the Department of
7 State.

8 (c) UNITED STATES INTERNATIONAL DEVELOPMENT
9 FINANCE CORPORATION.—

10 (1) LIMITATION.—Amounts transferred pursu-
11 ant to section 1434(j) of the BUILD Act of 2018
12 (division F of Public Law 115–254) may only be
13 transferred from funds made available under title III
14 of this Act, and such amounts shall not exceed
15 \$50,000,000: *Provided*, That any such transfers
16 shall be subject to prior consultation with, and the
17 regular notification procedures of, the Committees
18 on Appropriations: *Provided further*, That the Sec-
19 retary of State, the Administrator of the United
20 States Agency for International Development, and
21 the Chief Executive Officer of the United States
22 International Development Finance Corporation (the
23 Corporation), as appropriate, shall ensure that the
24 programs funded by such transfers are coordinated
25 with, and complement, foreign assistance programs

1 implemented by the Department of State and
2 USAID: *Provided further*, That no funds transferred
3 pursuant to such authority may be used by the Cor-
4 poration to post personnel abroad or for activities
5 described in section 1421(c) of the BUILD Act of
6 2018: *Provided further*, That funds appropriated by
7 this Act or prior Acts making appropriations for the
8 Department of State, foreign operations, and related
9 programs to implement the Nita M. Lowey Middle
10 East Partnership for Peace Act shall be excluded
11 from the limitation contained in this paragraph and
12 in section 7009(c) of the Department of State, For-
13 eign Operations, and Related Programs Appropria-
14 tions Act, 2021 (division K of Public Law 116–260).

15 (2) TRANSFER OF FUNDS FROM MILLENNIUM
16 CHALLENGE CORPORATION.—Funds appropriated
17 under the heading “Millennium Challenge Corpora-
18 tion” in this Act or prior Acts making appropria-
19 tions for the Department of State, foreign oper-
20 ations, and related programs may be transferred to
21 accounts under the heading “United States Inter-
22 national Development Finance Corporation” and,
23 when so transferred, may be used for the costs of
24 activities described in subsections (b) and (c) of sec-
25 tion 1421 of the BUILD Act of 2018: *Provided*,

1 That such funds shall be subject to the limitations
2 provided in the second, third, and fifth provisos
3 under the heading “United States International De-
4 velopment Finance Corporation—Program Account”
5 in this Act: *Provided further*, That any transfer exe-
6 cuted pursuant to the transfer authority provided in
7 this paragraph shall not exceed 10 percent of an in-
8 dividual Compact awarded pursuant to section
9 609(a) of the Millennium Challenge Act of 2003
10 (Title VI of Public Law 108–199): *Provided further*,
11 That such funds shall not be available for adminis-
12 trative expenses of the United States International
13 Development Finance Corporation: *Provided further*,
14 That such authority shall be subject to prior con-
15 sultation with, and the regular notification proce-
16 dures of, the Committees on Appropriations: *Pro-*
17 *vided further*, That such transfers shall be excluded
18 from the limitation under paragraph (1): *Provided*
19 *further*, That the transfer authority provided in this
20 section is in addition to any other transfer authority
21 provided by law: *Provided further*, That within 60
22 days of the termination in whole or in part of the
23 Compact from which funds were transferred under
24 this authority to the United States International De-
25 velopment Finance Corporation, any unobligated bal-

1 ances shall be transferred back to the Millennium
2 Challenge Corporation, subject to the regular notifi-
3 cation procedures of the Committees on Appropria-
4 tions.

5 (d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—
6 None of the funds made available under titles II through
7 V of this Act may be obligated under an appropriations
8 account to which such funds were not appropriated, except
9 for transfers specifically provided for in this Act, unless
10 the President, not less than 5 days prior to the exercise
11 of any authority contained in the Foreign Assistance Act
12 of 1961 to transfer funds, consults with and provides a
13 written policy justification to the Committees on Appro-
14 priations.

15 (e) AUDIT OF INTER-AGENCY TRANSFERS OF
16 FUNDS.—Any agreement for the transfer or allocation of
17 funds appropriated by this Act or prior Acts making ap-
18 propriations for the Department of State, foreign oper-
19 ations, and related programs entered into between the De-
20 partment of State or USAID and another agency of the
21 United States Government under the authority of section
22 632(a) of the Foreign Assistance Act of 1961, or any com-
23 parable provision of law, shall expressly provide that the
24 Inspector General (IG) for the agency receiving the trans-
25 fer or allocation of such funds, or other entity with audit

1 responsibility if the receiving agency does not have an IG,
2 shall perform periodic program and financial audits of the
3 use of such funds and report to the Department of State
4 or USAID, as appropriate, upon completion of such au-
5 dits: *Provided*, That such audits shall be transmitted to
6 the Committees on Appropriations by the Department of
7 State or USAID, as appropriate: *Provided further*, That
8 funds transferred under such authority may be made
9 available for the cost of such audits.

10 PROHIBITION AND LIMITATION ON CERTAIN EXPENSES

11 SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the
12 funds made available by this Act may be used for first-
13 class travel by employees of United States Government de-
14 partments and agencies funded by this Act in contraven-
15 tion of section 301–10.122 through 301–10.124 of title
16 41, Code of Federal Regulations.

17 (b) COMPUTER NETWORKS.—None of the funds
18 made available by this Act for the operating expenses of
19 any United States Government department or agency may
20 be used to establish or maintain a computer network for
21 use by such department or agency unless such network
22 has filters designed to block access to sexually explicit
23 websites: *Provided*, That nothing in this subsection shall
24 limit the use of funds necessary for any Federal, State,
25 tribal, or local law enforcement agency, or any other entity

1 carrying out the following activities: criminal investiga-
2 tions, prosecutions, and adjudications; administrative dis-
3 cipline; and the monitoring of such websites undertaken
4 as part of official business.

5 (c) PROHIBITION ON PROMOTION OF TOBACCO.—
6 None of the funds made available by this Act shall be
7 available to promote the sale or export of tobacco or to-
8 bacco products (including electronic nicotine delivery sys-
9 tems), or to seek the reduction or removal by any foreign
10 country of restrictions on the marketing of tobacco or to-
11 bacco products (including electronic nicotine delivery sys-
12 tems), except for restrictions which are not applied equally
13 to all tobacco or tobacco products (including electronic nic-
14 otine delivery systems) of the same type.

15 (d) EMAIL SERVERS OUTSIDE THE .GOV DOMAIN.—
16 None of the funds appropriated by this Act under the
17 headings “Diplomatic Programs” and “Capital Invest-
18 ment Fund” in title I, and “Operating Expenses” and
19 “Capital Investment Fund” in title II that are made avail-
20 able to the Department of State and the United States
21 Agency for International Development may be made avail-
22 able to support the use or establishment of email accounts
23 or email servers created outside the .gov domain or not
24 fitted for automated records management as part of a
25 Federal government records management program in con-

1 travention of the Presidential and Federal Records Act
2 Amendments of 2014 (Public Law 113–187).

3 (e) REPRESENTATION AND ENTERTAINMENT EX-
4 PENSES.—Each Federal department, agency, or entity
5 funded in titles I or II of this Act, and the Department
6 of the Treasury and independent agencies funded in titles
7 III or VI of this Act, shall take steps to ensure that do-
8 mestic and overseas representation and entertainment ex-
9 penses further official agency business and United States
10 foreign policy interests, and—

11 (1) are primarily for fostering relations outside
12 of the Executive Branch;

13 (2) are principally for meals and events of a
14 protocol nature;

15 (3) are not for employee-only events; and

16 (4) do not include activities that are substan-
17 tially of a recreational character.

18 (f) LIMITATIONS ON ENTERTAINMENT EXPENSES.—
19 None of the funds appropriated or otherwise made avail-
20 able by this Act under the headings “International Mili-
21 tary Education and Training” or “Foreign Military Fi-
22 nancing Program” for Informational Program activities or
23 under the headings “Global Health Programs”, “Develop-
24 ment Assistance”, “Economic Support Fund”, and “As-

1 sistance for Europe, Eurasia and Central Asia” may be
2 obligated or expended to pay for—

3 (1) alcoholic beverages; or

4 (2) entertainment expenses for activities that
5 are substantially of a recreational character, includ-
6 ing entrance fees at sporting events, theatrical and
7 musical productions, and amusement parks.

8 AVAILABILITY OF FUNDS

9 SEC. 7011. No part of any appropriation contained
10 in this Act shall remain available for obligation after the
11 expiration of the current fiscal year unless expressly so
12 provided by this Act: *Provided*, That funds appropriated
13 for the purposes of chapters 1 and 8 of part I, section
14 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign
15 Assistance Act of 1961, section 23 of the Arms Export
16 Control Act (22 U.S.C. 2763), and funds made available
17 for “United States International Development Finance
18 Corporation” and under the heading “Assistance for Eu-
19 rope, Eurasia and Central Asia” shall remain available for
20 an additional 4 years from the date on which the avail-
21 ability of such funds would otherwise have expired, if such
22 funds are initially obligated before the expiration of their
23 respective periods of availability contained in this Act:
24 *Provided further*, That notwithstanding any other provi-
25 sion of this Act, any funds made available for the purposes

1 of chapter 1 of part I and chapter 4 of part II of the
2 Foreign Assistance Act of 1961 which are allocated or ob-
3 ligated for cash disbursements in order to address balance
4 of payments or economic policy reform objectives, shall re-
5 main available for an additional 4 years from the date on
6 which the availability of such funds would otherwise have
7 expired, if such funds are initially allocated or obligated
8 before the expiration of their respective periods of avail-
9 ability contained in this Act: *Provided further*, That the
10 Secretary of State and the Administrator of the United
11 States Agency for International Development shall provide
12 a report to the Committees on Appropriations not later
13 than October 31, 2022, detailing by account and source
14 year, the use of this authority during the previous fiscal
15 year.

16 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

17 SEC. 7012. No part of any appropriation provided
18 under titles III through VI in this Act shall be used to
19 furnish assistance to the government of any country which
20 is in default during a period in excess of 1 calendar year
21 in payment to the United States of principal or interest
22 on any loan made to the government of such country by
23 the United States pursuant to a program for which funds
24 are appropriated under this Act unless the President de-
25 termines, following consultation with the Committees on

1 Appropriations, that assistance for such country is in the
2 national interest of the United States.

3 PROHIBITION ON TAXATION OF UNITED STATES

4 ASSISTANCE

5 SEC. 7013. (a) PROHIBITION ON TAXATION.—None
6 of the funds appropriated under titles III through VI of
7 this Act may be made available to provide assistance for
8 a foreign country under a new bilateral agreement gov-
9 erning the terms and conditions under which such assist-
10 ance is to be provided unless such agreement includes a
11 provision stating that assistance provided by the United
12 States shall be exempt from taxation, or reimbursed, by
13 the foreign government, and the Secretary of State and
14 the Administrator of the United States Agency for Inter-
15 national Development shall expeditiously seek to negotiate
16 amendments to existing bilateral agreements, as nec-
17 essary, to conform with this requirement.

18 (b) NOTIFICATION AND REIMBURSEMENT OF FOR-
19 EIGN TAXES.—An amount equivalent to 200 percent of
20 the total taxes assessed during fiscal year 2022 on funds
21 appropriated by this Act and prior Acts making appropria-
22 tions for the Department of State, foreign operations, and
23 related programs by a foreign government or entity
24 against United States assistance programs, either directly
25 or through grantees, contractors, and subcontractors, shall

1 be withheld from obligation from funds appropriated for
2 assistance for fiscal year 2023 and for prior fiscal years
3 and allocated for the central government of such country
4 or for the West Bank and Gaza program, as applicable,
5 if, not later than September 30, 2023, such taxes have
6 not been reimbursed.

7 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
8 minimis nature shall not be subject to the provisions of
9 subsection (b).

10 (d) REPROGRAMMING OF FUNDS.—Funds withheld
11 from obligation for each foreign government or entity pur-
12 suant to subsection (b) shall be reprogrammed for assist-
13 ance for countries which do not assess taxes on United
14 States assistance or which have an effective arrangement
15 that is providing substantial reimbursement of such taxes,
16 and that can reasonably accommodate such assistance in
17 a programmatically responsible manner.

18 (e) DETERMINATIONS.—

19 (1) IN GENERAL.—The provisions of this sec-
20 tion shall not apply to any foreign government or en-
21 tity that assesses such taxes if the Secretary of
22 State reports to the Committees on Appropriations
23 that—

1 (A) such foreign government or entity has
2 an effective arrangement that is providing sub-
3 stantial reimbursement of such taxes; or

4 (B) the foreign policy interests of the
5 United States outweigh the purpose of this sec-
6 tion to ensure that United States assistance is
7 not subject to taxation.

8 (2) CONSULTATION.—The Secretary of State
9 shall consult with the Committees on Appropriations
10 at least 15 days prior to exercising the authority of
11 this subsection with regard to any foreign govern-
12 ment or entity.

13 (f) IMPLEMENTATION.—The Secretary of State shall
14 issue and update rules, regulations, or policy guidance, as
15 appropriate, to implement the prohibition against the tax-
16 ation of assistance contained in this section.

17 (g) DEFINITIONS.—As used in this section:

18 (1) BILATERAL AGREEMENT.—The term “bilat-
19 eral agreement” refers to a framework bilateral
20 agreement between the Government of the United
21 States and the government of the country receiving
22 assistance that describes the privileges and immuni-
23 ties applicable to United States foreign assistance
24 for such country generally, or an individual agree-
25 ment between the Government of the United States

1 and such government that describes, among other
2 things, the treatment for tax purposes that will be
3 accorded the United States assistance provided
4 under that agreement.

5 (2) TAXES AND TAXATION.—The term “taxes
6 and taxation” shall include value added taxes and
7 customs duties but shall not include individual in-
8 come taxes assessed to local staff.

9 RESERVATIONS OF FUNDS

10 SEC. 7014. (a) REPROGRAMMING.—Funds appro-
11 priated under titles III through VI of this Act which are
12 specifically designated may be reprogrammed for other
13 programs within the same account notwithstanding the
14 designation if compliance with the designation is made im-
15 possible by operation of any provision of this or any other
16 Act: *Provided*, That any such reprogramming shall be sub-
17 ject to the regular notification procedures of the Commit-
18 tees on Appropriations: *Provided further*, That assistance
19 that is reprogrammed pursuant to this subsection shall be
20 made available under the same terms and conditions as
21 originally provided.

22 (b) EXTENSION OF AVAILABILITY.—In addition to
23 the authority contained in subsection (a), the original pe-
24 riod of availability of funds appropriated by this Act and
25 administered by the Department of State or the United

1 States Agency for International Development that are spe-
2 cifically designated for particular programs or activities by
3 this or any other Act may be extended for an additional
4 fiscal year if the Secretary of State or the USAID Admin-
5 istrator, as appropriate, determines and reports promptly
6 to the Committees on Appropriations that the termination
7 of assistance to a country or a significant change in cir-
8 cumstances makes it unlikely that such designated funds
9 can be obligated during the original period of availability:
10 *Provided*, That such designated funds that continue to be
11 available for an additional fiscal year shall be obligated
12 only for the purpose of such designation.

13 (c) OTHER ACTS.—Ceilings and specifically des-
14 igned funding levels contained in this Act shall not be
15 applicable to funds or authorities appropriated or other-
16 wise made available by any subsequent Act unless such
17 Act specifically so directs: *Provided*, That specifically des-
18 igned funding levels or minimum funding requirements
19 contained in any other Act shall not be applicable to funds
20 appropriated by this Act.

21 NOTIFICATION REQUIREMENTS

22 SEC. 7015. (a) NOTIFICATION OF CHANGES IN PRO-
23 GRAMS, PROJECTS, AND ACTIVITIES.—None of the funds
24 made available in titles I, II, and VI, and under the head-
25 ings “Peace Corps” and “Millennium Challenge Corpora-

tion”, of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs to the departments and agencies funded by this Act that remain available for obligation in fiscal year 2022, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency refloes or other offsetting collections, or made available by transfer, to the departments and agencies funded by this Act, shall be available for obligation to—

- (1) create new programs;
 - (2) suspend or eliminate a program, project, or activity;
 - (3) close, suspend, open, or reopen a mission or post;
 - (4) create, close, reorganize, downsize, or rename bureaus, centers, or offices; or
 - (5) contract out or privatize any functions or activities presently performed by Federal employees;
- unless previously justified to the Committees on Appropriations or such Committees are notified 15 days in advance of such obligation.

(b) NOTIFICATION OF REPROGRAMMING OF FUNDS.—None of the funds provided under titles I, II, and VI of this Act or prior Acts making appropriations for the Department of State, foreign operations, and re-

1 lated programs, to the departments and agencies funded
2 under such titles that remain available for obligation in
3 fiscal year 2022, or provided from any accounts in the
4 Treasury of the United States derived by the collection
5 of fees available to the department and agency funded
6 under title I of this Act, shall be available for obligation
7 or expenditure for programs, projects, or activities
8 through a reprogramming of funds in excess of
9 \$1,000,000 or 10 percent, whichever is less, that—

10 (1) augments or changes existing programs,
11 projects, or activities;

12 (2) relocates an existing office or employees;

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

16 (4) results from any general savings, including
17 savings from a reduction in personnel, which would
18 result in a change in existing programs, projects, or
19 activities as approved by Congress;

20 unless the Committees on Appropriations are notified 15
21 days in advance of such reprogramming of funds.

22 (c) NOTIFICATION REQUIREMENT.—None of the
23 funds made available by this Act under the headings
24 “Global Health Programs”, “Development Assistance”,
25 “Economic Support Fund”, “Democracy Fund”, “Assist-

1 ance for Europe, Eurasia and Central Asia”, “Peace
2 Corps”, “Millennium Challenge Corporation”, “Inter-
3 national Narcotics Control and Law Enforcement”, “Non-
4 proliferation, Anti-terrorism, Demining and Related Pro-
5 grams”, “Peacekeeping Operations”, “International Mili-
6 tary Education and Training”, “Foreign Military Financ-
7 ing Program”, “International Organizations and Pro-
8 grams”, “United States International Development Fi-
9 nance Corporation”, and “Trade and Development Agen-
10 cy” shall be available for obligation for programs, projects,
11 activities, type of materiel assistance, countries, or other
12 operations not justified or in excess of the amount justi-
13 fied to the Committees on Appropriations for obligation
14 under any of these specific headings unless the Commit-
15 tees on Appropriations are notified 15 days in advance of
16 such obligation: *Provided*, That the President shall not
17 enter into any commitment of funds appropriated for the
18 purposes of section 23 of the Arms Export Control Act
19 for the provision of major defense equipment, other than
20 conventional ammunition, or other major defense items
21 defined to be aircraft, ships, missiles, or combat vehicles,
22 not previously justified to Congress or 20 percent in excess
23 of the quantities justified to Congress unless the Commit-
24 tees on Appropriations are notified 15 days in advance of
25 such commitment: *Provided further*, That requirements of

1 this subsection or any similar provision of this or any
2 other Act shall not apply to any reprogramming for a pro-
3 gram, project, or activity for which funds are appropriated
4 under titles III through VI of this Act of less than 10
5 percent of the amount previously justified to Congress for
6 obligation for such program, project, or activity for the
7 current fiscal year: *Provided further*, That any notification
8 submitted pursuant to subsection (f) of this section shall
9 include information (if known on the date of transmittal
10 of such notification) on the use of notwithstanding author-
11 ity.

12 (d) DEPARTMENT OF DEFENSE PROGRAMS AND
13 FUNDING NOTIFICATIONS.—

14 (1) PROGRAMS.—None of the funds appro-
15 priated by this Act or prior Acts making appropria-
16 tions for the Department of State, foreign oper-
17 ations, and related programs may be made available
18 to support or continue any program initially funded
19 under any authority of title 10, United States Code,
20 or any Act making or authorizing appropriations for
21 the Department of Defense, unless the Secretary of
22 State, in consultation with the Secretary of Defense
23 and in accordance with the regular notification pro-
24 cedures of the Committees on Appropriations, sub-
25 mits a justification to such Committees that includes

1 a description of, and the estimated costs associated
2 with, the support or continuation of such program.

3 (2) FUNDING.—Notwithstanding any other pro-
4 vision of law, funds transferred by the Department
5 of Defense to the Department of State and the
6 United States Agency for International Development
7 for assistance for foreign countries and international
8 organizations shall be subject to the regular notifica-
9 tion procedures of the Committees on Appropria-
10 tions.

11 (3) NOTIFICATION ON EXCESS DEFENSE ARTI-
12 CLES.—Prior to providing excess Department of De-
13 fense articles in accordance with section 516(a) of
14 the Foreign Assistance Act of 1961, the Department
15 of Defense shall notify the Committees on Appro-
16 priations to the same extent and under the same
17 conditions as other committees pursuant to sub-
18 section (f) of that section: *Provided*, That before
19 issuing a letter of offer to sell excess defense articles
20 under the Arms Export Control Act, the Department
21 of Defense shall notify the Committees on Appro-
22 priations in accordance with the regular notification
23 procedures of such Committees if such defense arti-
24 cles are significant military equipment (as defined in
25 section 47(9) of the Arms Export Control Act) or

1 are valued (in terms of original acquisition cost) at
2 \$7,000,000 or more, or if notification is required
3 elsewhere in this Act for the use of appropriated
4 funds for specific countries that would receive such
5 excess defense articles: *Provided further*, That such
6 Committees shall also be informed of the original ac-
7 quisition cost of such defense articles.

8 (e) WAIVER.—The requirements of this section or
9 any similar provision of this Act or any other Act, includ-
10 ing any prior Act requiring notification in accordance with
11 the regular notification procedures of the Committees on
12 Appropriations, may be waived if failure to do so would
13 pose a substantial risk to human health or welfare: *Pro-*
14 *vided*, That in case of any such waiver, notification to the
15 Committees on Appropriations shall be provided as early
16 as practicable, but in no event later than 3 days after tak-
17 ing the action to which such notification requirement was
18 applicable, in the context of the circumstances necessi-
19 tating such waiver: *Provided further*, That any notification
20 provided pursuant to such a waiver shall contain an expla-
21 nation of the emergency circumstances.

22 (f) COUNTRY NOTIFICATION REQUIREMENTS.—None
23 of the funds appropriated under titles III through VI of
24 this Act may be obligated or expended for assistance for
25 Afghanistan, Bahrain, Burma, Cambodia, Colombia,

1 Cuba, Egypt, El Salvador, Ethiopia, Guatemala, Haiti,
2 Honduras, Iran, Iraq, Lebanon, Libya, Mexico, Nica-
3 ragua, Pakistan, Philippines, the Russian Federation,
4 Rwanda, Somalia, South Sudan, Sri Lanka, Sudan, Syria,
5 Uzbekistan, Venezuela, Yemen, and Zimbabwe except as
6 provided through the regular notification procedures of the
7 Committees on Appropriations.

8 (g) TRUST FUNDS.—Funds appropriated or other-
9 wise made available in title III of this Act and prior Acts
10 making funds available for the Department of State, for-
11 eign operations, and related programs that are made avail-
12 able for a trust fund held by an international financial
13 institution shall be subject to the regular notification pro-
14 cedures of the Committees on Appropriations, and such
15 notification shall include the information specified under
16 this section in House Report 117–84.

17 (h) OTHER PROGRAM NOTIFICATION REQUIRE-
18 MENT.—

19 (1) DIPLOMATIC PROGRAMS.—Funds appro-
20 priated under title I of this Act under the heading
21 “Diplomatic Programs” that are made available for
22 lateral entry into the Foreign Service shall be sub-
23 ject to prior consultation with, and the regular noti-
24 fication procedures of, the Committees on Appro-
25 priations.

1 (2) OTHER PROGRAMS.—Funds appropriated by
2 this Act that are made available for the following
3 programs and activities shall be subject to the reg-
4 ular notification procedures of the Committees on
5 Appropriations:

6 (A) the Global Engagement Center;

7 (B) the Power Africa and Prosper Africa
8 initiatives;

9 (C) community-based police assistance con-
10 ducted pursuant to the authority of section
11 7035(a)(1) of this Act;

12 (D) the Prevention and Stabilization Fund
13 and the Multi-Donor Global Fragility Fund;

14 (E) the Indo-Pacific Strategy;

15 (F) the Countering PRC Influence Fund
16 and the Countering Russian Influence Fund;
17 and

18 (G) the Gender Equity and Equality Ac-
19 tion Fund.

20 (3) DEMOCRACY PROGRAM POLICY AND PROCE-
21 DURES.—Modifications to democracy program policy
22 and procedures, including relating to the use of con-
23 sortia, by the Department of State and USAID shall
24 be subject to prior consultation with, and the regular

1 notification procedures of, the Committees on Ap-
2 propriations.

3 (4) ARMS SALES.—The reports, notifications,
4 and certifications, and any other documents, re-
5 quired to be submitted pursuant to section 36(a) of
6 the Arms Export Control Act (22 U.S.C. 2776), and
7 such documents submitted pursuant to section 36(b)
8 through (d) of such Act with respect to countries
9 that have received assistance provided with funds
10 appropriated by this Act or prior Acts making ap-
11 propriations for the Department of State, foreign
12 operations, and related programs, shall be concu-
13 rrently submitted to the Committees on Appropria-
14 tions and shall include information about the source
15 of funds for any sale or transfer, as applicable, if
16 known at the time of submission.

17 (i) WITHHOLDING OF FUNDS.—Funds appropriated
18 by this Act under titles III and IV that are withheld from
19 obligation or otherwise not programmed as a result of ap-
20 plication of a provision of law in this or any other Act
21 shall, if reprogrammed, be subject to the regular notifica-
22 tion procedures of the Committees on Appropriations.

23 (j) PRIOR CONSULTATION REQUIREMENT.—The Sec-
24 retary of State, the Administrator of the United States
25 Agency for International Development, the Chief Execu-

1 tive Officer of the United States International Develop-
2 ment Finance Corporation, and the Chief Executive Offi-
3 cer of the Millennium Challenge Corporation shall consult
4 with the Committees on Appropriations at least 7 days
5 prior to informing a government of, or publically announ-
6 ing a decision on, the suspension or early termination of
7 assistance to a country or a territory, including as a result
8 of an interagency review of such assistance, from funds
9 appropriated by this Act or prior Acts making appropria-
10 tions for the Department of State, foreign operations, and
11 related programs: *Provided*, That such consultation shall
12 include a detailed justification for such suspension, includ-
13 ing a description of the assistance being suspended.

14 DOCUMENTS, REPORT POSTING, RECORDS MANAGEMENT,
15 AND RELATED CYBERSECURITY PROTECTIONS

16 SEC. 7016. (a) DOCUMENT REQUESTS.—None of the
17 funds appropriated or made available pursuant to titles
18 III through VI of this Act shall be available to a non-
19 governmental organization, including any contractor,
20 which fails to provide upon timely request any document,
21 file, or record necessary to the auditing requirements of
22 the Department of State and the United States Agency
23 for International Development.

24 (b) PUBLIC POSTING OF REPORTS.—

1 (1) Except as provided in paragraphs (2) and
2 (3), any report required by this Act to be submitted
3 to Congress by any Federal agency receiving funds
4 made available by this Act shall be posted on the
5 public Web site of such agency not later than 45
6 days following the receipt of such report by Con-
7 gress.

8 (2) Paragraph (1) shall not apply to a report
9 if—

10 (A) the public posting of the report would
11 compromise national security, including the
12 conduct of diplomacy;

13 (B) the report contains proprietary or
14 other privileged information; or

15 (C) the public posting of the report is spe-
16 cifically exempted in the explanatory statement
17 described in section 4 (in the matter preceding
18 division A of this consolidated Act).

19 (3) The agency posting such report shall do so
20 only after the report has been made available to the
21 Committees on Appropriations.

22 (c) RECORDS MANAGEMENT AND RELATED CYBER-
23 SECURITY PROTECTIONS.—The Secretary of State and
24 USAID Administrator shall—

1 (1) regularly review and update the policies, di-
2 rectives, and oversight necessary to comply with
3 Federal statutes, regulations, and presidential execu-
4 tive orders and memoranda concerning the preserva-
5 tion of all records made or received in the conduct
6 of official business, including record emails, instant
7 messaging, and other online tools;

8 (2) use funds appropriated by this Act under
9 the headings “Diplomatic Programs” and “Capital
10 Investment Fund” in title I, and “Operating Ex-
11 penses” and “Capital Investment Fund” in title II,
12 as appropriate, to improve Federal records manage-
13 ment pursuant to the Federal Records Act (44
14 U.S.C. Chapters 21, 29, 31, and 33) and other ap-
15 plicable Federal records management statutes, regu-
16 lations, or policies for the Department of State and
17 USAID;

18 (3) direct departing employees, including senior
19 officials, that all Federal records generated by such
20 employees belong to the Federal Government;

21 (4) substantially reduce, compared to the pre-
22 vious fiscal year, the response time for identifying
23 and retrieving Federal records, including requests
24 made pursuant to section 552 of title 5, United

1 States Code (commonly known as the “Freedom of
2 Information Act”); and

3 (5) strengthen cybersecurity measures to miti-
4 gate vulnerabilities, including those resulting from
5 the use of personal email accounts or servers outside
6 the .gov domain, improve the process to identify and
7 remove inactive user accounts, update and enforce
8 guidance related to the control of national security
9 information, and implement the recommendations of
10 the applicable reports of the cognizant Office of In-
11 spector General.

12 USE OF FUNDS IN CONTRAVENTION OF THIS ACT

13 SEC. 7017. If the President makes a determination
14 not to comply with any provision of this Act on constitu-
15 tional grounds, the head of the relevant Federal agency
16 shall notify the Committees on Appropriations in writing
17 within 5 days of such determination, the basis for such
18 determination and any resulting changes to program or
19 policy.

20 PROHIBITION ON FUNDING FOR ABORTIONS AND
21 INVOLUNTARY STERILIZATION

22 SEC. 7018. None of the funds made available to carry
23 out part I of the Foreign Assistance Act of 1961, as
24 amended, may be used to pay for the performance of abor-
25 tions as a method of family planning or to motivate or

1 coerce any person to practice abortions. None of the funds
2 made available to carry out part I of the Foreign Assist-
3 ance Act of 1961, as amended, may be used to pay for
4 the performance of involuntary sterilization as a method
5 of family planning or to coerce or provide any financial
6 incentive to any person to undergo sterilizations. None of
7 the funds made available to carry out part I of the Foreign
8 Assistance Act of 1961, as amended, may be used to pay
9 for any biomedical research which relates in whole or in
10 part, to methods of, or the performance of, abortions or
11 involuntary sterilization as a means of family planning.
12 None of the funds made available to carry out part I of
13 the Foreign Assistance Act of 1961, as amended, may be
14 obligated or expended for any country or organization if
15 the President certifies that the use of these funds by any
16 such country or organization would violate any of the
17 above provisions related to abortions and involuntary steri-
18 lizations.

19 ALLOCATIONS AND REPORTS

20 SEC. 7019. (a) ALLOCATION TABLES.—Subject to
21 subsection (b), funds appropriated by this Act under titles
22 III through V shall be made available in the amounts spe-
23 cifically designated in the respective tables included in the
24 explanatory statement described in section 4 (in the mat-
25 ter preceding division A of this consolidated Act): *Pro-*

1 *vided*, That such designated amounts for foreign countries
2 and international organizations shall serve as the amounts
3 for such countries and international organizations trans-
4 mitted to Congress in the report required by section
5 653(a) of the Foreign Assistance Act of 1961, and shall
6 be made available for such foreign countries and inter-
7 national organizations notwithstanding the date of the
8 transmission of such report.

9 (b) AUTHORIZED DEVIATIONS.—Unless otherwise
10 provided for by this Act, the Secretary of State and the
11 Administrator of the United States Agency for Inter-
12 national Development, as applicable, may only deviate up
13 to 10 percent from the amounts specifically designated in
14 the respective tables included in the explanatory statement
15 described in section 4 (in the matter preceding division
16 A of this consolidated Act): *Provided*, That such percent-
17 age may be exceeded only if the Secretary of State or
18 USAID Administrator, as applicable, determines and re-
19 ports in writing to the Committees on Appropriations on
20 a case-by-case basis that such deviation is necessary to
21 respond to significant, exigent, or unforeseen events, or
22 to address other exceptional circumstances directly related
23 to the national security interest of the United States, in-
24 cluding a description of such events or circumstances: *Pro-*
25 *vided further*, That deviations pursuant to the preceding

1 proviso shall be subject to prior consultation with, and the
2 regular notification procedures of, the Committees on Ap-
3 propriations.

4 (c) LIMITATION.—For specifically designated
5 amounts that are included, pursuant to subsection (a), in
6 the report required by section 653(a) of the Foreign As-
7 sistance Act of 1961, deviations authorized by subsection
8 (b) may only take place after submission of such report.

9 (d) EXCEPTIONS.—

10 (1) Subsections (a) and (b) shall not apply to—

11 (A) amounts designated for “International
12 Military Education and Training” in the re-
13 spective tables included in the explanatory
14 statement described in section 4 (in the matter
15 preceding division A of this consolidated Act);

16 (B) funds for which the initial period of
17 availability has expired; and

18 (C) amounts designated by this Act as
19 minimum funding requirements.

20 (2) The authority of subsection (b) to deviate
21 from amounts designated in the respective tables in-
22 cluded in the explanatory statement described in sec-
23 tion 4 (in the matter preceding division A of this
24 consolidated Act) shall not apply to the table in-

1 cluded under the heading “Global Health Programs”
2 in such statement.

3 (3) With respect to the amounts designated for
4 “Global Programs” in the table under the heading
5 “Economic Support Fund” included in the explana-
6 tory statement described in section 4 (in the matter
7 preceding division A of this consolidated Act), the
8 matter preceding the first proviso in subsection (b)
9 of this section shall be applied by substituting “5
10 percent” for “10 percent”, and the provisos in such
11 subsection (b) shall not apply.

12 (e) REPORTS.—The Secretary of State, USAID Ad-
13 ministrators, and other designated officials, as appropriate,
14 shall submit the reports required, in the manner described,
15 in House Report 117–84 and the explanatory statement
16 described in section 4 (in the matter preceding division
17 A of this consolidated Act), unless directed otherwise in
18 such explanatory statement.

19 (f) CLARIFICATION.—Funds appropriated by this Act
20 under the headings “International Disaster Assistance”
21 and “Migration and Refugee Assistance” shall not be in-
22 cluded for purposes of meeting amounts designated for
23 countries in this Act, unless such headings are specifically
24 designated as the source of funds.

1 MULTI-YEAR PLEDGES

2 SEC. 7020. None of the funds appropriated or other-
3 wise made available by this Act may be used to make any
4 pledge for future year funding for any multilateral or bi-
5 lateral program funded in titles III through VI of this Act
6 unless such pledge was: (1) previously justified, including
7 the projected future year costs, in a congressional budget
8 justification; (2) included in an Act making appropriations
9 for the Department of State, foreign operations, and re-
10 lated programs or previously authorized by an Act of Con-
11 gress; (3) notified in accordance with the regular notifica-
12 tion procedures of the Committees on Appropriations, in-
13 cluding the projected future year costs; or (4) the subject
14 of prior consultation with the Committees on Appropria-
15 tions and such consultation was conducted at least 7 days
16 in advance of the pledge.

17 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

18 SUPPORTING INTERNATIONAL TERRORISM

19 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-
20 PORTS.—

21 (1) PROHIBITION.—None of the funds appro-
22 priated or otherwise made available under titles III
23 through VI of this Act may be made available to any
24 foreign government which provides lethal military
25 equipment to a country the government of which the

1 Secretary of State has determined supports inter-
2 national terrorism for purposes of section 1754(c) of
3 the Export Reform Control Act of 2018 (50 U.S.C.
4 4813(c)): *Provided*, That the prohibition under this
5 section with respect to a foreign government shall
6 terminate 12 months after that government ceases
7 to provide such military equipment: *Provided further*,
8 That this section applies with respect to lethal mili-
9 tary equipment provided under a contract entered
10 into after October 1, 1997.

11 (2) DETERMINATION.—Assistance restricted by
12 paragraph (1) or any other similar provision of law,
13 may be furnished if the President determines that to
14 do so is important to the national interest of the
15 United States.

16 (3) REPORT.—Whenever the President makes a
17 determination pursuant to paragraph (2), the Presi-
18 dent shall submit to the Committees on Appropria-
19 tions a report with respect to the furnishing of such
20 assistance, including a detailed explanation of the
21 assistance to be provided, the estimated dollar
22 amount of such assistance, and an explanation of
23 how the assistance furthers the United States na-
24 tional interest.

25 (b) BILATERAL ASSISTANCE.—

1 (1) LIMITATIONS.—Funds appropriated for bi-
2 lateral assistance in titles III through VI of this Act
3 and funds appropriated under any such title in prior
4 Acts making appropriations for the Department of
5 State, foreign operations, and related programs,
6 shall not be made available to any foreign govern-
7 ment which the President determines—

8 (A) grants sanctuary from prosecution to
9 any individual or group which has committed
10 an act of international terrorism;

11 (B) otherwise supports international ter-
12 rorism; or

13 (C) is controlled by an organization des-
14 igned as a terrorist organization under sec-
15 tion 219 of the Immigration and Nationality
16 Act (8 U.S.C. 1189).

17 (2) WAIVER.—The President may waive the ap-
18 plication of paragraph (1) to a government if the
19 President determines that national security or hu-
20 manitarian reasons justify such waiver: *Provided,*
21 That the President shall publish each such waiver in
22 the Federal Register and, at least 15 days before the
23 waiver takes effect, shall notify the Committees on
24 Appropriations of the waiver (including the justifica-
25 tion for the waiver) in accordance with the regular

1 notification procedures of the Committees on Appro-
2 priations.

3 AUTHORIZATION REQUIREMENTS

4 SEC. 7022. Funds appropriated by this Act, except
5 funds appropriated under the heading “Trade and Devel-
6 opment Agency”, may be obligated and expended notwith-
7 standing section 10 of Public Law 91–672 (22 U.S.C.
8 2412), section 15 of the State Department Basic Authori-
9 ties Act of 1956 (22 U.S.C. 2680), section 313 of the For-
10 eign Relations Authorization Act, Fiscal Years 1994 and
11 1995 (22 U.S.C. 6212), and section 504(a)(1) of the Na-
12 tional Security Act of 1947 (50 U.S.C. 3094(a)(1)).

13 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

14 SEC. 7023. For the purpose of titles II through VI
15 of this Act “program, project, and activity” shall be de-
16 fined at the appropriations Act account level and shall in-
17 clude all appropriations and authorizations Acts funding
18 directives, ceilings, and limitations with the exception that
19 for the “Economic Support Fund”, “Assistance for Eu-
20 rope, Eurasia and Central Asia”, and “Foreign Military
21 Financing Program” accounts, “program, project, and ac-
22 tivity” shall also be considered to include country, re-
23 gional, and central program level funding within each such
24 account, and for the development assistance accounts of
25 the United States Agency for International Development,

1 “program, project, and activity” shall also be considered
2 to include central, country, regional, and program level
3 funding, either as—

4 (1) justified to Congress; or

5 (2) allocated by the Executive Branch in ac-
6 cordance with the report required by section 653(a)
7 of the Foreign Assistance Act of 1961 or as modi-
8 fied pursuant to section 7019 of this Act.

9 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
10 FOUNDATION, AND UNITED STATES AFRICAN DEVEL-
11 OPMENT FOUNDATION

12 SEC. 7024. Unless expressly provided to the contrary,
13 provisions of this or any other Act, including provisions
14 contained in prior Acts authorizing or making appropria-
15 tions for the Department of State, foreign operations, and
16 related programs, shall not be construed to prohibit activi-
17 ties authorized by or conducted under the Peace Corps
18 Act, the Inter-American Foundation Act, or the African
19 Development Foundation Act: *Provided*, That prior to con-
20 ducting activities in a country for which assistance is pro-
21 hibited, the agency shall consult with the Committees on
22 Appropriations and report to such Committees within 15
23 days of taking such action.

1 COMMERCE, TRADE AND SURPLUS COMMODITIES

2 SEC. 7025. (a) WORLD MARKETS.—None of the
3 funds appropriated or made available pursuant to titles
4 III through VI of this Act for direct assistance and none
5 of the funds otherwise made available to the Export-Im-
6 port Bank and the United States International Develop-
7 ment Finance Corporation shall be obligated or expended
8 to finance any loan, any assistance, or any other financial
9 commitments for establishing or expanding production of
10 any commodity for export by any country other than the
11 United States, if the commodity is likely to be in surplus
12 on world markets at the time the resulting productive ca-
13 pacity is expected to become operative and if the assist-
14 ance will cause substantial injury to United States pro-
15 ducers of the same, similar, or competing commodity: *Pro-*
16 *vided*, That such prohibition shall not apply to the Export-
17 Import Bank if in the judgment of its Board of Directors
18 the benefits to industry and employment in the United
19 States are likely to outweigh the injury to United States
20 producers of the same, similar, or competing commodity,
21 and the Chairman of the Board so notifies the Committees
22 on Appropriations: *Provided further*, That this subsection
23 shall not prohibit—

24 (1) activities in a country that is eligible for as-
25 sistance from the International Development Asso-

1 ciation, is not eligible for assistance from the Inter-
2 national Bank for Reconstruction and Development,
3 and does not export on a consistent basis the agri-
4 cultural commodity with respect to which assistance
5 is furnished; or

6 (2) activities in a country the President deter-
7 mines is recovering from widespread conflict, a hu-
8 manitarian crisis, or a complex emergency.

9 (b) EXPORTS.—None of the funds appropriated by
10 this or any other Act to carry out chapter 1 of part I
11 of the Foreign Assistance Act of 1961 shall be available
12 for any testing or breeding feasibility study, variety im-
13 provement or introduction, consultancy, publication, con-
14 ference, or training in connection with the growth or pro-
15 duction in a foreign country of an agricultural commodity
16 for export which would compete with a similar commodity
17 grown or produced in the United States: *Provided*, That
18 this subsection shall not prohibit—

19 (1) activities designed to increase food security
20 in developing countries where such activities will not
21 have a significant impact on the export of agricul-
22 tural commodities of the United States;

23 (2) research activities intended primarily to
24 benefit United States producers;

1 1 and 10 of part I or chapter 4 of part II of the
2 Foreign Assistance Act of 1961 under agreements
3 which result in the generation of local currencies of
4 that country, the Administrator of the United States
5 Agency for International Development shall—

6 (A) require that local currencies be depos-
7 ited in a separate account established by that
8 government;

9 (B) enter into an agreement with that gov-
10 ernment which sets forth—

11 (i) the amount of the local currencies
12 to be generated; and

13 (ii) the terms and conditions under
14 which the currencies so deposited may be
15 utilized, consistent with this section; and

16 (C) establish by agreement with that gov-
17 ernment the responsibilities of USAID and that
18 government to monitor and account for deposits
19 into and disbursements from the separate ac-
20 count.

21 (2) USES OF LOCAL CURRENCIES.—As may be
22 agreed upon with the foreign government, local cur-
23 rencies deposited in a separate account pursuant to
24 subsection (a), or an equivalent amount of local cur-
25 rencies, shall be used only—

1 (A) to carry out chapter 1 or 10 of part
2 I or chapter 4 of part II of the Foreign Assist-
3 ance Act of 1961 (as the case may be), for such
4 purposes as—

5 (i) project and sector assistance activi-
6 ties; or

7 (ii) debt and deficit financing; or

8 (B) for the administrative requirements of
9 the United States Government.

10 (3) PROGRAMMING ACCOUNTABILITY.—USAID
11 shall take all necessary steps to ensure that the
12 equivalent of the local currencies disbursed pursuant
13 to subsection (a)(2)(A) from the separate account
14 established pursuant to subsection (a)(1) are used
15 for the purposes agreed upon pursuant to subsection
16 (a)(2).

17 (4) TERMINATION OF ASSISTANCE PRO-
18 GRAMS.—Upon termination of assistance to a coun-
19 try under chapter 1 or 10 of part I or chapter 4 of
20 part II of the Foreign Assistance Act of 1961 (as
21 the case may be), any unencumbered balances of
22 funds which remain in a separate account estab-
23 lished pursuant to subsection (a) shall be disposed of
24 for such purposes as may be agreed to by the gov-

1 ernment of that country and the United States Gov-
2 ernment.

3 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

4 (1) IN GENERAL.—If assistance is made avail-
5 able to the government of a foreign country, under
6 chapter 1 or 10 of part I or chapter 4 of part II of
7 the Foreign Assistance Act of 1961, as cash transfer
8 assistance or as nonproject sector assistance, that
9 country shall be required to maintain such funds in
10 a separate account and not commingle with any
11 other funds.

12 (2) APPLICABILITY OF OTHER PROVISIONS OF
13 LAW.—Such funds may be obligated and expended
14 notwithstanding provisions of law which are incon-
15 sistent with the nature of this assistance, including
16 provisions which are referenced in the Joint Explan-
17 atory Statement of the Committee of Conference ac-
18 companying House Joint Resolution 648 (House Re-
19 port No. 98–1159).

20 (3) NOTIFICATION.—At least 15 days prior to
21 obligating any such cash transfer or nonproject sec-
22 tor assistance, the President shall submit a notifica-
23 tion through the regular notification procedures of
24 the Committees on Appropriations, which shall in-
25 clude a detailed description of how the funds pro-

1 posed to be made available will be used, with a dis-
2 cussion of the United States interests that will be
3 served by such assistance (including, as appropriate,
4 a description of the economic policy reforms that will
5 be promoted by such assistance).

6 (4) EXEMPTION.—Nonproject sector assistance
7 funds may be exempt from the requirements of para-
8 graph (1) only through the regular notification pro-
9 cedures of the Committees on Appropriations.

10 ELIGIBILITY FOR ASSISTANCE

11 SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERN-
12 MENTAL ORGANIZATIONS.—Restrictions contained in this
13 or any other Act with respect to assistance for a country
14 shall not be construed to restrict assistance in support of
15 programs of nongovernmental organizations from funds
16 appropriated by this Act to carry out the provisions of
17 chapters 1, 10, 11, and 12 of part I and chapter 4 of
18 part II of the Foreign Assistance Act of 1961 and from
19 funds appropriated under the heading “Assistance for Eu-
20 rope, Eurasia and Central Asia”: *Provided*, That before
21 using the authority of this subsection to furnish assistance
22 in support of programs of nongovernmental organizations,
23 the President shall notify the Committees on Appropria-
24 tions pursuant to the regular notification procedures, in-
25 cluding a description of the program to be assisted, the

1 assistance to be provided, and the reasons for furnishing
2 such assistance: *Provided further*, That nothing in this
3 subsection shall be construed to alter any existing statu-
4 tory prohibitions against abortion or involuntary steriliza-
5 tions contained in this or any other Act.

6 (b) PUBLIC LAW 480.—During fiscal year 2022, re-
7 strictions contained in this or any other Act with respect
8 to assistance for a country shall not be construed to re-
9 strict assistance under the Food for Peace Act (Public
10 Law 83–480; 7 U.S.C. 1721 et seq.): *Provided*, That none
11 of the funds appropriated to carry out title I of such Act
12 and made available pursuant to this subsection may be
13 obligated or expended except as provided through the reg-
14 ular notification procedures of the Committees on Appro-
15 priations.

16 (c) EXCEPTION.—This section shall not apply—

17 (1) with respect to section 620A of the Foreign
18 Assistance Act of 1961 or any comparable provision
19 of law prohibiting assistance to countries that sup-
20 port international terrorism; or

21 (2) with respect to section 116 of the Foreign
22 Assistance Act of 1961 or any comparable provision
23 of law prohibiting assistance to the government of a
24 country that violates internationally recognized
25 human rights.

1 ing the strategic use of peer reviews and external experts,
2 to conduct independent, in-depth evaluations of the effec-
3 tiveness of at least 35 percent of all loans, grants, pro-
4 grams, and significant analytical non-lending activities in
5 advancing the institution's goals of reducing poverty and
6 promoting equitable economic growth, consistent with rel-
7 evant safeguards, to ensure that decisions to support such
8 loans, grants, programs, and activities are based on accu-
9 rate data and objective analysis.

10 (b) SAFEGUARDS.—

11 (1) STANDARD.—The Secretary of the Treasury
12 shall instruct the United States Executive Director
13 of the International Bank for Reconstruction and
14 Development and the International Development As-
15 sociation to use the voice and vote of the United
16 States to oppose any loan, grant, policy, or strategy
17 if such institution has adopted and is implementing
18 any social or environmental safeguard relevant to
19 such loan, grant, policy, or strategy that provides
20 less protection than World Bank safeguards in effect
21 on September 30, 2015.

22 (2) ACCOUNTABILITY, STANDARDS, AND BEST
23 PRACTICES.—The Secretary of the Treasury shall in-
24 struct the United States executive director of each
25 international financial institution to use the voice

1 and vote of the United States to oppose loans or
2 other financing for projects unless such projects—

3 (A) provide for accountability and trans-
4 parency, including the collection, verification,
5 and publication of beneficial ownership informa-
6 tion related to extractive industries and on-site
7 monitoring during the life of the project;

8 (B) will be developed and carried out in ac-
9 cordance with best practices regarding environ-
10 mental conservation, cultural protection, and
11 empowerment of local populations, including
12 free, prior and informed consent of affected In-
13 digenous communities;

14 (C) do not provide incentives for, or facili-
15 tate, forced displacement or other violations of
16 human rights; and

17 (D) do not partner with or otherwise in-
18 volve enterprises owned or controlled by the
19 armed forces.

20 (e) COMPENSATION.—None of the funds appro-
21 priated under title V of this Act may be made as payment
22 to any international financial institution while the United
23 States executive director to such institution is com-
24 pensated by the institution at a rate which, together with
25 whatever compensation such executive director receives

1 from the United States, is in excess of the rate provided
2 for an individual occupying a position at level IV of the
3 Executive Schedule under section 5315 of title 5, United
4 States Code, or while any alternate United States execu-
5 tive director to such institution is compensated by the in-
6 stitution at a rate in excess of the rate provided for an
7 individual occupying a position at level V of the Executive
8 Schedule under section 5316 of title 5, United States
9 Code.

10 (d) HUMAN RIGHTS.—The Secretary of the Treasury
11 shall instruct the United States executive director of each
12 international financial institution to use the voice and vote
13 of the United States to promote human rights due dili-
14 gence and risk management, as appropriate, in connection
15 with any loan, grant, policy, or strategy of such institution
16 in accordance with the requirements specified under this
17 subsection in House Report 117–84: *Provided*, That prior
18 to voting on any such loan, grant, policy, or strategy the
19 executive director shall consult with the Assistant Sec-
20 retary for Democracy, Human Rights, and Labor, Depart-
21 ment of State, if the executive director has reason to be-
22 lieve that such loan, grant, policy, or strategy could result
23 in forced displacement or other violations of human rights.

24 (e) FRAUD AND CORRUPTION.—The Secretary of the
25 Treasury shall instruct the United States executive direc-

1 tor of each international financial institution to use the
2 voice of the United States to include in loan, grant, and
3 other financing agreements improvements in borrowing
4 countries' financial management and judicial capacity to
5 investigate, prosecute, and punish fraud and corruption.

6 (f) BENEFICIAL OWNERSHIP INFORMATION.—The
7 Secretary of the Treasury shall instruct the United States
8 executive director of each international financial institu-
9 tion to use the voice of the United States to encourage
10 such institution to collect, verify, and publish, to the max-
11 imum extent practicable, beneficial ownership information
12 (excluding proprietary information) for any corporation or
13 limited liability company, other than a publicly listed com-
14 pany, that receives funds from any such financial institu-
15 tion.

16 (g) WHISTLEBLOWER PROTECTIONS.—The Secretary
17 of the Treasury shall instruct the United States executive
18 director of each international financial institution to use
19 the voice of the United States to encourage such institu-
20 tion to effectively implement and enforce policies and pro-
21 cedures which meet or exceed best practices in the United
22 States for the protection of whistleblowers from retalia-
23 tion, including—

24 (1) protection against retaliation for internal
25 and lawful public disclosure;

1 (2) legal burdens of proof;

2 (3) statutes of limitation for reporting retalia-
3 tion;

4 (4) access to binding independent adjudicative
5 bodies, including shared cost and selection external
6 arbitration; and

7 (5) results that eliminate the effects of proven
8 retaliation, including provision for the restoration of
9 prior employment.

10 (h) GRIEVANCE MECHANISMS AND PROCEDURES.—

11 The Secretary of the Treasury shall instruct the United
12 States executive director of each international financial in-
13 stitution to use the voice and vote of the United States
14 to support independent investigative and adjudicative
15 mechanisms and procedures that meet or exceed best prac-
16 tices in the United States to provide due process and fair
17 compensation, including the right to reinstatement, for
18 employees who are subjected to harassment, discrimina-
19 tion, retaliation, false allegations, or other misconduct.

20 (i) CAPITAL INCREASES.—None of the funds appro-
21 priated by this Act or prior Acts making appropriations
22 for the Department of State, foreign operations, and re-
23 lated programs should be made available to support a cap-
24 ital increase for an international financial institution until
25 the President submits a budget request for such increase

1 to Congress and determines and reports to the Commit-
2 tees on Appropriations that—

3 (1) the institution has completed a thorough
4 analysis of the development challenges facing the rel-
5 evant geographical region, the role of the institution
6 in addressing such challenges and its role relative to
7 other financing partners, and the steps to be taken
8 to enhance the efficiency and effectiveness of the in-
9 stitution; and

10 (2) the governors of such institution have ap-
11 proved the capital increase.

12 INSECURE COMMUNICATIONS NETWORKS

13 SEC. 7030. Funds appropriated by this Act shall be
14 made available for programs, including through the Dig-
15 ital Connectivity and Cybersecurity Partnership, to—

16 (1) advance the adoption of secure, next-genera-
17 tion communications networks and services, includ-
18 ing 5G, and cybersecurity policies, in countries re-
19 ceiving assistance under this Act and prior Acts
20 making appropriations for the Department of State,
21 foreign operations, and related programs;

22 (2) counter the establishment of insecure com-
23 munications networks and services, including 5G,
24 promoted by the People’s Republic of China and
25 other state-backed enterprises that are subject to

1 undue or extrajudicial control by their country of or-
2 igin; and

3 (3) provide policy and technical training on de-
4 ploying open, interoperable, reliable, and secure net-
5 works to information communication technology pro-
6 fessionals in countries receiving assistance under
7 this Act, as appropriate:

8 *Provided*, That such funds may be used to support the
9 participation of foreign military officials in programs de-
10 signed to strengthen civilian cybersecurity capacity, fol-
11 lowing consultation with the Committees on Appropria-
12 tions.

13 FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

14 SEC. 7031. (a) LIMITATION ON DIRECT GOVERN-
15 MENT-TO-GOVERNMENT ASSISTANCE.—

16 (1) REQUIREMENTS.—Funds appropriated by
17 this Act may be made available for direct govern-
18 ment-to-government assistance only if the require-
19 ments included in section 7031(a)(1)(A) through (E)
20 of the Department of State, Foreign Operations, and
21 Related Programs Appropriations Act, 2019 (divi-
22 sion F of Public Law 116–6) are fully met.

23 (2) CONSULTATION AND NOTIFICATION.—In
24 addition to the requirements in paragraph (1), funds
25 may only be made available for direct government-

1 to-government assistance subject to prior consulta-
2 tion with, and the regular notification procedures of,
3 the Committees on Appropriations: *Provided*, That
4 such notification shall contain an explanation of how
5 the proposed activity meets the requirements of
6 paragraph (1): *Provided further*, That the require-
7 ments of this paragraph shall only apply to direct
8 government-to-government assistance in excess of
9 \$10,000,000 and all funds available for cash trans-
10 fer, budget support, and cash payments to individ-
11 uals.

12 (3) SUSPENSION OF ASSISTANCE.—The Admin-
13 istrator of the United States Agency for Inter-
14 national Development or the Secretary of State, as
15 appropriate, shall suspend any direct government-to-
16 government assistance if the Administrator or the
17 Secretary has credible information of material mis-
18 use of such assistance, unless the Administrator or
19 the Secretary reports to the Committees on Appro-
20 priations that it is in the national interest of the
21 United States to continue such assistance, including
22 a justification, or that such misuse has been appro-
23 priately addressed.

24 (4) SUBMISSION OF INFORMATION.—The Sec-
25 retary of State shall submit to the Committees on

1 Appropriations, concurrent with the fiscal year 2023
2 congressional budget justification materials, amounts
3 planned for assistance described in paragraph (1) by
4 country, proposed funding amount, source of funds,
5 and type of assistance.

6 (5) DEBT SERVICE PAYMENT PROHIBITION.—
7 None of the funds made available by this Act may
8 be used by the government of any foreign country
9 for debt service payments owed by any country to
10 any international financial institution.

11 (b) NATIONAL BUDGET AND CONTRACT TRANS-
12 PARENCY.—

13 (1) MINIMUM REQUIREMENTS OF FISCAL
14 TRANSPARENCY.—The Secretary of State shall con-
15 tinue to update and strengthen the “minimum re-
16 quirements of fiscal transparency” for each govern-
17 ment receiving assistance appropriated by this Act,
18 as identified in the report required by section
19 7031(b) of the Department of State, Foreign Oper-
20 ations, and Related Programs Appropriations Act,
21 2014 (division K of Public Law 113–76).

22 (2) DETERMINATION AND REPORT.—For each
23 government identified pursuant to paragraph (1),
24 the Secretary of State, not later than 180 days after
25 enactment of this Act, shall make or update any de-

1 termination of “significant progress” or “no signifi-
2 cant progress” in meeting the minimum require-
3 ments of fiscal transparency, and make such deter-
4 minations publicly available in an annual “Fiscal
5 Transparency Report” to be posted on the Depart-
6 ment of State website: *Provided*, That such report
7 shall include the elements included under this sec-
8 tion in House Report 117–84.

9 (3) ASSISTANCE.—Not less than \$7,000,000 of
10 the funds appropriated by this Act under the head-
11 ing “Economic Support Fund” shall be made avail-
12 able for programs and activities to assist govern-
13 ments identified pursuant to paragraph (1) to im-
14 prove budget transparency and to support civil soci-
15 ety organizations in such countries that promote
16 budget transparency.

17 (c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

18 (1) INELIGIBILITY.—

19 (A) Officials of foreign governments and
20 their immediate family members about whom
21 the Secretary of State has credible information
22 have been involved, directly or indirectly, in sig-
23 nificant corruption, including corruption related
24 to the extraction of natural resources, or a
25 gross violation of human rights, including the

1 wrongful detention of locally employed staff of
2 a United States diplomatic mission or a United
3 States citizen or national, shall be ineligible for
4 entry into the United States.

5 (B) Concurrent with the application of
6 subparagraph (A), the Secretary should, as ap-
7 propriate, refer the matter to the Office of For-
8 eign Assets Control, Department of the Treas-
9 ury, to determine whether to apply sanctions
10 authorities in accordance with United States
11 law to block the transfer of property and inter-
12 ests in property, and all financial transactions,
13 in the United States involving any person de-
14 scribed in such subparagraph.

15 (C) The Secretary shall also publicly or
16 privately designate or identify the officials of
17 foreign governments and their immediate family
18 members about whom the Secretary has such
19 credible information without regard to whether
20 the individual has applied for a visa.

21 (2) EXCEPTION.—Individuals shall not be ineli-
22 gible for entry into the United States pursuant to
23 paragraph (1) if such entry would further important
24 United States law enforcement objectives or is nec-
25 essary to permit the United States to fulfill its obli-

1 gations under the United Nations Headquarters
2 Agreement: *Provided*, That nothing in paragraph (1)
3 shall be construed to derogate from United States
4 Government obligations under applicable inter-
5 national agreements.

6 (3) WAIVER.—The Secretary may waive the ap-
7 plication of paragraph (1) if the Secretary deter-
8 mines that the waiver would serve a compelling na-
9 tional interest or that the circumstances which
10 caused the individual to be ineligible have changed
11 sufficiently.

12 (4) REPORT.—Not later than 30 days after en-
13 actment of this Act, and every 90 days thereafter
14 until September 30, 2023, the Secretary of State
15 shall submit a report, including a classified annex if
16 necessary, to the appropriate congressional commit-
17 tees and the Committees on the Judiciary describing
18 the information related to corruption or violation of
19 human rights concerning each of the individuals
20 found ineligible in the previous 12 months pursuant
21 to paragraph (1)(A) as well as the individuals who
22 the Secretary designated or identified pursuant to
23 paragraph (1)(B), or who would be ineligible but for
24 the application of paragraph (2), a list of any waiv-

1 ers provided under paragraph (3), and the justifica-
2 tion for each waiver.

3 (5) POSTING OF REPORT.—Any unclassified
4 portion of the report required under paragraph (4)
5 shall be posted on the Department of State website.

6 (6) CLARIFICATION.—For purposes of para-
7 graphs (1), (4), and (5), the records of the Depart-
8 ment of State and of diplomatic and consular offices
9 of the United States pertaining to the issuance or
10 refusal of visas or permits to enter the United
11 States shall not be considered confidential.

12 (d) EXTRACTION OF NATURAL RESOURCES.—

13 (1) ASSISTANCE.—Funds appropriated by this
14 Act shall be made available to promote and support
15 transparency and accountability of expenditures and
16 revenues related to the extraction of natural re-
17 sources, including by strengthening implementation
18 and monitoring of the Extractive Industries Trans-
19 parency Initiative, implementing and enforcing sec-
20 tion 8204 of the Food, Conservation, and Energy
21 Act of 2008 (Public Law 110–246; 122 Stat. 2052)
22 and the amendments made by such section, and to
23 prevent the sale of conflict diamonds, and for tech-
24 nical assistance to promote independent audit mech-

1 anisms and support civil society participation in nat-
2 ural resource management.

3 (2) PUBLIC DISCLOSURE AND INDEPENDENT
4 AUDITS.—(A) The Secretary of the Treasury shall
5 instruct the executive director of each international
6 financial institution to use the voice and vote of the
7 United States to oppose any assistance by such in-
8 stitutions (including any loan, credit, grant, or guar-
9 antee) to any country for the extraction and export
10 of a natural resource if the government of such
11 country has in place laws, regulations, or procedures
12 to prevent or limit the public disclosure of company
13 payments as required by United States law, and un-
14 less such government has adopted laws, regulations,
15 or procedures in the sector in which assistance is
16 being considered that: (1) accurately account for and
17 publicly disclose payments to the government by
18 companies involved in the extraction and export of
19 natural resources; (2) include independent auditing
20 of accounts receiving such payments and the public
21 disclosure of such audits; and (3) require public dis-
22 closure of agreement and bidding documents, as ap-
23 propriate.

24 (B) The requirements of subparagraph (A)
25 shall not apply to assistance for the purpose of

1 building the capacity of such government to meet
2 the requirements of such subparagraph.

3 (e) FOREIGN ASSISTANCE WEBSITE.—Funds appro-
4 priated by this Act under titles I and II, and funds made
5 available for any independent agency in title III, as appro-
6 priate, shall be made available to support the provision
7 of additional information on United States Government
8 foreign assistance on the “ForeignAssistance.gov”
9 website: *Provided*, That all Federal agencies funded under
10 this Act shall provide such information on foreign assist-
11 ance, upon request and in a timely manner, to the Depart-
12 ment of State and USAID.

13 DEMOCRACY PROGRAMS

14 SEC. 7032. (a) FUNDING.—

15 (1) IN GENERAL.—Of the funds appropriated
16 by this Act under the headings “Development As-
17 sistance”, “Economic Support Fund”, “Democracy
18 Fund”, “Assistance for Europe, Eurasia and Cen-
19 tral Asia”, and “International Narcotics Control and
20 Law Enforcement”, not less than \$2,600,000,000
21 should be made available for democracy programs.

22 (2) PROGRAMS.—Of the funds made available
23 for democracy programs under the headings “Eco-
24 nomic Support Fund” and “Assistance for Europe,
25 Eurasia and Central Asia” pursuant to paragraph

1 (1), not less than \$102,040,000 shall be made avail-
2 able to the Bureau of Democracy, Human Rights,
3 and Labor, Department of State.

4 (b) AUTHORITIES.—

5 (1) AVAILABILITY.—Funds made available by
6 this Act for democracy programs pursuant to sub-
7 section (a) and under the heading “National Endow-
8 ment for Democracy” may be made available not-
9 withstanding any other provision of law, and with
10 regard to the National Endowment for Democracy
11 (NED), any regulation.

12 (2) BENEFICIARIES.—Funds made available by
13 this Act for the NED are made available pursuant
14 to the authority of the National Endowment for De-
15 mocracy Act (title V of Public Law 98–164), includ-
16 ing all decisions regarding the selection of bene-
17 ficiaries.

18 (c) DEFINITION OF DEMOCRACY PROGRAMS.—For
19 purposes of funds appropriated by this Act, the term “de-
20 mocracy programs” means programs that support good
21 governance, credible and competitive elections, freedom of
22 expression, association, assembly, and religion, human
23 rights, labor rights, independent media, and the rule of
24 law, and that otherwise strengthen the capacity of demo-
25 cratic political parties, governments, nongovernmental or-

1 ganizations and institutions, and citizens to support the
2 development of democratic states and institutions that are
3 responsive and accountable to citizens.

4 (d) PROGRAM PRIORITIZATION.—Funds made avail-
5 able pursuant to this section that are made available for
6 programs to strengthen government institutions shall be
7 prioritized for those institutions that demonstrate a com-
8 mitment to democracy and the rule of law.

9 (e) RESTRICTIONS ON FOREIGN GOVERNMENT IN-
10 TERFERENCE.—

11 (1) PRIOR APPROVAL.—With respect to the pro-
12 vision of assistance for democracy programs in this
13 Act, the organizations implementing such assistance,
14 the specific nature of the assistance, and the partici-
15 pants in such programs shall not be subject to prior
16 approval by the government of any foreign country.

17 (2) DISCLOSURE OF IMPLEMENTING PARTNER
18 INFORMATION.—If the Secretary of State, in con-
19 sultation with the Administrator of the United
20 States Agency for International Development, deter-
21 mines that the government of the country is un-
22 democratic or has engaged in or condoned harass-
23 ment, threats, or attacks against organizations im-
24 plementing democracy programs, any new bilateral
25 agreement governing the terms and conditions under

1 which assistance is provided to such country shall
2 not require the disclosure of the names of imple-
3 menting partners of democracy programs, and the
4 Secretary of State and the USAID Administrator
5 shall expeditiously seek to negotiate amendments to
6 existing bilateral agreements, as necessary, to con-
7 form to this requirement.

8 (3) REPORTING REQUIREMENT.—The Secretary
9 of State, in coordination with the USAID Adminis-
10 trator, shall submit a report to the appropriate con-
11 gressional committees, not later than 90 days after
12 enactment of this Act and every 90 days thereafter
13 until September 30, 2023, detailing steps taken by
14 the Department of State and USAID to comply with
15 the requirements of this subsection.

16 (f) CONTINUATION OF CURRENT PRACTICES.—
17 USAID shall continue to implement civil society and polit-
18 ical competition and consensus building programs abroad
19 with funds appropriated by this Act in a manner that rec-
20 ognizes the unique benefits of grants and cooperative
21 agreements in implementing such programs.

22 (g) DIGITAL SECURITY AND COUNTERING
23 DISINFORMATION.—Democracy programs supported with
24 funds appropriated by this Act under subsection (a)(1)
25 should, as appropriate—

1 (1) include—

2 (A) a component on digital security to en-
3 hance the safety of implementers and bene-
4 ficiaries;

5 (B) assistance for civil society organiza-
6 tions to counter government surveillance, cen-
7 sorship, and repression by digital means;

8 (C) efforts to combat weaponized tech-
9 nology, including the misuse of social media to
10 spread disinformation or incite hate; and

11 (D) measures to prevent the digital manip-
12 ulation of elections, electoral data, and critical
13 infrastructure; and

14 (2) incorporate activities to counter
15 disinformation propagated by malign actors, includ-
16 ing the People’s Republic of China and the Russian
17 Federation.

18 (h) INFORMING THE NATIONAL ENDOWMENT FOR
19 DEMOCRACY.—The Assistant Secretary for Democracy,
20 Human Rights, and Labor, Department of State, and the
21 Assistant Administrator for Democracy, Conflict, and Hu-
22 manitarian Assistance, USAID, shall regularly inform the
23 NED of democracy programs that are planned and sup-
24 ported with funds made available by this Act and prior

1 Acts making appropriations for the Department of State,
2 foreign operations, and related programs.

3 (i) PROTECTION OF CIVIL SOCIETY ACTIVISTS AND
4 JOURNALISTS.—

5 (1) Of the funds appropriated by this Act under
6 the headings “Economic Support Fund” and “De-
7 mocracy Fund”, not less than \$30,000,000 shall be
8 made available to support and protect civil society
9 activists and journalists who have been threatened,
10 harassed, or attacked, including journalists affiliated
11 with the United States Agency for Global Media.

12 (j) INTERNATIONAL FREEDOM OF EXPRESSION AND
13 INDEPENDENT MEDIA.—Of the funds appropriated by
14 this Act under the heading “Economic Support Fund”,
15 not less than \$20,000,000 shall be made available for pro-
16 grams to protect international freedom of expression and
17 independent media, including to implement the updated
18 action plan required under section 7032(h) of the Depart-
19 ment of State, Foreign Operations, and Related Programs
20 Appropriations Act, 2021 (division K of Public Law 116–
21 260): *Provided*, That funds appropriated by this Act under
22 the heading “Diplomatic Programs” shall be made avail-
23 able to the Bureau of Democracy, Human Rights, and
24 Labor, Department of State, and funds appropriated by
25 this Act under the heading “Operating Expenses” shall

1 be made available to the Bureau for Development, Democ-
2 racy, and Innovation, USAID, for the costs of admin-
3 istering such programs.

4 (k) LABOR PROGRAMS REPORT AND CONSULTA-
5 TION.—

6 (1) REPORT.—Not later than 90 days after en-
7 actment of this Act, the USAID Administrator shall
8 submit a report to the appropriate congressional
9 committees detailing steps taken, or planned to be
10 taken, by USAID to build expertise and capacity
11 within the agency on implementing labor programs,
12 in addition to providing a description of current im-
13 plementation efforts.

14 (2) CONSULTATION.—Funds appropriated by
15 this Act that are made available for labor programs
16 administered by USAID shall be subject to prior
17 consultation with, and the regular notification proce-
18 dures of, the Committees on Appropriations.

19 INTERNATIONAL RELIGIOUS FREEDOM

20 SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREE-
21 DOM OFFICE.—Funds appropriated by this Act under the
22 heading “Diplomatic Programs” shall be made available
23 for the Office of International Religious Freedom, Depart-
24 ment of State.

1 (b) ASSISTANCE.—Funds appropriated by this Act
2 under the headings “Economic Support Fund”, “Democ-
3 racy Fund”, and “International Broadcasting Operations”
4 shall be made available for international religious freedom
5 programs and funds appropriated by this Act under the
6 headings “International Disaster Assistance” and “Migra-
7 tion and Refugee Assistance” shall be made available for
8 humanitarian assistance for vulnerable and persecuted
9 ethnic and religious minorities: *Provided*, That funds made
10 available by this Act under the headings “Economic Sup-
11 port Fund” and “Democracy Fund” pursuant to this sec-
12 tion shall be the responsibility of the Ambassador-at-Large
13 for International Religious Freedom, in consultation with
14 other relevant United States Government officials, and
15 shall be subject to prior consultation with the Committees
16 on Appropriations.

17 (c) AUTHORITY.—Funds appropriated by this Act
18 and prior Acts making appropriations for the Department
19 of State, foreign operations, and related programs under
20 the heading “Economic Support Fund” may be made
21 available notwithstanding any other provision of law for
22 assistance for ethnic and religious minorities in Iraq and
23 Syria.

24 (d) DESIGNATION OF NON-STATE ACTORS.—Section
25 7033(e) of the Department of State, Foreign Operations,

1 and Related Programs Appropriations Act, 2017 (division
2 J of Public Law 115–31) shall continue in effect during
3 fiscal year 2022.

4 SPECIAL PROVISIONS

5 SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHIL-
6 DREN, AND DISPLACED BURMESE.—Funds appropriated
7 in title III of this Act that are made available for victims
8 of war, displaced children, displaced Burmese, and to com-
9 bat trafficking in persons and assist victims of such traf-
10 ficking, may be made available notwithstanding any other
11 provision of law.

12 (b) FORENSIC ASSISTANCE.—

13 (1) Of the funds appropriated by this Act under
14 the heading “Economic Support Fund”, not less
15 than \$19,000,000 shall be made available for foren-
16 sic anthropology assistance related to the exhuma-
17 tion and identification of victims of war crimes,
18 crimes against humanity, and genocide, which shall
19 be administered by the Assistant Secretary for De-
20 mocracy, Human Rights, and Labor, Department of
21 State: *Provided*, That such funds shall be in addition
22 to funds made available by this Act and prior Acts
23 making appropriations for the Department of State,
24 foreign operations, and related programs for assist-
25 ance for countries.

1 (2) Of the funds appropriated by this Act under
2 the heading “International Narcotics Control and
3 Law Enforcement”, not less than \$10,000,000 shall
4 be made available for DNA forensic technology pro-
5 grams to combat human trafficking in Central
6 America and Mexico.

7 (c) ATROCITIES PREVENTION.—Of the funds appro-
8 priated by this Act under the headings “Economic Sup-
9 port Fund” and “International Narcotics Control and
10 Law Enforcement”, not less than \$5,000,000 shall be
11 made available for programs to prevent atrocities: *Pro-*
12 *vided*, That funds made available pursuant to this sub-
13 section are in addition to amounts otherwise made avail-
14 able for such purposes: *Provided further*, That such funds
15 shall be subject to the regular notification procedures of
16 the Committees on Appropriations.

17 (d) WORLD FOOD PROGRAMME.—Funds managed by
18 the Bureau for Humanitarian Assistance, United States
19 Agency for International Development, from this or any
20 other Act, may be made available as a general contribution
21 to the World Food Programme, notwithstanding any other
22 provision of law.

23 (e) DIRECTIVES AND AUTHORITIES.—

24 (1) RESEARCH AND TRAINING.—Funds appro-
25 priated by this Act under the heading “Assistance

1 for Europe, Eurasia and Central Asia” shall be
2 made available to carry out the Program for Re-
3 search and Training on Eastern Europe and the
4 Independent States of the Former Soviet Union as
5 authorized by the Soviet-Eastern European Research
6 and Training Act of 1983 (22 U.S.C. 4501 et seq.).

7 (2) GENOCIDE VICTIMS MEMORIAL SITES.—
8 Funds appropriated by this Act and prior Acts mak-
9 ing appropriations for the Department of State, for-
10 eign operations, and related programs under the
11 headings “Economic Support Fund” and “Assist-
12 ance for Europe, Eurasia and Central Asia” may be
13 made available as contributions to establish and
14 maintain memorial sites of genocide, subject to the
15 regular notification procedures of the Committees on
16 Appropriations.

17 (3) PRIVATE SECTOR PARTNERSHIPS.—Of the
18 funds appropriated by this Act under the headings
19 “Development Assistance” and “Economic Support
20 Fund” that are made available for private sector
21 partnerships, including partnerships with philan-
22 thropic foundations, up to \$50,000,000 may remain
23 available until September 30, 2024: *Provided*, That
24 funds made available pursuant to this paragraph
25 may only be made available following prior consulta-

1 tion with, and the regular notification procedures of,
2 the Committees on Appropriations.

3 (4) ADDITIONAL AUTHORITIES.—Of the
4 amounts made available by this Act under the head-
5 ing “Diplomatic Programs”, up to \$500,000 may be
6 made available for grants pursuant to section 504 of
7 the Foreign Relations Authorization Act, Fiscal
8 Year 1979 (22 U.S.C. 2656d), including to facilitate
9 collaboration with Indigenous communities, and
10 under the heading “Educational and Cultural Ex-
11 change Programs”, up to \$1,000,000 may be made
12 available for grants to carry out the activities of the
13 Cultural Antiquities Task Force.

14 (5) INNOVATION.—The USAID Administrator
15 may use funds appropriated by this Act under title
16 III to make innovation incentive awards in accord-
17 ance with the terms and conditions of section
18 7034(e)(4) of the Department of State, Foreign Op-
19 erations, and Related Programs Appropriations Act,
20 2019 (division F of Public Law 116–6): *Provided*,
21 That each individual award may not exceed
22 \$100,000: *Provided further*, That no more than 15
23 such awards may be made during fiscal year 2022.

24 (6) DEVELOPMENT INNOVATION VENTURES.—
25 Funds appropriated by this Act under the heading

1 “Development Assistance” and made available for
2 the Development Innovation Ventures program may
3 be made available for the purposes of chapter I of
4 part I of the Foreign Assistance Act of 1961.

5 (7) EXCHANGE VISITOR PROGRAM.—None of
6 the funds made available by this Act may be used
7 to modify the Exchange Visitor Program adminis-
8 tered by the Department of State to implement the
9 Mutual Educational and Cultural Exchange Act of
10 1961 (Public Law 87–256; 22 U.S.C. 2451 et seq.),
11 except through the formal rulemaking process pursu-
12 ant to the Administrative Procedure Act (5 U.S.C.
13 551 et seq.) and notwithstanding the exceptions to
14 such rulemaking process in such Act: *Provided*, That
15 funds made available for such purpose shall only be
16 made available after consultation with, and subject
17 to the regular notification procedures of, the Com-
18 mittees on Appropriations, regarding how any pro-
19 posed modification would affect the public diplomacy
20 goals of, and the estimated economic impact on, the
21 United States: *Provided further*, That such consulta-
22 tion shall take place not later than 30 days prior to
23 the publication in the Federal Register of any regu-
24 latory action modifying the Exchange Visitor Pro-
25 gram.

1 (8) PAYMENTS.—Funds appropriated by this
2 Act and prior Acts making appropriations for the
3 Department of State, foreign operations, and related
4 programs under the heading “Diplomatic Pro-
5 grams”, except for funds designated by Congress as
6 an emergency requirement pursuant to a concurrent
7 resolution on the budget or the Balanced Budget
8 and Emergency Deficit Control Act of 1985, are
9 available to provide payments pursuant to section
10 901(i)(2) of title IX of division J of the Further
11 Consolidated Appropriations Act, 2020 (22 U.S.C.
12 2680b(i)(2)): *Provided*, That funds made available
13 pursuant to this paragraph shall be subject to prior
14 consultation with the Committees on Appropriations.

15 (9) TRANSATLANTIC ENGAGEMENT.—Funds ap-
16 propriated by this Act under the heading “Diplo-
17 matic Programs” are available for support of an in-
18 stitute for transatlantic engagement if legislation es-
19 tablishing such institute is enacted into law by Sep-
20 tember 30, 2022: *Provided*, That in the event that
21 such legislation is not enacted into law by such date,
22 the amounts described in this paragraph shall be
23 available under the heading “Diplomatic Programs”
24 for the purposes provided therein.

1 (f) PARTNER VETTING.—Prior to initiating a partner
2 vetting program, providing a direct vetting option, or mak-
3 ing a significant change to the scope of an existing partner
4 vetting program, the Secretary of State and USAID Ad-
5 ministrator, as appropriate, shall consult with the Com-
6 mittees on Appropriations: *Provided*, That the Secretary
7 and the Administrator shall provide a direct vetting option
8 for prime awardees in any partner vetting program initi-
9 ated or significantly modified after the date of enactment
10 of this Act, unless the Secretary of State or USAID Ad-
11 ministrator, as applicable, informs the Committees on Ap-
12 propriations on a case-by-case basis that a direct vetting
13 option is not feasible for such program.

14 (g) CONTINGENCIES.—During fiscal year 2022, the
15 President may use up to \$145,000,000 under the author-
16 ity of section 451 of the Foreign Assistance Act of 1961,
17 notwithstanding any other provision of law.

18 (h) INTERNATIONAL CHILD ABDUCTIONS.—The Sec-
19 retary of State should withhold funds appropriated under
20 title III of this Act for assistance for the central govern-
21 ment of any country that is not taking appropriate steps
22 to comply with the Convention on the Civil Aspects of
23 International Child Abductions, done at the Hague on Oc-
24 tober 25, 1980: *Provided*, That the Secretary shall report

1 to the Committees on Appropriations within 15 days of
2 withholding funds under this subsection.

3 (i) TRANSFER OF FUNDS FOR EXTRAORDINARY PRO-
4 TECTION.—The Secretary of State may transfer to, and
5 merge with, funds under the heading “Protection of For-
6 eign Missions and Officials” unobligated balances of ex-
7 pired funds appropriated under the heading “Diplomatic
8 Programs” for fiscal year 2022, at no later than the end
9 of the fifth fiscal year after the last fiscal year for which
10 such funds are available for the purposes for which appro-
11 priated: *Provided*, That not more than \$50,000,000 may
12 be transferred.

13 (j) AUTHORITY.—Funds made available by this Act
14 under the heading “Economic Support Fund” to counter
15 extremism may be made available notwithstanding any
16 other provision of law restricting assistance to foreign
17 countries, except sections 502B, 620A, and 620M of the
18 Foreign Assistance Act of 1961: *Provided*, That the use
19 of the authority of this subsection shall be subject to prior
20 consultation with the appropriate congressional commit-
21 tees and the regular notification procedures of the Com-
22 mittees on Appropriations.

23 (k) PROTECTIONS AND REMEDIES FOR EMPLOYEES
24 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-
25 ZATIONS.—The terms and conditions of section 7034(k)

1 of the Department of State, Foreign Operations, and Re-
2 lated Programs Appropriations Act, 2020 (division G of
3 Public Law 116–94) shall continue in effect during fiscal
4 year 2022.

5 (l) EXTENSION OF AUTHORITIES.—

6 (1) PASSPORT FEES.—Section 1(b)(2) of the
7 Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2))
8 shall be applied by substituting “September 30,
9 2022” for “September 30, 2010”.

10 (2) INCENTIVES FOR CRITICAL POSTS.—The
11 authority contained in section 1115(d) of the Sup-
12 plemental Appropriations Act, 2009 (Public Law
13 111–32) shall remain in effect through September
14 30, 2022.

15 (3) USAID CIVIL SERVICE ANNUITANT WAIV-
16 ER.—Section 625(j)(1) of the Foreign Assistance
17 Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied
18 by substituting “September 30, 2022” for “October
19 1, 2010” in subparagraph (B).

20 (4) OVERSEAS PAY COMPARABILITY AND LIMI-
21 TATION.—(A) Subject to the limitation described in
22 subparagraph (B), the authority provided by section
23 1113 of the Supplemental Appropriations Act, 2009
24 (Public Law 111–32) shall remain in effect through
25 September 30, 2022.

1 (B) The authority described in subparagraph
2 (A) may not be used to pay an eligible member of
3 the Foreign Service (as defined in section 1113(b) of
4 the Supplemental Appropriations Act, 2009 (Public
5 Law 111–32)) a locality-based comparability pay-
6 ment (stated as a percentage) that exceeds two-
7 thirds of the amount of the locality-based com-
8 parability payment (stated as a percentage) that
9 would be payable to such member under section
10 5304 of title 5, United States Code, if such mem-
11 ber’s official duty station were in the District of Co-
12 lumbia.

13 (5) CATEGORICAL ELIGIBILITY.—The Foreign
14 Operations, Export Financing, and Related Pro-
15 grams Appropriations Act, 1990 (Public Law 101–
16 167) is amended—

17 (A) in section 599D (8 U.S.C. 1157
18 note)—

19 (i) in subsection (b)(3), by striking
20 “and 2021” and inserting “2021, and
21 2022”; and

22 (ii) in subsection (e), by striking
23 “2021” each place it appears and inserting
24 “2022”; and

1 (B) in section 599E(b)(2) (8 U.S.C. 1255
2 note), by striking “2021” and inserting
3 “2022”.

4 (6) INSPECTOR GENERAL ANNUITANT WAIV-
5 ER.—The authorities provided in section 1015(b) of
6 the Supplemental Appropriations Act, 2010 (Public
7 Law 111–212) shall remain in effect through Sep-
8 tember 30, 2022, and may be used to facilitate the
9 assignment of persons for oversight of programs in
10 Somalia, South Sudan, Syria, Venezuela, and
11 Yemen.

12 (7) SPECIAL INSPECTOR GENERAL FOR AF-
13 GHANISTAN RECONSTRUCTION COMPETITIVE STA-
14 TUS.—Notwithstanding any other provision of law,
15 any employee of the Special Inspector General for
16 Afghanistan Reconstruction (SIGAR) who completes
17 at least 12 months of continuous service after enact-
18 ment of this Act or who is employed on the date on
19 which SIGAR terminates, whichever occurs first,
20 shall acquire competitive status for appointment to
21 any position in the competitive service for which the
22 employee possesses the required qualifications.

23 (8) ACCOUNTABILITY REVIEW BOARDS.—The
24 authority provided by section 301(a)(3) of the Omni-
25 bus Diplomatic Security and Antiterrorism Act of

1 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect
2 for facilities in Afghanistan through September 30,
3 2022, except that the notification and reporting re-
4 quirements contained in such section shall include
5 the Committees on Appropriations.

6 (9) TRANSFER OF BALANCES.—Section 7081(h)
7 of the Department of State, Foreign Operations, and
8 Related Programs Appropriations Act, 2017 (divi-
9 sion J of Public Law 115–31) shall continue in ef-
10 fect during fiscal year 2022.

11 (10) DEPARTMENT OF STATE INSPECTOR GEN-
12 ERAL WAIVER AUTHORITY.—The Inspector General
13 of the Department of State may waive the provisions
14 of subsections (a) through (d) of section 824 of the
15 Foreign Service Act of 1980 (22 U.S.C. 4064) on a
16 case-by-case basis for an annuitant reemployed by
17 the Inspector General on a temporary basis, subject
18 to the same constraints and in the same manner by
19 which the Secretary of State may exercise such waiv-
20 er authority pursuant to subsection (g) of such sec-
21 tion.

22 (m) MONITORING AND EVALUATION.—

23 (1) BENEFICIARY FEEDBACK.—Funds appro-
24 priated by this Act that are made available for moni-
25 toring and evaluation of assistance under the head-

1 ings “Development Assistance”, “International Dis-
2 aster Assistance”, and “Migration and Refugee As-
3 sistance” shall be made available for the regular and
4 systematic collection of feedback obtained directly
5 from beneficiaries to enhance the quality and rel-
6 evance of such assistance: *Provided*, That not later
7 than 180 days after enactment of this Act, the De-
8 partment of State and USAID shall post on their re-
9 spective websites updated procedures for imple-
10 menting partners that receive funds under such
11 headings for regularly and systematically collecting
12 and responding to such feedback, including guide-
13 lines for the reporting on actions taken in response
14 to the feedback received: *Provided further*, That the
15 Secretary of State and USAID Administrator shall
16 regularly conduct oversight to ensure that such feed-
17 back is regularly collected and used by implementing
18 partners to maximize the cost-effectiveness and util-
19 ity of such assistance.

20 (2) EX-POST EVALUATIONS.—Of the funds ap-
21 propriated by this Act under titles III and IV, not
22 less than \$10,000,000 shall be made available for
23 ex-post evaluations of the effectiveness and sustain-
24 ability of United States Government-funded assist-
25 ance programs.

1 (n) HIV/AIDS WORKING CAPITAL FUND.—Funds
2 available in the HIV/AIDS Working Capital Fund estab-
3 lished pursuant to section 525(b)(1) of the Foreign Oper-
4 ations, Export Financing, and Related Programs Appro-
5 priations Act, 2005 (Public Law 108–447) may be made
6 available for pharmaceuticals and other products for child
7 survival, malaria, tuberculosis, and emerging infectious
8 diseases to the same extent as HIV/AIDS pharmaceuticals
9 and other products, subject to the terms and conditions
10 in such section: *Provided*, That the authority in section
11 525(b)(5) of the Foreign Operations, Export Financing,
12 and Related Programs Appropriation Act, 2005 (Public
13 Law 108–447) shall be exercised by the Assistant Admin-
14 istrator for Global Health, USAID, with respect to funds
15 deposited for such non-HIV/AIDS pharmaceuticals and
16 other products, and shall be subject to the regular notifica-
17 tion procedures of the Committees on Appropriations: *Pro-*
18 *vided further*, That the Secretary of State shall include
19 in the congressional budget justification an accounting of
20 budgetary resources, disbursements, balances, and reim-
21 bursements related to such fund.

22 (o) LOANS, CONSULTATION, AND NOTIFICATION.—

23 (1) LOAN GUARANTEES.—Funds appropriated
24 under the headings “Economic Support Fund” and
25 “Assistance for Europe, Eurasia and Central Asia”

1 by this Act and prior Acts making appropriations
2 for the Department of State, foreign operations, and
3 related programs may be made available for the
4 costs, as defined in section 502 of the Congressional
5 Budget Act of 1974, of loan guarantees for Egypt,
6 Jordan, Tunisia, and Ukraine, which are authorized
7 to be provided: *Provided*, That amounts made avail-
8 able under this paragraph for the costs of such
9 guarantees shall not be considered assistance for the
10 purposes of provisions of law limiting assistance to
11 a country.

12 (2) CONSULTATION AND NOTIFICATION.—
13 Funds made available pursuant to the authorities of
14 this subsection shall be subject to prior consultation
15 with the appropriate congressional committees and
16 the regular notification procedures of the Commit-
17 tees on Appropriations.

18 (p) LOCAL WORKS.—

19 (1) FUNDING.—Of the funds appropriated by
20 this Act under the headings “Development Assist-
21 ance” and “Economic Support Fund”, not less than
22 \$80,000,000 shall be made available for Local
23 Works pursuant to section 7080 of the Department
24 of State, Foreign Operations, and Related Programs
25 Appropriations Act, 2015 (division J of Public Law

1 113–235), which may remain available until Sep-
2 tember 30, 2026.

3 (2) ELIGIBLE ENTITIES.—For the purposes of
4 section 7080 of the Department of State, Foreign
5 Operations, and Related Programs Appropriations
6 Act, 2015 (division J of Public Law 113–235), “eli-
7 gible entities” shall be defined as small local, inter-
8 national, and United States-based nongovernmental
9 organizations, educational institutions, and other
10 small entities that have received less than a total of
11 \$5,000,000 from USAID over the previous 5 fiscal
12 years: *Provided*, That departments or centers of
13 such educational institutions may be considered indi-
14 vidualy in determining such eligibility.

15 (q) EXTENSION OF PROCUREMENT AUTHORITY.—
16 Section 7077 of the Department of State, Foreign Oper-
17 ations, and Related Programs Appropriations Act, 2012
18 (division I of Public Law 112–74) shall continue in effect
19 during fiscal year 2022.

20 (r) SECTION 889.—For the purposes of obligations
21 and expenditures made with funds appropriated by this
22 Act and prior Acts making appropriations for the Depart-
23 ment of State, foreign operations, and related programs,
24 the waiver authority in section 889(d)(2) of the John S.
25 McCain National Defense Authorization Act for Fiscal

1 Year 2019 (Public Law 115–232) may also be available
2 to the Secretary of State, following consultation with the
3 Director of National Intelligence: *Provided*, That not later
4 than 60 days after enactment of the Act, the Secretary
5 of State shall submit to the appropriate congressional
6 committees a report detailing the use of the authority of
7 this subsection since enactment of the Act, which shall in-
8 clude the scope and duration of any waiver granted, the
9 entity covered by such waiver, and a detailed description
10 of the national security interest served: *Provided further*,
11 That such report shall be updated every 60 days until Sep-
12 tember 30, 2023.

13 (s) IMPACT ON JOBS.—Section 7056 of the Depart-
14 ment of State, Foreign Operations, and Related Programs
15 Appropriations Act, 2021 (division K of Public Law 116–
16 260) shall continue in effect during fiscal year 2022.

17 (t) DEFINITIONS.—

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—Unless otherwise defined in this Act, for
20 purposes of this Act the term “appropriate congress-
21 sional committees” means the Committees on Appro-
22 priations and Foreign Relations of the Senate and
23 the Committees on Appropriations and Foreign Af-
24 fairs of the House of Representatives.

1 (2) FUNDS APPROPRIATED BY THIS ACT AND
2 PRIOR ACTS.—Unless otherwise defined in this Act,
3 for purposes of this Act the term “funds appro-
4 priated by this Act and prior Acts making appro-
5 priations for the Department of State, foreign oper-
6 ations, and related programs” means funds that re-
7 main available for obligation, and have not expired.

8 (3) INTERNATIONAL FINANCIAL INSTITU-
9 TIONS.—In this Act “international financial institu-
10 tions” means the International Bank for Recon-
11 struction and Development, the International Devel-
12 opment Association, the International Finance Cor-
13 poration, the Inter-American Development Bank, the
14 International Monetary Fund, the International
15 Fund for Agricultural Development, the Asian De-
16 velopment Bank, the Asian Development Fund, the
17 Inter-American Investment Corporation, the North
18 American Development Bank, the European Bank
19 for Reconstruction and Development, the African
20 Development Bank, the African Development Fund,
21 and the Multilateral Investment Guarantee Agency.

22 (4) SPEND PLAN.—In this Act, the term
23 “spend plan” means a plan for the uses of funds ap-
24 propriated for a particular entity, country, program,

1 purpose, or account and which shall include, at a
2 minimum, a description of—

3 (A) realistic and sustainable goals, criteria
4 for measuring progress, and a timeline for
5 achieving such goals;

6 (B) amounts and sources of funds by ac-
7 count;

8 (C) how such funds will complement other
9 ongoing or planned programs; and

10 (D) implementing partners, to the max-
11 imum extent practicable.

12 (5) SUCCESSOR OPERATING UNIT.—Any ref-
13 erence to a particular USAID operating unit or of-
14 fice in this Act or prior Acts making appropriations
15 for the Department of State, foreign operations, and
16 related programs shall be deemed to include any suc-
17 cessor operating unit or office performing the same
18 or similar functions.

19 (6) USAID.—In this Act, the term “USAID”
20 means the United States Agency for International
21 Development.

22 LAW ENFORCEMENT AND SECURITY

23 SEC. 7035. (a) ASSISTANCE.—

24 (1) COMMUNITY-BASED POLICE ASSISTANCE.—

25 Funds made available under titles III and IV of this

1 Act to carry out the provisions of chapter 1 of part
2 I and chapters 4 and 6 of part II of the Foreign As-
3 sistance Act of 1961, may be used, notwithstanding
4 section 660 of that Act, to enhance the effectiveness
5 and accountability of civilian police authority
6 through training and technical assistance in human
7 rights, the rule of law, anti-corruption, strategic
8 planning, and through assistance to foster civilian
9 police roles that support democratic governance, in-
10 cluding assistance for programs to prevent conflict,
11 respond to disasters, address gender-based violence,
12 and foster improved police relations with the com-
13 munities they serve.

14 (2) COUNTERTERRORISM PARTNERSHIPS
15 FUND.—Funds appropriated by this Act under the
16 heading “Nonproliferation, Anti-terrorism, Demining
17 and Related Programs” shall be made available for
18 the Counterterrorism Partnerships Fund for pro-
19 grams in areas liberated from, under the influence
20 of, or adversely affected by, the Islamic State of Iraq
21 and Syria or other terrorist organizations: *Provided*,
22 That such areas shall include the Kurdistan Region
23 of Iraq: *Provided further*, That prior to the obliga-
24 tion of funds made available pursuant to this para-
25 graph, the Secretary of State shall take all prac-

1 ticable steps to ensure that mechanisms are in place
2 for monitoring, oversight, and control of such funds:
3 *Provided further*, That funds made available pursu-
4 ant to this paragraph shall be subject to prior con-
5 sultation with, and the regular notification proce-
6 dures of, the Committees on Appropriations.

7 (3) COMBAT CASUALTY CARE.—

8 (A) Consistent with the objectives of the
9 Foreign Assistance Act of 1961 and the Arms
10 Export Control Act, funds appropriated by this
11 Act under the headings “Peacekeeping Oper-
12 ations” and “Foreign Military Financing Pro-
13 gram” shall be made available for combat cas-
14 ualty training and equipment in an amount
15 above the prior fiscal year.

16 (B) The Secretary of State shall offer com-
17 bat casualty care training and equipment as a
18 component of any package of lethal assistance
19 funded by this Act with funds appropriated
20 under the headings “Peacekeeping Operations”
21 and “Foreign Military Financing Program”:
22 *Provided*, That the requirement of this subpara-
23 graph shall apply to a country in conflict, un-
24 less the Secretary determines that such country
25 has in place, to the maximum extent prac-

1 ticable, functioning combat casualty care treat-
2 ment and equipment that meets or exceeds the
3 standards recommended by the Committee on
4 Tactical Combat Casualty Care: *Provided fur-*
5 *ther*, That any such training and equipment for
6 combat casualty care shall be made available
7 through an open and competitive process.

8 (4) TRAINING RELATED TO INTERNATIONAL
9 HUMANITARIAN LAW.—The Secretary of State shall
10 offer training related to the requirements of inter-
11 national humanitarian law as a component of any
12 package of lethal assistance funded by this Act with
13 funds appropriated under the headings “Peace-
14 keeping Operations” and “Foreign Military Financ-
15 ing Program”: *Provided*, That the requirement of
16 this paragraph shall not apply to a country that is
17 a member of the North Atlantic Treaty Organization
18 (NATO), is a major non-NATO ally designated by
19 section 517(b) of the Foreign Assistance Act of
20 1961, or is complying with international humani-
21 tarian law: *Provided further*, That any such training
22 shall be made available through an open and com-
23 petitive process.

24 (5) INTERNATIONAL PRISON CONDITIONS.—
25 Funds appropriated by this Act under the headings

1 “Development Assistance”, “Economic Support
2 Fund”, and “International Narcotics Control and
3 Law Enforcement” shall be made available for as-
4 sistance to eliminate inhumane conditions in foreign
5 prisons and other detention facilities, notwith-
6 standing section 660 of the Foreign Assistance Act
7 of 1961: *Provided*, That the Secretary of State and
8 the USAID Administrator shall consult with the
9 Committees on Appropriations on the proposed uses
10 of such funds prior to obligation and not later than
11 60 days after enactment of this Act: *Provided fur-*
12 *ther*, That such funds shall be in addition to funds
13 otherwise made available by this Act for such pur-
14 pose.

15 (b) AUTHORITIES.—

16 (1) RECONSTITUTING CIVILIAN POLICE AU-
17 THORITY.—In providing assistance with funds ap-
18 propriated by this Act under section 660(b)(6) of
19 the Foreign Assistance Act of 1961, support for a
20 nation emerging from instability may be deemed to
21 mean support for regional, district, municipal, or
22 other sub-national entity emerging from instability,
23 as well as a nation emerging from instability.

24 (2) DISARMAMENT, DEMOBILIZATION, AND RE-
25 INTEGRATION.—Section 7034(d) of the Department

1 of State, Foreign Operations, and Related Programs
2 Appropriations Act, 2015 (division J of Public Law
3 113–235) shall continue in effect during fiscal year
4 2022.

5 (3) EXTENSION OF WAR RESERVES STOCKPILE
6 AUTHORITY.—(A) Section 12001(d) of the Depart-
7 ment of Defense Appropriations Act, 2005 (Public
8 Law 108–287; 118 Stat. 1011) is amended by strik-
9 ing “of this section” and all that follows through the
10 period at the end and inserting “of this section after
11 September 30, 2025.”.

12 (B) Section 514(b)(2)(A) of the Foreign Assist-
13 ance Act of 1961 (22 U.S.C. 2321h(b)(2)(A) is
14 amended by striking “and 2023” and inserting
15 “2023, 2024, and 2025”.

16 (4) COMMERCIAL LEASING OF DEFENSE ARTI-
17 CLES.—Notwithstanding any other provision of law,
18 and subject to the regular notification procedures of
19 the Committees on Appropriations, the authority of
20 section 23(a) of the Arms Export Control Act (22
21 U.S.C. 2763) may be used to provide financing to
22 Israel, Egypt, the North Atlantic Treaty Organiza-
23 tion (NATO), and major non-NATO allies for the
24 procurement by leasing (including leasing with an
25 option to purchase) of defense articles from United

1 States commercial suppliers, not including Major
2 Defense Equipment (other than helicopters and
3 other types of aircraft having possible civilian appli-
4 cation), if the President determines that there are
5 compelling foreign policy or national security reasons
6 for those defense articles being provided by commer-
7 cial lease rather than by government-to-government
8 sale under such Act.

9 (5) SPECIAL DEFENSE ACQUISITION FUND.—
10 Not to exceed \$900,000,000 may be obligated pursu-
11 ant to section 51(c)(2) of the Arms Export Control
12 Act (22 U.S.C. 2795(c)(2)) for the purposes of the
13 Special Defense Acquisition Fund (the Fund), to re-
14 main available for obligation until September 30,
15 2024: *Provided*, That the provision of defense arti-
16 cles and defense services to foreign countries or
17 international organizations from the Fund shall be
18 subject to the concurrence of the Secretary of State.

19 (6) DUTY TO INFORM AND PUBLIC DISCLO-
20 SURE.—Section 620M of the Foreign Assistance Act
21 of 1961 (Limitation on Assistance to Security
22 Forces) is amended as follows—

23 (A) In subsection (b), by striking “Com-
24 mittee on Foreign Relations” through “Appro-

1 priations” and inserting in lieu thereof “appro-
2 priate congressional committees”.

3 (B) In subsection (c), by striking every-
4 thing after “DUTY TO INFORM.—” and insert-
5 ing—

6 “(1) If assistance to a foreign security force is
7 provided in a manner in which the recipient unit or
8 units cannot be identified prior to the transfer of as-
9 sistance, the Secretary of State shall regularly pro-
10 vide a list of units prohibited from receiving assist-
11 ance pursuant to this section to the recipient govern-
12 ment and the appropriate congressional committees
13 and, effective December 31, 2022, such assistance
14 shall only be made available subject to a written
15 agreement that the recipient government will comply
16 with such prohibition.

17 “(2) If the recipient government withholds as-
18 sistance from a unit pursuant to this section, the
19 Secretary shall inform the appropriate congressional
20 committees and shall, to the maximum extent prac-
21 ticable, assist the foreign government in bringing the
22 responsible members of the unit to justice.”.

23 (C) After subsection (d), by inserting the
24 following new subsection:

25 “(e) DEFINITIONS.—

1 “(1) For the purposes of subsection (d)(7), the
2 term ‘to the maximum extent practicable’ means
3 that the identity of such units shall be made publicly
4 available unless the Secretary of State, on a case-by-
5 case basis, determines and reports to the appro-
6 priate congressional committees that public disclo-
7 sure is not in the national security interest of the
8 United States and provides a detailed justification
9 for such determination, which may be submitted in
10 classified form.

11 “(2) For the purposes of this section, ‘appro-
12 priate congressional committees’ means the Com-
13 mittee on Foreign Relations and the Committee on
14 Appropriations of the Senate, and the Committee on
15 Foreign Affairs and the Committee on Appropria-
16 tions of the House of Representatives.”.

17 (c) LIMITATIONS.—

18 (1) CHILD SOLDIERS.—Funds appropriated by
19 this Act should not be used to support any military
20 training or operations that include child soldiers.

21 (2) LANDMINES AND CLUSTER MUNITIONS.—

22 (A) LANDMINES.—Notwithstanding any
23 other provision of law, demining equipment
24 available to the United States Agency for Inter-
25 national Development and the Department of

1 State and used in support of the clearance of
2 landmines and unexploded ordnance for human-
3 itarian purposes may be disposed of on a grant
4 basis in foreign countries, subject to such terms
5 and conditions as the Secretary of State may
6 prescribe.

7 (B) CLUSTER MUNITIONS.—No military
8 assistance shall be furnished for cluster muni-
9 tions, no defense export license for cluster mu-
10 nitions may be issued, and no cluster munitions
11 or cluster munitions technology shall be sold or
12 transferred, unless—

13 (i) the submunitions of the cluster
14 munitions, after arming, do not result in
15 more than 1 percent unexploded ordnance
16 across the range of intended operational
17 environments, and the agreement applica-
18 ble to the assistance, transfer, or sale of
19 such cluster munitions or cluster munitions
20 technology specifies that the cluster muni-
21 tions will only be used against clearly de-
22 fined military targets and will not be used
23 where civilians are known to be present or
24 in areas normally inhabited by civilians; or

1 (ii) such assistance, license, sale, or
2 transfer is for the purpose of demilitarizing
3 or permanently disposing of such cluster
4 munitions.

5 (3) CROWD CONTROL.—If the Secretary of
6 State has information that a unit of a foreign secu-
7 rity force uses excessive force to repress peaceful ex-
8 pression or assembly concerning corruption, harm to
9 the environment or human health, or the fairness of
10 electoral processes, or in countries that are undemo-
11 cratic or undergoing democratic transition, the Sec-
12 retary shall promptly determine if such information
13 is credible: *Provided*, That if the information is de-
14 termined to be credible, funds appropriated by this
15 Act should not be used for tear gas, small arms,
16 light weapons, ammunition, or other items for crowd
17 control purposes for such unit.

18 (d) REPORTS.—

19 (1) SECURITY ASSISTANCE REPORT.—Not later
20 than 120 days after enactment of this Act, the Sec-
21 retary of State shall submit to the Committees on
22 Appropriations a report on funds obligated and ex-
23 pended during fiscal year 2021, by country and pur-
24 pose of assistance, under the headings “Peace-
25 keeping Operations”, “International Military Edu-

1 cation and Training”, and “Foreign Military Fi-
2 nancing Program”.

3 (2) ANNUAL FOREIGN MILITARY TRAINING RE-
4 PORT.—For the purposes of implementing section
5 656 of the Foreign Assistance Act of 1961, the term
6 “military training provided to foreign military per-
7 sonnel by the Department of Defense and the De-
8 partment of State” shall be deemed to include all
9 military training provided by foreign governments
10 with funds appropriated to the Department of De-
11 fense or the Department of State, except for train-
12 ing provided by the government of a country des-
13 igned by section 517(b) of such Act (22 U.S.C.
14 2321k(b)) as a major non-North Atlantic Treaty Or-
15 ganization ally: *Provided*, That such third-country
16 training shall be clearly identified in the report sub-
17 mitted pursuant to section 656 of such Act.

18 ARAB LEAGUE BOYCOTT OF ISRAEL

19 SEC. 7036. It is the sense of the Congress that—

20 (1) the Arab League boycott of Israel, and the
21 secondary boycott of American firms that have com-
22 mercial ties with Israel, is an impediment to peace
23 in the region and to United States investment and
24 trade in the Middle East and North Africa;

1 this Act may be provided to support a Palestinian state
2 unless the Secretary of State determines and certifies to
3 the appropriate congressional committees that—

4 (1) the governing entity of a new Palestinian
5 state—

6 (A) has demonstrated a firm commitment
7 to peaceful co-existence with the State of Israel;
8 and

9 (B) is taking appropriate measures to
10 counter terrorism and terrorist financing in the
11 West Bank and Gaza, including the dismantling
12 of terrorist infrastructures, and is cooperating
13 with appropriate Israeli and other appropriate
14 security organizations; and

15 (2) the Palestinian Authority (or the governing
16 entity of a new Palestinian state) is working with
17 other countries in the region to vigorously pursue ef-
18 forts to establish a just, lasting, and comprehensive
19 peace in the Middle East that will enable Israel and
20 an independent Palestinian state to exist within the
21 context of full and normal relationships, which
22 should include—

23 (A) termination of all claims or states of
24 belligerency;

1 (B) respect for and acknowledgment of the
2 sovereignty, territorial integrity, and political
3 independence of every state in the area through
4 measures including the establishment of demili-
5 tarized zones;

6 (C) their right to live in peace within se-
7 cure and recognized boundaries free from
8 threats or acts of force;

9 (D) freedom of navigation through inter-
10 national waterways in the area; and

11 (E) a framework for achieving a just set-
12 tlement of the refugee problem.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the governing entity should enact a constitution
15 assuring the rule of law, an independent judiciary, and
16 respect for human rights for its citizens, and should enact
17 other laws and regulations assuring transparent and ac-
18 countable governance.

19 (c) WAIVER.—The President may waive subsection
20 (a) if the President determines that it is important to the
21 national security interest of the United States to do so.

22 (d) EXEMPTION.—The restriction in subsection (a)
23 shall not apply to assistance intended to help reform the
24 Palestinian Authority and affiliated institutions, or the
25 governing entity, in order to help meet the requirements

1 of subsection (a), consistent with the provisions of section
2 7040 of this Act (“Limitation on Assistance for the Pales-
3 tinian Authority”).

4 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
5 BROADCASTING CORPORATION

6 SEC. 7038. None of the funds appropriated or other-
7 wise made available by this Act may be used to provide
8 equipment, technical support, consulting services, or any
9 other form of assistance to the Palestinian Broadcasting
10 Corporation.

11 ASSISTANCE FOR THE WEST BANK AND GAZA

12 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2022,
13 30 days prior to the initial obligation of funds for the bi-
14 lateral West Bank and Gaza Program, the Secretary of
15 State shall certify to the Committees on Appropriations
16 that procedures have been established to assure the Comp-
17 troller General of the United States will have access to
18 appropriate United States financial information in order
19 to review the uses of United States assistance for the Pro-
20 gram funded under the heading “Economic Support
21 Fund” for the West Bank and Gaza.

22 (b) VETTING.—Prior to the obligation of funds ap-
23 propriated by this Act under the heading “Economic Sup-
24 port Fund” for assistance for the West Bank and Gaza,
25 the Secretary of State shall take all appropriate steps to

1 ensure that such assistance is not provided to or through
2 any individual, private or government entity, or edu-
3 cational institution that the Secretary knows or has reason
4 to believe advocates, plans, sponsors, engages in, or has
5 engaged in, terrorist activity nor, with respect to private
6 entities or educational institutions, those that have as a
7 principal officer of the entity's governing board or gov-
8 erning board of trustees any individual that has been de-
9 termined to be involved in, or advocating terrorist activity
10 or determined to be a member of a designated foreign ter-
11 rorist organization: *Provided*, That the Secretary of State
12 shall, as appropriate, establish procedures specifying the
13 steps to be taken in carrying out this subsection and shall
14 terminate assistance to any individual, entity, or edu-
15 cational institution which the Secretary has determined to
16 be involved in or advocating terrorist activity.

17 (c) PROHIBITION.—

18 (1) RECOGNITION OF ACTS OF TERRORISM.—

19 None of the funds appropriated under titles III
20 through VI of this Act for assistance under the West
21 Bank and Gaza Program may be made available
22 for—

23 (A) the purpose of recognizing or otherwise
24 honoring individuals who commit, or have com-
25 mitted acts of terrorism; and

1 (B) any educational institution located in
2 the West Bank or Gaza that is named after an
3 individual who the Secretary of State deter-
4 mines has committed an act of terrorism.

5 (2) SECURITY ASSISTANCE AND REPORTING RE-
6 QUIREMENT.—Notwithstanding any other provision
7 of law, none of the funds made available by this or
8 prior appropriations Acts, including funds made
9 available by transfer, may be made available for obli-
10 gation for security assistance for the West Bank and
11 Gaza until the Secretary of State reports to the
12 Committees on Appropriations on—

13 (A) the benchmarks that have been estab-
14 lished for security assistance for the West Bank
15 and Gaza and on the extent of Palestinian com-
16 pliance with such benchmarks; and

17 (B) the steps being taken by the Pales-
18 tinian Authority to end torture and other cruel,
19 inhuman, and degrading treatment of detainees,
20 including by bringing to justice members of
21 Palestinian security forces who commit such
22 crimes.

23 (d) OVERSIGHT BY THE UNITED STATES AGENCY
24 FOR INTERNATIONAL DEVELOPMENT.—

1 (1) The Administrator of the United States
2 Agency for International Development shall ensure
3 that Federal or non-Federal audits of all contractors
4 and grantees, and significant subcontractors and
5 sub-grantees, under the West Bank and Gaza Pro-
6 gram, are conducted at least on an annual basis to
7 ensure, among other things, compliance with this
8 section.

9 (2) Of the funds appropriated by this Act, up
10 to \$1,300,000 may be used by the Office of Inspec-
11 tor General of the United States Agency for Inter-
12 national Development for audits, investigations, and
13 other activities in furtherance of the requirements of
14 this subsection: *Provided*, That such funds are in ad-
15 dition to funds otherwise available for such pur-
16 poses.

17 (e) COMPTROLLER GENERAL OF THE UNITED
18 STATES AUDIT.—Subsequent to the certification specified
19 in subsection (a), the Comptroller General of the United
20 States shall conduct an audit and an investigation of the
21 treatment, handling, and uses of all funds for the bilateral
22 West Bank and Gaza Program, including all funds pro-
23 vided as cash transfer assistance, in fiscal year 2022
24 under the heading “Economic Support Fund”, and such
25 audit shall address—

1 more than a period of 6 months at a time and shall not
2 apply beyond 12 months after the enactment of this Act.

3 (d) REPORT.—Whenever the waiver authority pursu-
4 ant to subsection (b) is exercised, the President shall sub-
5 mit a report to the Committees on Appropriations detail-
6 ing the justification for the waiver, the purposes for which
7 the funds will be spent, and the accounting procedures in
8 place to ensure that the funds are properly disbursed: *Pro-*
9 *vided*, That the report shall also detail the steps the Pales-
10 tinian Authority has taken to arrest terrorists, confiscate
11 weapons and dismantle the terrorist infrastructure.

12 (e) CERTIFICATION.—If the President exercises the
13 waiver authority under subsection (b), the Secretary of
14 State must certify and report to the Committees on Ap-
15 propriations prior to the obligation of funds that the Pal-
16 estinian Authority has established a single treasury ac-
17 count for all Palestinian Authority financing and all fi-
18 nancing mechanisms flow through this account, no parallel
19 financing mechanisms exist outside of the Palestinian Au-
20 thority treasury account, and there is a single comprehen-
21 sive civil service roster and payroll, and the Palestinian
22 Authority is acting to counter incitement of violence
23 against Israelis and is supporting activities aimed at pro-
24 moting peace, coexistence, and security cooperation with
25 Israel.

1 (f) PROHIBITION TO HAMAS AND THE PALESTINE
2 LIBERATION ORGANIZATION.—

3 (1) None of the funds appropriated in titles III
4 through VI of this Act may be obligated for salaries
5 of personnel of the Palestinian Authority located in
6 Gaza or may be obligated or expended for assistance
7 to Hamas or any entity effectively controlled by
8 Hamas, any power-sharing government of which
9 Hamas is a member, or that results from an agree-
10 ment with Hamas and over which Hamas exercises
11 undue influence.

12 (2) Notwithstanding the limitation of paragraph
13 (1), assistance may be provided to a power-sharing
14 government only if the President certifies and re-
15 ports to the Committees on Appropriations that such
16 government, including all of its ministers or such
17 equivalent, has publicly accepted and is complying
18 with the principles contained in section 620K(b)(1)
19 (A) and (B) of the Foreign Assistance Act of 1961,
20 as amended.

21 (3) The President may exercise the authority in
22 section 620K(e) of the Foreign Assistance Act of
23 1961, as added by the Palestinian Anti-Terrorism
24 Act of 2006 (Public Law 109–446) with respect to
25 this subsection.

1 (4) Whenever the certification pursuant to
2 paragraph (2) is exercised, the Secretary of State
3 shall submit a report to the Committees on Appro-
4 priations within 120 days of the certification and
5 every quarter thereafter on whether such govern-
6 ment, including all of its ministers or such equiva-
7 lent are continuing to comply with the principles
8 contained in section 620K(b)(1) (A) and (B) of the
9 Foreign Assistance Act of 1961, as amended: *Pro-*
10 *vided*, That the report shall also detail the amount,
11 purposes and delivery mechanisms for any assistance
12 provided pursuant to the abovementioned certifi-
13 cation and a full accounting of any direct support of
14 such government.

15 (5) None of the funds appropriated under titles
16 III through VI of this Act may be obligated for as-
17 sistance for the Palestine Liberation Organization.

18 MIDDLE EAST AND NORTH AFRICA

19 SEC. 7041. (a) EGYPT.—

20 (1) CERTIFICATION AND REPORT.—Funds ap-
21 propriated by this Act that are available for assist-
22 ance for Egypt may be made available notwith-
23 standing any other provision of law restricting as-
24 sistance for Egypt, except for this subsection and
25 section 620M of the Foreign Assistance Act of 1961,

1 and may only be made available for assistance for
2 the Government of Egypt if the Secretary of State
3 certifies and reports to the Committees on Appro-
4 priations that such government is—

5 (A) sustaining the strategic relationship
6 with the United States; and

7 (B) meeting its obligations under the 1979
8 Egypt-Israel Peace Treaty.

9 (2) ECONOMIC SUPPORT FUND.—Of the funds
10 appropriated by this Act under the heading “Eco-
11 nomic Support Fund”, not less than \$125,000,000
12 shall be made available for assistance for Egypt, of
13 which not less than \$40,000,000 should be made
14 available for higher education programs, including
15 not less than \$15,000,000 for scholarships for Egyp-
16 tian students with high financial need to attend not-
17 for-profit institutions of higher education in Egypt
18 that are currently accredited by a regional accred-
19 iting agency recognized by the United States De-
20 partment of Education, or meets standards equiva-
21 lent to those required for United States institutional
22 accreditation by a regional accrediting agency recog-
23 nized by such Department: *Provided*, That such
24 funds shall be made available for democracy pro-
25 grams, and for development programs in the Sinai.

1 (3) FOREIGN MILITARY FINANCING PRO-
2 GRAM.—

3 (A) CERTIFICATION.—Of the funds appro-
4 priated by this Act under the heading “Foreign
5 Military Financing Program”, \$1,300,000,000,
6 to remain available until September 30, 2023,
7 should be made available for assistance for
8 Egypt: *Provided*, That such funds may be
9 transferred to an interest bearing account in
10 the Federal Reserve Bank of New York, fol-
11 lowing consultation with the Committees on Ap-
12 propriations, and the uses of any interest
13 earned on such funds shall be subject to the
14 regular notification procedures of the Commit-
15 tees on Appropriations: *Provided further*, That
16 \$235,000,000 of such funds shall be withheld
17 from obligation until the Secretary of State cer-
18 tifies and reports to the Committees on Appro-
19 priations that the Government of Egypt is tak-
20 ing sustained and effective steps to—

21 (i) strengthen the rule of law, demo-
22 cratic institutions, and human rights in
23 Egypt, including to protect religious mi-
24 norities and the rights of women, which

1 are in addition to steps taken during the
2 previous calendar year for such purposes;

3 (ii) implement reforms that protect
4 freedoms of expression, association, and
5 peaceful assembly, including the ability of
6 civil society organizations, human rights
7 defenders, and the media to function with-
8 out interference;

9 (iii) hold Egyptian security forces ac-
10 countable, including officers credibly al-
11 leged to have violated human rights;

12 (iv) investigate and prosecute cases of
13 extrajudicial killings and forced disappear-
14 ances; and

15 (v) provide regular access for United
16 States officials to monitor such assistance
17 in areas where the assistance is used:

18 *Provided further,* That the certification require-
19 ment of this paragraph shall not apply to funds
20 appropriated by this Act under such heading
21 for counterterrorism, border security, and non-
22 proliferation programs for Egypt.

23 (B) WAIVER.—The Secretary of State may
24 waive the certification requirement in subpara-
25 graph (A) if the Secretary determines and re-

1 ports to the Committees on Appropriations that
2 to do so is important to the national security
3 interest of the United States, and submits a re-
4 port to such Committees containing a detailed
5 justification for the use of such waiver and the
6 reasons why any of the requirements of sub-
7 paragraph (A) cannot be met: *Provided*, That
8 the report required by this paragraph shall be
9 submitted in unclassified form, but may be ac-
10 panied by a classified annex.

11 (C) In addition to the funds withheld pur-
12 suant to subparagraph (A), \$85,000,000 of the
13 funds made available pursuant to this para-
14 graph shall be withheld from obligation until
15 the Secretary of State determines and reports
16 to the Committees on Appropriations that the
17 Government of Egypt is making clear and con-
18 sistent progress in releasing political prisoners,
19 providing detainees with due process of law,
20 and preventing the intimidation and harassment
21 of American citizens.

22 (4) PRE-OBLIGATION DETERMINATION.—Prior
23 to the initial obligation of funds made available by
24 this Act under the heading “Foreign Military Fi-
25 nancing Program” for assistance for Egypt, the Sec-

1 retary of State shall submit a report to the appro-
2 priate congressional committees on known disputes
3 involving injuries to American citizens caused by the
4 Egyptian military, steps taken by the Government of
5 Egypt to resolve, or facilitate the just resolution of,
6 such disputes, and the remaining obstacles to such
7 a resolution.

8 (b) IRAN.—

9 (1) FUNDING.—Funds appropriated by this Act
10 under the headings “Diplomatic Programs”, “Eco-
11 nomic Support Fund”, and “Nonproliferation, Anti-
12 terrorism, Demining and Related Programs” shall
13 be made available for the programs and activities de-
14 scribed under this section in House Report 117–84.

15 (2) REPORTS.—

16 (A) SEMI-ANNUAL REPORT.—The Sec-
17 retary of State shall submit to the Committees
18 on Appropriations the semi-annual report re-
19 quired by section 135(d)(4) of the Atomic En-
20 ergy Act of 1954 (42 U.S.C. 2160e(d)(4)), as
21 added by section 2 of the Iran Nuclear Agree-
22 ment Review Act of 2015 (Public Law 114–17).

23 (B) SANCTIONS REPORT.—Not later than
24 180 days after the date of enactment of this
25 Act, the Secretary of State, in consultation with

1 the Secretary of the Treasury, shall submit to
2 the appropriate congressional committees a re-
3 port on—

4 (i) the status of United States bilat-
5 eral sanctions on Iran;

6 (ii) the reimposition and renewed en-
7 forcement of secondary sanctions; and

8 (iii) the impact such sanctions have
9 had on Iran’s destabilizing activities
10 throughout the Middle East.

11 (c) IRAQ.—

12 (1) PURPOSES.—Funds appropriated under ti-
13 tles III and IV of this Act shall be made available
14 for assistance for Iraq for—

15 (A) bilateral economic assistance and inter-
16 national security assistance, including in the
17 Kurdistan Region of Iraq;

18 (B) stabilization assistance, including in
19 Anbar Province;

20 (C) programs to support government
21 transparency and accountability, judicial inde-
22 pendence, protect the right of due process, and
23 combat corruption;

24 (D) humanitarian assistance, including in
25 the Kurdistan Region of Iraq; and

1 (E) programs to protect and assist reli-
2 gious and ethnic minority populations in Iraq,
3 including as described under this section in
4 House Report 117–84.

5 (2) BASING RIGHTS.—None of the funds appro-
6 priated or otherwise made available by this Act may
7 be used by the Government of the United States to
8 enter into a permanent basing rights agreement be-
9 tween the United States and Iraq.

10 (d) ISRAEL.—Of the funds appropriated by this Act
11 under the heading “Foreign Military Financing Pro-
12 gram”, not less than \$3,300,000,000 shall be available for
13 grants only for Israel which shall be disbursed within 30
14 days of enactment of this Act: *Provided*, That to the extent
15 that the Government of Israel requests that funds be used
16 for such purposes, grants made available for Israel under
17 this heading shall, as agreed by the United States and
18 Israel, be available for advanced weapons systems, of
19 which not less than \$785,300,000 shall be available for
20 the procurement in Israel of defense articles and defense
21 services, including research and development.

22 (e) JORDAN.—Of the funds appropriated by this Act
23 under titles III and IV, not less than \$1,650,000,000 shall
24 be made available for assistance for Jordan, of which not
25 less than \$845,100,000 shall be made available for budget

1 support for the Government of Jordan and not less than
2 \$425,000,000 shall be made available under the heading
3 “Foreign Military Financing Program”.

4 (f) LEBANON.—

5 (1) ASSISTANCE.—Funds appropriated under
6 titles III and IV of this Act shall be made available
7 for assistance for Lebanon: *Provided*, That such
8 funds made available under the heading “Economic
9 Support Fund” may be made available notwith-
10 standing section 1224 of the Foreign Relations Au-
11 thorization Act, Fiscal Year 2003 (Public Law 107–
12 228; 22 U.S.C. 2346 note).

13 (2) SECURITY ASSISTANCE.—

14 (A) Funds appropriated by this Act under
15 the headings “International Narcotics Control
16 and Law Enforcement” and “Foreign Military
17 Financing Program” that are made available
18 for assistance for Lebanon may be made avail-
19 able for programs and equipment for the Leba-
20 nese Internal Security Forces (ISF) and the
21 Lebanese Armed Forces (LAF) to address secu-
22 rity and stability requirements in areas affected
23 by conflict in Syria, following consultation with
24 the appropriate congressional committees.

1 (B) Funds appropriated by this Act under
2 the heading “Foreign Military Financing Pro-
3 gram” that are made available for assistance
4 for Lebanon may only be made available for
5 programs to—

6 (i) professionalize the LAF to miti-
7 gate internal and external threats from
8 non-state actors, including Hizballah;

9 (ii) strengthen border security and
10 combat terrorism, including training and
11 equipping the LAF to secure the borders
12 of Lebanon and address security and sta-
13 bility requirements in areas affected by
14 conflict in Syria, interdicting arms ship-
15 ments, and preventing the use of Lebanon
16 as a safe haven for terrorist groups; and

17 (iii) implement United Nations Secu-
18 rity Council Resolution 1701:

19 *Provided*, That prior to obligating funds made
20 available by this subparagraph for assistance
21 for the LAF, the Secretary of State shall sub-
22 mit to the Committees on Appropriations a
23 spend plan, including actions to be taken to en-
24 sure equipment provided to the LAF is used
25 only for the intended purposes, except such plan

1 may not be considered as meeting the notifica-
2 tion requirements under section 7015 of this
3 Act or under section 634A of the Foreign As-
4 sistance Act of 1961: *Provided further*, That
5 any notification submitted pursuant to such
6 section shall include any funds specifically in-
7 tended for lethal military equipment.

8 (3) LIMITATION.—None of the funds appro-
9 priated by this Act may be made available for the
10 ISF or the LAF if the ISF or the LAF is controlled
11 by a foreign terrorist organization, as designated
12 pursuant to section 219 of the Immigration and Na-
13 tionality Act (8 U.S.C. 1189).

14 (g) LIBYA.—Funds appropriated under titles III and
15 IV of this Act shall be made available for stabilization as-
16 sistance for Libya, including support for a United Na-
17 tions-facilitated political process and border security: *Pro-*
18 *vided*, That the limitation on the uses of funds for certain
19 infrastructure projects in section 7041(f)(2) of the De-
20 partment of State, Foreign Operations, and Related Pro-
21 grams Appropriations Act, 2014 (division K of Public Law
22 113–76) shall apply to such funds.

23 (h) MOROCCO.—Funds appropriated under titles III
24 and IV of this Act shall be made available for assistance
25 for Morocco.

1 (i) SAUDI ARABIA.—

2 (1) PROHIBITION.—None of the funds appro-
3 priated by this Act under the heading “International
4 Military Education and Training” may be made
5 available for assistance for the Government of Saudi
6 Arabia.

7 (2) EXPORT-IMPORT BANK.—None of the funds
8 appropriated or otherwise made available by this Act
9 and prior Acts making appropriations for the De-
10 partment of State, foreign operations, and related
11 programs should be obligated or expended by the
12 Export-Import Bank of the United States to guar-
13 antee, insure, or extend (or participate in the exten-
14 sion of) credit in connection with the export of nu-
15 clear technology, equipment, fuel, materials, or other
16 nuclear technology-related goods or services to Saudi
17 Arabia unless the Government of Saudi Arabia—

18 (A) has in effect a nuclear cooperation
19 agreement pursuant to section 123 of the
20 Atomic Energy Act of 1954 (42 U.S.C. 2153);

21 (B) has committed to renounce uranium
22 enrichment and reprocessing on its territory
23 under that agreement; and

24 (C) has signed and implemented an Addi-
25 tional Protocol to its Comprehensive Safeguards

1 Agreement with the International Atomic En-
2 ergy Agency.

3 (j) SYRIA.—

4 (1) NON-LETHAL ASSISTANCE.—Funds appro-
5 priated by this Act under titles III and IV may be
6 made available, notwithstanding any other provision
7 of law, for non-lethal stabilization assistance for
8 Syria, including for emergency medical and rescue
9 response and chemical weapons investigations.

10 (2) LIMITATIONS.—Funds made available pur-
11 suant to paragraph (1) of this subsection—

12 (A) may not be made available for a
13 project or activity that supports or otherwise le-
14 gitimizes the Government of Iran, foreign ter-
15 rorist organizations (as designated pursuant to
16 section 219 of the Immigration and Nationality
17 Act (8 U.S.C. 1189)), or a proxy of Iran in
18 Syria;

19 (B) may not be made available for activi-
20 ties that further the strategic objectives of the
21 Government of the Russian Federation that the
22 Secretary of State determines may threaten or
23 undermine United States national security in-
24 terests; and

1 (C) should not be used in areas of Syria
2 controlled by a government led by Bashar al-
3 Assad or associated forces.

4 (3) CONSULTATION AND NOTIFICATION.—
5 Funds made available pursuant to this subsection
6 may only be made available following consultation
7 with the appropriate congressional committees, and
8 shall be subject to the regular notification proce-
9 dures of the Committees on Appropriations.

10 (k) TUNISIA.—

11 (1) ASSISTANCE.—Funds appropriated under
12 titles III and IV of this Act shall be made available
13 for assistance for Tunisia for programs to improve
14 economic growth and opportunity, support demo-
15 cratic governance and civil society, protect due proc-
16 ess of law, and maintain regional stability and secu-
17 rity, following consultation with the Committees on
18 Appropriations.

19 (2) SPEND PLAN.—Not later than 90 days after
20 enactment of this Act, the Secretary of State shall
21 submit a spend plan consistent with the require-
22 ments in section 7062(b) of this Act.

23 (3) REPORT.—Not later than 90 days after en-
24 actment of this Act, the Secretary of State shall sub-

1 mit a report to the Committees on Appropriations
2 on the extent to which—

3 (A) the Government of Tunisia is imple-
4 menting economic reforms, countering corrup-
5 tion, and taking credible steps to restore con-
6 stitutional order and democratic governance, in-
7 cluding respecting freedoms of expression, asso-
8 ciation, and the press, and the rights of mem-
9 bers of political parties;

10 (B) the Government of Tunisia is main-
11 taining the independence of the judiciary and
12 holding security forces who commit human
13 rights abuses accountable; and

14 (C) the Tunisian military has remained an
15 apolitical and professional institution.

16 (I) WEST BANK AND GAZA.—

17 (1) ASSISTANCE.—Funds appropriated by this
18 Act under the heading “Economic Support Fund”
19 shall be made available for programs in the West
20 Bank and Gaza, which may include water, sanita-
21 tion, and other infrastructure improvements.

22 (2) REPORT ON ASSISTANCE.—Prior to the ini-
23 tial obligation of funds made available by this Act
24 under the heading “Economic Support Fund” for
25 assistance for the West Bank and Gaza, the Sec-

1 retary of State shall report to the Committees on
2 Appropriations that the purpose of such assistance
3 is to—

4 (A) advance Middle East peace;

5 (B) improve security in the region;

6 (C) continue support for transparent and
7 accountable government institutions;

8 (D) promote a private sector economy; or

9 (E) address urgent humanitarian needs.

10 (3) LIMITATIONS.—

11 (A)(i) None of the funds appropriated
12 under the heading “Economic Support Fund”
13 in this Act may be made available for assistance
14 for the Palestinian Authority, if after the date
15 of enactment of this Act—

16 (I) the Palestinians obtain the same
17 standing as member states or full member-
18 ship as a state in the United Nations or
19 any specialized agency thereof outside an
20 agreement negotiated between Israel and
21 the Palestinians; or

22 (II) the Palestinians initiate an Inter-
23 national Criminal Court (ICC) judicially
24 authorized investigation, or actively sup-
25 port such an investigation, that subjects

1 Israeli nationals to an investigation for al-
2 leged crimes against Palestinians.

3 (ii) The Secretary of State may waive the
4 restriction in clause (i) of this subparagraph re-
5 sulting from the application of subclause (I) of
6 such clause if the Secretary certifies to the
7 Committees on Appropriations that to do so is
8 in the national security interest of the United
9 States, and submits a report to such Commit-
10 tees detailing how the waiver and the continu-
11 ation of assistance would assist in furthering
12 Middle East peace.

13 (B)(i) The President may waive the provi-
14 sions of section 1003 of the Foreign Relations
15 Authorization Act, Fiscal Years 1988 and 1989
16 (Public Law 100–204) if the President deter-
17 mines and certifies in writing to the Speaker of
18 the House of Representatives, the President pro
19 tempore of the Senate, and the appropriate con-
20 gressional committees that the Palestinians
21 have not, after the date of enactment of this
22 Act—

23 (I) obtained in the United Nations or
24 any specialized agency thereof the same
25 standing as member states or full member-

1 ship as a state outside an agreement nego-
2 tiated between Israel and the Palestinians;
3 and

4 (II) initiated or actively supported an
5 ICC investigation against Israeli nationals
6 for alleged crimes against Palestinians.

7 (ii) Not less than 90 days after the Presi-
8 dent is unable to make the certification pursu-
9 ant to clause (i) of this subparagraph, the
10 President may waive section 1003 of Public
11 Law 100–204 if the President determines and
12 certifies in writing to the Speaker of the House
13 of Representatives, the President pro tempore
14 of the Senate, and the Committees on Appro-
15 priations that the Palestinians have entered
16 into direct and meaningful negotiations with
17 Israel: *Provided*, That any waiver of the provi-
18 sions of section 1003 of Public Law 100–204
19 under clause (i) of this subparagraph or under
20 previous provisions of law must expire before
21 the waiver under this clause may be exercised.

22 (iii) Any waiver pursuant to this subpara-
23 graph shall be effective for no more than a pe-
24 riod of 6 months at a time and shall not apply

1 under the heading “International Military Education and
2 Training” for the central government of a country in the
3 African Great Lakes region may be made available only
4 for Expanded International Military Education and Train-
5 ing and professional military education until the Secretary
6 of State determines and reports to the Committees on Ap-
7 propriations that such government is not facilitating or
8 otherwise participating in destabilizing activities in a
9 neighboring country, including aiding and abetting armed
10 groups.

11 (b) CENTRAL AFRICAN REPUBLIC.—Of the funds ap-
12 propriated by this Act under the heading “Economic Sup-
13 port Fund”, not less than \$3,000,000 shall be made avail-
14 able for a contribution to the Special Criminal Court in
15 Central African Republic.

16 (c) COUNTER ILLICIT ARMED GROUPS.—Funds ap-
17 propriated by this Act shall be made available for pro-
18 grams and activities in areas affected by the Lord’s Re-
19 sistance Army (LRA) or other illicit armed groups in
20 Eastern Democratic Republic of the Congo and the Cen-
21 tral African Republic, including to improve physical ac-
22 cess, telecommunications infrastructure, and early-warn-
23 ing mechanisms and to support the disarmament, demobi-
24 lization, and reintegration of former LRA combatants, es-
25 pecially child soldiers.

1 (d) DEMOCRATIC REPUBLIC OF THE CONGO.—Of the
2 funds appropriated under titles III and IV of this Act,
3 not less than \$325,000,000 shall be made available for
4 assistance for the Democratic Republic of the Congo
5 (DRC) for stabilization, global health, and bilateral eco-
6 nomic assistance, including in areas affected by, and at
7 risk from, the Ebola virus disease: *Provided*, That such
8 funds shall also be made available to support security, sta-
9 bilization, development, and democracy in Eastern DRC:
10 *Provided further*, That funds appropriated by this Act
11 under the headings “Peacekeeping Operations” and
12 “International Military Education and Training” that are
13 made available for such purposes may be made available
14 notwithstanding any other provision of law, except section
15 620M of the Foreign Assistance Act of 1961.

16 (e) ETHIOPIA.—

17 (1) ASSISTANCE.—Funds appropriated by this
18 Act that are made available for assistance for Ethi-
19 opia should be used to support—

20 (A) a political dialogue to end the conflict;

21 (B) civil society and protect human rights;

22 (C) efforts to provide unimpeded access to
23 humanitarian assistance; and

24 (D) investigations and prosecutions of
25 gross violations of human rights.

1 (2) SPEND PLAN.—Not later than 90 days after
2 enactment of this Act, the Secretary of State shall
3 submit a spend plan consistent with the require-
4 ments in section 7062(b) of this Act.

5 (3) REPORT.—Not later than 90 days after en-
6 actment of this Act, the Secretary of State shall sub-
7 mit a report to the appropriate congressional com-
8 mittees on the extent to which the Government of
9 Ethiopia and other parties to the conflict—

10 (A) have ceased offensive military oper-
11 ations;

12 (B) have taken credible steps toward a po-
13 litical dialogue to end the conflict;

14 (C) are providing unimpeded access to hu-
15 manitarian assistance;

16 (D) are taking effective steps to protect
17 human rights and comply with international hu-
18 manitarian law and international refugee law;
19 and

20 (E) are cooperating with independent in-
21 vestigations of gross violations of human rights.

22 (f) MALAWI.—Funds appropriated by this Act and
23 prior Acts making appropriations for the Department of
24 State, foreign operations, and related programs that are
25 made available for higher education programs in Malawi

1 shall be made available for higher education and workforce
2 development programs in agriculture as described under
3 this section in House Report 117–84.

4 (g) MOZAMBIQUE.—Of the funds appropriated under
5 titles III and IV of this Act, not less than \$537,500,000
6 shall be made available for assistance for Mozambique, in-
7 cluding for stabilization, global health, and bilateral eco-
8 nomic assistance in areas affected by violent extremism.

9 (h) SOUTH SUDAN.—

10 (1) ASSISTANCE.—Funds appropriated under
11 title III of this Act that are made available for as-
12 sistance for South Sudan should be made available
13 for democracy programs, including programs to sup-
14 port civil society, and for conflict mitigation and rec-
15 onciliation programs, at levels above the prior fiscal
16 year.

17 (2) LIMITATION ON ASSISTANCE FOR THE CEN-
18 TRAL GOVERNMENT.—Funds appropriated by this
19 Act that are made available for assistance for the
20 central Government of South Sudan may only be
21 made available, following consultation with the Com-
22 mittees on Appropriations, for—

23 (A) humanitarian assistance;

24 (B) health programs, including to prevent,
25 detect, and respond to infectious diseases;

1 (C) assistance to support South Sudan
2 peace negotiations or to advance or implement
3 a peace agreement; and

4 (D) assistance to support implementation
5 of outstanding issues of the Comprehensive
6 Peace Agreement, and subsequent and mutual
7 arrangements related to such agreement, or any
8 other internationally recognized viable peace
9 agreement in South Sudan:

10 *Provided*, That prior to the initial obligation of
11 funds made available pursuant to subparagraphs (C)
12 and (D), the Secretary of State shall consult with
13 the Committees on Appropriations on the intended
14 uses of such funds and steps taken by such govern-
15 ment to advance or implement a peace agreement.

16 (i) SUDAN.—

17 (1) ASSISTANCE.—Funds appropriated by this
18 Act under title III should be made available to sup-
19 port a civilian-led transition in Sudan: *Provided*,
20 That notwithstanding any other provision of law ex-
21 cept section 620M of the Foreign Assistance Act of
22 1961, the Trafficking Victims Protection Act of
23 2000, and the Child Soldiers Prevention Act of
24 2008, such funds may be made available for agri-
25 culture and economic growth programs, and eco-

1 nomic assistance for marginalized areas in Sudan
2 and Abyei: *Provided further*, That funds should be
3 prioritized for civil society capacity building, political
4 party and coalition building, women and youth em-
5 powerment, protection of human rights, and support
6 for elections if the Secretary of State reports to the
7 appropriate congressional committees that conditions
8 exist for free and fair elections.

9 (2) LIMITATION.—None of the funds appro-
10 priated by this Act under title IV may be made
11 available for assistance for the central Government
12 of Sudan, except to support implementation of out-
13 standing issues of the Comprehensive Peace Agree-
14 ment, mutual arrangements related to post-ref-
15 erendum issues associated with such Agreement, or
16 any other viable peace agreement in Sudan.

17 (3) CONSULTATION AND NOTIFICATION.—
18 Funds appropriated by this Act and prior Acts mak-
19 ing appropriations for the Department of State, for-
20 eign operations, and related programs that are made
21 available for any new program, project, or activity in
22 Sudan shall be subject to prior consultation with the
23 appropriate congressional committees.

24 (j) ZIMBABWE.—

1 (1) INSTRUCTION.—The Secretary of the Treas-
2 ury shall instruct the United States executive direc-
3 tor of each international financial institution to vote
4 against any extension by the respective institution of
5 any loan or grant to the Government of Zimbabwe,
6 except to meet basic human needs or to promote de-
7 mocracy, unless the Secretary of State certifies and
8 reports to the Committees on Appropriations that
9 the rule of law has been restored, including respect
10 for ownership and title to property, and freedoms of
11 expression, association, and assembly.

12 (2) LIMITATION.—None of the funds appro-
13 priated by this Act shall be made available for as-
14 sistance for the central Government of Zimbabwe,
15 except for health and education, unless the Secretary
16 of State certifies and reports as required in para-
17 graph (1).

18 EAST ASIA AND THE PACIFIC

19 SEC. 7043. (a) BURMA.—

20 (1) USES OF FUNDS.—Of the funds appro-
21 priated by this Act, not less than \$136,127,000 shall
22 be made available for assistance for Burma, which—

23 (A) may be made available notwithstanding
24 any other provision of law and following con-

1 sultation with the appropriate congressional
2 committees;

3 (B) may be made available for support for
4 the administrative operations and programs of
5 the entities listed under this subsection in the
6 explanatory statement described in section 4 (in
7 the matter preceding division A of this consoli-
8 dated Act) and other entities that support
9 peaceful efforts to establish an inclusive and
10 representative democracy in Burma and a fed-
11 eral union to foster equality among Burma's di-
12 verse ethnic groups, following consultation with
13 the Committees on Appropriations;

14 (C) shall be made available for programs
15 to promote ethnic and religious tolerance, unity,
16 and accountability and to combat gender-based
17 violence, including in Kachin, Chin, Mon,
18 Karen, Karenni, Rakhine, and Shan states;

19 (D) shall be made available for community-
20 based organizations with experience operating
21 in Thailand to provide food, medical, and other
22 humanitarian assistance to internally displaced
23 persons in eastern Burma, in addition to assist-
24 ance for Burmese refugees from funds appro-

1 appropriated by this Act under the heading “Migra-
2 tion and Refugee Assistance”; and

3 (E) shall be made available for programs
4 and activities to investigate and document viola-
5 tions of human rights in Burma committed by
6 the military junta.

7 (2) INTERNATIONAL SECURITY ASSISTANCE.—
8 None of the funds appropriated by this Act under
9 the headings “International Military Education and
10 Training” and “Foreign Military Financing Pro-
11 gram” may be made available for assistance for
12 Burma.

13 (3) LIMITATIONS.—None of the funds appro-
14 priated by this Act that are made available for as-
15 sistance for Burma may be made available to the
16 State Administration Council or any organization or
17 entity controlled by, or an affiliate of, the armed
18 forces of Burma, or to any individual or organization
19 that has committed a gross violation of human
20 rights or advocates violence against ethnic or reli-
21 gious groups or individuals in Burma, as determined
22 by the Secretary of State for programs administered
23 by the Department of State and USAID or the
24 President of the National Endowment for Democ-
25 racy (NED) for programs administered by NED.

1 (4) CONSULTATION.—Any new program or ac-
2 tivity in Burma initiated in fiscal year 2022 shall be
3 subject to prior consultation with the appropriate
4 congressional committees.

5 (b) CAMBODIA.—

6 (1) ASSISTANCE.—Of the funds appropriated
7 under title III of this Act, not less than \$82,505,000
8 shall be made available for assistance for Cambodia.

9 (2) CERTIFICATION AND EXCEPTIONS.—

10 (A) CERTIFICATION.—None of the funds
11 appropriated by this Act that are made avail-
12 able for assistance for the Government of Cam-
13 bodia may be obligated or expended unless the
14 Secretary of State certifies and reports to the
15 Committees on Appropriations that such Gov-
16 ernment is taking effective steps to—

17 (i) strengthen regional security and
18 stability, particularly regarding territorial
19 disputes in the South China Sea and the
20 enforcement of international sanctions with
21 respect to North Korea;

22 (ii) assert its sovereignty against in-
23 terference by the People’s Republic of
24 China, including by verifiably maintaining
25 the neutrality of Ream Naval Base, other

1 military installations in Cambodia, and
2 dual use facilities such as the Dara Sakor
3 development project;

4 (iii) cease violence, threats, and har-
5 assment against civil society and the polit-
6 ical opposition in Cambodia, and dismiss
7 any politically motivated criminal charges
8 against critics of the government; and

9 (iv) respect the rights, freedoms, and
10 responsibilities enshrined in the Constitu-
11 tion of the Kingdom of Cambodia as en-
12 acted in 1993.

13 (B) EXCEPTIONS.—The certification re-
14 quired by subparagraph (A) shall not apply to
15 funds appropriated by this Act and made avail-
16 able for democracy, health, education, and envi-
17 ronment programs, programs to strengthen the
18 sovereignty of Cambodia, and programs to edu-
19 cate and inform the people of Cambodia of the
20 influence activities of the People’s Republic of
21 China in Cambodia.

22 (3) USES OF FUNDS.—Funds appropriated
23 under title III of this Act for assistance for Cam-
24 bodia shall be made available for—

1 (A) research, documentation, and edu-
2 cation programs associated with the Khmer
3 Rouge in Cambodia; and

4 (B) programs in the Khmer language to
5 monitor, map, and publicize the efforts by the
6 People’s Republic of China to expand its influ-
7 ence in Cambodia.

8 (c) INDO-PACIFIC STRATEGY AND THE ASIA REAS-
9 SURANCE INITIATIVE ACT OF 2018.—

10 (1) ASSISTANCE.—Of the funds appropriated
11 under titles III and IV of this Act, not less than
12 \$1,605,105,000 shall be made available to support
13 implementation of the Indo-Pacific Strategy and the
14 Asia Reassurance Initiative Act of 2018 (Public Law
15 115–409).

16 (2) COUNTERING PRC INFLUENCE FUND.—Of
17 the funds appropriated by this Act under the head-
18 ings “Development Assistance”, “Economic Support
19 Fund”, “International Narcotics Control and Law
20 Enforcement”, “Nonproliferation, Anti-terrorism,
21 Demining and Related Programs”, and “Foreign
22 Military Financing Program”, not less than
23 \$300,000,000 shall be made available for a Coun-
24 tering PRC Influence Fund to counter the influence
25 of the Government of the People’s Republic of China

1 and the Chinese Communist Party and entities act-
2 ing on their behalf globally, which shall be subject
3 to prior consultation with the Committees on Appro-
4 priations: *Provided*, That such funds are in addition
5 to amounts otherwise made available for such pur-
6 poses: *Provided further*, That up to 10 percent of
7 such funds shall be held in reserve to respond to un-
8 anticipated opportunities to counter PRC influence:
9 *Provided further*, That the uses of such funds shall
10 be the joint responsibility of the Secretary of State
11 and the USAID Administrator, in accordance with
12 the guidance contained in the explanatory statement
13 described in section 4 (in the matter preceding divi-
14 sion A of this consolidated Act): *Provided further*,
15 That prior to the initial obligation of such funds, the
16 Secretary of State and USAID Administrator shall
17 consult with the Committees on Appropriations: *Pro-*
18 *vided further*, That funds appropriated by this Act
19 for such Fund under the headings “International
20 Narcotics Control and Law Enforcement”, “Non-
21 proliferation, Anti-terrorism, Demining and Related
22 Programs”, and “Foreign Military Financing Pro-
23 gram” may be transferred to, and merged with,
24 funds appropriated under such headings: *Provided*
25 *further*, That such transfer authority is in addition

1 to any other transfer authority provided by this Act
2 or any other Act, and is subject to the regular notifi-
3 cation procedures of the Committees on Appropria-
4 tions.

5 (3) RESTRICTION ON USES OF FUNDS.—None
6 of the funds appropriated by this Act and prior Acts
7 making appropriations for the Department of State,
8 foreign operations, and related programs may be
9 made available for any project or activity that di-
10 rectly supports or promotes—

11 (A) the Belt and Road Initiative or any
12 dual-use infrastructure projects of the People’s
13 Republic of China; and

14 (B) the use of technology, including bio-
15 technology, digital, telecommunications, and
16 cyber, developed by the People’s Republic of
17 China unless the Secretary of State, in con-
18 sultation with the USAID Administrator and
19 the heads of other Federal agencies, as appro-
20 priate, determines that such use does not ad-
21 versely impact the national security of the
22 United States.

23 (4) MAPS.—None of the funds made available
24 by this Act should be used to create, procure, or dis-
25 play any map that inaccurately depicts the territory

1 and social and economic system of Taiwan and the
2 islands or island groups administered by Taiwan au-
3 thorities.

4 (d) LAOS.—Of the funds appropriated by this Act
5 under titles III and IV, not less than \$85,000,000 shall
6 be made available for assistance for Laos, of which not
7 less than \$1,500,000 should be made available for health
8 and disability programs to assist persons with severe phys-
9 ical mobility, cognitive, or developmental disabilities that
10 may be related to the use of Agent Orange and exposure
11 to dioxin: *Provided*, That funds made available pursuant
12 to this subsection may be used for assessments to deter-
13 mine the existence of dioxin contamination resulting from
14 the use of Agent Orange in Laos and the feasibility and
15 cost of remediation.

16 (e) NORTH KOREA.—

17 (1) CYBERSECURITY.—None of the funds ap-
18 propriated by this Act or prior Acts making appro-
19 priations for the Department of State, foreign oper-
20 ations, and related programs may be made available
21 for assistance for the central government of a coun-
22 try the Secretary of State determines and reports to
23 the appropriate congressional committees engages in
24 significant transactions contributing materially to
25 the malicious cyber-intrusion capabilities of the Gov-

1 ernment of North Korea: *Provided*, That the Sec-
2 retary of State shall submit the report required by
3 section 209 of the North Korea Sanctions and Policy
4 Enhancement Act of 2016 (Public Law 114–122; 22
5 U.S.C. 9229) to the Committees on Appropriations:
6 *Provided further*, That the Secretary of State may
7 waive the application of the restriction in this para-
8 graph with respect to assistance for the central gov-
9 ernment of a country if the Secretary determines
10 and reports to the appropriate congressional com-
11 mittees that to do so is important to the national se-
12 curity interest of the United States, including a de-
13 scription of such interest served.

14 (2) BROADCASTS.—Funds appropriated by this
15 Act under the heading “International Broadcasting
16 Operations” shall be made available to maintain
17 broadcasting hours into North Korea at levels not
18 less than the prior fiscal year.

19 (3) HUMAN RIGHTS.—Funds appropriated by
20 this Act under the headings “Economic Support
21 Fund” and “Democracy Fund” shall be made avail-
22 able for the promotion of human rights in North
23 Korea: *Provided*, That the authority of section
24 7032(b)(1) of this Act shall apply to such funds.

1 (4) LIMITATION ON USE OF FUNDS.—None of
2 the funds made available by this Act under the
3 heading “Economic Support Fund” may be made
4 available for assistance for the Government of North
5 Korea.

6 (f) PEOPLE’S REPUBLIC OF CHINA.—

7 (1) LIMITATION ON USE OF FUNDS.—None of
8 the funds appropriated under the heading “Diplo-
9 matic Programs” in this Act may be obligated or ex-
10 pended for processing licenses for the export of sat-
11 ellites of United States origin (including commercial
12 satellites and satellite components) to the People’s
13 Republic of China (PRC) unless, at least 15 days in
14 advance, the Committees on Appropriations are noti-
15 fied of such proposed action.

16 (2) PEOPLE’S LIBERATION ARMY.—The terms
17 and requirements of section 620(h) of the Foreign
18 Assistance Act of 1961 shall apply to foreign assist-
19 ance projects or activities of the People’s Liberation
20 Army (PLA) of the PRC, to include such projects or
21 activities by any entity that is owned or controlled
22 by, or an affiliate of, the PLA: *Provided*, That none
23 of the funds appropriated or otherwise made avail-
24 able pursuant to this Act may be used to finance
25 any grant, contract, or cooperative agreement with

1 the PLA, or any entity that the Secretary of State
2 has reason to believe is owned or controlled by, or
3 an affiliate of, the PLA.

4 (3) HONG KONG.—

5 (A) DEMOCRACY PROGRAMS.—Of the
6 funds appropriated by this Act under the first
7 paragraph under the heading “Democracy
8 Fund”, not less than \$4,000,000 shall be made
9 available for democracy and Internet freedom
10 programs for Hong Kong, including legal and
11 other support for democracy activists.

12 (B) RESTRICTIONS ON ASSISTANCE.—None
13 of the funds appropriated by this Act or prior
14 Acts making appropriations for the Department
15 of State, foreign operations, and related pro-
16 grams that are made available for assistance for
17 Hong Kong should be obligated for assistance
18 for the Government of the People’s Republic of
19 China and the Chinese Communist Party or
20 any entity acting on their behalf in Hong Kong.

21 (C) REPORT.—The report required under
22 section 7043(f)(3)(C) of the Department of
23 State, Foreign Operations, and Related Pro-
24 grams Appropriations Act, 2021 (division K of

1 Public Law 116–260) shall be updated and sub-
2 mitted to the Congress in the manner described.

3 (g) PHILIPPINES.—None of the funds appropriated
4 by this Act may be made available for counternarcotics
5 assistance for the Philippines, except for drug demand re-
6 duction, maritime law enforcement, or transnational inter-
7 diction: *Provided*, That not later than 45 days after enact-
8 ment of this Act, the Secretary of State shall update the
9 report required under this heading in Senate Report 116–
10 126 and indicate how the findings in such report are re-
11 flected in United States assistance for the armed forces
12 of the Philippines.

13 (h) TIBET.—

14 (1) FINANCING OF PROJECTS IN TIBET.—The
15 Secretary of the Treasury should instruct the United
16 States executive director of each international finan-
17 cial institution to use the voice and vote of the
18 United States to support financing of projects in
19 Tibet if such projects do not provide incentives for
20 the migration and settlement of non-Tibetans into
21 Tibet or facilitate the transfer of ownership of Ti-
22 betan land and natural resources to non-Tibetans,
23 are based on a thorough needs-assessment, foster
24 self-sufficiency of the Tibetan people and respect Ti-

1 betan culture and traditions, and are subject to ef-
2 fective monitoring.

3 (2) PROGRAMS FOR TIBETAN COMMUNITIES.—

4 (A) Notwithstanding any other provision of
5 law, of the funds appropriated by this Act
6 under the heading “Economic Support Fund”,
7 not less than \$10,000,000 shall be made avail-
8 able to nongovernmental organizations with ex-
9 perience working with Tibetan communities to
10 support activities which preserve cultural tradi-
11 tions and promote sustainable development,
12 education, and environmental conservation in
13 Tibetan communities in the Tibet Autonomous
14 Region and in other Tibetan communities in
15 China.

16 (B) Of the funds appropriated by this Act
17 under the heading “Economic Support Fund”,
18 not less than \$8,000,000 shall be made avail-
19 able for programs to promote and preserve Ti-
20 betan culture and language in the refugee and
21 diaspora Tibetan communities, development,
22 and the resilience of Tibetan communities and
23 the Central Tibetan Administration in India
24 and Nepal, and to assist in the education and
25 development of the next generation of Tibetan

1 leaders from such communities: *Provided*, That
2 such funds are in addition to amounts made
3 available in subparagraph (A) for programs in-
4 side Tibet.

5 (C) Of the funds appropriated by this Act
6 under the heading “Economic Support Fund”,
7 not less than \$3,000,000 shall be made avail-
8 able for programs to strengthen the capacity of
9 the Central Tibetan Administration: *Provided*,
10 That such funds shall be administered by the
11 United States Agency for International Devel-
12 opment.

13 (3) TIBETAN INSTITUTES PROMOTING DEMOC-
14 RACY AND RELIGIOUS FREEDOM.—Funds appro-
15 priated by this Act that are made available for the
16 Countering PRC Influence Fund shall be made
17 available, on a competitive basis, as grants for oper-
18 ations and program expenses of one or more Tibetan
19 institutes established by Tibetan nationals and lo-
20 cated in Asia, a purpose of which is to support de-
21 mocracy and religious freedom in Tibet and the Peo-
22 ple’s Republic of China: *Provided*, That such funds
23 shall be the responsibility of the Assistant Secretary
24 of State for Democracy, Human Rights, and Labor
25 in coordination with the United States Special Coor-

1 (1) None of the funds appropriated by this Act
2 and prior Acts making appropriations for the De-
3 partment of State, foreign operations, and related
4 programs and made available for assistance for Af-
5 ghanistan may be made available for direct assist-
6 ance to the Taliban.

7 (2) AFGHAN SPECIAL IMMIGRANT VISAS.—
8 Funds appropriated or otherwise made available by
9 this Act under the heading “Administration for For-
10 eign Affairs” shall be made available for additional
11 Department of State personnel necessary to elimi-
12 nate processing backlogs and expedite adjudication
13 of Afghan Special Immigrant Visa cases.

14 (3) REPORT.—Not later than 45 days after en-
15 actment of the Act, the Secretary of State and the
16 USAID Administrator shall submit a report to the
17 appropriate congressional committees detailing
18 plans, consistent with the limitation contained in
19 paragraph (1), to—

20 (A) protect and strengthen the rights of
21 Afghan women and girls;

22 (B) support higher education programs, in-
23 cluding continued support for the American
24 University of Afghanistan’s (AUAF) online pro-
25 grams and support for other higher education

1 institutions in South Asia and the Middle East
2 that are hosting AUAF and other Afghan stu-
3 dents;

4 (C) support Afghan civil society activists,
5 journalists, and independent media, including in
6 third countries; and

7 (D) support health, education, including
8 community-based education, and other pro-
9 grams to address the basic needs of the people
10 of Afghanistan.

11 (b) BANGLADESH.—Of the funds appropriated under
12 titles III and IV of this Act that are made available for
13 assistance for Bangladesh—

14 (1) not less than \$23,500,000 shall be made
15 available to address the needs of communities im-
16 pacted by refugees from Burma;

17 (2) not less than \$10,000,000 shall be made
18 available for programs to protect freedom of expres-
19 sion and association, and the right of due process;
20 and

21 (3) not less than \$23,300,000 shall be made
22 available for democracy programs, of which not less
23 than \$2,000,000 shall be made available for such
24 programs for the Rohingya community in Ban-
25 gladesh.

1 (c) NEPAL.—Funds appropriated by this Act under
2 the heading “Foreign Military Financing Program” that
3 are made available for assistance for Nepal shall only be
4 made available for humanitarian and disaster relief and
5 reconstruction activities, and in support of international
6 peacekeeping operations, military professionalization and
7 training, and border security activities: *Provided*, That
8 such funds may only be made available for additional uses
9 if the Secretary of State certifies and reports to the Com-
10 mittees on Appropriations that the Government of Nepal
11 is investigating and prosecuting violations of human rights
12 and the laws of war by the Nepal Army, and the Nepal
13 Army is cooperating fully with civilian judicial authorities
14 in such cases.

15 (d) PAKISTAN.—

16 (1) ASSISTANCE.—

17 (A) SECURITY ASSISTANCE.—Funds ap-
18 propriated by this Act under the heading “For-
19 eign Military Financing Program” for assist-
20 ance for Pakistan may be made available only
21 to support counterterrorism and counterinsur-
22 gency capabilities in Pakistan.

23 (B) BILATERAL ECONOMIC ASSISTANCE.—

24 Prior to the obligation of funds made available
25 by this Act under the heading “Economic Sup-

1 port Fund” for assistance for the central Gov-
2 ernment of Pakistan, the Secretary of State
3 shall submit a report to the appropriate con-
4 gressional committees detailing—

5 (i) the amount of financing and other
6 support, if any, provided by the Govern-
7 ment of Pakistan to schools supported by,
8 affiliated with, or run by the Taliban or
9 any domestic or foreign terrorist organiza-
10 tion in Pakistan;

11 (ii) the extent of cooperation by such
12 government in issuing visas in a timely
13 manner for United States visitors, includ-
14 ing officials and representatives of non-
15 governmental organizations, engaged in as-
16 sistance and security programs in Paki-
17 stan;

18 (iii) the extent to which such govern-
19 ment is providing humanitarian organiza-
20 tions access to detainees, internally dis-
21 placed persons, and other Pakistani civil-
22 ians affected by conflict in Pakistan and
23 the region; and

24 (iv) the extent to which such govern-
25 ment is strengthening democracy in Paki-

1 stan, including protecting freedom of ex-
2 pression, assembly, and religion.

3 (2) AUTHORITY AND USES OF FUNDS.—

4 (A) Funds appropriated by this Act for as-
5 sistance for Pakistan may be made available
6 notwithstanding any other provision of law, ex-
7 cept for section 620M of the Foreign Assistance
8 Act of 1961.

9 (B) Funds appropriated by this Act under
10 the headings “Economic Support Fund” and
11 “Nonproliferation, Anti-terrorism, Demining
12 and Related Programs” that are made available
13 for assistance for Pakistan shall be made avail-
14 able to interdict precursor materials from Paki-
15 stan to Afghanistan that are used to manufac-
16 ture improvised explosive devices and for agri-
17 culture extension programs that encourage al-
18 ternative fertilizer use among Pakistani farmers
19 to decrease the dual use of fertilizer in the
20 manufacturing of improvised explosive devices.

21 (C) Funds appropriated by this Act under
22 the heading “International Narcotics Control
23 and Law Enforcement” shall be made available
24 for border security programs in Pakistan, fol-

1 lowing consultation with the Committees on Ap-
2 propriations.

3 (D) Funds appropriated by title III of this
4 Act shall be made available for programs to
5 promote democracy and for gender programs in
6 Pakistan.

7 (3) WITHHOLDING.—Of the funds appropriated
8 under titles III and IV of this Act that are made
9 available for assistance for Pakistan, \$33,000,000
10 shall be withheld from obligation until the Secretary
11 of State reports to the Committees on Appropria-
12 tions that Dr. Shakil Afridi has been released from
13 prison and cleared of all charges relating to the as-
14 sistance provided to the United States in locating
15 Osama bin Laden.

16 (4) OVERSIGHT.—The Secretary of State shall
17 take all practicable steps to ensure that mechanisms
18 are in place for monitoring, oversight, and control of
19 funds made available by this subsection for assist-
20 ance for Pakistan: *Provided*, That the Secretary
21 shall inform the Committees on Appropriations of
22 such steps in a timely manner.

23 (e) SRI LANKA.—

24 (1) ASSISTANCE.—Funds appropriated under
25 title III of this Act shall be made available for as-

1 sistance for Sri Lanka for democracy and economic
2 development programs, particularly in areas recover-
3 ing from ethnic and religious conflict.

4 (2) CERTIFICATION.—Funds appropriated by
5 this Act for assistance for the central Government of
6 Sri Lanka may be made available only if the Sec-
7 retary of State certifies and reports to the Commit-
8 tees on Appropriations that such Government is tak-
9 ing effective and consistent steps to—

10 (A) protect the rights and freedoms of the
11 people of Sri Lanka regardless of ethnicity and
12 religious belief, including by investigating viola-
13 tions of human rights and the laws of war and
14 holding perpetrators of such violations account-
15 able;

16 (B) increase transparency and account-
17 ability in governance and reduce corruption;

18 (C) assert its sovereignty against influence
19 by the People’s Republic of China; and

20 (D) promote reconciliation between ethnic
21 and religious groups, particularly arising from
22 past conflict in Sri Lanka, including by—

23 (i) addressing land confiscation and
24 ownership issues;

1 (ii) resolving cases of missing persons,
2 including by maintaining a functioning of-
3 fice of missing persons;

4 (iii) reducing the presence of the
5 armed forces in former conflict zones and
6 restructuring the armed forces for a peace-
7 time role that contributes to post-conflict
8 reconciliation and regional security;

9 (iv) repealing or amending laws on ar-
10 rest and detention by security forces to
11 comply with international standards; and

12 (v) investigating allegations of arbi-
13 trary arrest and torture, and supporting a
14 credible justice mechanism for resolving
15 cases of war crimes:

16 *Provided*, That the limitations of this paragraph
17 shall not apply to funds made available for hu-
18 manitarian assistance and disaster relief; to
19 protect human rights, locate and identify miss-
20 ing persons, and assist victims of torture and
21 trauma; to promote justice, accountability, and
22 reconciliation; to enhance maritime security and
23 domain awareness; to promote fiscal trans-
24 parency and sovereignty; and for International
25 Military Education and Training.

1 (3) LIMITATION.—None of the funds appro-
2 priated by this Act may be made available for assist-
3 ance for the Sri Lankan armed forces, except for hu-
4 manitarian assistance, disaster relief, instruction in
5 human rights and related curricula development, and
6 maritime security and domain awareness, including
7 professionalization and training for the navy and
8 coast guard.

9 (4) CONSULTATION.—Funds made available for
10 assistance for Sri Lanka other than for the purposes
11 specified in paragraph (1) shall be subject to prior
12 consultation with the Committees on Appropriations.

13 (f) REGIONAL PROGRAMS.—Funds appropriated by
14 this Act shall be made available for assistance for coun-
15 tries in South and Central Asia to significantly increase
16 the recruitment, training, and retention of women in the
17 judiciary, police, and other security forces, and to train
18 judicial and security personnel in such countries to pre-
19 vent and address gender-based violence, human traf-
20 ficking, and other practices that disproportionately harm
21 women and girls.

22 LATIN AMERICA AND THE CARIBBEAN

23 SEC. 7045. (a) CENTRAL AMERICA.—

24 (1) ASSISTANCE.—Funds appropriated by this
25 Act under titles III and IV shall be made available

1 for assistance for Belize, Costa Rica, El Salvador,
2 Guatemala, Honduras, Nicaragua, and Panama, in-
3 cluding through the Central America Regional Secu-
4 rity Initiative: *Provided*, That such assistance shall
5 be prioritized for programs that address the violence,
6 poverty, corruption, and other factors that con-
7 tribute to irregular migration, particularly of unac-
8 companied minors, to the United States, including
9 for programs to reduce violence against women and
10 girls, protect the rights of Indigenous people, sup-
11 port civil society and other independent institutions,
12 enhance economic opportunity, combat corruption
13 and impunity, and dismantle illegal armed groups
14 and drug trafficking organizations.

15 (A) Of the funds made available pursuant
16 to paragraph (1)—

17 (i) Not less than \$61,500,000 shall be
18 made available to support entities and ac-
19 tivities to combat corruption and impunity
20 in such countries, including, as appro-
21 priate, offices of Attorneys General; and

22 (ii) Not less than \$70,000,000 shall
23 be made available for programs to reduce
24 violence against women and girls: *Pro-*
25 *vided*, That of such funds, up to

1 \$15,000,000 shall be made available to
2 support bilateral compacts with the govern-
3 ments of such countries for the specific
4 purpose of strengthening their capacity to
5 protect women and children from domestic
6 violence, sexual assault, trafficking, and
7 child abuse or neglect, including by holding
8 perpetrators accountable.

9 (B) Within the funds made available pur-
10 suant to paragraph (1) and made available for
11 assistance for El Salvador, Guatemala, and
12 Honduras, not less than \$100,000,000 should
13 be made available for programs that support lo-
14 cally-led development in such countries: *Pro-*
15 *vided*, That up to 15 percent of the funds made
16 available to carry out this subparagraph may be
17 used by the Administrator of the United States
18 Agency for International Development for ad-
19 ministrative and oversight expenses related to
20 the purposes of this subparagraph: *Provided*
21 *further*, That the USAID Administrator shall
22 consult with the Committees on Appropriations
23 on the planned uses of funds to carry out this
24 subparagraph prior to the initial obligation of
25 funds: *Provided further*, That such funds shall

1 be subject to the regular notification procedures
2 of the Committees on Appropriations.

3 (C) Funds made available pursuant to
4 paragraph (1) shall be made available for a pro-
5 gram in El Salvador, Guatemala, and Honduras
6 which shall be referred to as the Central Amer-
7 ica Youth Empowerment Program (CAYEP)
8 and shall be implemented in accordance with
9 the guidelines under this section in the explana-
10 tory statement described in section 4 (in the
11 matter preceding division A of this consolidated
12 Act): *Provided*, That the goal of the CAYEP
13 shall be to create measurable reductions in mi-
14 gration from targeted communities in such
15 countries by recruiting young people to engage
16 in COVID–19 response, hurricane preparedness
17 and recovery, and other community projects,
18 while having secondary impacts by channeling
19 additional income into local economies and pro-
20 viding needed skills training for future employ-
21 ment in local businesses: *Provided further*, That
22 funds made available to support the CAYEP
23 should be matched with contributions from pri-
24 vate donors and local governments: *Provided*
25 *further*, That the spend plan required by section

1 7062(b)(1)(A) of this Act for countries in Cen-
2 tral America shall include specific amounts
3 planned for the CAYEP: *Provided further*, That
4 not later than 90 days after enactment of this
5 Act, the USAID Administrator shall consult
6 with the Committees on Appropriations on the
7 requirements of this subparagraph.

8 (D) Of the funds made available pursuant
9 to paragraph (1), not more than the amount
10 specified in section 7045(a)(1) of the Depart-
11 ment of State, Foreign Operations, and Related
12 Programs Appropriations Act, 2021 (division K
13 of Public Law 116–260) may be obligated until
14 the Secretary of State or the USAID Adminis-
15 trator, as appropriate, submits to the Commit-
16 tees on Appropriations the spend plan required
17 by section 7062(b)(1)(A) of this Act: *Provided*,
18 That not less than 15 days prior to the submis-
19 sion of such plan the Secretary or USAID Ad-
20 ministrator, as appropriate, shall consult with
21 the Committees on Appropriations concerning
22 such plan.

23 (2) LIMITATION ON ASSISTANCE TO CERTAIN
24 CENTRAL GOVERNMENTS.—

1 (A) Of the funds made available pursuant
2 to paragraph (1) under the heading “Economic
3 Support Fund” and under title IV of this Act
4 that are made available for assistance for each
5 of the central governments of El Salvador, Gua-
6 temala, and Honduras, 60 percent may only be
7 obligated after the Secretary of State certifies
8 and reports to the Committees on Appropria-
9 tions that such government is—

10 (i) combating corruption and impu-
11 nity, including investigating and pros-
12 ecuting government officials, military per-
13 sonnel, and police officers credibly alleged
14 to be corrupt;

15 (ii) implementing reforms, policies,
16 and programs to strengthen the rule of
17 law, including increasing the transparency
18 of public institutions, strengthening the
19 independence of judicial and electoral insti-
20 tutions, and improving the transparency of
21 political campaign and political party fi-
22 nancing;

23 (iii) protecting the rights of human
24 rights defenders, trade unionists, journal-
25 ists, civil society groups, opposition polit-

1 ical parties, and the independence of the
2 media;

3 (iv) providing effective and account-
4 able law enforcement and security for its
5 citizens, curtailing the role of the military
6 in public security, and upholding due pro-
7 cess of law;

8 (v) implementing policies to reduce
9 poverty and promote economic growth and
10 opportunity, including the implementation
11 of reforms to strengthen educational sys-
12 tems, vocational training programs, and
13 programs for at-risk youth;

14 (vi) improving border security and
15 combating human smuggling and traf-
16 ficking and countering the activities of
17 criminal gangs, drug traffickers, and
18 transnational criminal organizations;

19 (vii) informing its citizens of the dan-
20 gers of the journey to the southwest border
21 of the United States; and

22 (viii) implementing policies that im-
23 prove the environment for foreign invest-
24 ment, including executing tax reform in a
25 transparent manner, ensuring effective

1 legal mechanisms for reimbursements of
2 tax refunds owed to United States busi-
3 nesses, and resolving disputes involving the
4 confiscation of real property of United
5 States entities.

6 (B) REPROGRAMMING.—If the Secretary is
7 unable to make the certification required by
8 subparagraph (A) for one or more of the cen-
9 tral governments, such assistance shall be re-
10 programmed for assistance for civil society or-
11 ganizations in such country, or for other coun-
12 tries in Latin America and the Caribbean, not-
13 withstanding the funding provisions in this sub-
14 section and the limitations in section 7019 of
15 this Act: *Provided*, That any such reprogram-
16 ming shall be subject to the regular notification
17 procedures of the Committees on Appropria-
18 tions.

19 (C) EXCEPTIONS.—The limitation of sub-
20 paragraph (A) shall not apply to funds appro-
21 priated by this Act that are made available
22 for—

23 (i) judicial entities and activities re-
24 lated to combating corruption and impu-
25 nity;

1 (ii) programs to combat gender-based
2 violence;

3 (iii) programs to promote and protect
4 human rights, including those of Indige-
5 nous communities and Afro-descendants;

6 (iv) humanitarian assistance; and

7 (v) food security programs.

8 (D) FOREIGN MILITARY FINANCING PRO-
9 GRAM.—None of the funds appropriated by this
10 Act under the heading “Foreign Military Fi-
11 nancing Program” may be made available for
12 assistance for El Salvador, Guatemala, or Hon-
13 duras.

14 (b) COLOMBIA.—

15 (1) ASSISTANCE.—Of the funds appropriated by
16 this Act under titles III and IV, not less than
17 \$471,375,000 should be made available for assist-
18 ance for Colombia: *Provided*, That such funds shall
19 be made available for the programs and activities de-
20 scribed under this section in House Report 117–84:
21 *Provided further*, That of the funds appropriated by
22 this Act under the heading “International Narcotics
23 Control and Law Enforcement” and made available
24 for assistance pursuant to this paragraph, not less
25 than \$40,000,000 shall be made available to enhance

1 rural security in coca producing municipalities and
2 other municipalities with high levels of illicit activi-
3 ties: *Provided further*, That funds made available
4 pursuant to the preceding proviso shall be prioritized
5 in such municipalities that are also targeted for as-
6 sistance programs that provide viable economic alter-
7 natives and improve access to public services.

8 (2) WITHHOLDING OF FUNDS.—

9 (A) COUNTERNARCOTICS.—Of the funds
10 appropriated by this Act under the heading
11 “International Narcotics Control and Law En-
12 forcement” that are made available for assist-
13 ance for Colombia, 20 percent may be obligated
14 only if the Secretary of State certifies and re-
15 ports to the Committees on Appropriations
16 that—

17 (i) the Government of Colombia is im-
18 plementing an effective whole-of-govern-
19 ment strategy to substantially and
20 sustainably reduce coca cultivation and co-
21 caine production levels in Colombia, includ-
22 ing by prioritizing funding to enhance
23 rural security in coca producing munici-
24 palities;

1 (ii) such strategy is in accordance
2 with the 2016 peace accord between the
3 Government of Colombia and the Revolu-
4 tionary Armed Forces of Colombia; and

5 (iii) the Government of Colombia is
6 taking effective steps to dismantle drug
7 trafficking networks and to assist farmers
8 in eradicating and sustainably replacing
9 coca.

10 (B) HUMAN RIGHTS.—(i) Of the funds ap-
11 propriated by this Act under the heading “For-
12 eign Military Financing Program” and made
13 available for assistance for Colombia, 20 per-
14 cent may be obligated only if the Secretary of
15 State certifies and reports to the Committees
16 on Appropriations that—

17 (I) the Special Jurisdiction for
18 Peace and other judicial authorities,
19 as appropriate, are sentencing per-
20 petrators of gross violations of human
21 rights, including those with command
22 responsibility, to deprivation of lib-
23 erty;

24 (II) the Government of Colombia
25 is making consistent progress in re-

1 ducing threats and attacks against
2 human rights defenders and other
3 civil society activists, and judicial au-
4 thorities are prosecuting and pun-
5 ishing those responsible for ordering
6 and carrying out such attacks;

7 (III) the Government of Colom-
8 bia is making consistent progress in
9 protecting Afro-Colombian and Indig-
10 enous communities and is respecting
11 their rights and territories; and

12 (IV) military officers credibly al-
13 leged, or whose units are credibly al-
14 leged, to be responsible for ordering,
15 committing, and covering up cases of
16 false positives and other extrajudicial
17 killings, or of committing other gross
18 violations of human rights, or of con-
19 ducting illegal communications inter-
20 cepts or other illicit surveillance, are
21 being held accountable, including re-
22 moval from active duty if found guilty
23 through criminal, administrative, or
24 disciplinary proceedings.

1 (ii) Of the funds appropriated by this
2 Act under the heading “International Nar-
3 cotics Control and Law Enforcement” and
4 made available for assistance for the Co-
5 lombian National Police, five percent may
6 be obligated only if the Secretary of State
7 certifies and reports to the Committees on
8 Appropriations that the Government of Co-
9 lombia is bringing to justice the police per-
10 sonnel who ordered, directed, and used ex-
11 cessive force and engaged in other illegal
12 acts against protesters in 2020 and 2021.

13 (3) EXCEPTIONS.—The limitations of para-
14 graph (2) shall not apply to funds made available for
15 aviation instruction and maintenance, and maritime
16 and riverine security programs.

17 (4) AUTHORITY.—Aircraft supported by funds
18 appropriated by this Act and prior Acts making ap-
19 propriations for the Department of State, foreign
20 operations, and related programs and made available
21 for assistance for Colombia may be used to trans-
22 port personnel and supplies involved in drug eradi-
23 cation and interdiction, including security for such
24 activities, and to provide transport in support of al-

1 ternative development programs and investigations
2 by civilian judicial authorities.

3 (5) LIMITATION.—None of the funds appro-
4 priated by this Act or prior Acts making appropria-
5 tions for the Department of State, foreign oper-
6 ations, and related programs that are made available
7 for assistance for Colombia may be made available
8 for payment of reparations to conflict victims or
9 compensation to demobilized combatants associated
10 with a peace agreement between the Government of
11 Colombia and illegal armed groups.

12 (c) HAITI.—

13 (1) CERTIFICATION.—Funds appropriated by
14 this Act that are made available for assistance for
15 Haiti may only be made available for the central
16 Government of Haiti if the Secretary of State cer-
17 tifies and reports to the appropriate congressional
18 committees that a new President and Parliament
19 have taken office after free and fair elections, or the
20 country is being led by a transitional governing au-
21 thority that is broadly representative of Haitian soci-
22 ety, and it is in the national interest of the United
23 States to provide such assistance.

24 (2) EXCEPTIONS.—Notwithstanding paragraph
25 (1), funds may be made available to support—

1 (A) free and fair elections;

2 (B) anti-gang police and administration of
3 justice programs, including to reduce pre-trial
4 detention and eliminate inhumane prison condi-
5 tions;

6 (C) public health, food security, water and
7 sanitation, education, and other programs to
8 meet basic human needs; and

9 (D) disaster relief and recovery.

10 (3) NOTIFICATION.—Funds appropriated by
11 this Act that are made available for assistance for
12 Haiti shall be subject to prior consultation with, and
13 the regular notification procedures of, the Commit-
14 tees on Appropriations.

15 (4) PROHIBITION.—None of the funds appro-
16 priated or otherwise made available by this Act may
17 be used for assistance for the armed forces of Haiti.

18 (5) HAITIAN COAST GUARD.—The Government
19 of Haiti shall be eligible to purchase defense articles
20 and services under the Arms Export Control Act (22
21 U.S.C. 2751 et seq.) for the Coast Guard.

22 (d) NICARAGUA.—Of the funds appropriated by this
23 Act under the heading “Development Assistance”, not less
24 than \$15,000,000 shall be made available for democracy
25 programs for Nicaragua, including to support civil society.

1 (e) THE CARIBBEAN.—Of the funds appropriated by
2 this Act under titles III and IV, not less than \$80,000,000
3 shall be made available for the Caribbean Basin Security
4 Initiative.

5 (f) VENEZUELA.—(1) Of the funds appropriated by
6 this Act under the heading “Economic Support Fund”,
7 not less than \$40,000,000 shall be made available for de-
8 mocracy programs for Venezuela.

9 (2) Funds appropriated under title III of this Act and
10 prior Acts making appropriations for the Department of
11 State, foreign operations, and related programs shall be
12 made available for assistance for communities in countries
13 supporting or otherwise impacted by refugees from Ven-
14 ezuela, including Colombia, Peru, Ecuador, Curacao, and
15 Trinidad and Tobago: *Provided*, That such amounts are
16 in addition to funds otherwise made available for assist-
17 ance for such countries, subject to prior consultation with,
18 and the regular notification procedures of, the Committees
19 on Appropriations.

20 EUROPE AND EURASIA

21 SEC. 7046. (a) GEORGIA.—Of the funds appropriated
22 by this Act under titles III and IV, not less than
23 \$132,025,000 shall be made available for assistance for
24 Georgia.

1 (b) TERRITORIAL INTEGRITY.—None of the funds
2 appropriated by this Act may be made available for assist-
3 ance for a government of an Independent State of the
4 former Soviet Union if such government directs any action
5 in violation of the territorial integrity or national sov-
6 ereignty of any other Independent State of the former So-
7 viet Union, such as those violations included in the Hel-
8 sinki Final Act: *Provided*, That except as otherwise pro-
9 vided in section 7047(a) of this Act, funds may be made
10 available without regard to the restriction in this sub-
11 section if the President determines that to do so is in the
12 national security interest of the United States: *Provided*
13 *further*, That prior to executing the authority contained
14 in the previous proviso, the Secretary of State shall con-
15 sult with the Committees on Appropriations on how such
16 assistance supports the national security interest of the
17 United States.

18 (c) SECTION 907 OF THE FREEDOM SUPPORT
19 ACT.—Section 907 of the FREEDOM Support Act (22
20 U.S.C. 5812 note) shall not apply to—

21 (1) activities to support democracy or assist-
22 ance under title V of the FREEDOM Support Act
23 (22 U.S.C. 5851 et seq.) and section 1424 of the
24 Defense Against Weapons of Mass Destruction Act

1 of 1996 (50 U.S.C. 2333) or non-proliferation as-
2 sistance;

3 (2) any assistance provided by the Trade and
4 Development Agency under section 661 of the For-
5 eign Assistance Act of 1961;

6 (3) any activity carried out by a member of the
7 United States and Foreign Commercial Service while
8 acting within his or her official capacity;

9 (4) any insurance, reinsurance, guarantee, or
10 other assistance provided by the United States
11 International Development Finance Corporation as
12 authorized by the BUILD Act of 2018 (division F
13 of Public Law 115–254);

14 (5) any financing provided under the Export-
15 Import Bank Act of 1945 (Public Law 79–173); or

16 (6) humanitarian assistance.

17 (d) TURKEY.—None of the funds made available by
18 this Act may be used to facilitate or support the sale of
19 defense articles or defense services to the Turkish Presi-
20 dential Protection Directorate (TPPD) under Chapter 2
21 of the Arms Export Control Act (22 U.S.C. 2761 et seq.)
22 unless the Secretary of State determines and reports to
23 the appropriate congressional committees that members of
24 the TPPD who are named in the July 17, 2017, indict-
25 ment by the Superior Court of the District of Columbia,

1 and against whom there are pending charges, have re-
2 turned to the United States to stand trial in connection
3 with the offenses contained in such indictment or have
4 otherwise been brought to justice: *Provided*, That the limi-
5 tation in this paragraph shall not apply to the use of funds
6 made available by this Act for border security purposes,
7 for North Atlantic Treaty Organization or coalition oper-
8 ations, or to enhance the protection of United States offi-
9 cials and facilities in Turkey.

10 COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

11 SEC. 7047. (a) PROHIBITION.—None of the funds ap-
12 propriated by this Act may be made available for assist-
13 ance for the central Government of the Russian Federa-
14 tion.

15 (b) ANNEXATION OF CRIMEA.—

16 (1) PROHIBITION.—None of the funds appro-
17 priated by this Act may be made available for assist-
18 ance for the central government of a country that
19 the Secretary of State determines and reports to the
20 Committees on Appropriations has taken affirmative
21 steps intended to support or be supportive of the
22 Russian Federation annexation of Crimea or other
23 territory in Ukraine: *Provided*, That except as other-
24 wise provided in subsection (a), the Secretary may
25 waive the restriction on assistance required by this

1 paragraph if the Secretary determines and reports to
2 such Committees that to do so is in the national in-
3 terest of the United States, and includes a justifica-
4 tion for such interest.

5 (2) LIMITATION.—None of the funds appro-
6 priated by this Act may be made available for—

7 (A) the implementation of any action or
8 policy that recognizes the sovereignty of the
9 Russian Federation over Crimea or other terri-
10 tory in Ukraine;

11 (B) the facilitation, financing, or guarantee
12 of United States Government investments in
13 Crimea or other territory in Ukraine under the
14 control of Russian-backed separatists, if such
15 activity includes the participation of Russian
16 Government officials, or other Russian owned
17 or controlled financial entities; or

18 (C) assistance for Crimea or other terri-
19 tory in Ukraine under the control of Russian-
20 backed separatists, if such assistance includes
21 the participation of Russian Government offi-
22 cials, or other Russian owned or controlled fi-
23 nancial entities.

24 (3) INTERNATIONAL FINANCIAL INSTITU-
25 TIONS.—The Secretary of the Treasury shall in-

1 struct the United States executive director of each
2 international financial institution to use the voice
3 and vote of the United States to oppose any assist-
4 ance by such institution (including any loan, credit,
5 grant, or guarantee) for any program that violates
6 the sovereignty or territorial integrity of Ukraine.

7 (4) DURATION.—The requirements and limita-
8 tions of this subsection shall cease to be in effect if
9 the Secretary of State determines and reports to the
10 Committees on Appropriations that the Government
11 of Ukraine has reestablished sovereignty over Cri-
12 mea and other territory in Ukraine under the con-
13 trol of Russian-backed separatists.

14 (c) OCCUPATION OF THE GEORGIAN TERRITORIES OF
15 ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

16 (1) PROHIBITION.—None of the funds appro-
17 priated by this Act may be made available for assist-
18 ance for the central government of a country that
19 the Secretary of State determines and reports to the
20 Committees on Appropriations has recognized the
21 independence of, or has established diplomatic rela-
22 tions with, the Russian Federation occupied Geor-
23 gian territories of Abkhazia and Tskhinvali Region/
24 South Ossetia: *Provided*, That the Secretary shall
25 publish on the Department of State website a list of

1 any such central governments in a timely manner:
2 *Provided further*, That the Secretary may waive the
3 restriction on assistance required by this paragraph
4 if the Secretary determines and reports to the Com-
5 mittees on Appropriations that to do so is in the na-
6 tional interest of the United States, and includes a
7 justification for such interest.

8 (2) LIMITATION.—None of the funds appro-
9 priated by this Act may be made available to sup-
10 port the Russian Federation occupation of the Geor-
11 gian territories of Abkhazia and Tskhinvali Region/
12 South Ossetia.

13 (3) INTERNATIONAL FINANCIAL INSTITU-
14 TIONS.—The Secretary of the Treasury shall in-
15 struct the United States executive director of each
16 international financial institution to use the voice
17 and vote of the United States to oppose any assist-
18 ance by such institution (including any loan, credit,
19 grant, or guarantee) for any program that violates
20 the sovereignty and territorial integrity of Georgia.

21 (d) COUNTERING RUSSIAN INFLUENCE FUND.—

22 (1) ASSISTANCE.—Of the funds appropriated by
23 this Act under the headings “Assistance for Europe,
24 Eurasia and Central Asia”, “International Narcotics
25 Control and Law Enforcement”, “International Mili-

1 tary Education and Training”, and “Foreign Military
2 tary Financing Program”, not less than
3 \$295,000,000 shall be made available to carry out
4 the purposes of the Countering Russian Influence
5 Fund, as authorized by section 254 of the Countering
6 Russian Influence in Europe and Eurasia Act
7 of 2017 (Public Law 115–44; 22 U.S.C. 9543) and
8 notwithstanding the country limitation in subsection
9 (b) of such section, and programs to enhance the capacity
10 of law enforcement and security forces in
11 countries in Europe, Eurasia, and Central Asia and
12 strengthen security cooperation between such countries
13 and the United States and the North Atlantic
14 Treaty Organization, as appropriate.

15 (2) ECONOMICS AND TRADE.—Funds appropriated
16 by this Act and made available for assistance
17 for the Eastern Partnership countries shall be made
18 available to advance the implementation of Association
19 Agreements and trade agreements with the European
20 Union, and to reduce their vulnerability to
21 external economic and political pressure from the
22 Russian Federation.

23 (e) DEMOCRACY PROGRAMS.—Funds appropriated by
24 this Act shall be made available to support democracy
25 programs in the Russian Federation and other countries in

1 Europe, Eurasia, and Central Asia, including to promote
2 Internet freedom: *Provided*, That of the funds appro-
3 priated under the heading “Assistance for Europe, Eur-
4 asia and Central Asia”, not less than \$20,000,000 shall
5 be made available to strengthen democracy and civil soci-
6 ety in Central Europe, including for transparency, inde-
7 pendent media, rule of law, minority rights, and programs
8 to combat anti-Semitism.

9 UNITED NATIONS

10 SEC. 7048. (a) TRANSPARENCY AND ACCOUNT-
11 ABILITY.—Not later than 180 days after enactment of this
12 Act, the Secretary of State shall report to the Committees
13 on Appropriations whether each organization, department,
14 or agency receiving a contribution from funds appro-
15 priated by this Act under the headings “Contributions to
16 International Organizations” and “International Organi-
17 zations and Programs”—

18 (1) is posting on a publicly available website,
19 consistent with privacy regulations and due process,
20 regular financial and programmatic audits of such
21 organization, department, or agency, and providing
22 the United States Government with necessary access
23 to such financial and performance audits;

24 (2) has submitted a report to the Department
25 of State, which shall be posted on the Department’s

1 website in a timely manner, demonstrating that such
2 organization is effectively implementing and enforcing
3 policies and procedures which meet or exceed
4 best practices in the United States for the protection
5 of whistleblowers from retaliation, including—

6 (A) protection against retaliation for inter-
7 nal and lawful public disclosures;

8 (B) legal burdens of proof;

9 (C) statutes of limitation for reporting re-
10 tiation;

11 (D) access to binding independent adju-
12 dicative bodies, including shared cost and selec-
13 tion of external arbitration; and

14 (E) results that eliminate the effects of
15 proven retaliation, including provision for the
16 restoration of prior employment; and

17 (3) effectively implementing and enforcing poli-
18 cies and procedures on the appropriate use of travel
19 funds, including restrictions on first-class and busi-
20 ness-class travel.

21 (b) RESTRICTIONS ON UNITED NATIONS DELEGA-
22 TIONS AND ORGANIZATIONS.—

23 (1) RESTRICTIONS ON UNITED STATES DELEGA-
24 TIONS.—None of the funds made available by this
25 Act may be used to pay expenses for any United

1 States delegation to any specialized agency, body, or
2 commission of the United Nations if such agency,
3 body, or commission is chaired or presided over by
4 a country, the government of which the Secretary of
5 State has determined, for purposes of section
6 1754(c) of the Export Reform Control Act of 2018
7 (50 U.S.C. 4813(c)), supports international ter-
8 rorism.

9 (2) RESTRICTIONS ON CONTRIBUTIONS.—None
10 of the funds made available by this Act may be used
11 by the Secretary of State as a contribution to any
12 organization, agency, commission, or program within
13 the United Nations system if such organization,
14 agency, commission, or program is chaired or pre-
15 sided over by a country the government of which the
16 Secretary of State has determined, for purposes of
17 section 620A of the Foreign Assistance Act of 1961,
18 section 40 of the Arms Export Control Act, section
19 1754(c) of the Export Reform Control Act of 2018
20 (50 U.S.C. 4813(c)), or any other provision of law,
21 is a government that has repeatedly provided sup-
22 port for acts of international terrorism.

23 (3) WAIVER.—The Secretary of State may
24 waive the restriction in this subsection if the Sec-
25 retary determines and reports to the Committees on

1 Appropriations that to do so is important to the na-
2 tional interest of the United States, including a de-
3 scription of the national interest served.

4 (c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—
5 None of the funds appropriated by this Act may be made
6 available in support of the United Nations Human Rights
7 Council unless the Secretary of State determines and re-
8 ports to the Committees on Appropriations that partici-
9 tion in the Council is important to the national interest
10 of the United States and that such Council is taking sig-
11 nificant steps to remove Israel as a permanent agenda
12 item and ensure integrity in the election of members to
13 such Council: *Provided*, That such report shall include a
14 description of the national interest served and the steps
15 taken to remove Israel as a permanent agenda item and
16 ensure integrity in the election of members to such Coun-
17 cil: *Provided further*, That the Secretary of State shall re-
18 port to the Committees on Appropriations not later than
19 September 30, 2022, on the resolutions considered in the
20 United Nations Human Rights Council during the pre-
21 vious 12 months, and on steps taken to remove Israel as
22 a permanent agenda item and ensure integrity in the elec-
23 tion of members to such council.

24 (d) UNITED NATIONS RELIEF AND WORKS AGEN-
25 CY.—Prior to the initial obligation of funds for the United

1 Nations Relief and Works Agency (UNRWA), the Sec-
2 retary of State shall report to the Committees on Appro-
3 priations, in writing, on whether UNRWA is—

4 (1) utilizing Operations Support Officers in the
5 West Bank, Gaza, and other fields of operation to
6 inspect UNRWA installations and reporting any in-
7 appropriate use;

8 (2) acting promptly to address any staff or ben-
9 efitary violation of its own policies (including the
10 policies on neutrality and impartiality of employees)
11 and the legal requirements under section 301(c) of
12 the Foreign Assistance Act of 1961;

13 (3) implementing procedures to maintain the
14 neutrality of its facilities, including implementing a
15 no-weapons policy, and conducting regular inspec-
16 tions of its installations, to ensure they are only
17 used for humanitarian or other appropriate pur-
18 poses;

19 (4) taking necessary and appropriate measures
20 to ensure it is operating in compliance with the con-
21 ditions of section 301(c) of the Foreign Assistance
22 Act of 1961 and continuing regular reporting to the
23 Department of State on actions it has taken to en-
24 sure conformance with such conditions;

1 (5) taking steps to ensure the content of all
2 educational materials currently taught in UNRWA-
3 administered schools and summer camps is con-
4 sistent with the values of human rights, dignity, and
5 tolerance and does not induce incitement;

6 (6) not engaging in operations with financial in-
7 stitutions or related entities in violation of relevant
8 United States law, and is taking steps to improve
9 the financial transparency of the organization; and

10 (7) in compliance with the United Nations
11 Board of Auditors' biennial audit requirements and
12 is implementing in a timely fashion the Board's rec-
13 ommendations.

14 (e) PROHIBITION OF PAYMENTS TO UNITED NA-
15 TIONS MEMBERS.—None of the funds appropriated or
16 made available pursuant to titles III through VI of this
17 Act for carrying out the Foreign Assistance Act of 1961,
18 may be used to pay in whole or in part any assessments,
19 arrearages, or dues of any member of the United Nations
20 or, from funds appropriated by this Act to carry out chap-
21 ter 1 of part I of the Foreign Assistance Act of 1961,
22 the costs for participation of another country's delegation
23 at international conferences held under the auspices of
24 multilateral or international organizations.

1 (f) REPORT.—Not later than 45 days after enactment
2 of this Act, the Secretary of State shall submit a report
3 to the Committees on Appropriations detailing the amount
4 of funds available for obligation or expenditure in fiscal
5 year 2022 for contributions to any organization, depart-
6 ment, agency, or program within the United Nations sys-
7 tem or any international program that are withheld from
8 obligation or expenditure due to any provision of law: *Pro-*
9 *vided*, That the Secretary shall update such report each
10 time additional funds are withheld by operation of any
11 provision of law: *Provided further*, That the reprogram-
12 ming of any withheld funds identified in such report, in-
13 cluding updates thereof, shall be subject to prior consulta-
14 tion with, and the regular notification procedures of, the
15 Committees on Appropriations.

16 (g) SEXUAL EXPLOITATION AND ABUSE IN PEACE-
17 KEEPING OPERATIONS.—The Secretary of State shall
18 withhold assistance to any unit of the security forces of
19 a foreign country if the Secretary has credible information
20 that such unit has engaged in sexual exploitation or abuse,
21 including while serving in a United Nations peacekeeping
22 operation, until the Secretary determines that the govern-
23 ment of such country is taking effective steps to hold the
24 responsible members of such unit accountable and to pre-
25 vent future incidents: *Provided*, That the Secretary shall

1 promptly notify the government of each country subject
2 to any withholding of assistance pursuant to this para-
3 graph, and shall notify the appropriate congressional com-
4 mittees of such withholding not later than 10 days after
5 a determination to withhold such assistance is made: *Pro-*
6 *vided further*, That the Secretary shall, to the maximum
7 extent practicable, assist such government in bringing the
8 responsible members of such unit to justice.

9 (h) ADDITIONAL AVAILABILITY.—Subject to the reg-
10 ular notification procedures of the Committees on Appro-
11 priations, funds appropriated by this Act which are re-
12 turned or not made available due to the second proviso
13 under the heading “Contributions for International Peace-
14 keeping Activities” in title I of this Act or section 307(a)
15 of the Foreign Assistance Act of 1961 (22 U.S.C.
16 2227(a)), shall remain available for obligation until Sep-
17 tember 30, 2023: *Provided*, That the requirement to with-
18 hold funds for programs in Burma under section 307(a)
19 of the Foreign Assistance Act of 1961 shall not apply to
20 funds appropriated by this Act.

21 WAR CRIMES TRIBUNALS

22 SEC. 7049. (a) If the President determines that doing
23 so will contribute to a just resolution of charges regarding
24 genocide or other violations of international humanitarian
25 law, the President may direct a drawdown pursuant to sec-

1 tion 552(c) of the Foreign Assistance Act of 1961 of up
2 to \$30,000,000 of commodities and services for the United
3 Nations War Crimes Tribunal established with regard to
4 the former Yugoslavia by the United Nations Security
5 Council or such other tribunals or commissions as the
6 Council may establish or authorize to deal with such viola-
7 tions, without regard to the ceiling limitation contained
8 in paragraph (2) thereof: *Provided*, That the determina-
9 tion required under this section shall be in lieu of any de-
10 terminations otherwise required under section 552(c): *Pro-*
11 *vided further*, That funds made available pursuant to this
12 section shall be made available subject to the regular noti-
13 fication procedures of the Committees on Appropriations.

14 (b) None of the funds appropriated by this Act may
15 be made available for a United States contribution to the
16 International Criminal Court: *Provided*, That funds may
17 be made available for technical assistance, training, assist-
18 ance for victims, protection of witnesses, and law enforce-
19 ment support related to international investigations, ap-
20 prehensions, prosecutions, and adjudications of genocide,
21 crimes against humanity, and war crimes: *Provided fur-*
22 *ther*, That the previous proviso shall not apply to inves-
23 tigation, apprehensions, or prosecutions of American
24 service members and other United States citizens or na-
25 tionals, or nationals of the North Atlantic Treaty Organi-

1 zation (NATO) or major non-NATO allies initially des-
2 igned pursuant to section 517(b) of the Foreign Assist-
3 ance Act of 1961.

4 GLOBAL INTERNET FREEDOM

5 SEC. 7050. (a) FUNDING.—Of the funds available for
6 obligation during fiscal year 2022 under the headings
7 “International Broadcasting Operations”, “Economic
8 Support Fund”, “Democracy Fund”, and “Assistance for
9 Europe, Eurasia and Central Asia”, not less than
10 \$77,500,000 shall be made available for programs to pro-
11 mote Internet freedom globally: *Provided*, That such pro-
12 grams shall be prioritized for countries whose governments
13 restrict freedom of expression on the Internet, and that
14 are important to the national interest of the United
15 States: *Provided further*, That funds made available pursu-
16 ant to this section shall be matched, to the maximum ex-
17 tent practicable, by sources other than the United States
18 Government, including from the private sector.

19 (b) REQUIREMENTS.—

20 (1) DEPARTMENT OF STATE AND UNITED
21 STATES AGENCY FOR INTERNATIONAL DEVELOP-
22 MENT.—Funds appropriated by this Act under the
23 headings “Economic Support Fund”, “Democracy
24 Fund”, and “Assistance for Europe, Eurasia and

1 Central Asia” that are made available pursuant to
2 subsection (a) shall be—

3 (A) coordinated with other democracy pro-
4 grams funded by this Act under such headings,
5 and shall be incorporated into country assist-
6 ance and democracy promotion strategies, as
7 appropriate;

8 (B) for programs to implement the May
9 2011, International Strategy for Cyberspace,
10 the Department of State International Cyber-
11 space Policy Strategy required by section 402
12 of the Cybersecurity Act of 2015 (division N of
13 Public Law 114–113), and the comprehensive
14 strategy to promote Internet freedom and ac-
15 cess to information in Iran, as required by sec-
16 tion 414 of the Iran Threat Reduction and
17 Syria Human Rights Act of 2012 (22 U.S.C.
18 8754);

19 (C) made available for programs that sup-
20 port the efforts of civil society to counter the
21 development of repressive Internet-related laws
22 and regulations, including countering threats to
23 Internet freedom at international organizations;
24 to combat violence against bloggers and other

1 users; and to enhance digital security training
2 and capacity building for democracy activists;

3 (D) made available for research of key
4 threats to Internet freedom; the continued de-
5 velopment of technologies that provide or en-
6 hance access to the Internet, including cir-
7 cumvention tools that bypass Internet blocking,
8 filtering, and other censorship techniques used
9 by authoritarian governments; and maintenance
10 of the technological advantage of the United
11 States Government over such censorship tech-
12 niques: *Provided*, That the Secretary of State,
13 in consultation with the United States Agency
14 for Global Media Chief Executive Officer
15 (USAGM CEO) and the President of the Open
16 Technology Fund (OTF), shall coordinate any
17 such research and development programs with
18 other relevant United States Government de-
19 partments and agencies in order to share infor-
20 mation, technologies, and best practices, and to
21 assess the effectiveness of such technologies;
22 and

23 (E) made available only with the concur-
24 rence of the Assistant Secretary for Democracy,
25 Human Rights, and Labor, Department of

1 State, that such funds are allocated consistent
2 with—

3 (i) the strategies referenced in sub-
4 paragraph (B) of this paragraph;

5 (ii) best practices regarding security
6 for, and oversight of, Internet freedom pro-
7 grams; and

8 (iii) sufficient resources and support
9 for the development and maintenance of
10 anti-censorship technology and tools.

11 (2) UNITED STATES AGENCY FOR GLOBAL
12 MEDIA.—Funds appropriated by this Act under the
13 heading “International Broadcasting Operations”
14 that are made available pursuant to subsection (a)
15 shall be—

16 (A) made available only for open-source
17 tools and techniques to securely develop and
18 distribute USAGM digital content, facilitate au-
19 dience access to such content on websites that
20 are censored, coordinate the distribution of
21 USAGM digital content to targeted regional au-
22 diences, and to promote and distribute such
23 tools and techniques, including digital security
24 techniques;

1 (B) coordinated by the USAGM CEO, in
2 consultation with the OTF President, with pro-
3 grams funded by this Act under the heading
4 “International Broadcasting Operations”, and
5 shall be incorporated into country broadcasting
6 strategies, as appropriate;

7 (C) coordinated by the USAGM CEO, in
8 consultation with the OTF President, to solicit
9 project proposals through an open, transparent,
10 and competitive process, seek input from tech-
11 nical and subject matter experts to select pro-
12 posals, and support Internet circumvention
13 tools and techniques for audiences in countries
14 that are strategic priorities for the OTF and in
15 a manner consistent with the United States
16 Government Internet freedom strategy; and

17 (D) made available for the research and
18 development of new tools or techniques author-
19 ized in subparagraph (A) only after the
20 USAGM CEO, in consultation with the Sec-
21 retary of State, the OTF President, and other
22 relevant United States Government depart-
23 ments and agencies, evaluates the risks and
24 benefits of such new tools or techniques, and

1 establishes safeguards to minimize the use of
2 such new tools or techniques for illicit purposes.

3 (c) COORDINATION AND SPEND PLANS.—After con-
4 sultation among the relevant agency heads to coordinate
5 and de-conflict planned activities, but not later than 90
6 days after enactment of this Act, the Secretary of State
7 and the USAGM CEO, in consultation with the OTF
8 President, shall submit to the Committees on Appropria-
9 tions spend plans for funds made available by this Act for
10 programs to promote Internet freedom globally, which
11 shall include a description of safeguards established by rel-
12 evant agencies to ensure that such programs are not used
13 for illicit purposes: *Provided*, That the Department of
14 State spend plan shall include funding for all such pro-
15 grams for all relevant Department of State and United
16 States Agency for International Development offices and
17 bureaus.

18 (d) SECURITY AUDITS.—Funds made available pur-
19 suant to this section to promote Internet freedom globally
20 may only be made available to support open-source tech-
21 nologies that undergo comprehensive security audits con-
22 sistent with the requirements of the Bureau of Democracy,
23 Human Rights, and Labor, Department of State to ensure
24 that such technology is secure and has not been com-
25 promised in a manner detrimental to the interest of the

1 United States or to individuals and organizations bene-
2 fitting from programs supported by such funds: *Provided*,
3 That the security auditing procedures used by such Bu-
4 reau shall be reviewed and updated periodically to reflect
5 current industry security standards.

6 TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING
7 TREATMENT OR PUNISHMENT

8 SEC. 7051. (a) PROHIBITION.—None of the funds
9 made available by this Act may be used to support or jus-
10 tify the use of torture and other cruel, inhuman, or de-
11 grading treatment or punishment by any official or con-
12 tract employee of the United States Government.

13 (b) ASSISTANCE.—Funds appropriated under titles
14 III and IV of this Act shall be made available, notwith-
15 standing section 660 of the Foreign Assistance Act of
16 1961 and following consultation with the Committees on
17 Appropriations, for assistance to eliminate torture and
18 other cruel, inhuman, or degrading treatment or punish-
19 ment by foreign police, military, or other security forces
20 in countries receiving assistance from funds appropriated
21 by this Act.

22 AIRCRAFT TRANSFER, COORDINATION, AND USE

23 SEC. 7052. (a) TRANSFER AUTHORITY.—Notwith-
24 standing any other provision of law or regulation, aircraft
25 procured with funds appropriated by this Act and prior

1 Acts making appropriations for the Department of State,
2 foreign operations, and related programs under the head-
3 ings “Diplomatic Programs”, “International Narcotics
4 Control and Law Enforcement”, “Andean Counterdrug
5 Initiative”, and “Andean Counterdrug Programs” may be
6 used for any other program and in any region.

7 (b) PROPERTY DISPOSAL.—The authority provided
8 in subsection (a) shall apply only after the Secretary of
9 State determines and reports to the Committees on Appro-
10 priations that the equipment is no longer required to meet
11 programmatic purposes in the designated country or re-
12 gion: *Provided*, That any such transfer shall be subject
13 to prior consultation with, and the regular notification
14 procedures of, the Committees on Appropriations.

15 (c) AIRCRAFT COORDINATION.—

16 (1) AUTHORITY.—The uses of aircraft pur-
17 chased or leased by the Department of State and the
18 United States Agency for International Development
19 with funds made available in this Act or prior Acts
20 making appropriations for the Department of State,
21 foreign operations, and related programs shall be co-
22 ordinated under the authority of the appropriate
23 Chief of Mission: *Provided*, That such aircraft may
24 be used to transport, on a reimbursable or non-reim-
25 bursable basis, Federal and non-Federal personnel

1 supporting Department of State and USAID pro-
2 grams and activities: *Provided further*, That official
3 travel for other agencies for other purposes may be
4 supported on a reimbursable basis, or without reim-
5 bursement when traveling on a space available basis:
6 *Provided further*, That funds received by the Depart-
7 ment of State in connection with the use of aircraft
8 owned, leased, or chartered by the Department of
9 State may be credited to the Working Capital Fund
10 of the Department and shall be available for ex-
11 penses related to the purchase, lease, maintenance,
12 chartering, or operation of such aircraft.

13 (2) SCOPE.—The requirement and authorities
14 of this subsection shall only apply to aircraft, the
15 primary purpose of which is the transportation of
16 personnel.

17 (d) AIRCRAFT OPERATIONS AND MAINTENANCE.—
18 To the maximum extent practicable, the costs of oper-
19 ations and maintenance, including fuel, of aircraft funded
20 by this Act shall be borne by the recipient country.

21 PARKING FINES AND REAL PROPERTY TAXES OWED BY
22 FOREIGN GOVERNMENTS

23 SEC. 7053. The terms and conditions of section 7055
24 of the Department of State, Foreign Operations, and Re-
25 lated Programs Appropriations Act, 2010 (division F of

1 Public Law 111–117) shall apply to this Act: *Provided*,
2 That the date “September 30, 2009” in subsection
3 (f)(2)(B) of such section shall be deemed to be “Sep-
4 tember 30, 2021”.

5 INTERNATIONAL MONETARY FUND

6 SEC. 7054. (a) EXTENSIONS.—The terms and condi-
7 tions of sections 7086(b) (1) and (2) and 7090(a) of the
8 Department of State, Foreign Operations, and Related
9 Programs Appropriations Act, 2010 (division F of Public
10 Law 111–117) shall apply to this Act.

11 (b) REPAYMENT.—The Secretary of the Treasury
12 shall instruct the United States Executive Director of the
13 International Monetary Fund (IMF) to seek to ensure
14 that any loan will be repaid to the IMF before other pri-
15 vate or multilateral creditors.

16 EXTRADITION

17 SEC. 7055. (a) LIMITATION.—None of the funds ap-
18 propriated in this Act may be used to provide assistance
19 (other than funds provided under the headings “Develop-
20 ment Assistance”, “International Disaster Assistance”,
21 “Complex Crises Fund”, “International Narcotics Control
22 and Law Enforcement”, “Migration and Refugee Assis-
23 tance”, “United States Emergency Refugee and Migration
24 Assistance Fund”, and “Nonproliferation, Anti-terrorism,
25 Demining and Related Assistance”) for the central gov-

1 ernment of a country which has notified the Department
2 of State of its refusal to extradite to the United States
3 any individual indicted for a criminal offense for which
4 the maximum penalty is life imprisonment without the
5 possibility of parole or for killing a law enforcement offi-
6 cer, as specified in a United States extradition request.

7 (b) CLARIFICATION.—Subsection (a) shall only apply
8 to the central government of a country with which the
9 United States maintains diplomatic relations and with
10 which the United States has an extradition treaty and the
11 government of that country is in violation of the terms
12 and conditions of the treaty.

13 (c) WAIVER.—The Secretary of State may waive the
14 restriction in subsection (a) on a case-by-case basis if the
15 Secretary certifies to the Committees on Appropriations
16 that such waiver is important to the national interest of
17 the United States.

18 ASSISTANCE FOR INNOCENT VICTIMS OF CONFLICT

19 SEC. 7056. Not later than 90 days after enactment
20 of this Act, the Administrator of the United States Agency
21 for International Development shall establish a fund,
22 which shall be referred to as the “Marla Ruzicka Fund
23 for Innocent Victims of Conflict” (the “Marla Fund”), to
24 provide assistance to civilians harmed as a result of mili-
25 tary operations in Iraq, Afghanistan, Syria, and Yemen:

1 *Provided*, That of the funds appropriated under title III
2 of this Act, not less than \$10,000,000 shall be made avail-
3 able for the Marla Fund: *Provided further*, That the
4 USAID Administrator shall consult with the Committees
5 on Appropriations not later than 60 days after enactment
6 of this Act regarding the establishment and implementa-
7 tion of the Marla Fund.

8 UNITED NATIONS POPULATION FUND

9 SEC. 7057. (a) CONTRIBUTION.—Of the funds made
10 available under the heading “International Organizations
11 and Programs” in this Act for fiscal year 2022,
12 \$32,500,000 shall be made available for the United Na-
13 tions Population Fund (UNFPA).

14 (b) AVAILABILITY OF FUNDS.—Funds appropriated
15 by this Act for UNFPA, that are not made available for
16 UNFPA because of the operation of any provision of law,
17 shall be transferred to the “Global Health Programs” ac-
18 count and shall be made available for family planning, ma-
19 ternal, and reproductive health activities, subject to the
20 regular notification procedures of the Committees on Ap-
21 propriations.

22 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—
23 None of the funds made available by this Act may be used
24 by UNFPA for a country program in the People’s Repub-
25 lic of China.

1 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—
2 Funds made available by this Act for UNFPA may not
3 be made available unless—

4 (1) UNFPA maintains funds made available by
5 this Act in an account separate from other accounts
6 of UNFPA and does not commingle such funds with
7 other sums; and

8 (2) UNFPA does not fund abortions.

9 (e) REPORT TO CONGRESS AND DOLLAR-FOR-DOL-
10 LAR WITHHOLDING OF FUNDS.—

11 (1) Not later than 4 months after the date of
12 enactment of this Act, the Secretary of State shall
13 submit a report to the Committees on Appropria-
14 tions indicating the amount of funds that UNFPA
15 is budgeting for the year in which the report is sub-
16 mitted for a country program in the People's Repub-
17 lic of China.

18 (2) If a report under paragraph (1) indicates
19 that UNFPA plans to spend funds for a country
20 program in the People's Republic of China in the
21 year covered by the report, then the amount of such
22 funds UNFPA plans to spend in the People's Re-
23 public of China shall be deducted from the funds
24 made available to UNFPA after March 1 for obliga-

1 tion for the remainder of the fiscal year in which the
2 report is submitted.

3 GLOBAL HEALTH ACTIVITIES

4 SEC. 7058. (a) IN GENERAL.—Funds appropriated
5 by titles III and IV of this Act that are made available
6 for bilateral assistance for child survival activities or dis-
7 ease programs including activities relating to research on,
8 and the prevention, treatment and control of, HIV/AIDS
9 may be made available notwithstanding any other provi-
10 sion of law except for provisions under the heading “Glob-
11 al Health Programs” and the United States Leadership
12 Against HIV/AIDS, Tuberculosis, and Malaria Act of
13 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amend-
14 ed: *Provided*, That of the funds appropriated under title
15 III of this Act, not less than \$575,000,000 should be made
16 available for family planning/reproductive health, includ-
17 ing in areas where population growth threatens biodiver-
18 sity or endangered species.

19 (b) PANDEMICS AND OTHER INFECTIOUS DISEASE
20 OUTBREAKS.—

21 (1) GLOBAL HEALTH SECURITY.—Funds appro-
22 priated by this Act under the heading “Global
23 Health Programs” shall be made available for global
24 health security programs to accelerate the capacity
25 of countries to prevent, detect, and respond to infec-

1 tious disease outbreaks by strengthening public
2 health capacity where there is a high risk of emerg-
3 ing zoonotic infectious diseases, including as de-
4 scribed in the explanatory statement described in
5 section 4 (in the matter preceding division A of this
6 consolidated Act): *Provided*, That not later than 60
7 days after enactment of this Act, the USAID Ad-
8 ministrator and the Secretary of State, as appro-
9 priate, shall consult with the Committees on Appro-
10 priations on the planned uses of such funds.

11 (2) INTERNATIONAL FINANCING MECHANISM.—
12 Funds appropriated by this Act under the heading
13 “Global Health Programs” may be made available
14 for a contribution to an international financing
15 mechanism for pandemic preparedness.

16 (3) EXTRAORDINARY MEASURES.—If the Sec-
17 retary of State determines and reports to the Com-
18 mittees on Appropriations that an international in-
19 fectious disease outbreak is sustained, severe, and is
20 spreading internationally, or that it is in the na-
21 tional interest to respond to a Public Health Emer-
22 gency of International Concern, not to exceed an ag-
23 gregate total of \$200,000,000 of the funds appro-
24 priated by this Act under the headings “Global
25 Health Programs”, “Development Assistance”,

1 “International Disaster Assistance”, “Complex Cri-
2 ses Fund”, “Economic Support Fund”, “Democracy
3 Fund”, “Assistance for Europe, Eurasia and Cen-
4 tral Asia”, “Migration and Refugee Assistance”, and
5 “Millennium Challenge Corporation” may be made
6 available to combat such infectious disease or public
7 health emergency, and may be transferred to, and
8 merged with, funds appropriated under such head-
9 ings for the purposes of this paragraph.

10 (4) EMERGENCY RESERVE FUND.—Up to
11 \$100,000,000 of the funds made available under the
12 heading “Global Health Programs” may be made
13 available for the Emergency Reserve Fund estab-
14 lished pursuant to section 7058(c)(1) of the Depart-
15 ment of State, Foreign Operations, and Related Pro-
16 grams Appropriations Act, 2017 (division J of Pub-
17 lic Law 115–31): *Provided*, That such funds shall be
18 made available under the same terms and conditions
19 of such section.

20 (5) CONSULTATION AND NOTIFICATION.—
21 Funds made available by this subsection shall be
22 subject to prior consultation with, and the regular
23 notification procedures of, the Committees on Ap-
24 propriations.

1 (c) LIMITATION.—Notwithstanding any other provi-
2 sion of law, none of the funds made available by this Act
3 may be made available to the Wuhan Institute of Virology
4 located in the City of Wuhan in the People’s Republic of
5 China.

6 GENDER EQUALITY AND WOMEN’S EMPOWERMENT

7 SEC. 7059. (a) IN GENERAL.—

8 (1) GENDER EQUALITY.—Funds appropriated
9 by this Act shall be made available to promote gen-
10 der equality in United States Government diplomatic
11 and development efforts by raising the status, in-
12 creasing the economic participation and opportuni-
13 ties for political leadership, and protecting the rights
14 of women and girls worldwide.

15 (2) WOMEN’S ECONOMIC EMPOWERMENT.—
16 Funds appropriated by this Act are available to im-
17 plement the Women’s Entrepreneurship and Eco-
18 nomic Empowerment Act of 2018 (Public Law 115–
19 428): *Provided*, That the Secretary of State and the
20 Administrator of the United States Agency for
21 International Development, as appropriate, shall
22 consult with the Committees on Appropriations on
23 the implementation of such Act.

24 (3) GENDER EQUITY AND EQUALITY ACTION
25 FUND.—Of the funds appropriated under title III of

1 this Act, up to \$200,000,000 may be made available
2 for the Gender Equity and Equality Action Fund.

3 (b) WOMEN'S LEADERSHIP.—Of the funds appro-
4 priated under title III of this Act, not less than
5 \$50,000,000 shall be made available for programs specifi-
6 cally designed to increase leadership opportunities for
7 women in countries where women and girls suffer discrimi-
8 nation due to law, policy, or practice, by strengthening
9 protections for women's political status, expanding wom-
10 en's participation in political parties and elections, and in-
11 creasing women's opportunities for leadership positions in
12 the public and private sectors at the local, provincial, and
13 national levels.

14 (c) GENDER-BASED VIOLENCE.—

15 (1) Of the funds appropriated under titles III
16 and IV of this Act, not less than \$175,000,000 shall
17 be made available to implement a multi-year strat-
18 egy to prevent and respond to gender-based violence
19 in countries where it is common in conflict and non-
20 conflict settings.

21 (2) Funds appropriated under titles III and IV
22 of this Act that are available to train foreign police,
23 judicial, and military personnel, including for inter-
24 national peacekeeping operations, shall address,
25 where appropriate, prevention and response to gen-

1 der-based violence and trafficking in persons, and
2 shall promote the integration of women into the po-
3 lice and other security forces.

4 (d) WOMEN, PEACE, AND SECURITY.—Of the funds
5 appropriated by this Act under the headings “Develop-
6 ment Assistance”, “Economic Support Fund”, “Assist-
7 ance for Europe, Eurasia and Central Asia”, and “Inter-
8 national Narcotics Control and Law Enforcement”, not
9 less than \$135,000,000 should be made available to sup-
10 port a multi-year strategy to expand, and improve coordi-
11 nation of, United States Government efforts to empower
12 women as equal partners in conflict prevention, peace
13 building, transitional processes, and reconstruction efforts
14 in countries affected by conflict or in political transition,
15 and to ensure the equitable provision of relief and recovery
16 assistance to women and girls.

17 SECTOR ALLOCATIONS

18 SEC. 7060. (a) BASIC EDUCATION AND HIGHER
19 EDUCATION.—

20 (1) BASIC EDUCATION.—

21 (A) Of the funds appropriated under title
22 III of this Act, not less than \$950,000,000
23 shall be made available for the Nita M. Lowey
24 Basic Education Fund, and such funds may be
25 made available notwithstanding any other provi-

1 sion of law that restricts assistance to foreign
2 countries: *Provided*, That such funds shall also
3 be used for secondary education activities: *Pro-*
4 *vided further*, That of the funds made available
5 by this paragraph, \$150,000,000 should be
6 available for the education of girls in areas of
7 conflict: *Provided further*, That section 7(a) of
8 Public Law 115–56 shall be implemented by
9 substituting “the thirtieth day of June fol-
10 lowing” for “180 days after”.

11 (B) Of the funds appropriated under title
12 III of this Act for assistance for basic education
13 programs, not less than \$150,000,000 shall be
14 made available for contributions to multilateral
15 partnerships that support education.

16 (2) HIGHER EDUCATION.—Of the funds appro-
17 priated by title III of this Act, not less than
18 \$250,000,000 shall be made available for assistance
19 for higher education: *Provided*, That such funds may
20 be made available notwithstanding any other provi-
21 sion of law that restricts assistance to foreign coun-
22 tries, and shall be subject to the regular notification
23 procedures of the Committees on Appropriations:
24 *Provided further*, That of such amount, not less than
25 \$35,000,000 shall be made available for new and on-

1 going partnerships between higher education institu-
2 tions in the United States and developing countries
3 focused on building the capacity of higher education
4 institutions and systems in developing countries:
5 *Provided further*, That not later than 45 days after
6 enactment of this Act, the USAID Administrator
7 shall consult with the Committees on Appropriations
8 on the proposed uses of funds for such partnerships.

9 (b) DEVELOPMENT PROGRAMS.—Of the funds appro-
10 priated by this Act under the heading “Development As-
11 sistance”, not less than \$18,500,000 shall be made avail-
12 able for USAID cooperative development programs and
13 not less than \$31,500,000 shall be made available for the
14 American Schools and Hospitals Abroad program.

15 (c) FOOD SECURITY AND AGRICULTURAL DEVELOP-
16 MENT.—Of the funds appropriated by title III of this Act,
17 not less than \$1,010,600,000 shall be made available for
18 food security and agricultural development programs to
19 carry out the purposes of the Global Food Security Act
20 of 2016 (Public Law 114–195): *Provided*, That funds may
21 be made available for a contribution as authorized by sec-
22 tion 3202 of the Food, Conservation, and Energy Act of
23 2008 (Public Law 110–246), as amended by section 3310
24 of the Agriculture Improvement Act of 2018 (Public Law
25 115–334).

1 (d) MICRO, SMALL, AND MEDIUM-SIZED ENTER-
2 PRISES.—Of the funds appropriated by this Act, not less
3 than \$265,000,000 shall be made available to support the
4 development of, and access to financing for, micro, small,
5 and medium-sized enterprises that benefit the poor, espe-
6 cially women.

7 (e) PROGRAMS TO COMBAT TRAFFICKING IN PER-
8 SONS.—Of the funds appropriated by this Act under the
9 headings “Development Assistance”, “Economic Support
10 Fund”, “Assistance for Europe, Eurasia and Central
11 Asia”, and “International Narcotics Control and Law En-
12 forcement”, not less than \$106,400,000 shall be made
13 available for activities to combat trafficking in persons
14 internationally, including for the Program to End Modern
15 Slavery, of which not less than \$77,000,000 shall be from
16 funds made available under the heading “International
17 Narcotics Control and Law Enforcement”: *Provided*, That
18 funds made available by this Act under the headings “De-
19 velopment Assistance”, “Economic Support Fund”, and
20 “Assistance for Europe, Eurasia and Central Asia” that
21 are made available for activities to combat trafficking in
22 persons should be obligated and programmed consistent
23 with the country-specific recommendations included in the
24 annual Trafficking in Persons Report, and shall be coordi-

1 nated with the Office to Monitor and Combat Trafficking
2 in Persons, Department of State.

3 (f) RECONCILIATION PROGRAMS.—Of the funds ap-
4 propriated by this Act under the heading “Development
5 Assistance”, not less than \$25,000,000 shall be made
6 available to support people-to-people reconciliation pro-
7 grams which bring together individuals of different ethnic,
8 racial, religious, and political backgrounds from areas of
9 civil strife and war: *Provided*, That the USAID Adminis-
10 trator shall consult with the Committees on Appropria-
11 tions, prior to the initial obligation of funds, on the uses
12 of such funds, and such funds shall be subject to the reg-
13 ular notification procedures of the Committees on Appro-
14 priations: *Provided further*, That to the maximum extent
15 practicable, such funds shall be matched by sources other
16 than the United States Government: *Provided further*,
17 That such funds shall be administered by the Center for
18 Conflict and Violence Prevention, USAID.

19 (g) WATER AND SANITATION.—Of the funds appro-
20 priated by this Act, not less than \$475,000,000 shall be
21 made available for water supply and sanitation projects
22 pursuant to section 136 of the Foreign Assistance Act of
23 1961, of which not less than \$237,000,000 shall be for
24 programs in sub-Saharan Africa, and of which not less
25 than \$17,000,000 shall be made available to support ini-

1 tiatives by local communities in developing countries to
2 build and maintain safe latrines.

3 (h) DEVIATION.—Unless otherwise provided for by
4 this Act, the Secretary of State and the Administrator of
5 the United States Agency for International Development,
6 as applicable, may deviate below the minimum funding re-
7 quirements designated in sections 7059, 7060, and 7061
8 of this Act by up to 10 percent, notwithstanding such des-
9 ignation: *Provided*, That concurrent with the submission
10 of the report required by section 653(a) of the Foreign
11 Assistance Act of 1961, the Secretary of State shall sub-
12 mit to the Committees on Appropriations in writing any
13 proposed deviations utilizing such authority that are
14 planned at the time of submission of such report: *Provided*
15 *further*, That any deviations proposed subsequent to the
16 submission of such report shall be subject to prior con-
17 sultation with such Committees: *Provided further*, That
18 not later than November 1, 2023, the Secretary of State
19 shall submit a report to the Committees on Appropriations
20 on the use of the authority of this subsection.

21 ENVIRONMENT PROGRAMS

22 SEC. 7061. (a) Funds appropriated by this Act to
23 carry out the provisions of sections 103 through 106, and
24 chapter 4 of part II, of the Foreign Assistance Act of 1961
25 may be used, notwithstanding any other provision of law,

1 except for the provisions of this section and only subject
2 to the reporting procedures of the Committees on Appro-
3 priations, to support environment programs.

4 (b)(1) Of the funds appropriated under title III of
5 this Act, not less than \$385,000,000 shall be made avail-
6 able for biodiversity conservation programs.

7 (2) Not less than \$125,000,000 of the funds appro-
8 priated under titles III and IV of this Act shall be made
9 available to combat the transnational threat of wildlife
10 poaching and trafficking.

11 (3) None of the funds appropriated under title IV of
12 this Act may be made available for training or other as-
13 sistance for any military unit or personnel that the Sec-
14 retary of State determines has been credibly alleged to
15 have participated in wildlife poaching or trafficking, unless
16 the Secretary reports to the appropriate congressional
17 committees that to do so is in the national security inter-
18 est of the United States.

19 (4) Funds appropriated by this Act for biodiversity
20 programs shall not be used to support the expansion of
21 industrial scale logging, agriculture, livestock production,
22 mining, or any other industrial scale extractive activity
23 into areas that were primary/intact tropical forests as of
24 December 30, 2013, and the Secretary of the Treasury
25 shall instruct the United States executive directors of each

1 international financial institution (IFI) to use the voice
2 and vote of the United States to oppose any financing of
3 any such activity.

4 (c) The Secretary of the Treasury shall instruct the
5 United States executive director of each IFI that it is the
6 policy of the United States to use the voice and vote of
7 the United States, in relation to any loan, grant, strategy,
8 or policy of such institution, regarding the construction
9 of any large dam consistent with the criteria set forth in
10 Senate Report 114–79, while also considering whether the
11 project involves important foreign policy objectives.

12 (d) Of the funds appropriated under title III of this
13 Act, not less than \$185,000,000 shall be made available
14 for sustainable landscapes programs.

15 (e) Of the funds appropriated under title III of this
16 Act, not less than \$270,000,000 shall be made available
17 for adaptation programs, including in support of the im-
18 plementation of the Indo-Pacific Strategy.

19 (f) Of the funds appropriated under title III of this
20 Act, not less than \$260,000,000 shall be made available
21 for clean energy programs, including in support of car-
22 rying out the purposes of the Electrify Africa Act (Public
23 Law 114–121) and implementing the Power Africa initia-
24 tive.

1 (g) Funds appropriated by this Act under title III
2 may be made available for United States contributions to
3 the Adaptation Fund and the Least Developed Countries
4 Fund.

5 (h) Of the funds appropriated under title III of this
6 Act, not less than \$50,000,000 shall be made available for
7 the purposes enumerated under section 7060(c)(7) of the
8 Department of State, Foreign Operations, and Related
9 Programs Appropriations Act, 2021 (division K of Public
10 Law 116–260): *Provided*, That such funds may only be
11 made available following consultation with the Committees
12 on Appropriations.

13 (i) Of the funds appropriated under title III of this
14 Act, not less than \$20,000,000 shall be made available to
15 support civil society advocacy organizations in developing
16 countries that are working to prevent toxic pollutants and
17 other harm to the environment, and to support such orga-
18 nizations that are working to prevent the poaching and
19 trafficking of endangered species, as described under this
20 section in the explanatory statement described in section
21 4 (in the matter preceding division A of this consolidated
22 Act).

23 BUDGET DOCUMENTS

24 SEC. 7062. (a) OPERATING PLANS.—Not later than
25 45 days after enactment of this Act, each department,

1 agency, or organization funded in titles I, II, and VI of
2 this Act, and the Department of the Treasury and Inde-
3 pendent Agencies funded in title III of this Act, including
4 the Inter-American Foundation and the United States Af-
5 rican Development Foundation, shall submit to the Com-
6 mittees on Appropriations an operating plan for funds ap-
7 propriated to such department, agency, or organization in
8 such titles of this Act, or funds otherwise available for ob-
9 ligation in fiscal year 2022, that provides details of the
10 uses of such funds at the program, project, and activity
11 level: *Provided*, That such plans shall include, as applica-
12 ble, a comparison between the congressional budget jus-
13 tification funding levels, the most recent congressional di-
14 rectives or approved funding levels, and the funding levels
15 proposed by the department or agency; and a clear, con-
16 cise, and informative description/justification: *Provided*
17 *further*, That operating plans that include changes in lev-
18 els of funding for programs, projects, and activities speci-
19 fied in the congressional budget justification, in this Act,
20 or amounts specifically designated in the respective tables
21 included in the explanatory statement described in section
22 4 (in the matter preceding division A of this consolidated
23 Act), as applicable, shall be subject to the notification and
24 reprogramming requirements of section 7015 of this Act.

25 (b) SPEND PLANS.—

1 (1) Not later than 90 days after enactment of
2 this Act, the Secretary of State or Administrator of
3 the United States Agency for International Develop-
4 ment, as appropriate, shall submit to the Commit-
5 tees on Appropriations a spend plan for funds made
6 available by this Act for—

7 (A) assistance for countries in Central
8 America;

9 (B) assistance made available pursuant to
10 section 7047(d) of this Act to counter Russian
11 influence, except that such plan shall be on a
12 country-by-country basis;

13 (C) assistance made available pursuant to
14 section 7059 of this Act;

15 (D) the Indo-Pacific Strategy and the
16 Countering PRC Influence Fund;

17 (E) democracy programs, the Power Africa
18 and Prosper Africa initiatives, and sectors enu-
19 merated in subsections (a), (c), (d), (e), (f), and
20 (g) of section 7060 of this Act;

21 (F) funds provided under the heading
22 “International Narcotics Control and Law En-
23 forcement” for International Organized Crime
24 and for Cybercrime and Intellectual Property
25 Rights: *Provided*, That the spend plans shall in-

1 clude bilateral and global programs funded
2 under such heading along with a brief descrip-
3 tion of the activities planned for each country;

4 (G) implementation of the Global Fragility
5 Act of 2019 (title V of division J of Public Law
6 116–94); and

7 (H) the Caribbean Basin Security Initia-
8 tive; the Central America Regional Security Ini-
9 tiative; the Trans-Saharan Counterterrorism
10 Partnership; the Partnership for Regional East
11 Africa Counterterrorism; the Global Peace Op-
12 erations Initiative; the Africa Regional Counter-
13 terrorism program; and the Counterterrorism
14 Partnerships Fund.

15 (2) Not later than 90 days after enactment of
16 this Act, the Secretary of the Treasury shall submit
17 to the Committees on Appropriations a detailed
18 spend plan for funds made available by this Act
19 under the heading “Department of the Treasury,
20 International Affairs Technical Assistance” in title
21 III.

22 (c) CLARIFICATION.—The spend plans referenced in
23 subsection (b) shall not be considered as meeting the noti-
24 fication requirements in this Act or under section 634A
25 of the Foreign Assistance Act of 1961.

1 (d) CONGRESSIONAL BUDGET JUSTIFICATION.—The
2 congressional budget justification for Department of State
3 operations and foreign operations shall be provided to the
4 Committees on Appropriations concurrent with the date
5 of submission of the President’s budget for fiscal year
6 2023: *Provided*, That the appendices for such justification
7 shall be provided to the Committees on Appropriations not
8 later than 10 calendar days thereafter.

9 REORGANIZATION

10 SEC. 7063. (a) PRIOR CONSULTATION AND NOTIFI-
11 CATION.—Funds appropriated by this Act, prior Acts
12 making appropriations for the Department of State, for-
13 eign operations, and related programs, or any other Act
14 may not be used to implement a reorganization, redesign,
15 or other plan described in subsection (b) by the Depart-
16 ment of State, the United States Agency for International
17 Development, or any other Federal department, agency,
18 or organization funded by this Act without prior consulta-
19 tion by the head of such department, agency, or organiza-
20 tion with the appropriate congressional committees: *Pro-*
21 *vided*, That such funds shall be subject to the regular noti-
22 fication procedures of the Committees on Appropriations:
23 *Provided further*, That any such notification submitted to
24 such Committees shall include a detailed justification for
25 any proposed action: *Provided further*, That congressional

1 notifications submitted in prior fiscal years pursuant to
2 similar provisions of law in prior Acts making appropria-
3 tions for the Department of State, foreign operations, and
4 related programs may be deemed to meet the notification
5 requirements of this section.

6 (b) DESCRIPTION OF ACTIVITIES.—Pursuant to sub-
7 section (a), a reorganization, redesign, or other plan shall
8 include any action to—

9 (1) expand, eliminate, consolidate, or downsize
10 covered departments, agencies, or organizations, in-
11 cluding bureaus and offices within or between such
12 departments, agencies, or organizations, including
13 the transfer to other agencies of the authorities and
14 responsibilities of such bureaus and offices;

15 (2) expand, eliminate, consolidate, or downsize
16 the United States official presence overseas, includ-
17 ing at bilateral, regional, and multilateral diplomatic
18 facilities and other platforms; or

19 (3) expand or reduce the size of the permanent
20 Civil Service, Foreign Service, eligible family mem-
21 ber, and locally employed staff workforce of the De-
22 partment of State and USAID from the staffing lev-
23 els previously justified to the Committees on Appro-
24 priations for fiscal year 2022.

1 DEPARTMENT OF STATE MANAGEMENT

2 SEC. 7064. (a) WORKING CAPITAL FUND.—Funds
3 appropriated by this Act or otherwise made available to
4 the Department of State for payments to the Working
5 Capital Fund that are made available for new service cen-
6 ters, shall be subject to the regular notification procedures
7 of the Committees on Appropriations.

8 (b) CERTIFICATION.—

9 (1) COMPLIANCE.—Not later than 45 days
10 after the initial obligation of funds appropriated
11 under titles III and IV of this Act that are made
12 available to a Department of State bureau or office
13 with responsibility for the management and over-
14 sight of such funds, the Secretary of State shall cer-
15 tify and report to the Committees on Appropria-
16 tions, on an individual bureau or office basis, that
17 such bureau or office is in compliance with Depart-
18 ment and Federal financial and grants management
19 policies, procedures, and regulations, as applicable.

20 (2) CONSIDERATIONS.—When making a certifi-
21 cation required by paragraph (1), the Secretary of
22 State shall consider the capacity of a bureau or of-
23 fice to—

24 (A) account for the obligated funds at the
25 country and program level, as appropriate;

1 (B) identify risks and develop mitigation
2 and monitoring plans;

3 (C) establish performance measures and
4 indicators;

5 (D) review activities and performance; and

6 (E) assess final results and reconcile fi-
7 nances.

8 (3) PLAN.—If the Secretary of State is unable
9 to make a certification required by paragraph (1),
10 the Secretary shall submit a plan and timeline de-
11 tailing the steps to be taken to bring such bureau
12 or office into compliance.

13 (c) INTERNSHIPS.—The Department of State may
14 offer compensated internships, and select, appoint, employ
15 for not more than 52 weeks, and remove any such com-
16 pensated intern without regard to the provisions of law
17 governing appointments in the competitive service.

18 (d) INFORMATION TECHNOLOGY PLATFORM.—None
19 of the funds appropriated in title I of this Act under the
20 heading “Administration of Foreign Affairs” may be made
21 available for a new major information technology (IT) in-
22 vestment without the concurrence of the Chief Information
23 Officer, Department of State.

1 UNITED STATES AGENCY FOR INTERNATIONAL
2 DEVELOPMENT MANAGEMENT

3 SEC. 7065. (a) AUTHORITY.—Up to \$170,000,000 of
4 the funds made available in title III of this Act pursuant
5 to or to carry out the provisions of part I of the Foreign
6 Assistance Act of 1961, including funds appropriated
7 under the heading “Assistance for Europe, Eurasia and
8 Central Asia”, may be used by the United States Agency
9 for International Development to hire and employ individ-
10 uals in the United States and overseas on a limited ap-
11 pointment basis pursuant to the authority of sections 308
12 and 309 of the Foreign Service Act of 1980 (22 U.S.C.
13 3948 and 3949).

14 (b) RESTRICTION.—The authority to hire individuals
15 contained in subsection (a) shall expire on September 30,
16 2023.

17 (c) PROGRAM ACCOUNT CHARGED.—The account
18 charged for the cost of an individual hired and employed
19 under the authority of this section shall be the account
20 to which the responsibilities of such individual primarily
21 relate: *Provided*, That funds made available to carry out
22 this section may be transferred to, and merged with, funds
23 appropriated by this Act in title II under the heading “Op-
24 erating Expenses”.

1 (d) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
2 viduals hired and employed by USAID, with funds made
3 available in this Act or prior Acts making appropriations
4 for the Department of State, foreign operations, and re-
5 lated programs, pursuant to the authority of section 309
6 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may
7 be extended for a period of up to 4 years notwithstanding
8 the limitation set forth in such section.

9 (e) DISASTER SURGE CAPACITY.—Funds appro-
10 priated under title III of this Act to carry out part I of
11 the Foreign Assistance Act of 1961, including funds ap-
12 propriated under the heading “Assistance for Europe,
13 Eurasia and Central Asia”, may be used, in addition to
14 funds otherwise available for such purposes, for the cost
15 (including the support costs) of individuals detailed to or
16 employed by USAID whose primary responsibility is to
17 carry out programs in response to natural disasters, or
18 man-made disasters subject to the regular notification
19 procedures of the Committees on Appropriations.

20 (f) PERSONAL SERVICES CONTRACTORS.—Funds ap-
21 propriated by this Act to carry out chapter 1 of part I,
22 chapter 4 of part II, and section 667 of the Foreign As-
23 sistance Act of 1961, and title II of the Food for Peace
24 Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be
25 used by USAID to employ up to 40 personal services con-

1 tractors in the United States, notwithstanding any other
2 provision of law, for the purpose of providing direct, in-
3 terim support for new or expanded overseas programs and
4 activities managed by the agency until permanent direct
5 hire personnel are hired and trained: *Provided*, That not
6 more than 15 of such contractors shall be assigned to any
7 bureau or office: *Provided further*, That such funds appro-
8 priated to carry out title II of the Food for Peace Act
9 (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be made
10 available only for personal services contractors assigned
11 to the Bureau for Humanitarian Assistance.

12 (g) SMALL BUSINESS.—In entering into multiple
13 award indefinite-quantity contracts with funds appro-
14 priated by this Act, USAID may provide an exception to
15 the fair opportunity process for placing task orders under
16 such contracts when the order is placed with any category
17 of small or small disadvantaged business.

18 (h) SENIOR FOREIGN SERVICE LIMITED APPOINT-
19 MENTS.—Individuals hired pursuant to the authority pro-
20 vided by section 7059(o) of the Department of State, For-
21 eign Operations, and Related Programs Appropriations
22 Act, 2010 (division F of Public Law 111–117) may be
23 assigned to or support programs in Afghanistan or Paki-
24 stan with funds made available in this Act and prior Acts

1 making appropriations for the Department of State, for-
2 eign operations, and related programs.

3 STABILIZATION AND DEVELOPMENT IN REGIONS

4 IMPACTED BY EXTREMISM AND CONFLICT

5 SEC. 7066. (a) PREVENTION AND STABILIZATION
6 FUND.—

7 (1) FUNDS AND TRANSFER AUTHORITY.—Of
8 the funds appropriated by this Act under the head-
9 ings “Economic Support Fund”, “International Nar-
10 cotics Control and Law Enforcement”, “Non-
11 proliferation, Anti-terrorism, Demining and Related
12 Programs”, “Peacekeeping Operations”, and “For-
13 eign Military Financing Program”, not less than
14 \$125,000,000 shall be made available for the pur-
15 poses of the Prevention and Stabilization Fund, as
16 authorized by, and for the purposes enumerated in,
17 section 509(a) of the Global Fragility Act of 2019
18 (title V of division J of Public Law 116–94), of
19 which \$25,000,000 may be made available for the
20 Multi-Donor Global Fragility Fund authorized by
21 section 510(c) of such Act: *Provided*, That such
22 funds appropriated under such headings may be
23 transferred to, and merged with, funds appropriated
24 under such headings: *Provided further*, That such
25 transfer authority is in addition to any other trans-

1 fer authority provided by this Act or any other Act,
2 and is subject to the regular notification procedures
3 of the Committees on Appropriations.

4 (2) TRANSITIONAL JUSTICE.—Of the funds ap-
5 propriated by this Act under the headings “Eco-
6 nomic Support Fund” and “International Narcotics
7 Control and Law Enforcement” that are made avail-
8 able for the Prevention and Stabilization Fund, not
9 less than \$10,000,000 shall be made available for
10 programs to promote accountability for genocide,
11 crimes against humanity, and war crimes, which
12 shall be in addition to any other funds made avail-
13 able by this Act for such purposes: *Provided*, That
14 such programs shall include components to develop
15 local investigative and judicial skills, and to collect
16 and preserve evidence and maintain the chain of cus-
17 tody of evidence, including for use in prosecutions,
18 and may include the establishment of, and assistance
19 for, transitional justice mechanisms: *Provided fur-*
20 *ther*, That such funds shall be administered by the
21 Special Coordinator for the Office of Global Criminal
22 Justice, Department of State, and shall be subject to
23 prior consultation with the Committees on Appro-
24 priations: *Provided further*, That funds made avail-

1 able by this paragraph shall be made available on an
2 open and competitive basis.

3 (b) GLOBAL COMMUNITY ENGAGEMENT AND RESIL-
4 IENCE FUND.—Funds appropriated by this Act and prior
5 Acts making appropriations for the Department of State,
6 foreign operations, and related programs under the head-
7 ing “Economic Support Fund” may be made available to
8 the Global Community Engagement and Resilience Fund
9 (GCERF), including as a contribution: *Provided*, That any
10 such funds made available for the GCERF shall be made
11 available on a cost-matching basis from sources other than
12 the United States Government, to the maximum extent
13 practicable, and shall be subject to the regular notification
14 procedures of the Committees on Appropriations.

15 (c) GLOBAL CONCESSIONAL FINANCING FACILITY.—
16 Funds appropriated by this Act under the heading “Eco-
17 nomic Support Fund” may be made available for the Glob-
18 al Concessional Financing Facility of the World Bank to
19 provide financing to support refugees and host commu-
20 nities: *Provided*, That such funds should be in addition
21 to funds allocated for bilateral assistance in the report re-
22 quired by section 653(a) of the Foreign Assistance Act
23 of 1961, and may only be made available subject to prior
24 to consultation with the Committees on Appropriations:

1 *Provided further*, That such funds may be transferred to
2 the Department of the Treasury.

3 DEBT-FOR-DEVELOPMENT

4 SEC. 7067. In order to enhance the continued partici-
5 pation of nongovernmental organizations in debt-for-devel-
6 opment and debt-for-nature exchanges, a nongovern-
7 mental organization which is a grantee or contractor of
8 the United States Agency for International Development
9 may place in interest bearing accounts local currencies
10 which accrue to that organization as a result of economic
11 assistance provided under title III of this Act and, subject
12 to the regular notification procedures of the Committees
13 on Appropriations, any interest earned on such investment
14 shall be used for the purpose for which the assistance was
15 provided to that organization.

16 ENTERPRISE FUNDS

17 SEC. 7068. (a) NOTIFICATION.—None of the funds
18 made available under titles III through VI of this Act may
19 be made available for Enterprise Funds unless the appro-
20 priate congressional committees are notified at least 15
21 days in advance.

22 (b) DISTRIBUTION OF ASSETS PLAN.—Prior to the
23 distribution of any assets resulting from any liquidation,
24 dissolution, or winding up of an Enterprise Fund, in whole
25 or in part, the President shall submit to the appropriate

1 congressional committees a plan for the distribution of the
2 assets of the Enterprise Fund.

3 (c) TRANSITION OR OPERATING PLAN.—Prior to a
4 transition to and operation of any private equity fund or
5 other parallel investment fund under an existing Enter-
6 prise Fund, the President shall submit such transition or
7 operating plan to the appropriate congressional commit-
8 tees.

9 EXTENSION OF CONSULAR FEES AND RELATED
10 AUTHORITIES

11 SEC. 7069. (a) Section 1(b)(1) of the Passport Act
12 of June 4, 1920 (22 U.S.C. 214(b)(1)) shall be applied
13 through fiscal year 2022 by substituting “the costs of pro-
14 viding consular services” for “such costs”.

15 (b) Section 21009 of the Emergency Appropriations
16 for Coronavirus Health Response and Agency Operations
17 (division B of Public Law 116–136; 134 Stat. 592) shall
18 be applied during fiscal year 2022 by substituting “2020,
19 2021, and 2022” for “2020 and 2021”.

20 (c) Discretionary amounts made available to the De-
21 partment of State under the heading “Administration of
22 Foreign Affairs” of this Act, and discretionary unobli-
23 gated balances under such heading from prior Acts mak-
24 ing appropriations for the Department of State, foreign
25 operations, and related programs, may be transferred to

1 the Consular and Border Security Programs account if the
2 Secretary of State determines and reports to the Commit-
3 tees on Appropriations that to do so is necessary to sus-
4 tain consular operations, following consultation with such
5 Committees: *Provided*, That such transfer authority is in
6 addition to any transfer authority otherwise available in
7 this Act and under any other provision of law: *Provided*
8 *further*, That no amounts may be transferred from
9 amounts designated as an emergency requirement pursu-
10 ant to a concurrent resolution on the budget or the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 (d) In addition to the uses permitted pursuant to sec-
13 tion 286(v)(2)(A) of the Immigration and Nationality Act
14 (8 U.S.C. 1356(v)(2)(A)), for fiscal year 2022, the Sec-
15 retary of State may also use fees deposited into the Fraud
16 Prevention and Detection Account for the costs of pro-
17 viding consular services.

18 (e) Beginning on October 1, 2021 and for each fiscal
19 year thereafter, fees collected pursuant to subsection (a)
20 of section 1 of the Passport Act of June 4, 1920 (22
21 U.S.C. 214(a)) shall, notwithstanding such subsection, be
22 deposited in the Consular and Border Security Programs
23 account as discretionary offsetting receipts: *Provided*,
24 That amounts deposited in fiscal year 2022 shall remain
25 available until expended for the purposes of such account:

1 *Provided further*, That the Secretary of State may by regu-
2 lation authorize State officials or the United States Postal
3 Service to collect and retain the execution fee for each ap-
4 plication for a passport accepted by such officials or by
5 that Service.

6 (f) Amounts provided pursuant to subsections (a),
7 (b), and (d) are designated by the Congress as being for
8 an emergency requirement pursuant to section 4001(a)(1)
9 and section 4001(b) of S. Con. Res. 14 (117th Congress),
10 the concurrent resolution on the budget for fiscal year
11 2022.

12 ORGANIZATION OF AMERICAN STATES

13 SEC. 7070. (a) The Secretary of State shall instruct
14 the United States Permanent Representative to the Orga-
15 nization of American States (OAS) to use the voice and
16 vote of the United States to: (1) implement budgetary re-
17 forms and efficiencies within the Organization; (2) elimi-
18 nate arrears, increase other donor contributions, and im-
19 pose penalties for successive late payment of assessments;
20 (3) prevent programmatic and organizational
21 redundancies and consolidate duplicative activities and
22 functions; (4) prioritize areas in which the OAS has exper-
23 tise, such as strengthening democracy, monitoring elec-
24 toral processes, and protecting human rights; and (5) im-
25 plement reforms within the Office of the Inspector General

1 (OIG) to ensure the OIG has the necessary integrity, pro-
2 fessionalism, independence, policies, and procedures to
3 properly carry out its responsibilities in a manner that
4 meets or exceeds best practices in the United States.

5 (b) Prior to the obligation of funds appropriated by
6 this Act and made available for an assessed contribution
7 to the Organization of American States, but not later than
8 90 days after enactment of this Act, the Secretary of State
9 shall submit a report to the Committees on Appropriations
10 on actions taken or planned to be taken pursuant to para-
11 graph (a).

12 PROTECTIVE SERVICES

13 SEC. 7071. Of the funds appropriated under the
14 heading “Diplomatic Programs” by this Act and prior
15 Acts making appropriations for the Department of State,
16 foreign operations, and related programs, except for funds
17 designated by the Congress as an emergency requirement
18 pursuant to a concurrent resolution on the budget or the
19 Balanced Budget and Emergency Deficit Control Act of
20 1985, up to \$30,000,000 may be made available to provide
21 protective services to former or retired senior Department
22 of State officials or employees that the Secretary of State,
23 in consultation with the Director of National Intelligence,
24 determines and reports to congressional leadership and the
25 appropriate congressional committees, face a serious and

1 credible threat from a foreign power or the agent of a for-
2 eign power arising from duties performed by such official
3 or employee while employed by the Department: *Provided*,
4 That such determination shall include a justification for
5 the provision of protective services by the Department, in-
6 cluding the identification of the specific nature of the
7 threat and the anticipated duration of such services pro-
8 vided, which may be submitted in classified form, if nec-
9 essary: *Provided further*, That such protective services
10 shall be consistent with other such services performed by
11 the Bureau of Diplomatic Security under 22 U.S.C. 2709
12 for Department officials, and shall be made available for
13 an initial period of not more than 180 days, which may
14 be extended for additional consecutive periods of 60 days
15 upon a subsequent determination by the Secretary that
16 the specific threat persists: *Provided further*, That not
17 later than 45 days after enactment of this Act and quar-
18 terly thereafter, the Secretary shall submit a report to con-
19 gressional leadership and the appropriate congressional
20 committees detailing the number of individuals receiving
21 protective services and the amount of funds expended for
22 such services on a case-by-case basis, which may be sub-
23 mitted in classified form, if necessary: *Provided further*,
24 That for purposes of this section a former or retired senior
25 Department of State official or employee means a person

1 that served in the Department at the Assistant Secretary,
2 Special Representative, or Senior Advisor level, or in a
3 comparable or more senior position, and has separated
4 from service at the Department: *Provided further*, That
5 funds made available pursuant to this section are in addi-
6 tion to amounts otherwise made available for such pur-
7 poses.

8
9 RESCISSIONS
(INCLUDING RESCISSIONS OF FUNDS)

10 SEC. 7072. (a) ECONOMIC SUPPORT FUND.—Of the
11 unobligated and unexpended balances from amounts made
12 available under the heading “Economic Support Fund”
13 from prior Acts making appropriations for the Depart-
14 ment of State, foreign operations, and related programs
15 and allocated by the Executive Branch for Afghanistan in
16 the annual reports required by section 653(a) of the For-
17 eign Assistance Act of 1961 (22 U.S.C. 2413(a)),
18 \$855,644,000, shall be deobligated, as appropriate, and
19 shall be rescinded.

20 (b) MILLENNIUM CHALLENGE CORPORATION.—Of
21 the unobligated balances from amounts made available
22 under the heading “Millennium Challenge Corporation”
23 from prior Acts making appropriations for the Depart-
24 ment of State, foreign operations, and related programs,
25 \$515,000,000 are rescinded.

1 (c) INTERNATIONAL NARCOTICS CONTROL AND LAW
2 ENFORCEMENT.—Of the unobligated and unexpended bal-
3 ances from amounts made available under the heading
4 “International Narcotics Control and Law Enforcement”
5 from prior Acts making appropriations for the Depart-
6 ment of State, foreign operations, and related programs
7 and allocated by the Executive Branch for Afghanistan in
8 the annual reports required by section 653(a) of the For-
9 eign Assistance Act of 1961 (22 U.S.C. 2413(a)),
10 \$105,000,000, shall be deobligated, as appropriate, and
11 shall be rescinded.

12 (d) PEACE CORPS.—Of the unobligated balances
13 from amounts made available under the heading “Peace
14 Corps” from prior Acts making appropriations for the De-
15 partment of State, foreign operations, and related pro-
16 grams, \$70,000,000 are rescinded.

17 (e) EMBASSY SECURITY, CONSTRUCTION, AND MAIN-
18 TENANCE.—

19 (1) Of the unobligated and unexpended bal-
20 ances from amounts made available under the head-
21 ing “Embassy Security, Construction, and Mainte-
22 nance” in title II of the Security Assistance Appro-
23 priations Act, 2017 (division B of Public Law 114–
24 254), \$41,000,000 are rescinded.

1 (2) Of the unobligated and unexpended bal-
2 ances from amounts available under the heading
3 “Embassy Security, Construction, and Maintenance”
4 from prior Acts making appropriations for the De-
5 partment of State, foreign operations, and related
6 programs for Embassy Kabul construction projects,
7 \$629,000,000 are rescinded.

8 (f) GLOBAL SECURITY CONTINGENCY FUND.—Of the
9 unobligated balances from amounts made available under
10 the heading “Global Security Contingency Fund” from
11 prior Acts making appropriations for the Department of
12 State, foreign operations, and related programs and iden-
13 tified by Treasury Appropriation Fund Symbol 11 X
14 1041, \$28,135,000 are rescinded.

15 (g) RESTRICTION.—No amounts may be rescinded
16 from amounts that were previously designated by the Con-
17 gress as an emergency requirement pursuant to a concur-
18 rent resolution on the budget or the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

20 This division may be cited as the “Department of
21 State, Foreign Operations, and Related Programs Appro-
22 priations Act, 2022”.

1 **DIVISION L—TRANSPORTATION, HOUSING**
2 **AND URBAN DEVELOPMENT, AND RE-**
3 **LATED AGENCIES APPROPRIATIONS**
4 **ACT, 2022**

5 TITLE I

6 DEPARTMENT OF TRANSPORTATION

7 OFFICE OF THE SECRETARY

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of the Secretary,
10 \$141,500,000, of which not to exceed \$3,515,000 shall be
11 available for the immediate Office of the Secretary; not
12 to exceed \$1,254,000 shall be available for the immediate
13 Office of the Deputy Secretary; not to exceed \$25,352,000
14 shall be available for the Office of the General Counsel;
15 not to exceed \$13,069,000 shall be available for the Office
16 of the Under Secretary of Transportation for Policy; not
17 to exceed \$18,291,000 shall be available for the Office of
18 the Assistant Secretary for Budget and Programs; not to
19 exceed \$3,341,000 shall be available for the Office of the
20 Assistant Secretary for Governmental Affairs; not to ex-
21 ceed \$34,899,000 shall be available for the Office of the
22 Assistant Secretary for Administration; not to exceed
23 \$3,645,000 shall be available for the Office of Public Af-
24 fairs and Public Engagement; not to exceed \$2,116,000
25 shall be available for the Office of the Executive Secre-

1 tariat; not to exceed \$14,821,000 shall be available for the
2 Office of Intelligence, Security, and Emergency Response;
3 not to exceed \$19,747,000 shall be available for the Office
4 of the Chief Information Officer; and not to exceed
5 \$1,450,000 shall be available for the Office of Tribal Gov-
6 ernment Affairs: *Provided*, That the Secretary of Trans-
7 portation (referred to in this title as the “Secretary”) is
8 authorized to transfer funds appropriated for any office
9 of the Office of the Secretary to any other office of the
10 Office of the Secretary: *Provided further*, That no appro-
11 priation for any office shall be increased or decreased by
12 more than 7 percent by all such transfers: *Provided fur-*
13 *ther*, That notice of any change in funding greater than
14 7 percent shall be submitted for approval to the House
15 and Senate Committees on Appropriations: *Provided fur-*
16 *ther*, That not to exceed \$70,000 shall be for allocation
17 within the Department for official reception and represen-
18 tation expenses as the Secretary may determine: *Provided*
19 *further*, That notwithstanding any other provision of law,
20 there may be credited to this appropriation up to
21 \$2,500,000 in funds received in user fees: *Provided fur-*
22 *ther*, That none of the funds provided in this Act shall
23 be available for the position of Assistant Secretary for
24 Public Affairs.

1 RESEARCH AND TECHNOLOGY

2 For necessary expenses related to the Office of the
3 Assistant Secretary for Research and Technology,
4 \$51,363,000, of which \$42,718,000 shall remain available
5 until expended: *Provided*, That there may be credited to
6 this appropriation, to be available until expended, funds
7 received from States, counties, municipalities, other public
8 authorities, and private sources for expenses incurred for
9 training: *Provided further*, That any reference in law, reg-
10 ulation, judicial proceedings, or elsewhere to the Research
11 and Innovative Technology Administration shall continue
12 to be deemed to be a reference to the Office of the Assist-
13 ant Secretary for Research and Technology of the Depart-
14 ment of Transportation.

15 NATIONAL INFRASTRUCTURE INVESTMENTS

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses to carry out a local and re-
18 gional project assistance grant program under section
19 6702 of title 49, United States Code, \$775,000,000, to
20 remain available until expended: *Provided*, That section
21 6702 (f)(2) of title 49, United States Code, shall not apply
22 to amounts made available under this heading in this Act:
23 *Provided further*, That of amounts made available under
24 this heading in this Act, not less than \$20,000,000 shall
25 be awarded to projects in historically disadvantaged com-

1 munities or areas of persistent poverty as defined under
2 section 6702(a)(1) of title 49, United States Code: *Pro-*
3 *vided further*, That section 6702(g) of title 49, United
4 States Code, shall not apply to amounts made available
5 under this heading in this Act: *Provided further*, That of
6 the amounts made available under this heading in this Act
7 not less than 5 percent shall be made available for the
8 planning, preparation, or design of eligible projects: *Pro-*
9 *vided further*, That grants awarded under this heading in
10 this Act for eligible projects for planning, preparation, or
11 design shall not be subject to a minimum grant size: *Pro-*
12 *vided further*, That in distributing amounts made available
13 under this heading in this Act, the Secretary shall take
14 such measures so as to ensure an equitable geographic dis-
15 tribution of funds, an appropriate balance in addressing
16 the needs of urban and rural areas, including Tribal areas,
17 and the investment in a variety of transportation modes:
18 *Provided further*, That a grant award under this heading
19 in this Act shall be not greater than \$45,000,000: *Pro-*
20 *vided further*, That section 6702(c)(3) of title 49, United
21 States Code, shall not apply to amounts made available
22 under this heading in this Act: *Provided further*, That not
23 more than 15 percent of the amounts made available
24 under this heading in this Act may be awarded to projects
25 in a single state: *Provided further*, That for amounts made

1 available under this heading in this Act, the Secretary
2 shall give priority to projects that require a contribution
3 of Federal funds in order to complete an overall financing
4 package: *Provided further*, That section 6702(f)(1) of title
5 49, United States Code, shall not apply to amounts made
6 available under this heading in this Act: *Provided further*,
7 That of the amounts awarded under this heading in this
8 Act, not more than 50 percent shall be allocated for eligi-
9 ble projects located in rural areas and not more than 50
10 percent shall be allocated for eligible projects located in
11 urbanized areas: *Provided further*, That for the purpose
12 of determining if an award for planning, preparation, or
13 design under this heading in this Act is an urban award,
14 the project location is the location of the project being
15 planned, prepared, or designed: *Provided further*, That the
16 Secretary may retain up to 2 percent of the amounts made
17 available under this heading in this Act, and may transfer
18 portions of such amounts to the Administrators of the
19 Federal Aviation Administration, the Federal Highway
20 Administration, the Federal Transit Administration, the
21 Federal Railroad Administration and the Maritime Ad-
22 ministration to fund the award and oversight of grants
23 and credit assistance made under the program authorized
24 under section 6702 of title 49, United States Code: *Pro-*
25 *vided further*, That for amounts made available under this

1 heading in this Act, the Secretary shall consider and
2 award projects based solely on the selection criteria as
3 identified under section 6702(d)(3) and (d)(4) of title 49,
4 United States Code.

5 THRIVING COMMUNITIES INITIATIVE
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses for a thriving communities
8 program, \$25,000,000, to remain available until Sep-
9 tember 30, 2024: *Provided*, That the Secretary of Trans-
10 portation shall make such amounts available for technical
11 assistance and cooperative agreements to develop and im-
12 plement technical assistance, planning, and capacity build-
13 ing to improve and foster thriving communities through
14 transportation improvements: *Provided further*, That the
15 Secretary may enter into cooperative agreements with
16 philanthropic entities, non-profit organizations, other Fed-
17 eral agencies, state or local governments and their agen-
18 cies, Indian Tribes, or other technical assistance providers,
19 to provide such technical assistance, planning, and capac-
20 ity building to state, local, or Tribal governments, United
21 States territories, metropolitan planning organizations,
22 transit agencies, or other political subdivisions of state or
23 local governments: *Provided further*, That to be eligible for
24 a cooperative agreement under this heading, a recipient
25 shall provide assistance to entities described in the pre-

1 ceding proviso on engaging in public planning processes
2 with residents, local businesses, non-profit organizations,
3 and to the extent practicable, philanthropic organizations,
4 educational institutions, or other community stakeholders:
5 *Provided further*, That such cooperative agreements shall
6 facilitate the planning and development of transportation
7 and community revitalization activities supported by the
8 Department of Transportation under titles 23, 46, and 49,
9 United States Code, that increase mobility, reduce pollu-
10 tion from transportation sources, expand affordable trans-
11 portation options, facilitate efficient land use, preserve or
12 expand jobs, improve housing conditions, enhance connec-
13 tions to health care, education, and food security, or im-
14 prove health outcomes: *Provided further*, That the Sec-
15 retary may prioritize assistance provided with amounts
16 made available under this heading to communities that
17 have disproportionate rates of pollution and poor air qual-
18 ity, communities experiencing disproportionate effects (as
19 defined by Executive Order No. 12898), areas of per-
20 sistent poverty as defined in section 6702(a)(1) of title
21 49, United States Code, or historically disadvantaged com-
22 munities: *Provided further*, That the preceding proviso
23 shall not prevent the Secretary from providing assistance
24 with amounts made available under this heading to enti-
25 ties described in the second proviso under this heading

1 that request assistance through the thriving communities
2 program: *Provided further*, That planning and technical
3 assistance made available under this heading may include
4 pre-application assistance for capital projects eligible
5 under titles 23, 46, and 49, United States Code: *Provided*
6 *further*, That the Secretary may retain amounts made
7 available under this heading for the necessary administra-
8 tive expenses of (1) developing and disseminating best
9 practices, modeling, and cost-benefit analysis methodolo-
10 gies to assist entities described in the second proviso under
11 this heading with applications for financial assistance pro-
12 grams under titles 23, 46, and 49, United States Code,
13 and (2) award, administration, and oversight of coopera-
14 tive agreements to carry out the provisions under this
15 heading: *Provided further*, That such amounts and pay-
16 ments as may be necessary to carry out the thriving com-
17 munities program may be transferred to appropriate ac-
18 counts of other operating administrations within the De-
19 partment of Transportation.

20 NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
21 FINANCE BUREAU

22 For necessary expenses of the National Surface
23 Transportation and Innovative Finance Bureau as author-
24 ized by 49 U.S.C. 116, \$3,800,000, to remain available
25 until expended: *Provided*, That the Secretary may collect

1 and spend fees, as authorized by title 23, United States
2 Code, to cover the costs of services of expert firms, includ-
3 ing counsel, in the field of municipal and project finance
4 to assist in the underwriting and servicing of Federal cred-
5 it instruments and all or a portion of the costs to the Fed-
6 eral Government of servicing such credit instruments: *Pro-*
7 *vided further*, That such fees are available until expended
8 to pay for such costs: *Provided further*, That such amounts
9 are in addition to other amounts made available for such
10 purposes and are not subject to any obligation limitation
11 or the limitation on administrative expenses under section
12 608 of title 23, United States Code.

13 RAILROAD REHABILITATION AND IMPROVEMENT

14 FINANCING PROGRAM

15 The Secretary is authorized to issue direct loans and
16 loan guarantees pursuant to chapter 224 of title 49,
17 United States Code, and such authority shall exist as long
18 as any such direct loan or loan guarantee is outstanding.

19 FINANCIAL MANAGEMENT CAPITAL

20 For necessary expenses for upgrading and enhancing
21 the Department of Transportation's financial systems and
22 re-engineering business processes, \$5,000,000, to remain
23 available through September 30, 2023.

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1 CYBER SECURITY INITIATIVES

2 For necessary expenses for cyber security initiatives,
3 including necessary upgrades to network and information
4 technology infrastructure, improvement of identity man-
5 agement and authentication capabilities, securing and pro-
6 tecting data, implementation of Federal cyber security ini-
7 tiatives, and implementation of enhanced security controls
8 on agency computers and mobile devices, \$39,400,000, to
9 remain available until September 30, 2023.

10 OFFICE OF CIVIL RIGHTS

11 For necessary expenses of the Office of Civil Rights,
12 \$11,564,000.

13 TRANSPORTATION PLANNING, RESEARCH, AND

14 DEVELOPMENT

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses for conducting transportation
17 planning, research, systems development, development ac-
18 tivities, and making grants, \$29,863,000, to remain avail-
19 able until expended: *Provided*, That of such amount,
20 \$2,000,000 shall be for necessary expenses of the Inter-
21 agency Infrastructure Permitting Improvement Center
22 (IIPIC): *Provided further*, That there may be transferred
23 to this appropriation, to remain available until expended,
24 amounts transferred from other Federal agencies for ex-
25 penses incurred under this heading for IIPIC activities not

1 related to transportation infrastructure: *Provided further*,
2 That the tools and analysis developed by the IIPIC shall
3 be available to other Federal agencies for the permitting
4 and review of major infrastructure projects not related to
5 transportation only to the extent that other Federal agen-
6 cies provide funding to the Department in accordance with
7 the preceding proviso: *Provided further*, That of the
8 amounts made available under this heading, \$7,066,000
9 shall be made available for the purposes, and in amounts,
10 specified for Community Project Funding/Congressionally
11 Directed Spending in the table entitled “Community
12 Project Funding/Congressionally Directed Spending” in-
13 cluded in the explanatory statement described in section
14 4 (in the matter preceding division A of this consolidated
15 Act).

16 WORKING CAPITAL FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses for operating costs and cap-
19 ital outlays of the Working Capital Fund, not to exceed
20 \$419,173,000, shall be paid from appropriations made
21 available to the Department of Transportation: *Provided*,
22 That such services shall be provided on a competitive basis
23 to entities within the Department of Transportation: *Pro-*
24 *vided further*, That the limitation in the preceding proviso
25 on operating expenses shall not apply to entities external

1 to the Department of Transportation or for funds pro-
2 vided in Public Law 117–58: *Provided further*, That no
3 funds made available by this Act to an agency of the De-
4 partment shall be transferred to the Working Capital
5 Fund without majority approval of the Working Capital
6 Fund Steering Committee and approval of the Secretary:
7 *Provided further*, That no assessments may be levied
8 against any program, budget activity, subactivity, or
9 project funded by this Act unless notice of such assess-
10 ments and the basis therefor are presented to the House
11 and Senate Committees on Appropriations and are ap-
12 proved by such Committees.

13 SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND
14 OUTREACH

15 For necessary expenses for small and disadvantaged
16 business utilization and outreach activities, \$4,977,000, to
17 remain available until September 30, 2023: *Provided*,
18 That notwithstanding section 332 of title 49, United
19 States Code, such amounts may be used for business op-
20 portunities related to any mode of transportation: *Pro-*
21 *vided further*, That appropriations made available under
22 this heading shall be available for any purpose consistent
23 with prior year appropriations that were made available
24 under the heading “Office of the Secretary—Minority
25 Business Resource Center Program”.

1 PAYMENTS TO AIR CARRIERS

2 (AIRPORT AND AIRWAY TRUST FUND)

3 In addition to funds made available from any other
4 source to carry out the essential air service program under
5 sections 41731 through 41742 of title 49, United States
6 Code, \$350,000,000, to be derived from the Airport and
7 Airway Trust Fund, to remain available until expended:
8 *Provided*, That in determining between or among carriers
9 competing to provide service to a community, the Sec-
10 retary may consider the relative subsidy requirements of
11 the carriers: *Provided further*, That basic essential air
12 service minimum requirements shall not include the 15-
13 passenger capacity requirement under section 41732(b)(3)
14 of title 49, United States Code: *Provided further*, That
15 amounts authorized to be distributed for the essential air
16 service program under section 41742(b) of title 49, United
17 States Code, shall be made available immediately from
18 amounts otherwise provided to the Administrator of the
19 Federal Aviation Administration: *Provided further*, That
20 the Administrator may reimburse such amounts from fees
21 credited to the account established under section 45303
22 of title 49, United States Code: *Provided further*, That,
23 notwithstanding section 41733 of title 49, United States
24 Code, for fiscal year 2022, the requirements established
25 under subparagraphs (B) and (C) of section 41731(a)(1)

1 of title 49, United States Code, and the subsidy cap estab-
2 lished by section 332 of the Department of Transportation
3 and Related Agencies Appropriations Act, 2000, shall not
4 apply to maintain eligibility under section 41731 of title
5 49, United States Code.

6 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
7 SECRETARY OF TRANSPORTATION

8 SEC. 101. None of the funds made available by this
9 Act to the Department of Transportation may be obligated
10 for the Office of the Secretary of Transportation to ap-
11 prove assessments or reimbursable agreements pertaining
12 to funds appropriated to the operating administrations in
13 this Act, except for activities underway on the date of en-
14 actment of this Act, unless such assessments or agree-
15 ments have completed the normal reprogramming process
16 for congressional notification.

17 SEC. 102. The Secretary shall post on the web site
18 of the Department of Transportation a schedule of all
19 meetings of the Council on Credit and Finance, including
20 the agenda for each meeting, and require the Council on
21 Credit and Finance to record the decisions and actions
22 of each meeting.

23 SEC. 103. In addition to authority provided by section
24 327 of title 49, United States Code, the Department's
25 Working Capital Fund is authorized to provide partial or

1 full payments in advance and accept subsequent reim-
2 bursements from all Federal agencies from available funds
3 for transit benefit distribution services that are necessary
4 to carry out the Federal transit pass transportation fringe
5 benefit program under Executive Order No. 13150 and
6 section 3049 of SAFETEA-LU (5 U.S.C. 7905 note):
7 *Provided*, That the Department shall maintain a reason-
8 able operating reserve in the Working Capital Fund, to
9 be expended in advance to provide uninterrupted transit
10 benefits to Government employees: *Provided further*, That
11 such reserve shall not exceed 1 month of benefits payable
12 and may be used only for the purpose of providing for
13 the continuation of transit benefits: *Provided further*, That
14 the Working Capital Fund shall be fully reimbursed by
15 each customer agency from available funds for the actual
16 cost of the transit benefit.

17 SEC. 104. Receipts collected in the Department's
18 Working Capital Fund, as authorized by section 327 of
19 title 49, United States Code, for unused transit and van
20 pool benefits, in an amount not to exceed 10 percent of
21 fiscal year 2022 collections, shall be available until ex-
22 pended in the Department's Working Capital Fund to pro-
23 vide contractual services in support of section 189 of this
24 Act: *Provided*, That obligations in fiscal year 2022 of such
25 collections shall not exceed \$1,000,000.

1 SEC. 105. Funds made available in division K of the
2 Consolidated and Further Continuing Appropriations Act,
3 2015 (Public Law 113–235) under the heading “Depart-
4 ment of Transportation—Office of the Secretary—Na-
5 tional Infrastructure Investments” for transit and high-
6 way projects that were available for obligation through fis-
7 cal year 2017 shall remain available through fiscal year
8 2023 for the liquidation of valid obligations incurred dur-
9 ing fiscal years 2015 through 2017 of active grants award-
10 ed with such funds.

11 SEC. 106. None of the funds in this title may be obli-
12 gated or expended for retention or senior executive bo-
13 nuses for an employee of the Department of Transpor-
14 tation without the prior written approval of the Assistant
15 Secretary for Administration.

16 SEC. 107. In addition to authority provided by section
17 327 of title 49, United States Code, the Department’s Ad-
18 ministrative Working Capital Fund is hereby authorized
19 to transfer information technology equipment, software,
20 and systems from Departmental sources or other entities
21 and collect and maintain a reserve at rates which will re-
22 turn full cost of transferred assets.

23 SEC. 108. None of the funds provided in this Act to
24 the Department of Transportation may be used to provide
25 credit assistance unless not less than 3 days before any

1 application approval to provide credit assistance under
2 sections 603 and 604 of title 23, United States Code, the
3 Secretary provides notification in writing to the following
4 committees: the House and Senate Committees on Appro-
5 priations; the Committee on Environment and Public
6 Works and the Committee on Banking, Housing and
7 Urban Affairs of the Senate; and the Committee on Trans-
8 portation and Infrastructure of the House of Representa-
9 tives: *Provided*, That such notification shall include, but
10 not be limited to, the name of the project sponsor; a de-
11 scription of the project; whether credit assistance will be
12 provided as a direct loan, loan guarantee, or line of credit;
13 and the amount of credit assistance.

14 SEC. 109. For an additional amount for “Railroad
15 Rehabilitation and Improvement Financing Program” for
16 the cost of modifications, as defined by section 502 of the
17 Federal Credit Reform Act of 1990, of direct loans issued
18 pursuant to sections 501 through 504 of the Railroad Re-
19 vitalization and Regulatory Reform Act of 1976 (Public
20 Law 94–210), as amended, and included in cohort 3, as
21 defined by the Department of Transportation’s memo-
22 randum to the Office of Management and Budget dated
23 November 5, 2018, \$10,000,000, to remain available until
24 expended: *Provided*, That for a direct loan included in co-
25 hort 3, as defined in the memorandum described in the

1 preceding proviso, that has satisfied all obligations at-
2 tached to such loan, the Secretary shall repay the credit
3 risk premiums of such loan, with interest accrued thereon,
4 not later than 60 days after the enactment of this Act
5 or, for a direct loan included in cohort 3 with obligations
6 that have not yet been satisfied, not later than 60 days
7 after the date on which all obligations attached to such
8 loan have been satisfied.

9 SEC. 109A. Section 312(a) of title 49 United States
10 Code, shall be amended by striking “land-based,” after
11 “operation of a”.

12 FEDERAL AVIATION ADMINISTRATION

13 OPERATIONS

14 (AIRPORT AND AIRWAY TRUST FUND)

15 For necessary expenses of the Federal Aviation Ad-
16 ministration, not otherwise provided for, including oper-
17 ations and research activities related to commercial space
18 transportation, administrative expenses for research and
19 development, establishment of air navigation facilities, the
20 operation (including leasing) and maintenance of aircraft,
21 subsidizing the cost of aeronautical charts and maps sold
22 to the public, the lease or purchase of passenger motor
23 vehicles for replacement only, \$11,414,100,000, to remain
24 available until September 30, 2023, of which
25 \$6,414,100,000 to be derived from the Airport and Airway

1 Trust Fund: *Provided*, That of the amounts made avail-
2 able under this heading—

3 (1) not less than \$1,536,298,000 shall be avail-
4 able for aviation safety activities;

5 (2) \$8,472,585,000 shall be available for air
6 traffic organization activities;

7 (3) \$32,470,000 shall be available for commer-
8 cial space transportation activities;

9 (4) \$889,216,000 shall be available for finance
10 and management activities;

11 (5) \$63,955,000 shall be available for NextGen
12 and operations planning activities;

13 (6) \$139,466,000 shall be available for security
14 and hazardous materials safety; and

15 (7) \$280,110,000 shall be available for staff of-
16 fices:

17 *Provided further*, That not to exceed 5 percent of any
18 budget activity, except for aviation safety budget activity,
19 may be transferred to any budget activity under this head-
20 ing: *Provided further*, That no transfer may increase or
21 decrease any appropriation under this heading by more
22 than 5 percent: *Provided further*, That any transfer in ex-
23 cess of 5 percent shall be treated as a reprogramming of
24 funds under section 405 of this Act and shall not be avail-
25 able for obligation or expenditure except in compliance

1 with the procedures set forth in that section: *Provided fur-*
2 *ther*, That not later than 60 days after the submission of
3 the budget request, the Administrator of the Federal Avia-
4 tion Administration shall transmit to Congress an annual
5 update to the report submitted to Congress in December
6 2004 pursuant to section 221 of the Vision 100-Century
7 of Aviation Reauthorization Act (49 U.S.C. 40101 note):
8 *Provided further*, That the amounts made available under
9 this heading shall be reduced by \$100,000 for each day
10 after 60 days after the submission of the budget request
11 that such report has not been transmitted to Congress:
12 *Provided further*, That not later than 60 days after the
13 submission of the budget request, the Administrator shall
14 transmit to Congress a companion report that describes
15 a comprehensive strategy for staffing, hiring, and training
16 flight standards and aircraft certification staff in a format
17 similar to the one utilized for the controller staffing plan,
18 including stated attrition estimates and numerical hiring
19 goals by fiscal year: *Provided further*, That the amounts
20 made available under this heading shall be reduced by
21 \$100,000 for each day after the date that is 60 days after
22 the submission of the budget request that such report has
23 not been submitted to Congress: *Provided further*, That
24 funds may be used to enter into a grant agreement with
25 a nonprofit standard-setting organization to assist in the

1 development of aviation safety standards: *Provided fur-*
2 *ther*, That none of the funds made available by this Act
3 shall be available for new applicants for the second career
4 training program: *Provided further*, That none of the
5 funds made available by this Act shall be available for the
6 Federal Aviation Administration to finalize or implement
7 any regulation that would promulgate new aviation user
8 fees not specifically authorized by law after the date of
9 the enactment of this Act: *Provided further*, That there
10 may be credited to this appropriation, as offsetting collec-
11 tions, funds received from States, counties, municipalities,
12 foreign authorities, other public authorities, and private
13 sources for expenses incurred in the provision of agency
14 services, including receipts for the maintenance and oper-
15 ation of air navigation facilities, and for issuance, renewal
16 or modification of certificates, including airman, aircraft,
17 and repair station certificates, or for tests related thereto,
18 or for processing major repair or alteration forms: *Pro-*
19 *vided further*, That of the amounts made available under
20 this heading, not less than \$178,000,000 shall be used to
21 fund direct operations of the current air traffic control
22 towers in the contract tower program, including the con-
23 tract tower cost share program, and any airport that is
24 currently qualified or that will qualify for the program
25 during the fiscal year: *Provided further*, That none of the

1 funds made available by this Act for aeronautical charting
2 and cartography are available for activities conducted by,
3 or coordinated through, the Working Capital Fund: *Pro-*
4 *vided further*, That none of the funds appropriated or oth-
5 erwise made available by this Act or any other Act may
6 be used to eliminate the Contract Weather Observers pro-
7 gram at any airport.

8 FACILITIES AND EQUIPMENT

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For necessary expenses, not otherwise provided for,
11 for acquisition, establishment, technical support services,
12 improvement by contract or purchase, and hire of national
13 airspace systems and experimental facilities and equip-
14 ment, as authorized under part A of subtitle VII of title
15 49, United States Code, including initial acquisition of
16 necessary sites by lease or grant; engineering and service
17 testing, including construction of test facilities and acqui-
18 sition of necessary sites by lease or grant; construction
19 and furnishing of quarters and related accommodations
20 for officers and employees of the Federal Aviation Admin-
21 istration stationed at remote localities where such accom-
22 modations are not available; and the purchase, lease, or
23 transfer of aircraft from funds made available under this
24 heading, including aircraft for aviation regulation and cer-
25 tification; to be derived from the Airport and Airway Trust

1 Fund, \$2,892,887,500, of which \$550,000,000 is for per-
2 sonnel and related expenses and shall remain available
3 until September 30, 2023, \$1,980,722,500 shall remain
4 available until September 30, 2024, and \$362,165,000 is
5 for terminal facilities and shall remain available until Sep-
6 tember 30, 2026: *Provided*, That there may be credited
7 to this appropriation funds received from States, counties,
8 municipalities, other public authorities, and private
9 sources, for expenses incurred in the establishment, im-
10 provement, and modernization of national airspace sys-
11 tems: *Provided further*, That not later than 60 days after
12 submission of the budget request, the Secretary of Trans-
13 portation shall transmit to the Congress an investment
14 plan for the Federal Aviation Administration which in-
15 cludes funding for each budget line item for fiscal years
16 2023 through 2027, with total funding for each year of
17 the plan constrained to the funding targets for those years
18 as estimated and approved by the Office of Management
19 and Budget: *Provided further*, That section 405 of this Act
20 shall apply to amounts made available under this heading
21 in Title VIII of the Infrastructure Investments and Jobs
22 Appropriations Act (division J of Public Law 117–58):
23 *Provided further*, That the amounts in the table entitled
24 “Allocation of Funds for FAA Facilities and Equipment
25 from the Infrastructure Investment and Jobs Act—Fiscal

1 Year 2022” in the explanatory statement described in sec-
2 tion 4 (in the matter preceding division A of this consoli-
3 dated Act) shall be the baseline for application of re-
4 programming and transfer authorities for the current fis-
5 cal year pursuant to paragraph (7) of such section 405
6 for amounts referred to in the preceding proviso: *Provided*
7 *further*, That, notwithstanding paragraphs (5) and (6) of
8 such section 405, unless prior approval is received from
9 the House and Senate Committees on Appropriations, not
10 to exceed 10 percent of any funding level specified for
11 projects and activities in the table referred to in the pre-
12 ceding proviso may be transferred to any other funding
13 level specified for projects and activities in such table and
14 no transfer of such funding levels may increase or decrease
15 any funding level in such table by more than 10 percent.

16 RESEARCH, ENGINEERING, AND DEVELOPMENT

17 (AIRPORT AND AIRWAY TRUST FUND)

18 For necessary expenses, not otherwise provided for,
19 for research, engineering, and development, as authorized
20 under part A of subtitle VII of title 49, United States
21 Code, including construction of experimental facilities and
22 acquisition of necessary sites by lease or grant,
23 \$248,500,000, to be derived from the Airport and Airway
24 Trust Fund and to remain available until September 30,
25 2024: *Provided*, That there may be credited to this appro-

1 priation as offsetting collections, funds received from
2 States, counties, municipalities, other public authorities,
3 and private sources, which shall be available for expenses
4 incurred for research, engineering, and development: *Pro-*
5 *vided further*, That amounts made available under this
6 heading shall be used in accordance with the explanatory
7 statement described in section 4 (in the matter preceding
8 division A of this consolidated Act): *Provided further*, That
9 not to exceed 10 percent of any funding level specified
10 under this heading in the explanatory statement described
11 in section 4 (in the matter preceding division A of this
12 consolidated Act) may be transferred to any other funding
13 level specified under this heading in the explanatory state-
14 ment described in section 4 (in the matter preceding divi-
15 sion A of this consolidated Act): *Provided further*, That
16 no transfer may increase or decrease any funding level by
17 more than 10 percent: *Provided further*, That any transfer
18 in excess of 10 percent shall be treated as a reprogram-
19 ming of funds under section 405 of this Act and shall not
20 be available for obligation or expenditure except in compli-
21 ance with the procedures set forth in that section.

1607

1 GRANTS-IN-AID FOR AIRPORTS
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (AIRPORT AND AIRWAY TRUST FUND)
5 (INCLUDING TRANSFER OF FUNDS)

6 For liquidation of obligations incurred for grants-in-
7 aid for airport planning and development, and noise com-
8 patibility planning and programs as authorized under sub-
9 chapter I of chapter 471 and subchapter I of chapter 475
10 of title 49, United States Code, and under other law au-
11 thorizing such obligations; for procurement, installation,
12 and commissioning of runway incursion prevention devices
13 and systems at airports of such title; for grants authorized
14 under section 41743 of title 49, United States Code; and
15 for inspection activities and administration of airport safe-
16 ty programs, including those related to airport operating
17 certificates under section 44706 of title 49, United States
18 Code, \$3,350,000,000, to be derived from the Airport and
19 Airway Trust Fund and to remain available until ex-
20 pended: *Provided*, That none of the amounts made avail-
21 able under this heading shall be available for the planning
22 or execution of programs the obligations for which are in
23 excess of \$3,350,000,000, in fiscal year 2022, notwith-
24 standing section 47117(g) of title 49, United States Code:
25 *Provided further*, That none of the amounts made available

1 under this heading shall be available for the replacement
2 of baggage conveyor systems, reconfiguration of terminal
3 baggage areas, or other airport improvements that are
4 necessary to install bulk explosive detection systems: *Pro-*
5 *vided further*, That notwithstanding section 47109(a) of
6 title 49, United States Code, the Government's share of
7 allowable project costs under paragraph (2) of such sec-
8 tion for subgrants or paragraph (3) of such section shall
9 be 95 percent for a project at other than a large or me-
10 dium hub airport that is a successive phase of a multi-
11 phased construction project for which the project sponsor
12 received a grant in fiscal year 2011 for the construction
13 project: *Provided further*, That notwithstanding any other
14 provision of law, of amounts limited under this heading,
15 not more than \$127,165,000 shall be available for admin-
16 istration, not less than \$15,000,000 shall be available for
17 the Airport Cooperative Research Program, not less than
18 \$40,961,000 shall be available for Airport Technology Re-
19 search, and \$10,000,000, to remain available until ex-
20 pended, shall be available and transferred to "Office of
21 the Secretary, Salaries and Expenses" to carry out the
22 Small Community Air Service Development Program: *Pro-*
23 *vided further*, That in addition to airports eligible under
24 section 41743 of title 49, United States Code, such pro-
25 gram may include the participation of an airport that

1 serves a community or consortium that is not larger than
2 a small hub airport, according to FAA hub classifications
3 effective at the time the Office of the Secretary issues a
4 request for proposals.

5 GRANTS-IN-AID FOR AIRPORTS

6 For an additional amount for “Grants-In-Aid for Air-
7 ports”, to enable the Secretary of Transportation to make
8 grants for projects as authorized by subchapter 1 of chap-
9 ter 471 and subchapter 1 of chapter 475 of title 49,
10 United States Code, \$554,180,000, to remain available
11 through September 30, 2024: *Provided*, That amounts
12 made available under this heading shall be derived from
13 the general fund, and such funds shall not be subject to
14 apportionment formulas, special apportionment categories,
15 or minimum percentages under chapter 471 of title 49,
16 United States Code: *Provided further*, That of the amounts
17 made available under this heading, \$279,180,135 shall be
18 made available for the purposes, and in amounts, specified
19 for Community Project Funding/Congressionally Directed
20 Spending in the table entitled “Community Project Fund-
21 ing/Congressionally Directed Spending” included in the
22 explanatory statement described in section 4 (in the mat-
23 ter preceding division A of this consolidated Act): *Provided*
24 *further*, That any funds made available under this heading
25 in this Act that remain available after the distribution of

1 funds under the preceding proviso shall be available to the
2 Secretary to distribute as discretionary grants to airports:
3 *Provided further*, That the amounts made available under
4 this heading shall not be subject to any limitation on obli-
5 gations for the Grants-in-Aid for Airports program set
6 forth in any Act: *Provided further*, That the Administrator
7 of the Federal Aviation Administration may retain up to
8 0.5 percent of the amounts made available under this
9 heading to fund the award and oversight by the Adminis-
10 trator of grants made under this heading.

11 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

12 ADMINISTRATION

13 SEC. 110. None of the funds made available by this
14 Act may be used to compensate in excess of 600 technical
15 staff-years under the federally funded research and devel-
16 opment center contract between the Federal Aviation Ad-
17 ministration and the Center for Advanced Aviation Sys-
18 tems Development during fiscal year 2022.

19 SEC. 111. None of the funds made available by this
20 Act shall be used to pursue or adopt guidelines or regula-
21 tions requiring airport sponsors to provide to the Federal
22 Aviation Administration without cost building construc-
23 tion, maintenance, utilities and expenses, or space in air-
24 port sponsor-owned buildings for services relating to air
25 traffic control, air navigation, or weather reporting: *Pro-*

1 *vided*, That the prohibition on the use of funds in this
2 section does not apply to negotiations between the agency
3 and airport sponsors to achieve agreement on “below-mar-
4 ket” rates for these items or to grant assurances that re-
5 quire airport sponsors to provide land without cost to the
6 Federal Aviation Administration for air traffic control fa-
7 cilities.

8 SEC. 112. The Administrator of the Federal Aviation
9 Administration may reimburse amounts made available to
10 satisfy section 41742(a)(1) of title 49, United States
11 Code, from fees credited under section 45303 of title 49,
12 United States Code, and any amount remaining in such
13 account at the close of any fiscal year may be made avail-
14 able to satisfy section 41742(a)(1) of title 49, United
15 States Code, for the subsequent fiscal year.

16 SEC. 113. Amounts collected under section 40113(e)
17 of title 49, United States Code, shall be credited to the
18 appropriation current at the time of collection, to be
19 merged with and available for the same purposes as such
20 appropriation.

21 SEC. 114. None of the funds made available by this
22 Act shall be available for paying premium pay under sec-
23 tion 5546(a) of title 5, United States Code, to any Federal
24 Aviation Administration employee unless such employee

1 actually performed work during the time corresponding to
2 such premium pay.

3 SEC. 115. None of the funds made available by this
4 Act may be obligated or expended for an employee of the
5 Federal Aviation Administration to purchase a store gift
6 card or gift certificate through use of a Government-issued
7 credit card.

8 SEC. 116. Notwithstanding any other provision of
9 law, none of the funds made available under this Act or
10 any prior Act may be used to implement or to continue
11 to implement any limitation on the ability of any owner
12 or operator of a private aircraft to obtain, upon a request
13 to the Administrator of the Federal Aviation Administra-
14 tion, a blocking of that owner's or operator's aircraft reg-
15 istration number, Mode S transponder code, flight identi-
16 fication, call sign, or similar identifying information from
17 any ground based display to the public that would allow
18 the real-time or near real-time flight tracking of that air-
19 craft's movements, except data made available to a Gov-
20 ernment agency, for the noncommercial flights of that
21 owner or operator.

22 SEC. 117. None of the funds made available by this
23 Act shall be available for salaries and expenses of more
24 than nine political and Presidential appointees in the Fed-
25 eral Aviation Administration.

1 SEC. 118. None of the funds made available by this
2 Act may be used to increase fees pursuant to section
3 44721 of title 49, United States Code, until the Federal
4 Aviation Administration provides to the House and Senate
5 Committees on Appropriations a report that justifies all
6 fees related to aeronautical navigation products and ex-
7 plains how such fees are consistent with Executive Order
8 No. 13642.

9 SEC. 119. None of the funds made available by this
10 Act may be used to close a regional operations center of
11 the Federal Aviation Administration or reduce its services
12 unless the Administrator notifies the House and Senate
13 Committees on Appropriations not less than 90 full busi-
14 ness days in advance.

15 SEC. 119A. None of the funds made available by or
16 limited by this Act may be used to change weight restric-
17 tions or prior permission rules at Teterboro airport in
18 Teterboro, New Jersey.

19 SEC. 119B. None of the funds made available by this
20 Act may be used by the Administrator of the Federal Avia-
21 tion Administration to withhold from consideration and
22 approval any new application for participation in the Con-
23 tract Tower Program, or for reevaluation of Cost-share
24 Program participants so long as the Federal Aviation Ad-
25 ministration has received an application from the airport,

1 and so long as the Administrator determines such tower
2 is eligible using the factors set forth in Federal Aviation
3 Administration published establishment criteria.

4 SEC. 119C. None of the funds made available by this
5 Act may be used to open, close, redesignate as a lesser
6 office, or reorganize a regional office, the aeronautical cen-
7 ter, or the technical center unless the Administrator sub-
8 mits a request for the reprogramming of funds under sec-
9 tion 405 of this Act.

10 SEC. 119D. The Federal Aviation Administration Ad-
11 ministrative Services Franchise Fund may be reimbursed
12 after performance or paid in advance from funds available
13 to the Federal Aviation Administration and other Federal
14 agencies for which the Fund performs services.

15 SEC. 119E. Of the funds provided under the heading
16 “Grants-in-aid for Airports”, up to \$3,500,000 shall be
17 for necessary expenses, including an independent
18 verification regime, to provide reimbursement to airport
19 sponsors that do not provide gateway operations and pro-
20 viders of general aviation ground support services, or other
21 aviation tenants, located at those airports closed during
22 a temporary flight restriction (TFR) for any residence of
23 the President that is designated or identified to be secured
24 by the United States Secret Service, and for direct and
25 incremental financial losses incurred while such airports

1 are closed solely due to the actions of the Federal Govern-
2 ment: *Provided*, That no funds shall be obligated or dis-
3 tributed to airport sponsors that do not provide gateway
4 operations and providers of general aviation ground sup-
5 port services until an independent audit is completed: *Pro-*
6 *vided further*, That losses incurred as a result of violations
7 of law, or through fault or negligence, of such operators
8 and service providers or of third parties (including air-
9 ports) are not eligible for reimbursements: *Provided fur-*
10 *ther*, That obligation and expenditure of funds are condi-
11 tional upon full release of the United States Government
12 for all claims for financial losses resulting from such ac-
13 tions.

14 SEC. 119F. None of the funds appropriated or other-
15 wise made available to the FAA may be used to carry out
16 the FAA's obligations under section 44502(e) of title 49,
17 United States Code, unless the eligible air traffic system
18 or equipment to be transferred to the FAA under section
19 44502(e) of title 49, United States Code, was purchased
20 by the transferor airport—

- 21 (1) during the period of time beginning on Oc-
22 tober 5, 2018 and ending on December 31, 2021; or
23 (2) on or after January 1, 2022 for transferor
24 airports located in a non-contiguous states.

1616

1 FEDERAL HIGHWAY ADMINISTRATION
2 LIMITATION ON ADMINISTRATIVE EXPENSES
3 (HIGHWAY TRUST FUND)
4 (INCLUDING TRANSFER OF FUNDS)

5 Not to exceed \$463,716,697 together with advances
6 and reimbursements received by the Federal Highway Ad-
7 ministration, shall be obligated for necessary expenses for
8 administration and operation of the Federal Highway Ad-
9 ministration: *Provided*, That in addition, \$3,248,000 shall
10 be transferred to the Appalachian Regional Commission
11 in accordance with section 104(a) of title 23, United
12 States Code.

13 FEDERAL-AID HIGHWAYS
14 (LIMITATION ON OBLIGATIONS)
15 (HIGHWAY TRUST FUND)

16 Funds available for the implementation or execution
17 of authorized Federal-aid highway and highway safety
18 construction programs shall not exceed total obligations
19 of \$57,473,430,072 for fiscal year 2022.

20 (LIQUIDATION OF CONTRACT AUTHORIZATION)
21 (HIGHWAY TRUST FUND)

22 For the payment of obligations incurred in carrying
23 out authorized Federal-aid highway and highway safety
24 construction programs authorized under title 23, United
25 States Code, \$58,212,430,072 derived from the Highway

1 Trust Fund (other than the Mass Transit Account), to
2 remain available until expended.

3 HIGHWAY INFRASTRUCTURE PROGRAMS
4 (INCLUDING TRANSFER OF FUNDS)

5 There is hereby appropriated to the Secretary
6 \$2,444,927,823: *Provided*, That the funds made available
7 under this heading shall be derived from the general fund,
8 shall be in addition to any funds provided for fiscal year
9 2022 in this or any other Act for: (1) “Federal-aid High-
10 ways” under chapter 1 of title 23, United States Code;
11 (2) the Appalachian Development Highway System as au-
12 thorized under section 1069(y) of Public Law 102–240;
13 or (3) the Northern Border Regional Commission (40
14 U.S.C. 15101 et seq.), and shall not affect the distribution
15 or amount of funds provided in any other Act: *Provided*
16 *further*, That, except for funds made available under this
17 heading for the Northern Border Regional Commission,
18 section 11101(e) of Public Law 117–58 shall apply to
19 funds made available under this heading: *Provided further*,
20 That unless otherwise specified, amounts made available
21 under this heading shall be available until September 30,
22 2025, and shall not be subject to any limitation on obliga-
23 tions for Federal-aid highways or highway safety construc-
24 tion programs set forth in any Act making annual appro-

1 priations: *Provided further*, That of the funds made avail-
2 able under this heading—

3 (1) \$846,927,823 shall be made available for
4 the purposes, and in the amounts, specified for Com-
5 munity Project Funding/Congressionally Directed
6 Spending in the table entitled “Community Project
7 Funding/Congressionally Directed Spending” in-
8 cluded in the explanatory statement described in sec-
9 tion 4 (in the matter preceding division A of this
10 consolidated Act);

11 (2) \$100,000,000 shall be for necessary ex-
12 penses for construction of the Appalachian Develop-
13 ment Highway System as authorized under section
14 1069(y) of Public Law 102–240;

15 (3) \$75,000,000 shall be for the nationally sig-
16 nificant Federal lands and Tribal projects program
17 under section 1123 of the FAST Act (23 U.S.C. 201
18 note);

19 (4) \$12,000,000 shall be for the regional infra-
20 structure accelerator demonstration program author-
21 ized under section 1441 of the FAST Act (23
22 U.S.C. 601 note);

23 (5) \$1,145,000,000 shall be for a bridge re-
24 placement and rehabilitation program;

1 (6) \$6,000,000 shall be for the national scenic
2 byways program under section 162 of title 23,
3 United States Code;

4 (7) \$10,000,000 shall be transferred to the
5 Northern Border Regional Commission (40 U.S.C.
6 15101 et seq.) to make grants, in addition to
7 amounts otherwise made available to the Northern
8 Border Regional Commission for such purpose, to
9 carry out pilot projects that demonstrate the capa-
10 bilities of wood-based infrastructure projects; and

11 (8) \$200,000,000 shall be for competitive
12 awards for activities eligible under section
13 176(d)(4)(A) of title 23, United States Code, and
14 \$50,000,000 shall be for competitive awards for ac-
15 tivities eligible under section 176(d)(4)(C) of title
16 23, United States Code:

17 *Provided further*, That, except as otherwise provided under
18 this heading, the funds made available under this heading,
19 in paragraphs (1), (5), (6), and (8) of the fourth proviso,
20 shall be administered as if apportioned under chapter 1
21 of title 23, United States Code: *Provided further*, That
22 funds made available under this heading, in paragraph (1)
23 of the fourth proviso, that are used for Tribal projects
24 shall be administered as if allocated under chapter 2 of
25 title 23, United States Code, except that the set-asides de-

1 scribed in subparagraph (C) of section 202(b)(3) of title
2 23, United States Code, and subsections (a)(6), (c), and
3 (e) of section 202 of such title, and section 1123(h)(1)
4 of MAP-21 (as amended by Public Law 117-58), shall
5 not apply to such funds: *Provided further*, That not less
6 than 50 percent of the funds made available under this
7 heading, in paragraph (3) of the fourth proviso, for the
8 nationally significant Federal lands and tribal projects
9 program under section 1123 of the FAST Act shall be
10 for competitive grants to tribal governments: *Provided fur-*
11 *ther*, That for funds made available under this heading,
12 in paragraph (4) of the fourth proviso, the Federal share
13 of the costs shall be, at the option of the recipient, up
14 to 100 percent: *Provided further*, That, for the purposes
15 of funds made available under this heading, in paragraph
16 (5) of the fourth proviso, for a bridge replacement and
17 rehabilitation program, (1) the term “State” means any
18 of the 50 States or the District of Columbia, and (2) the
19 term “qualifying State” means any State in which the per-
20 centage of total deck area of bridges classified as in poor
21 condition in such State is at least 5 percent or in which
22 the percentage of total bridges classified as in poor condi-
23 tion in such State is at least 5 percent: *Provided further*,
24 That, of the funds made available under this heading, in
25 paragraph (5) of the fourth proviso, for a bridge replace-

1 ment and rehabilitation program, the Secretary shall re-
2 serve \$6,000,000 for each State that does not meet the
3 definition of a qualifying State: *Provided further*, That,
4 after making the reservations under the preceding proviso,
5 the Secretary shall distribute the remaining funds made
6 available under this heading, in paragraph (5) of the
7 fourth proviso, for a bridge replacement and rehabilitation
8 program to each qualifying State by the proportion that
9 the percentage of total deck area of bridges classified as
10 in poor condition in such qualifying State bears to the sum
11 of the percentages of total deck area of bridges classified
12 as in poor condition in all qualifying States: *Provided fur-*
13 *ther*, That, of the funds made available under this heading,
14 in paragraph (5) of the fourth proviso, for the bridge re-
15 placement and rehabilitation program:

16 (1) no qualifying State shall receive more than
17 \$40,000,000;

18 (2) each State shall receive an amount not less
19 than \$6,000,000; and

20 (3) after calculating the distribution of funds
21 pursuant to the preceding proviso, any amount in
22 excess of \$40,000,000 shall be redistributed equally
23 among each State that does not meet the definition
24 of a qualifying State:

1 *Provided further*, That the funds made available under this
2 heading, in paragraph (5) of the fourth proviso, for a
3 bridge replacement and rehabilitation program shall be
4 used for highway bridge replacement or rehabilitation
5 projects on public roads: *Provided further*, That for pur-
6 poses of this heading for the bridge replacement and reha-
7 bilitation program, the Secretary shall calculate the per-
8 centages of total deck area of bridges (including the per-
9 centages of total deck area classified as in poor condition)
10 and the percentages of total bridge counts (including the
11 percentages of total bridges classified as in poor condition)
12 based on the National Bridge Inventory as of December
13 31, 2018: *Provided further*, That for the purposes of funds
14 made available under this heading, in paragraph (2) of
15 the fourth proviso, for construction of the Appalachian
16 Development Highway System, the term “Appalachian
17 State” means a State that contains 1 or more counties
18 (including any political subdivision located within the
19 area) in the Appalachian region as defined in section
20 14102(a) of title 40, United States Code: *Provided further*,
21 That funds made available under this heading for con-
22 struction of the Appalachian Development Highway Sys-
23 tem shall remain available until expended: *Provided fur-*
24 *ther*, That, except as provided in the following proviso,
25 funds made available under this heading for construction

1 of the Appalachian Development Highway System shall be
2 administered as if apportioned under chapter 1 of title 23,
3 United States Code: *Provided further*, That a project car-
4 ried out with funds made available under this heading for
5 construction of the Appalachian Development Highway
6 System shall be carried out in the same manner as a
7 project under section 14501 of title 40, United States
8 Code: *Provided further*, That subject to the following pro-
9 viso, funds made available under this heading for con-
10 struction of the Appalachian Development Highway Sys-
11 tem shall be apportioned to Appalachian States according
12 to the percentages derived from the 2012 Appalachian De-
13 velopment Highway System Cost-to-Complete Estimate,
14 adopted in Appalachian Regional Commission Resolution
15 Number 736, and confirmed as each Appalachian State's
16 relative share of the estimated remaining need to complete
17 the Appalachian Development Highway System, adjusted
18 to exclude those corridors that such States have no current
19 plans to complete, as reported in the 2013 Appalachian
20 Development Highway System Completion Report, unless
21 those States have modified and assigned a higher priority
22 for completion of an Appalachian Development Highway
23 System corridor, as reported in the 2020 Appalachian De-
24 velopment Highway System Future Outlook: *Provided fur-*
25 *ther*, That the Secretary shall adjust apportionments made

1 under the preceding proviso so that no Appalachian State
2 shall be apportioned an amount in excess of 30 percent
3 of the amount made available for construction of the Ap-
4 palachian Development Highway System under this head-
5 ing: *Provided further*, That the Secretary shall consult
6 with the Appalachian Regional Commission in making ad-
7 justments under the preceding two provisos: *Provided fur-*
8 *ther*, That the Federal share of the costs for which an ex-
9 penditure is made for construction of the Appalachian De-
10 velopment Highway System under this heading shall be
11 up to 100 percent: *Provided further*, That a grant made
12 with funds made available under this heading, in para-
13 graph (7) of the fourth proviso, shall be administered in
14 the same manner as a grant made under subtitle V of title
15 40, United States Code: *Provided further*, That, except as
16 otherwise provided under this heading, funds made avail-
17 able under this heading, in paragraph (8) of the fourth
18 proviso, for competitive awards for activities eligible under
19 sections 176(d)(4)(A) and 176(d)(4)(C) of title 23, United
20 States Code, shall be administered as if made available
21 to carry out section 176(d) of such title: *Provided further*,
22 That, for purposes of the calculation under section
23 176(d)(5)(G)(ii) of title 23, United States Code, amounts
24 made available under this heading for competitive awards
25 for activities eligible under sections 176(d)(4)(A) and

1 176(d)(4)(C) of such title shall be included in the calcula-
2 tion of the total amount provided for fiscal year 2022
3 under section 176(d) of such title: *Provided further*, That
4 for purposes of applying the set-asides under section
5 176(d)(5)(H)(ii) and (iii) of title 23, United States Code,
6 amounts made available under this heading for competi-
7 tive awards for activities eligible under sections
8 176(d)(4)(A) and 176(d)(4)(C) of such title shall be in-
9 cluded in the calculation of the amounts made available
10 to carry out section 176(d) of such title for fiscal year
11 2022: *Provided further*, That, the Secretary may retain
12 not more than a total of 5 percent of the amounts made
13 available under this heading for competitive awards for ac-
14 tivities eligible under sections 176(d)(4)(A) and
15 176(d)(4)(C) of such title to carry out paragraph (8) of
16 the fourth proviso and to review applications for grants
17 under paragraph (8) of the fourth proviso, and may trans-
18 fer portions of the funds retained under this proviso to
19 the relevant Administrators to fund the award and over-
20 sight of grants provided under paragraph (8) of the fourth
21 proviso: *Provided further*, That a project assisted with
22 funds made available under this heading for competitive
23 awards for activities eligible under sections 176(d)(4)(A)
24 or 176(d)(4)(C) of title 23, United States Code, shall be
25 treated as a project on a Federal-aid highway.

1 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

2 ADMINISTRATION

3 SEC. 120. (a) For fiscal year 2022, the Secretary of
4 Transportation shall—

5 (1) not distribute from the obligation limitation
6 for Federal-aid highways—

7 (A) amounts authorized for administrative
8 expenses and programs by section 104(a) of
9 title 23, United States Code; and

10 (B) amounts authorized for the Bureau of
11 Transportation Statistics;

12 (2) not distribute an amount from the obliga-
13 tion limitation for Federal-aid highways that is equal
14 to the unobligated balance of amounts—

15 (A) made available from the Highway
16 Trust Fund (other than the Mass Transit Ac-
17 count) for Federal-aid highway and highway
18 safety construction programs for previous fiscal
19 years the funds for which are allocated by the
20 Secretary (or apportioned by the Secretary
21 under sections 202 or 204 of title 23, United
22 States Code); and

23 (B) for which obligation limitation was
24 provided in a previous fiscal year;

25 (3) determine the proportion that—

1 (A) the obligation limitation for Federal-
2 aid highways, less the aggregate of amounts not
3 distributed under paragraphs (1) and (2) of
4 this subsection; bears to

5 (B) the total of the sums authorized to be
6 appropriated for the Federal-aid highway and
7 highway safety construction programs (other
8 than sums authorized to be appropriated for
9 provisions of law described in paragraphs (1)
10 through (11) of subsection (b) and sums au-
11 thorized to be appropriated for section 119 of
12 title 23, United States Code, equal to the
13 amount referred to in subsection (b)(12) for
14 such fiscal year), less the aggregate of the
15 amounts not distributed under paragraphs (1)
16 and (2) of this subsection;

17 (4) distribute the obligation limitation for Fed-
18 eral-aid highways, less the aggregate amounts not
19 distributed under paragraphs (1) and (2), for each
20 of the programs (other than programs to which
21 paragraph (1) applies) that are allocated by the Sec-
22 retary under authorized Federal-aid highway and
23 highway safety construction programs, or appor-
24 tioned by the Secretary under sections 202 or 204
25 of title 23, United States Code, by multiplying—

1 (A) the proportion determined under para-
2 graph (3); by

3 (B) the amounts authorized to be appro-
4 priated for each such program for such fiscal
5 year; and

6 (5) distribute the obligation limitation for Fed-
7 eral-aid highways, less the aggregate amounts not
8 distributed under paragraphs (1) and (2) and the
9 amounts distributed under paragraph (4), for Fed-
10 eral-aid highway and highway safety construction
11 programs that are apportioned by the Secretary
12 under title 23, United States Code (other than the
13 amounts apportioned for the National Highway Per-
14 formance Program in section 119 of title 23, United
15 States Code, that are exempt from the limitation
16 under subsection (b)(12) and the amounts appor-
17 tioned under sections 202 and 204 of that title) in
18 the proportion that—

19 (A) amounts authorized to be appropriated
20 for the programs that are apportioned under
21 title 23, United States Code, to each State for
22 such fiscal year; bears to

23 (B) the total of the amounts authorized to
24 be appropriated for the programs that are ap-

1 portioned under title 23, United States Code, to
2 all States for such fiscal year.

3 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

4 The obligation limitation for Federal-aid highways shall
5 not apply to obligations under or for—

6 (1) section 125 of title 23, United States Code;

7 (2) section 147 of the Surface Transportation
8 Assistance Act of 1978 (23 U.S.C. 144 note; 92
9 Stat. 2714);

10 (3) section 9 of the Federal-Aid Highway Act
11 of 1981 (95 Stat. 1701);

12 (4) subsections (b) and (j) of section 131 of the
13 Surface Transportation Assistance Act of 1982 (96
14 Stat. 2119);

15 (5) subsections (b) and (c) of section 149 of the
16 Surface Transportation and Uniform Relocation As-
17 sistance Act of 1987 (101 Stat. 198);

18 (6) sections 1103 through 1108 of the Inter-
19 modal Surface Transportation Efficiency Act of
20 1991 (105 Stat. 2027);

21 (7) section 157 of title 23, United States Code
22 (as in effect on June 8, 1998);

23 (8) section 105 of title 23, United States Code
24 (as in effect for fiscal years 1998 through 2004, but

1 only in an amount equal to \$639,000,000 for each
2 of those fiscal years);

3 (9) Federal-aid highway programs for which ob-
4 ligation authority was made available under the
5 Transportation Equity Act for the 21st Century
6 (112 Stat. 107) or subsequent Acts for multiple
7 years or to remain available until expended, but only
8 to the extent that the obligation authority has not
9 lapsed or been used;

10 (10) section 105 of title 23, United States Code
11 (as in effect for fiscal years 2005 through 2012, but
12 only in an amount equal to \$639,000,000 for each
13 of those fiscal years);

14 (11) section 1603 of SAFETEA-LU (23
15 U.S.C. 118 note; 119 Stat. 1248), to the extent that
16 funds obligated in accordance with that section were
17 not subject to a limitation on obligations at the time
18 at which the funds were initially made available for
19 obligation; and

20 (12) section 119 of title 23, United States Code
21 (but, for each of fiscal years 2013 through 2022,
22 only in an amount equal to \$639,000,000).

23 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
24 THORITY.—Notwithstanding subsection (a), the Secretary
25 shall, after August 1 of such fiscal year—

1 (1) revise a distribution of the obligation limita-
2 tion made available under subsection (a) if an
3 amount distributed cannot be obligated during that
4 fiscal year; and

5 (2) redistribute sufficient amounts to those
6 States able to obligate amounts in addition to those
7 previously distributed during that fiscal year, giving
8 priority to those States having large unobligated bal-
9 ances of funds apportioned under sections 144 (as in
10 effect on the day before the date of enactment of
11 Public Law 112–141) and 104 of title 23, United
12 States Code.

13 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
14 TRANSPORTATION RESEARCH PROGRAMS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the obligation limitation for Federal-aid
17 highways shall apply to contract authority for trans-
18 portation research programs carried out under—

19 (A) chapter 5 of title 23, United States
20 Code;

21 (B) title VI of the Fixing America’s Sur-
22 face Transportation Act; and

23 (C) title III of division A of the Infrastruc-
24 ture Investment and Jobs Act (Public Law
25 117–58).

1 (2) EXCEPTION.—Obligation authority made
2 available under paragraph (1) shall—

3 (A) remain available for a period of 4 fis-
4 cal years; and

5 (B) be in addition to the amount of any
6 limitation imposed on obligations for Federal-
7 aid highway and highway safety construction
8 programs for future fiscal years.

9 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
10 FUNDS.—

11 (1) IN GENERAL.—Not later than 30 days after
12 the date of distribution of obligation limitation
13 under subsection (a), the Secretary shall distribute
14 to the States any funds (excluding funds authorized
15 for the program under section 202 of title 23,
16 United States Code) that—

17 (A) are authorized to be appropriated for
18 such fiscal year for Federal-aid highway pro-
19 grams; and

20 (B) the Secretary determines will not be
21 allocated to the States (or will not be appor-
22 tioned to the States under section 204 of title
23 23, United States Code), and will not be avail-
24 able for obligation, for such fiscal year because

1 of the imposition of any obligation limitation for
2 such fiscal year.

3 (2) **RATIO.**—Funds shall be distributed under
4 paragraph (1) in the same proportion as the dis-
5 tribution of obligation authority under subsection
6 (a)(5).

7 (3) **AVAILABILITY.**—Funds distributed to each
8 State under paragraph (1) shall be available for any
9 purpose described in section 133(b) of title 23,
10 United States Code.

11 **SEC. 121.** Notwithstanding 31 U.S.C. 3302, funds re-
12 ceived by the Bureau of Transportation Statistics from the
13 sale of data products, for necessary expenses incurred pur-
14 suant to chapter 63 of title 49, United States Code, may
15 be credited to the Federal-aid highways account for the
16 purpose of reimbursing the Bureau for such expenses:
17 *Provided*, That such funds shall be subject to the obliga-
18 tion limitation for Federal-aid highway and highway safety
19 construction programs.

20 **SEC. 122.** Not less than 15 days prior to waiving,
21 under his or her statutory authority, any Buy America re-
22 quirement for Federal-aid highways projects, the Sec-
23 retary of Transportation shall make an informal public no-
24 tice and comment opportunity on the intent to issue such
25 waiver and the reasons therefor: *Provided*, That the Sec-

1 retary shall provide an annual report to the House and
2 Senate Committees on Appropriations on any waivers
3 granted under the Buy America requirements.

4 SEC. 123. None of the funds made available in this
5 Act may be used to make a grant for a project under sec-
6 tion 117 of title 23, United States Code, unless the Sec-
7 retary, at least 60 days before making a grant under that
8 section, provides written notification to the House and
9 Senate Committees on Appropriations of the proposed
10 grant, including an evaluation and justification for the
11 project and the amount of the proposed grant award: *Pro-*
12 *vided*, That the written notification required in the pre-
13 ceding proviso shall be made not later than 180 days after
14 the date of enactment of this Act.

15 SEC. 124. (a) A State or territory, as defined in sec-
16 tion 165 of title 23, United States Code, may use for any
17 project eligible under section 133(b) of title 23 or section
18 165 of title 23 and located within the boundary of the
19 State or territory any earmarked amount, and any associ-
20 ated obligation limitation: *Provided*, That the Department
21 of Transportation for the State or territory for which the
22 earmarked amount was originally designated or directed
23 notifies the Secretary of its intent to use its authority
24 under this section and submits an annual report to the
25 Secretary identifying the projects to which the funding

1 would be applied. Notwithstanding the original period of
2 availability of funds to be obligated under this section,
3 such funds and associated obligation limitation shall re-
4 main available for obligation for a period of 3 fiscal years
5 after the fiscal year in which the Secretary is notified. The
6 Federal share of the cost of a project carried out with
7 funds made available under this section shall be the same
8 as associated with the earmark.

9 (b) In this section, the term “earmarked amount”
10 means—

11 (1) congressionally directed spending, as de-
12 fined in rule XLIV of the Standing Rules of the
13 Senate, identified in a prior law, report, or joint ex-
14 planatory statement, which was authorized to be ap-
15 propriated or appropriated more than 10 fiscal years
16 prior to the current fiscal year, and administered by
17 the Federal Highway Administration; or

18 (2) a congressional earmark, as defined in rule
19 XXI of the Rules of the House of Representatives,
20 identified in a prior law, report, or joint explanatory
21 statement, which was authorized to be appropriated
22 or appropriated more than 10 fiscal years prior to
23 the current fiscal year, and administered by the Fed-
24 eral Highway Administration.

1 (c) The authority under subsection (a) may be exer-
2 cised only for those projects or activities that have obli-
3 gated less than 10 percent of the amount made available
4 for obligation as of October 1 of the current fiscal year,
5 and shall be applied to projects within the same general
6 geographic area within 25 miles for which the funding was
7 designated, except that a State or territory may apply
8 such authority to unexpended balances of funds from
9 projects or activities the State or territory certifies have
10 been closed and for which payments have been made under
11 a final voucher.

12 (d) The Secretary shall submit consolidated reports
13 of the information provided by the States and territories
14 annually to the House and Senate Committees on Appro-
15 priations.

16 SEC. 125. Until final guidance is published, the Ad-
17 ministrator of the Federal Highway Administration shall
18 adjudicate requests for Buy America waivers under the
19 criteria that were in effect prior to April 17, 2018.

1637

1 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

2 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (LIMITATION ON OBLIGATIONS)

5 (HIGHWAY TRUST FUND)

6 For payment of obligations incurred in the implemen-
7 tation, execution and administration of motor carrier safe-
8 ty operations and programs pursuant to section 31110 of
9 title 49, United States Code, as amended by the Infra-
10 structure Investment and Jobs Act (Public Law 117-58),
11 \$360,000,000, to be derived from the Highway Trust
12 Fund (other than the Mass Transit Account), together
13 with advances and reimbursements received by the Fed-
14 eral Motor Carrier Safety Administration, the sum of
15 which shall remain available until expended: *Provided,*
16 That funds available for implementation, execution, or ad-
17 ministration of motor carrier safety operations and pro-
18 grams authorized under title 49, United States Code, shall
19 not exceed total obligations of \$360,000,000, for “Motor
20 Carrier Safety Operations and Programs” for fiscal year
21 2022, of which \$14,073,000, to remain available for obli-
22 gation until September 30, 2024, is for the research and
23 technology program, and of which not less than
24 \$41,277,000, to remain available for obligation until Sep-
25 tember 30, 2024, is for development, modernization, en-

1 hancement, continued operation, and maintenance of in-
2 formation technology and information management.

3 MOTOR CARRIER SAFETY GRANTS
4 (LIQUIDATION OF CONTRACT AUTHORIZATION)
5 (LIMITATION ON OBLIGATIONS)
6 (HIGHWAY TRUST FUND)

7 For payment of obligations incurred in carrying out
8 sections 31102, 31103, 31104, and 31313 of title 49,
9 United States Code, as amended by the Infrastructure In-
10 vestment and Jobs Act (Public Law 117–58),
11 \$496,000,000, to be derived from the Highway Trust
12 Fund (other than the Mass Transit Account) and to re-
13 main available until expended: *Provided*, That funds avail-
14 able for the implementation or execution of motor carrier
15 safety programs shall not exceed total obligations of
16 \$496,000,000 in fiscal year 2022 for “Motor Carrier Safe-
17 ty Grants”: *Provided further*, That of the sums appro-
18 priated under this heading:

19 (1) \$390,500,000, to remain available for obli-
20 gation until September 30, 2023, shall be available
21 for the motor carrier safety assistance program;

22 (2) \$41,800,000, to remain available for obliga-
23 tion until September 30, 2023, shall be available for
24 the commercial driver’s license program implementa-
25 tion program;

1 (3) \$57,600,000, to remain available for obliga-
2 tion until September 30, 2023, shall be available for
3 the high priority activities program (other than the
4 commercial motor vehicle enforcement training and
5 support grant program);

6 (4) \$1,100,000, to remain available for obliga-
7 tion until September 30, 2023, shall be available for
8 the commercial motor vehicle operators grant pro-
9 gram; and

10 (5) \$5,000,000, to remain available for obliga-
11 tion until September 30, 2023, shall be available for
12 the commercial motor vehicle enforcement training
13 and support grant program.

14 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR

15 CARRIER SAFETY ADMINISTRATION

16 SEC. 130. The Federal Motor Carrier Safety Admin-
17 istration shall send notice of section 385.308 of title 49,
18 Code of Federal Regulations, violations by certified mail,
19 registered mail, or another manner of delivery, which
20 records the receipt of the notice by the persons responsible
21 for the violations.

22 SEC. 131. The Federal Motor Carrier Safety Admin-
23 istration shall update annual inspection regulations under
24 Appendix G to subchapter B of chapter III of title 49,

1 Code of Federal Regulations, as recommended by GAO–
2 19–264.

3 SEC. 132. None of the funds appropriated or other-
4 wise made available to the Department of Transportation
5 by this Act or any other Act may be obligated or expended
6 to implement, administer, or enforce the requirements of
7 section 31137 of title 49, United States Code, or any regu-
8 lation issued by the Secretary pursuant to such section,
9 with respect to the use of electronic logging devices by op-
10 erators of commercial motor vehicles, as defined in section
11 31132(1) of such title, transporting livestock as defined
12 in section 602 of the Emergency Livestock Feed Assist-
13 ance Act of 1988 (7 U.S.C. 1471) or insects.

14 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
15 OPERATIONS AND RESEARCH

16 For expenses necessary to discharge the functions of
17 the Secretary, with respect to traffic and highway safety
18 authorized under chapter 301 and part C of subtitle VI
19 of title 49, United States Code, \$200,000,000, to remain
20 available through September 30, 2023.

1641

1 OPERATIONS AND RESEARCH
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
6 the provisions of section 403 of title 23, United States
7 Code, including behavioral research on Automated Driving
8 Systems and Advanced Driver Assistance Systems and im-
9 proving consumer responses to safety recalls, section
10 25024 of the Infrastructure Investment and Jobs Act
11 (Public Law 117–58), and chapter 303 of title 49, United
12 States Code, \$192,800,000, to be derived from the High-
13 way Trust Fund (other than the Mass Transit Account)
14 and to remain available until expended: *Provided*, That
15 none of the funds in this Act shall be available for the
16 planning or execution of programs the total obligations for
17 which, in fiscal year 2022, are in excess of \$192,800,000:
18 *Provided further*, That of the sums appropriated under
19 this heading—

20 (1) \$186,000,000 shall be for programs author-
21 ized under section 403 of title 23, United States
22 Code, including behavioral research on Automated
23 Driving Systems and Advanced Driver Assistance
24 Systems and improving consumer responses to safety

1 recalls, and section 25024 of the Infrastructure In-
2 vestment and Jobs Act (Public Law 117–58); and

3 (2) \$6,800,000 shall be for the National Driver
4 Register authorized under chapter 303 of title 49,
5 United States Code:

6 *Provided further*, That within the \$192,800,000 obligation
7 limitation for operations and research, \$20,000,000 shall
8 remain available until September 30, 2023, and up to
9 \$7,000,000, for mobility research on older drivers, shall
10 remain available until expended, and shall be in addition
11 to the amount of any limitation imposed on obligations
12 for future years: *Provided further*, That amounts for be-
13 havioral research on Automated Driving Systems and Ad-
14 vanced Driver Assistance Systems and improving con-
15 sumer responses to safety recalls are in addition to any
16 other funds provided for those purposes for fiscal year
17 2022 in this Act.

18 HIGHWAY TRAFFIC SAFETY GRANTS
19 (LIQUIDATION OF CONTRACT AUTHORIZATION)
20 (LIMITATION ON OBLIGATIONS)
21 (HIGHWAY TRUST FUND)

22 For payment of obligations incurred in carrying out
23 provisions of sections 402, 404, and 405 of title 23,
24 United States Code, and grant administration expenses
25 under chapter 4 of title 23, United States Code, to remain

1 available until expended, \$774,300,000, to be derived from
2 the Highway Trust Fund (other than the Mass Transit
3 Account): *Provided*, That none of the funds in this Act
4 shall be available for the planning or execution of pro-
5 grams for which the total obligations in fiscal year 2022
6 are in excess of \$774,300,000 for programs authorized
7 under sections 402, 404, and 405 of title 23, United
8 States Code, and grant administration expenses under
9 chapter 4 of title 23, United States Code: *Provided further*,
10 That of the sums appropriated under this heading—

11 (1) \$363,400,000 shall be for “Highway Safety
12 Programs” under section 402 of title 23, United
13 States Code;

14 (2) \$336,500,000 shall be for “National Pri-
15 ority Safety Programs” under section 405 of title
16 23, United States Code;

17 (3) \$36,400,000 shall be for the “High Visi-
18 bility Enforcement Program” under section 404 of
19 title 23, United States Code; and

20 (4) \$38,000,000 shall be for grant administra-
21 tive expenses under chapter 4 of title 23, United
22 States Code:

23 *Provided further*, That none of these funds shall be used
24 for construction, rehabilitation, or remodeling costs, or for
25 office furnishings and fixtures for State, local or private

1 buildings or structures: *Provided further*, That not to ex-
2 ceed \$500,000 of the funds made available for “National
3 Priority Safety Programs” under section 405 of title 23,
4 United States Code, for “Impaired Driving Counter-
5 measures” (as described in subsection (d) of that section)
6 shall be available for technical assistance to the States:
7 *Provided further*, That with respect to the “Transfers”
8 provision under section 405(a)(8) of title 23, United
9 States Code, any amounts transferred to increase the
10 amounts made available under section 402 shall include
11 the obligation authority for such amounts: *Provided fur-*
12 *ther*, That the Administrator shall notify the House and
13 Senate Committees on Appropriations of any exercise of
14 the authority granted under the preceding proviso or
15 under section 405(a)(8) of title 23, United States Code,
16 within 5 days.

17 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

18 TRAFFIC SAFETY ADMINISTRATION

19 SEC. 140. An additional \$130,000 shall be made
20 available to the National Highway Traffic Safety Adminis-
21 tration, out of the amount limited for section 402 of title
22 23, United States Code, to pay for travel and related ex-
23 penses for State management reviews and to pay for core
24 competency development training and related expenses for
25 highway safety staff.

1 SEC. 141. The limitations on obligations for the pro-
2 grams of the National Highway Traffic Safety Adminis-
3 tration set in this Act shall not apply to obligations for
4 which obligation authority was made available in previous
5 public laws but only to the extent that the obligation au-
6 thority has not lapsed or been used.

7 SEC. 142. None of the funds in this Act or any other
8 Act shall be used to enforce the requirements of section
9 405(a)(9) of title 23, United States Code.

10 FEDERAL RAILROAD ADMINISTRATION

11 SAFETY AND OPERATIONS

12 For necessary expenses of the Federal Railroad Ad-
13 ministration, not otherwise provided for, \$240,757,000, of
14 which \$25,000,000 shall remain available until expended.

15 RAILROAD RESEARCH AND DEVELOPMENT

16 For necessary expenses for railroad research and de-
17 velopment, \$43,000,000, to remain available until ex-
18 pended: *Provided*, That of the amounts provided under
19 this heading, up to \$2,100,000 shall be available pursuant
20 to section 20108(d) of title 49, United States Code, for
21 the construction, alteration, and repair of buildings and
22 improvements at the Transportation Technology Center.

1 FEDERAL-STATE PARTNERSHIP FOR INTERCITY

2 PASSENGER RAIL

3 For necessary expenses related to Federal-State
4 Partnership for Intercity Passenger Rail grants as author-
5 ized by section 24911 of title 49, United States Code,
6 \$100,000,000, to remain available until expended: *Pro-*
7 *vided*, That the Secretary may withhold up to 2 percent
8 of the amount provided under this heading in this Act for
9 the costs of award and project management oversight of
10 grants carried out under title 49, United States Code.

11 CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY

12 IMPROVEMENTS

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses related to Consolidated Rail
15 Infrastructure and Safety Improvements grants, as au-
16 thorized by section 22907 of title 49, United States Code,
17 \$625,000,000, to remain available until expended: *Pro-*
18 *vided*, That of the amounts made available under this
19 heading in this Act—

20 (1) not less than \$150,000,000 shall be for
21 projects eligible under section 22907(c)(2) of title
22 49, United States Code, that support the develop-
23 ment of new intercity passenger rail service routes
24 including alignments for existing routes;

1 (2) not less than \$25,000,000 shall be for
2 projects eligible under section 22907(c)(11) of title
3 49, United States Code: *Provided*, That for amounts
4 made available in this paragraph, the Secretary shall
5 give preference to projects that are located in coun-
6 ties with the most pedestrian trespasser casualties;

7 (3) \$120,860,000 shall be made available for
8 the purposes, and in amounts, specified for Commu-
9 nity Project Funding/Congressionally Directed
10 Spending in the table entitled “Community Project
11 Funding/Congressionally Directed Spending” in-
12 cluded in the explanatory statement described in sec-
13 tion 4 (in the matter preceding division A of this
14 consolidated Act): *Provided*, That any remaining
15 funds available after the distribution of the Commu-
16 nity Project Funding/Congressionally Directed
17 Spending described in this paragraph shall be avail-
18 able to the Secretary to distribute as discretionary
19 grants under this heading: *Provided further*, That re-
20 quirements under subsections (g) and (l) of section
21 22907 of title 49, United States Code, shall not
22 apply to this paragraph (3); and

23 (4) not more than \$5,000,000 shall be for
24 preconstruction planning activities and capital costs

1 related to the deployment of magnetic levitation
2 transportation projects:

3 *Provided further*, That section 22905(f) of title 49, United
4 States Code, shall not apply to amounts made available
5 under this heading in this Act for projects that implement
6 or sustain positive train control systems otherwise eligible
7 under section 22907(e)(1) of title 49, United States Code:

8 *Provided further*, That amounts made available under this
9 heading in this Act for projects selected for commuter rail
10 passenger transportation may be transferred by the Sec-
11 retary, after selection, to the appropriate agencies to be
12 administered in accordance with chapter 53 of title 49,

13 United States Code: *Provided further*, That for amounts
14 made available under this heading in this Act, eligible re-
15 cipients under section 22907(b)(7) of title 49, United
16 States Code, shall include any holding company of a Class
17 II railroad or Class III railroad (as those terms are de-
18 fined in section 20102 of title 49, United States Code):

19 *Provided further*, That section 22907(e)(1)(A) of title 49,
20 United States Code, shall not apply to amounts made
21 available under this heading in this Act: *Provided further*,
22 That section 22907(e)(1)(A) of title 49, United States
23 Code, shall not apply to amounts made available under
24 this heading in previous fiscal years if such funds are an-
25 nounced in a notice of funding opportunity that includes

1 funds made available under this heading in this Act: *Pro-*
2 *vided further*, That the preceding proviso shall not apply
3 to funds made available under this heading in the Infra-
4 structure Investment and Jobs Act (division J of Public
5 Law 117–58): *Provided further*, That unobligated balances
6 remaining after 6 years from the date of enactment of this
7 Act may be used for any eligible project under section
8 22907(c) of title 49, United States Code: *Provided further*,
9 That the Secretary may withhold up to 2 percent of the
10 amounts made available under this heading in this Act for
11 the costs of award and project management oversight of
12 grants carried out under title 49, United States Code.

13 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
14 RAILROAD PASSENGER CORPORATION

15 To enable the Secretary of Transportation to make
16 grants to the National Railroad Passenger Corporation for
17 activities associated with the Northeast Corridor as au-
18 thorized by section 22101(a) of the Infrastructure Invest-
19 ment and Jobs Act (division B of Public Law 117–58),
20 \$874,501,000, to remain available until expended: *Pro-*
21 *vided*, That the Secretary may retain up to one-half of
22 1 percent of the funds provided under both this heading
23 in this Act and the “National Network Grants to the Na-
24 tional Railroad Passenger Corporation” heading in this
25 Act to fund the costs of project management and oversight

1 of activities authorized by section 22101(c) of the Infra-
2 structure Investment and Jobs Act (division B of Public
3 Law 117–58): *Provided further*, That in addition to the
4 project management oversight funds authorized under sec-
5 tion 22101(c) of the Infrastructure Investment and Jobs
6 Act (division B of Public Law 117–58), the Secretary may
7 retain up to an additional \$1,000,000 of the funds pro-
8 vided under this heading in this Act to fund expenses asso-
9 ciated with the Northeast Corridor Commission estab-
10 lished under section 24905 of title 49, United States Code.

11 NATIONAL NETWORK GRANTS TO THE NATIONAL
12 RAILROAD PASSENGER CORPORATION

13 To enable the Secretary of Transportation to make
14 grants to the National Railroad Passenger Corporation for
15 activities associated with the National Network as author-
16 ized by section 22101(b) of the Infrastructure Investment
17 and Jobs Act (division B of Public Law 117–58),
18 \$1,456,870,000, to remain available until expended: *Pro-*
19 *vided*, That at least \$50,000,000 of the amount provided
20 under this heading in this Act shall be available for the
21 development, installation and operation of railroad safety
22 improvements, including the implementation of a positive
23 train control system, on State-supported routes as defined
24 under section 24102(13) of title 49, United States Code,
25 on which positive train control systems are not required

1 by law or regulation as identified on or before the date
2 of enactment of this Act: *Provided further*, That any unex-
3 pended balances from amounts provided under this head-
4 ing in this Act and in prior fiscal years for the develop-
5 ment, installation and operation of railroad safety tech-
6 nology on State-supported routes on which positive train
7 control systems are not required by law or regulation shall
8 also be available for railroad safety improvements on
9 State-supported routes as identified on or before the date
10 of enactment of this Act: *Provided further*, That none of
11 the funds provided under this heading in this Act shall
12 be used by Amtrak to give notice under subsection (a) or
13 (c) of section 24706 of title 49, United States Code, with
14 respect to long-distance routes (as defined in section
15 24102 of title 49, United States Code) on which Amtrak
16 is the sole operator on a host railroad's line and a positive
17 train control system is not required by law or regulation,
18 or, except in an emergency or during maintenance or con-
19 struction outages impacting such routes, to otherwise dis-
20 continue, reduce the frequency of, suspend, or substan-
21 tially alter the route of rail service on any portion of such
22 route operated in fiscal year 2018, including implementa-
23 tion of service permitted by section 24305(a)(3)(A) of title
24 49, United States Code, in lieu of rail service.

1 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

2 ADMINISTRATION

3 (INCLUDING RESCISSIONS)

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 150. None of the funds made available to the
6 National Railroad Passenger Corporation may be used to
7 fund any overtime costs in excess of \$35,000 for any indi-
8 vidual employee: *Provided*, That the President of Amtrak
9 may waive the cap set in the preceding proviso for specific
10 employees when the President of Amtrak determines such
11 a cap poses a risk to the safety and operational efficiency
12 of the system: *Provided further*, That the President of Am-
13 trak shall report to the House and Senate Committees on
14 Appropriations no later than 60 days after the date of en-
15 actment of this Act, a summary of all overtime payments
16 incurred by Amtrak for 2021 and the 3 prior calendar
17 years: *Provided further*, That such summary shall include
18 the total number of employees that received waivers and
19 the total overtime payments Amtrak paid to employees re-
20 ceiving waivers for each month for 2021 and for the 3
21 prior calendar years.

22 SEC. 151. None of the funds made available by this
23 Act may be used by the National Railroad Passenger Cor-
24 poration in contravention of the Worker Adjustment and
25 Retraining Notification Act (29 U.S.C. 2101 et seq.).

1 SEC. 152. The amounts made available to the Sec-
2 retary or to the Federal Railroad Administration for the
3 costs of award, administration, and project management
4 oversight of financial assistance which are administered
5 by the Federal Railroad Administration, in this and prior
6 Acts, may be transferred to the Federal Railroad Adminis-
7 tration’s “Financial Assistance Oversight and Technical
8 Assistance” account for the necessary expenses to support
9 the award, administration, project management oversight,
10 and technical assistance of financial assistance adminis-
11 tered by the Federal Railroad Administration, in the same
12 manner as appropriated for in this and prior Acts: *Pro-*
13 *vided*, That this section shall not apply to amounts that
14 were previously designated by the Congress as an emer-
15 gency requirement pursuant to a concurrent resolution on
16 the budget or the Balanced Budget and Emergency Def-
17 icit Control Act of 1985.

18 SEC. 153. Of the unobligated balances of funds re-
19 maining from—

20 (1) “Railroad Safety Grants” accounts totaling
21 \$1,715,414.34 appropriated by the following public
22 laws are hereby permanently rescinded:

23 (A) Public Law 105–277 a total of
24 \$7,052.79 under the heading “Railroad Safe-
25 ty”;

1 (B) Public Law 113–235 a total of
2 \$190,265.91 from section 153 under the head-
3 ing “Administrative Provisions—Federal Rail-
4 road Administration”; and

5 (C) Public Law 114–113 a total of
6 \$1,518,095.64; and

7 (2) “Capital Assistance for High Speed Rail
8 Corridors and Intercity Passenger Rail Service” ac-
9 count totaling \$13,327,006.39 appropriated by Pub-
10 lic Law 111–117 is hereby permanently rescinded.

11 SEC. 154. None of the funds made available to the
12 National Railroad Passenger Corporation under the head-
13 ings “Northeast Corridor Grants to the National Railroad
14 Passenger Corporation” and “National Network Grants to
15 the National Railroad Passenger Corporation” may be
16 used to reduce the total number of Amtrak Police Depart-
17 ment uniformed officers patrolling on board passenger
18 trains or at stations, facilities or rights-of-way below the
19 staffing level on May 1, 2019.

20 SEC. 155. It is the sense of Congress that—

21 (1) long-distance passenger rail routes provide
22 much-needed transportation access for 4,700,000
23 riders in 325 communities in 40 States and are par-
24 ticularly important in rural areas; and

1 (2) long-distance passenger rail routes and
2 services should be sustained to ensure connectivity
3 throughout the National Network (as defined in sec-
4 tion 24102 of title 49, United States Code).

5 SEC. 156. Amounts made available under the heading
6 “Department of Transportation—Federal Railroad Ad-
7 ministration—Restoration and Enhancement” in any
8 prior fiscal years are subject to the requirements of section
9 22908 of title 49, United States Code, as in effect on the
10 effective date of Public Law 117–58.

11 FEDERAL TRANSIT ADMINISTRATION

12 TRANSIT FORMULA GRANTS

13 (LIQUIDATION OF CONTRACT AUTHORIZATION)

14 (LIMITATION ON OBLIGATIONS)

15 (HIGHWAY TRUST FUND)

16 For payment of obligations incurred in the Federal
17 Public Transportation Assistance Program in this ac-
18 count, and for payment of obligations incurred in carrying
19 out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311,
20 5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337, 5339,
21 and 5340, as amended by the Infrastructure Investment
22 and Jobs Act, section 20005(b) of Public Law 112–141,
23 and section 3006(b) of the Fixing America’s Surface
24 Transportation Act, \$13,355,000,000, to be derived from
25 the Mass Transit Account of the Highway Trust Fund

1 and to remain available until expended: *Provided*, That
2 funds available for the implementation or execution of pro-
3 grams authorized under 49 U.S.C. 5305, 5307, 5310,
4 5311, 5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337,
5 5339, and 5340, as amended by the Infrastructure Invest-
6 ment and Jobs Act, section 20005(b) of Public Law 112-
7 141, and section 3006(b) of the Fixing America's Surface
8 Transportation Act, shall not exceed total obligations of
9 \$13,355,000,000 in fiscal year 2022.

10 TRANSIT INFRASTRUCTURE GRANTS

11 For an additional amount for buses and bus facilities
12 grants under section 5339(b) of title 49, United States
13 Code, low or no emission grants under section 5339(c) of
14 such title, ferry boats grants under section 5307(h) of
15 such title, bus testing facilities under section 5318 of such
16 title, grants to areas of persistent poverty, innovative mo-
17 bility solutions grants under section 5312 of such title,
18 accelerating innovative mobility initiative grants under
19 section 5312 such title, accelerating the adoption of zero
20 emission buses under section 5312 of such title, Commu-
21 nity Project Funding/Congressionally Directed Spending
22 for projects and activities eligible under chapter 53 of such
23 title, and ferry service for rural communities under section
24 71103 of division G of Public Law 117-58, \$504,263,267,

1 to remain available until expended: *Provided*, That of the
2 sums provided under this heading in this Act—

3 (1) \$175,000,000 shall be available for buses
4 and bus facilities competitive grants as authorized
5 under section 5339(b) of such title;

6 (2) \$75,000,000 shall be available for the low
7 or no emission grants as authorized under section
8 5339(c) of such title: *Provided*, That the minimum
9 grant award shall be not less than \$750,000;

10 (3) \$6,500,000 shall be available for ferry boat
11 grants as authorized under section 5307(h) of such
12 title: *Provided*, That of the amounts provided under
13 this paragraph, no less than \$3,250,000 shall be
14 available for low or zero-emission ferries or ferries
15 using electric battery or fuel cell components and the
16 infrastructure to support such ferries;

17 (4) \$2,000,000 shall be available for the oper-
18 ation and maintenance of the bus testing facilities
19 selected under section 5318 of such title;

20 (5) \$1,000,000 shall be available for the dem-
21 onstration and deployment of innovative mobility so-
22 lutions as authorized under section 5312 of title 49,
23 United States Code: *Provided*, That such amounts
24 shall be available for competitive grants or coopera-
25 tive agreements for the development of software to

1 facilitate the provision of demand-response public
2 transportation service that dispatches public trans-
3 portation fleet vehicles through riders mobile devices
4 or other advanced means: *Provided further*, That the
5 Secretary shall evaluate the potential for software
6 developed with grants or cooperative agreements to
7 be shared for use by public transportation agencies;

8 (6) \$1,000,000 shall be for the accelerating in-
9 novative mobility initiative as authorized under sec-
10 tion 5312 of title 49, United States Code: *Provided*,
11 That such amounts shall be available for competitive
12 grants to improve mobility and enhance the rider ex-
13 perience with a focus on innovative service delivery
14 models, creative financing, novel partnerships, and
15 integrated payment solutions in order to help dis-
16 seminate proven innovation mobility practices
17 throughout the public transportation industry;

18 (7) \$20,000,000 shall be available for competi-
19 tive grants to eligible entities to assist areas of per-
20 sistent poverty as defined under section 6702(a)(1)
21 of title 49, United States Code, or historically dis-
22 advantaged communities: *Provided*, That grants
23 shall be for planning, engineering, or development of
24 technical or financing plans for projects eligible
25 under chapter 53 of title 49, United States Code:

1 *Provided further*, That eligible entities are those de-
2 fined as eligible recipients or subrecipients under
3 sections 5307, 5310 or 5311 of title 49, United
4 States Code, and are in areas of persistent poverty
5 as defined under section 6702(a)(1) of title 49,
6 United States Code, or historically disadvantaged
7 communities: *Provided further*, That State depart-
8 ments of transportation may apply on behalf of eligi-
9 ble entities within their States: *Provided further*,
10 That the Federal Transit Administration should en-
11 courage grantees to work with non-profits or other
12 entities of their choosing in order to develop plan-
13 ning, technical, engineering, or financing plans: *Pro-*
14 *vided further*, That the Federal Transit Administra-
15 tion shall encourage grantees to partner with non-
16 profits that can assist with making projects low or
17 no emissions: *Provided further*, That projects funded
18 under this paragraph shall be for not less than 90
19 percent of the net total project cost;

20 (8) \$10,000,000 shall be available to support
21 technical assistance, research, demonstration, or de-
22 ployment activities or projects to accelerate the
23 adoption of zero emission buses in public transit as
24 authorized under section 5312 of title 49, United
25 States Code;

1 (9) \$200,798,267 shall be made available for
2 the purposes, and in amounts, specified for Commu-
3 nity Project Funding/Congressionally Directed
4 Spending in the table entitled “Community Project
5 Funding/Congressionally Directed Spending” in-
6 cluded in the explanatory statement described in sec-
7 tion 4 (in the matter preceding division A of this
8 consolidated Act); and

9 (10) \$12,965,000 shall be available for ferry
10 service for rural communities under section 71103 of
11 division G of Public Law 117–58: *Provided*, That for
12 amounts made available in this paragraph, notwith-
13 standing section 71103(a)(2)(B), eligible projects
14 shall include passenger ferry service that serves at
15 least two rural areas with a single segment over 20
16 miles between the two rural areas and is not other-
17 wise eligible under section 5307(h) of title 49,
18 United States Code:

19 *Provided further*, That amounts made available under this
20 heading in this Act shall be derived from the general fund:

21 *Provided further*, That the amounts made available under
22 this heading in this Act shall not be subject to any limita-
23 tion on obligations for transit programs set forth in any
24 Act.

1 TECHNICAL ASSISTANCE AND TRAINING

2 For necessary expenses to carry out section 5314 of
3 title 49, United States Code, \$7,500,000, to remain avail-
4 able until September 30, 2023: *Provided*, That the assist-
5 ance provided under this heading does not duplicate the
6 activities of section 5311(b) or section 5312 of title 49,
7 United States Code.

8 CAPITAL INVESTMENT GRANTS

9 For necessary expenses to carry out fixed guideway
10 capital investment grants under section 5309 of title 49,
11 United States Code, and section 3005(b) of the Fixing
12 America's Surface Transportation Act (Public Law 114-
13 94), \$2,248,000,000, to remain available until expended:
14 *Provided*, That of the amounts made available under this
15 heading in this Act, \$1,459,020,000 shall be available for
16 projects authorized under section 5309(d) of title 49,
17 United States Code, \$345,000,000 shall be available for
18 projects authorized under section 5309(e) of title 49,
19 United States Code, \$321,500,000 shall be available for
20 projects authorized under section 5309(h) of title 49,
21 United States Code, and \$100,000,000 shall be available
22 for projects authorized under section 3005(b) of the Fix-
23 ing America's Surface Transportation Act: *Provided fur-*
24 *ther*, That the Secretary shall continue to administer the
25 capital investment grants program in accordance with the

1 procedural and substantive requirements of section 5309
2 of title 49, United States Code, and of section 3005(b)
3 of the Fixing America’s Surface Transportation Act: *Pro-*
4 *vided further*, That projects that receive a grant agreement
5 under the Expedited Project Delivery for Capital Invest-
6 ment Grants Pilot Program under section 3005(b) of the
7 Fixing America’s Surface Transportation Act shall be
8 deemed eligible for funding provided for projects under
9 section 5309 of title 49, United States Code, without fur-
10 ther evaluation or rating under such section: *Provided fur-*
11 *ther*, That such funding shall not exceed the Federal share
12 under section 3005(b): *Provided further*, That funds allo-
13 cated pursuant to 49 U.S.C. 5309 to any project during
14 fiscal years 2015, 2016, and 2017 shall remain allocated
15 to that project through fiscal year 2023: *Provided further*,
16 That upon submission to the Congress of the fiscal year
17 2023 President’s budget, the Secretary of Transportation
18 shall transmit to Congress the annual report on capital
19 investment grants, including proposed allocations for fiscal
20 year 2023.

21 GRANTS TO THE WASHINGTON METROPOLITAN AREA

22 TRANSIT AUTHORITY

23 For grants to the Washington Metropolitan Area
24 Transit Authority as authorized under section 601 of divi-
25 sion B of the Passenger Rail Investment and Improvement

1 Act of 2008 (Public Law 110–432), as amended by the
2 Infrastructure Investment and Jobs Act, \$150,000,000, to
3 remain available until expended: *Provided*, That the Sec-
4 retary of Transportation shall approve grants for capital
5 and preventive maintenance expenditures for the Wash-
6 ington Metropolitan Area Transit Authority only after re-
7 ceiving and reviewing a request for each specific project:
8 *Provided further*, That the Secretary shall determine that
9 the Washington Metropolitan Area Transit Authority has
10 placed the highest priority on those investments that will
11 improve the safety of the system before approving such
12 grants.

13 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

14 ADMINISTRATION

15 (INCLUDING RESCISSIONS)

16 SEC. 160. The limitations on obligations for the pro-
17 grams of the Federal Transit Administration shall not
18 apply to any authority under 49 U.S.C. 5338, previously
19 made available for obligation, or to any other authority
20 previously made available for obligation.

21 SEC. 161. Notwithstanding any other provision of
22 law, funds appropriated or limited by this Act under the
23 heading “Capital Investment Grants” of the Federal
24 Transit Administration for projects specified in this Act
25 or identified in the explanatory statement described in sec-

1 tion 4 (in the matter preceding division A of this consoli-
2 dated Act) not obligated by September 30, 2025, and
3 other recoveries, shall be directed to projects eligible to
4 use the funds for the purposes for which they were origi-
5 nally provided.

6 SEC. 162. Notwithstanding any other provision of
7 law, any funds appropriated before October 1, 2021, under
8 any section of chapter 53 of title 49, United States Code,
9 that remain available for expenditure, may be transferred
10 to and administered under the most recent appropriation
11 heading for any such section.

12 SEC. 163. None of the funds made available by this
13 Act or any other Act shall be used to adjust apportion-
14 ments or withhold funds from appportionments pursuant
15 to section 9503(e)(4) of the Internal Revenue Code of
16 1986 (26 U.S.C. 9503(e)(4)).

17 SEC. 164. None of the funds made available by this
18 Act or any other Act shall be used to impede or hinder
19 project advancement or approval for any project seeking
20 a Federal contribution from the capital investment grant
21 program of greater than 40 percent of project costs as
22 authorized under section 5309 of title 49, United States
23 Code.

24 SEC. 165. Of the unobligated amounts made available
25 for prior fiscal years to Formula Grants in Treasury Ac-

1 count 69–X–1129, a total of \$6,734,356 are hereby per-
2 manently rescinded: *Provided*, That no amounts may be
3 rescinded from amounts that were designated by the Con-
4 gress as an emergency or disaster relief requirement pur-
5 suant to a concurrent resolution on the budget or the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 SEC. 166. Any unexpended balances from amounts
8 previously appropriated for low or no emission vehicle
9 component assessment under 49 U.S.C. 5312(h) under the
10 headings “Transit Formula Grants” and “Transit Infra-
11 structure Grants” in fiscal years 2021 and 2022 may be
12 used by the facilities selected for such vehicle component
13 assessment for capital projects in order to build new infra-
14 structure and enhance existing facilities in order to expand
15 component testing capability, in accordance with the in-
16 dustry stakeholder testing objectives and capabilities as
17 outlined through the work of the Federal Transit Adminis-
18 tration Transit Vehicle Innovation and Deployment Cen-
19 ters program and included in the Center for Transpor-
20 tation and the Environment report submitted to the Fed-
21 eral Transit Administration for review.

22 GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT
23 CORPORATION

24 The Great Lakes St. Lawrence Seaway Development
25 Corporation is hereby authorized to make such expendi-

1 tures, within the limits of funds and borrowing authority
2 available to the Corporation, and in accord with law, and
3 to make such contracts and commitments without regard
4 to fiscal year limitations, as provided by section 9104 of
5 title 31, United States Code, as may be necessary in car-
6 rying out the programs set forth in the Corporation's
7 budget for the current fiscal year.

8 OPERATIONS AND MAINTENANCE
9 (HARBOR MAINTENANCE TRUST FUND)

10 For necessary expenses to conduct the operations,
11 maintenance, and capital infrastructure activities on por-
12 tions of the St. Lawrence Seaway owned, operated, and
13 maintained by the Great Lakes St. Lawrence Seaway De-
14 velopment Corporation, \$38,000,000, to be derived from
15 the Harbor Maintenance Trust Fund, pursuant to section
16 210 of the Water Resources Development Act of 1986 (33
17 U.S.C. 2238): *Provided*, That of the amounts made avail-
18 able under this heading, not less than \$14,500,000 shall
19 be for the seaway infrastructure program: *Provided fur-*
20 *ther*, That not more than \$1,500,000 of the unobligated
21 balances from the amounts made available for capital
22 asset renewal activities under the heading "Saint Law-
23 rence Seaway Development Corporation—Operations and
24 Maintenance" in any prior Act shall be for activities pur-

1 suant to section 984(a)(12) of title 33, United States
2 Code.

3 MARITIME ADMINISTRATION

4 MARITIME SECURITY PROGRAM

5 For necessary expenses to maintain and preserve a
6 U.S.-flag merchant fleet as authorized under chapter 531
7 of title 46, United States Code, to serve the national secu-
8 rity needs of the United States, \$318,000,000, to remain
9 available until expended.

10 CABLE SECURITY FLEET

11 For the cable security fleet program, as authorized
12 under chapter 532 of title 46, United States Code,
13 \$10,000,000, to remain available until expended.

14 TANKER SECURITY PROGRAM

15 For the tanker security fleet program, as authorized
16 under section 53406 of title 46, United States Code,
17 \$60,000,000, to remain available until expended.

18 OPERATIONS AND TRAINING

19 For necessary expenses of operations and training ac-
20 tivities authorized by law, \$172,204,000: *Provided*, That
21 of the amounts made available under this heading—

22 (1) \$85,032,000, to remain available until Sep-
23 tember 30, 2023, shall be for the operations of the
24 United States Merchant Marine Academy;

1 (2) \$5,500,000, to remain available until ex-
2 pended, shall be for facilities maintenance and re-
3 pair, and equipment, at the United States Merchant
4 Marine Academy;

5 (3) \$6,000,000, to remain available until Sep-
6 tember 30, 2023, shall be for the Maritime Environ-
7 mental and Technical Assistance program authorized
8 under section 50307 of title 46, United States Code;
9 and

10 (4) \$14,819,000, to remain available until ex-
11 pended, shall be for the America's Marine Highways
12 Program to make grants for the purposes authorized
13 under paragraphs (1) and (3) of section 55601(b) of
14 title 46, United States Code:

15 *Provided further*, That the Administrator of the Maritime
16 Administration shall transmit to the House and Senate
17 Committees on Appropriations the annual report on sexual
18 assault and sexual harassment at the United States Mer-
19 chant Marine Academy as required pursuant to section
20 3510 of the National Defense Authorization Act for fiscal
21 year 2017 (46 U.S.C. 51318): *Provided further*, That
22 available balances under this heading for the Short Sea
23 Transportation Program (now known as the America's
24 Marine Highway Program) from prior year recoveries
25 shall be available to carry out activities authorized under

1 paragraphs (1) and (3) of section 55601(b) of title 46,
2 United States Code.

3 STATE MARITIME ACADEMY OPERATIONS

4 For necessary expenses of operations, support, and
5 training activities for State Maritime Academies,
6 \$423,300,000: *Provided*, That of the amounts made avail-
7 able under this heading—

8 (1) \$30,500,000, to remain available until ex-
9 pended, shall be for maintenance, repair, life exten-
10 sion, insurance, and capacity improvement of Na-
11 tional Defense Reserve Fleet training ships, and for
12 support of training ship operations at the State
13 Maritime Academies, of which not more than
14 \$8,000,000, to remain available until expended, shall
15 be for expenses related to training mariners; and for
16 costs associated with training vessel sharing pursu-
17 ant to section 51504(g)(3) of title 46, United States
18 Code, for costs associated with mobilizing, operating
19 and demobilizing the vessel, including travel costs
20 for students, faculty and crew, the costs of the gen-
21 eral agent, crew costs, fuel, insurance, operational
22 fees, and vessel hire costs, as determined by the Sec-
23 retary;

24 (2) \$380,600,000, to remain available until ex-
25 pended, shall be for the National Security Multi-Mis-

1 sion Vessel Program, including funds for construc-
2 tion, planning, administration, and design of school
3 ships;

4 (3) \$2,400,000, to remain available until Sep-
5 tember 30, 2026, shall be for the Student Incentive
6 Program;

7 (4) \$3,800,000, to remain available until ex-
8 pended, shall be for training ship fuel assistance;
9 and

10 (5) \$6,000,000, to remain available until Sep-
11 tember 30, 2023, shall be for direct payments for
12 State Maritime Academies.

13 ASSISTANCE TO SMALL SHIPYARDS

14 To make grants to qualified shipyards as authorized
15 under section 54101 of title 46, United States Code,
16 \$20,000,000, to remain available until expended.

17 SHIP DISPOSAL

18 For necessary expenses related to the disposal of ob-
19 solete vessels in the National Defense Reserve Fleet of the
20 Maritime Administration, \$10,000,000, to remain avail-
21 able until expended.

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1 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

2 ACCOUNT

3 (INCLUDING TRANSFER OF FUNDS)

4 For administrative expenses to carry out the guaran-
5 teed loan program, \$3,000,000, which shall be transferred
6 to and merged with the appropriations for “Maritime Ad-
7 ministration—Operations and Training”.

8 PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

9 To make grants to improve port facilities as author-
10 ized under section 54301 of title 46, United States Code,
11 \$234,310,000, to remain available until expended: *Pro-*
12 *vided*, That projects eligible for amounts made available
13 under this heading in this Act shall be projects for coastal
14 seaports, inland river ports, or Great Lakes ports: *Pro-*
15 *vided further*, That of the amounts made available under
16 this heading in this Act, not less than \$209,310,000 shall
17 be for coastal seaports or Great Lakes ports: *Provided fur-*
18 *ther*, That the requirements under section 3501(a)(12) of
19 the National Defense Authorization Act for Fiscal Year
20 2022 (Public Law 117–81) shall apply to amounts made
21 available under this heading in this Act: *Provided further*,
22 That for grants awarded under this heading in this Act,
23 the minimum grant size shall be \$1,000,000: *Provided fur-*
24 *ther*, That for amounts made available under this heading
25 in this Act, the requirement under section

1 54301(a)(6)(A)(ii) of title 46, United States Code, shall
2 not apply to projects located in noncontiguous states or
3 territories.

4 ADMINISTRATIVE PROVISION—MARITIME

5 ADMINISTRATION

6 SEC. 170. Notwithstanding any other provision of
7 this Act, in addition to any existing authority, the Mari-
8 time Administration is authorized to furnish utilities and
9 services and make necessary repairs in connection with
10 any lease, contract, or occupancy involving Government
11 property under control of the Maritime Administration:
12 *Provided*, That payments received therefor shall be cred-
13 ited to the appropriation charged with the cost thereof and
14 shall remain available until expended: *Provided further*,
15 That rental payments under any such lease, contract, or
16 occupancy for items other than such utilities, services, or
17 repairs shall be deposited into the Treasury as miscella-
18 neous receipts.

19 PIPELINE AND HAZARDOUS MATERIALS SAFETY

20 ADMINISTRATION

21 OPERATIONAL EXPENSES

22 For necessary operational expenses of the Pipeline
23 and Hazardous Materials Safety Administration,
24 \$29,100,000, of which \$4,500,000 shall remain available
25 until September 30, 2024: *Provided*, That the Secretary

1 of Transportation shall issue a final rule on automatic and
2 remote-controlled shut-off valves and hazardous liquid
3 pipeline facilities leak detection systems as required under
4 section 4 and section 8 of the Pipeline Safety, Regulatory
5 Certainty, and Job Creation Act of 2011 (Public Law
6 112–90), respectively, not later than 120 days after the
7 date of enactment of this Act: *Provided further*, That the
8 amounts made available under this heading shall be re-
9 duced by \$5,000 per day for each day that such rule has
10 not been issued following the expiration of the deadline
11 set forth in the preceding proviso.

12 HAZARDOUS MATERIALS SAFETY

13 For expenses necessary to discharge the hazardous
14 materials safety functions of the Pipeline and Hazardous
15 Materials Safety Administration, \$66,829,000, of which
16 \$12,070,000 shall remain available until September 30,
17 2024, of which \$1,000,000 shall be made available for car-
18 rying out section 5107(i) of title 49, United States Code:
19 *Provided*, That up to \$800,000 in fees collected under sec-
20 tion 5108(g) of title 49, United States Code, shall be de-
21 posited in the general fund of the Treasury as offsetting
22 receipts: *Provided further*, That there may be credited to
23 this appropriation, to be available until expended, funds
24 received from States, counties, municipalities, other public
25 authorities, and private sources for expenses incurred for

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1 training, for reports publication and dissemination, and
2 for travel expenses incurred in performance of hazardous
3 materials exemptions and approvals functions.

4 PIPELINE SAFETY

5 (PIPELINE SAFETY FUND)

6 (OIL SPILL LIABILITY TRUST FUND)

7 For expenses necessary to carry out a pipeline safety
8 program, as authorized by section 60107 of title 49,
9 United States Code, and to discharge the pipeline program
10 responsibilities of the Oil Pollution Act of 1990 (Public
11 Law 101–380), \$182,650,000, to remain available until
12 September 30, 2024, of which \$27,650,000 shall be de-
13 rived from the Oil Spill Liability Trust Fund; of which
14 \$146,600,000 shall be derived from the Pipeline Safety
15 Fund; of which \$400,000 shall be derived from the fees
16 collected under section 60303 of title 49, United States
17 Code, and deposited in the Liquefied Natural Gas Siting
18 Account for compliance reviews of liquefied natural gas
19 facilities; and of which \$8,000,000 shall be derived from
20 fees collected under section 60302 of title 49, United
21 States Code, and deposited in the Underground Natural
22 Gas Storage Facility Safety Account for the purpose of
23 carrying out section 60141 of title 49, United States Code:
24 *Provided*, That not less than \$1,058,000 of the amounts
25 made available under this heading shall be for the One-

1 Call State grant program: *Provided further*, That any
2 amounts made available under this heading in this Act or
3 in prior Acts for research contracts, grants, cooperative
4 agreements or research other transactions agreements
5 (“OTAs”) shall require written notification to the House
6 and Senate Committees on Appropriations not less than
7 3 full business days before such research contracts, grants,
8 cooperative agreements, or research OTAs are announced
9 by the Department of Transportation: *Provided further*,
10 That the Secretary shall transmit to the House and Sen-
11 ate Committees on Appropriations the report on pipeline
12 safety testing enhancement as required pursuant to sec-
13 tion 105 of the Protecting our Infrastructure of Pipelines
14 and Enhancing Safety Act of 2020 (division R of Public
15 Law 116–260): *Provided further*, That the Secretary may
16 obligate amounts made available under this heading to en-
17 gineer, erect, alter, and repair buildings or make any other
18 public improvements for research facilities at the Trans-
19 portation Technology Center after the Secretary submits
20 an updated research plan and the report in the preceding
21 proviso to the House and Senate Committees on Appro-
22 priations and after such plan and report in the preceding
23 proviso are approved by the House and Senate Commit-
24 tees on Appropriations.

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1 EMERGENCY PREPAREDNESS GRANTS

2 (LIMITATION ON OBLIGATIONS)

3 (EMERGENCY PREPAREDNESS FUND)

4 For expenses necessary to carry out the Emergency
5 Preparedness Grants program, not more than
6 \$28,318,000 shall remain available until September 30,
7 2024, from amounts made available by section 5116(h)
8 and subsections (b) and (c) of section 5128 of title 49,
9 United States Code: *Provided*, That notwithstanding sec-
10 tion 5116(h)(4) of title 49, United States Code, not more
11 than 4 percent of the amounts made available from this
12 account shall be available to pay the administrative costs
13 of carrying out sections 5116, 5107(e), and 5108(g)(2)
14 of title 49, United States Code: *Provided further*, That
15 notwithstanding subsections (b) and (c) of section 5128
16 of title 49, United States Code, and the limitation on obli-
17 gations provided under this heading, prior year recoveries
18 recognized in the current year shall be available to develop
19 and deliver hazardous materials emergency response train-
20 ing for emergency responders, including response activities
21 for the transportation of crude oil, ethanol, flammable liq-
22 uids, and other hazardous commodities by rail, consistent
23 with National Fire Protection Association standards, and
24 to make such training available through an electronic for-
25 mat: *Provided further*, That the prior year recoveries made

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1 available under this heading shall also be available to carry
2 out sections 5116(a)(1)(C), 5116(h), 5116(i), 5116(j),
3 and 5107(e) of title 49, United States Code.

4 OFFICE OF INSPECTOR GENERAL

5 SALARIES AND EXPENSES

6 For necessary expenses of the Office of Inspector
7 General to carry out the provisions of the Inspector Gen-
8 eral Act of 1978, as amended, \$103,150,000: *Provided*,
9 That the Inspector General shall have all necessary au-
10 thority, in carrying out the duties specified in the Inspec-
11 tor General Act, as amended (5 U.S.C. App. 3), to inves-
12 tigate allegations of fraud, including false statements to
13 the government (18 U.S.C. 1001), by any person or entity
14 that is subject to regulation by the Department of Trans-
15 portation.

16 GENERAL PROVISIONS—DEPARTMENT OF

17 TRANSPORTATION

18 SEC. 180. (a) During the current fiscal year, applica-
19 ble appropriations to the Department of Transportation
20 shall be available for maintenance and operation of air-
21 craft; hire of passenger motor vehicles and aircraft; pur-
22 chase of liability insurance for motor vehicles operating
23 in foreign countries on official department business; and
24 uniforms or allowances therefor, as authorized by sections
25 5901 and 5902 of title 5, United States Code.

1 (b) During the current fiscal year, applicable appro-
2 priations to the Department and its operating administra-
3 tions shall be available for the purchase, maintenance, op-
4 eration, and deployment of unmanned aircraft systems
5 that advance the missions of the Department of Transpor-
6 tation or an operating administration of the Department
7 of Transportation.

8 (c) Any unmanned aircraft system purchased, pro-
9 cured, or contracted for by the Department prior to the
10 date of enactment of this Act shall be deemed authorized
11 by Congress as if this provision was in effect when the
12 system was purchased, procured, or contracted for.

13 SEC. 181. Appropriations contained in this Act for
14 the Department of Transportation shall be available for
15 services as authorized by section 3109 of title 5, United
16 States Code, but at rates for individuals not to exceed the
17 per diem rate equivalent to the rate for an Executive Level
18 IV.

19 SEC. 182. (a) No recipient of amounts made available
20 by this Act shall disseminate personal information (as de-
21 fined in section 2725(3) of title 18, United States Code)
22 obtained by a State department of motor vehicles in con-
23 nection with a motor vehicle record as defined in section
24 2725(1) of title 18, United States Code, except as pro-
25 vided in section 2721 of title 18, United States Code, for

1 a use permitted under section 2721 of title 18, United
2 States Code.

3 (b) Notwithstanding subsection (a), the Secretary
4 shall not withhold amounts made available by this Act for
5 any grantee if a State is in noncompliance with this provi-
6 sion.

7 SEC. 183. None of the funds made available by this
8 Act shall be available for salaries and expenses of more
9 than 125 political and Presidential appointees in the De-
10 partment of Transportation: *Provided*, That none of the
11 personnel covered by this provision may be assigned on
12 temporary detail outside the Department of Transpor-
13 tation.

14 SEC. 184. Funds received by the Federal Highway
15 Administration and Federal Railroad Administration from
16 States, counties, municipalities, other public authorities,
17 and private sources for expenses incurred for training may
18 be credited respectively to the Federal Highway Adminis-
19 tration's "Federal-Aid Highways" account and to the Fed-
20 eral Railroad Administration's "Safety and Operations"
21 account, except for State rail safety inspectors partici-
22 pating in training pursuant to section 20105 of title 49,
23 United States Code.

24 SEC. 185. None of the funds made available by this
25 Act or in title VIII of division J of Public Law 117-58

1 to the Department of Transportation may be used to make
2 a loan, loan guarantee, line of credit, letter of intent, fed-
3 erally funded cooperative agreement, full funding grant
4 agreement, or discretionary grant unless the Secretary of
5 Transportation notifies the House and Senate Committees
6 on Appropriations not less than 3 full business days before
7 any project competitively selected to receive any discre-
8 tionary grant award, letter of intent, loan commitment,
9 loan guarantee commitment, line of credit commitment,
10 federally funded cooperative agreement, or full funding
11 grant agreement is announced by the Department or its
12 operating administrations: *Provided*, That the Secretary
13 of Transportation shall provide the House and Senate
14 Committees on Appropriations with a comprehensive list
15 of all such loans, loan guarantees, lines of credit, letters
16 of intent, federally funded cooperative agreements, full
17 funding grant agreements, and discretionary grants prior
18 to the notification required under the preceding proviso:
19 *Provided further*, That the Secretary gives concurrent noti-
20 fication to the House and Senate Committees on Appro-
21 priations for any “quick release” of funds from the emer-
22 gency relief program: *Provided further*, That no notifica-
23 tion shall involve funds that are not available for obliga-
24 tion.

1 SEC. 186. Rebates, refunds, incentive payments,
2 minor fees, and other funds received by the Department
3 of Transportation from travel management centers,
4 charge card programs, the subleasing of building space,
5 and miscellaneous sources are to be credited to appropria-
6 tions of the Department of Transportation and allocated
7 to organizational units of the Department of Transpor-
8 tation using fair and equitable criteria and such funds
9 shall be available until expended.

10 SEC. 187. Notwithstanding any other provision of
11 law, if any funds provided by or limited by this Act are
12 subject to a reprogramming action that requires notice to
13 be provided to the House and Senate Committees on Ap-
14 propriations, transmission of such reprogramming notice
15 shall be provided solely to the House and Senate Commit-
16 tees on Appropriations, and such reprogramming action
17 shall be approved or denied solely by the House and Sen-
18 ate Committees on Appropriations: *Provided*, That the
19 Secretary of Transportation may provide notice to other
20 congressional committees of the action of the House and
21 Senate Committees on Appropriations on such reprogram-
22 ming but not sooner than 30 days after the date on which
23 the reprogramming action has been approved or denied by
24 the House and Senate Committees on Appropriations.

1 SEC. 188. Funds appropriated by this Act to the op-
2 erating administrations may be obligated for the Office of
3 the Secretary for the costs related to assessments or reim-
4 bursable agreements only when such amounts are for the
5 costs of goods and services that are purchased to provide
6 a direct benefit to the applicable operating administration
7 or administrations.

8 SEC. 189. The Secretary of Transportation is author-
9 ized to carry out a program that establishes uniform
10 standards for developing and supporting agency transit
11 pass and transit benefits authorized under section 7905
12 of title 5, United States Code, including distribution of
13 transit benefits by various paper and electronic media.

14 SEC. 190. The Department of Transportation may
15 use funds provided by this Act, or any other Act, to assist
16 a contract under title 49 or 23 of the United States Code
17 utilizing geographic, economic, or any other hiring pref-
18 erence not otherwise authorized by law, or to amend a
19 rule, regulation, policy or other measure that forbids a re-
20 cipient of a Federal Highway Administration or Federal
21 Transit Administration grant from imposing such hiring
22 preference on a contract or construction project with
23 which the Department of Transportation is assisting, only
24 if the grant recipient certifies the following:

1 (1) that except with respect to apprentices or
2 trainees, a pool of readily available but unemployed
3 individuals possessing the knowledge, skill, and abil-
4 ity to perform the work that the contract requires
5 resides in the jurisdiction;

6 (2) that the grant recipient will include appro-
7 priate provisions in its bid document ensuring that
8 the contractor does not displace any of its existing
9 employees in order to satisfy such hiring preference;
10 and

11 (3) that any increase in the cost of labor, train-
12 ing, or delays resulting from the use of such hiring
13 preference does not delay or displace any transpor-
14 tation project in the applicable Statewide Transpor-
15 tation Improvement Program or Transportation Im-
16 provement Program.

17 SEC. 191. The Secretary of Transportation shall co-
18 ordinate with the Secretary of Homeland Security to en-
19 sure that best practices for Industrial Control Systems
20 Procurement are up-to-date and shall ensure that systems
21 procured with funds provided under this title were pro-
22 cured using such practices.

23 SEC. 192. Amounts made available by this Act or any
24 prior Act that the Secretary determines represent im-
25 proper payments by the Department of Transportation to

1 a third-party contractor under a financial assistance
2 award, which are recovered pursuant to law, shall be avail-
3 able—

4 (1) to reimburse the actual expenses incurred
5 by the Department of Transportation in recovering
6 improper payments: *Provided*, That amounts made
7 available by this Act shall be available until ex-
8 pended; and

9 (2) to pay contractors for services provided in
10 recovering improper payments or contractor support
11 in the implementation of the Payment Integrity In-
12 formation Act of 2019 (Public Law 116–117): *Pro-*
13 *vided*, That amounts in excess of that required for
14 paragraphs (1) and (2)—

15 (A) shall be credited to and merged with
16 the appropriation from which the improper pay-
17 ments were made, and shall be available for the
18 purposes and period for which such appropria-
19 tions are available: *Provided further*, That
20 where specific project or accounting information
21 associated with the improper payment or pay-
22 ments is not readily available, the Secretary
23 may credit the amounts to an appropriate ac-
24 count as offsetting collections and such
25 amounts shall be available for the purposes and

1 period associated with the account so credited:
2 *Provided further*, That amounts credited to pro-
3 grams under this subparagraph shall not be
4 subject to any limitation on obligations in this
5 or any other Act; or

6 (B) if no such appropriation remains avail-
7 able, shall be deposited in the Treasury as mis-
8 cellaneous receipts: *Provided further*, That prior
9 to depositing such recovery in the Treasury, the
10 Secretary shall notify the House and Senate
11 Committees on Appropriations of the amount
12 and reasons for such transfer: *Provided further*,
13 That for purposes of this section, the term “im-
14 proper payment” has the same meaning as that
15 provided in section 3351(4) of title 31, United
16 States Code.

17 This title may be cited as the “Department of Trans-
18 portation Appropriations Act, 2022”.

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1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 MANAGEMENT AND ADMINISTRATION
5 EXECUTIVE OFFICES

6 For necessary salaries and expenses for Executive Of-
7 fices, which shall be comprised of the offices of the Sec-
8 retary, Deputy Secretary, Adjudicatory Services, Congres-
9 sional and Intergovernmental Relations, Public Affairs,
10 Small and Disadvantaged Business Utilization, and the
11 Center for Faith-Based and Neighborhood Partnerships,
12 \$15,200,000, to remain available until September 30,
13 2023: *Provided*, That not to exceed \$25,000 of the amount
14 made available under this heading shall be available to the
15 Secretary of Housing and Urban Development (referred
16 to in this title as “the Secretary”) for official reception
17 and representation expenses as the Secretary may deter-
18 mine.

19 ADMINISTRATIVE SUPPORT OFFICES

20 For necessary salaries and expenses for Administra-
21 tive Support Offices, \$607,000,000, to remain available
22 until September 30, 2023: *Provided*, That of the sums ap-
23 propriated under this heading—

24 (1) \$82,000,000 shall be available for the Office
25 of the Chief Financial Officer;

1 (2) \$114,000,000 shall be available for the Of-
2 fice of the General Counsel, of which not less than
3 \$18,500,000 shall be for the Departmental Enforce-
4 ment Center;

5 (3) \$212,000,000 shall be available for the Of-
6 fice of Administration, of which not more than
7 \$5,000,000 may be for modernization and deferred
8 maintenance of the Weaver Building;

9 (4) \$46,200,000 shall be available for the Office
10 of the Chief Human Capital Officer;

11 (5) \$25,000,000 shall be available for the Office
12 of the Chief Procurement Officer;

13 (6) \$60,500,000 shall be available for the Office
14 of Field Policy and Management;

15 (7) \$4,300,000 shall be available for the Office
16 of Departmental Equal Employment Opportunity;
17 and

18 (8) \$63,000,000 shall be available for the Office
19 of the Chief Information Officer;

20 *Provided further,* That funds made available under this
21 heading may be used for necessary administrative and
22 non-administrative expenses of the Department, not other-
23 wise provided for, including purchase of uniforms, or al-
24 lowances therefor, as authorized by sections 5901 and
25 5902 of title 5, United States Code; hire of passenger

1 motor vehicles; and services as authorized by section 3109
2 of title 5, United States Code: *Provided further*, That not-
3 withstanding any other provision of law, funds appro-
4 priated under this heading may be used for advertising
5 and promotional activities that directly support program
6 activities funded in this title: *Provided further*, That the
7 Secretary shall provide the House and Senate Committees
8 on Appropriations quarterly written notification regarding
9 the status of pending congressional reports: *Provided fur-*
10 *ther*, That the Secretary shall provide in electronic form
11 all signed reports required by Congress.

12 PROGRAM OFFICES

13 For necessary salaries and expenses for Program Of-
14 fices, \$965,500,000, to remain available until September
15 30, 2023: *Provided*, That of the sums appropriated under
16 this heading—

17 (1) \$253,500,000 shall be available for the Of-
18 fice of Public and Indian Housing;

19 (2) \$147,000,000 shall be available for the Of-
20 fice of Community Planning and Development;

21 (3) \$431,000,000 shall be available for the Of-
22 fice of Housing, of which not less than \$13,000,000
23 shall be for the Office of Recapitalization;

24 (4) \$35,000,000 shall be available for the Office
25 of Policy Development and Research;

1 the headings “Executive Offices”, “Administrative Sup-
2 port Offices”, “Program Offices”, and “Government Na-
3 tional Mortgage Association”, for such services shall be
4 transferred to the Fund, to remain available until ex-
5 pended: *Provided further*, That the Secretary shall notify
6 the House and Senate Committees on Appropriations of
7 its plans for executing such transfers at least 15 days in
8 advance of such transfers.

9 PUBLIC AND INDIAN HOUSING

10 TENANT-BASED RENTAL ASSISTANCE

11 For activities and assistance for the provision of ten-
12 ant-based rental assistance authorized under the United
13 States Housing Act of 1937, as amended (42 U.S.C. 1437
14 et seq.) (in this title “the Act”), not otherwise provided
15 for, \$23,369,641,000, to remain available until expended,
16 which shall be available on October 1, 2021 (in addition
17 to the \$4,000,000,000 previously appropriated under this
18 heading that shall be available on October 1, 2021), and
19 \$4,000,000,000, to remain available until expended, which
20 shall be available on October 1, 2022: *Provided*, That the
21 amounts made available under this heading are provided
22 as follows:

23 (1) \$24,095,029,000 shall be available for re-
24 newals of expiring section 8 tenant-based annual
25 contributions contracts (including renewals of en-

1 hanced vouchers under any provision of law author-
2 izing such assistance under section 8(t) of the Act)
3 and including renewal of other special purpose incre-
4 mental vouchers: *Provided*, That notwithstanding
5 any other provision of law, from amounts provided
6 under this paragraph and any carryover, the Sec-
7 retary for the calendar year 2022 funding cycle shall
8 provide renewal funding for each public housing
9 agency based on validated voucher management sys-
10 tem (VMS) leasing and cost data for the prior cal-
11 endar year and by applying an inflation factor as es-
12 tablished by the Secretary, by notice published in
13 the Federal Register, and by making any necessary
14 adjustments for the costs associated with the first-
15 time renewal of vouchers under this paragraph in-
16 cluding tenant protection and Choice Neighborhoods
17 vouchers: *Provided further*, That none of the funds
18 provided under this paragraph may be used to fund
19 a total number of unit months under lease which ex-
20 ceeds a public housing agency's authorized level of
21 units under contract, except for public housing agen-
22 cies participating in the Moving to Work (MTW)
23 demonstration, which are instead governed in ac-
24 cordance with the requirements of the MTW dem-
25 onstration program or their MTW agreements, if

1 any: *Provided further*, That the Secretary shall, to
2 the extent necessary to stay within the amount spec-
3 ified under this paragraph (except as otherwise
4 modified under this paragraph), prorate each public
5 housing agency's allocation otherwise established
6 pursuant to this paragraph: *Provided further*, That
7 except as provided in the following provisos, the en-
8 tire amount specified under this paragraph (except
9 as otherwise modified under this paragraph) shall be
10 obligated to the public housing agencies based on the
11 allocation and pro rata method described above, and
12 the Secretary shall notify public housing agencies of
13 their annual budget by the latter of 60 days after
14 enactment of this Act or March 1, 2022: *Provided*
15 *further*, That the Secretary may extend the notifica-
16 tion period with the prior written approval of the
17 House and Senate Committees on Appropriations:
18 *Provided further*, That public housing agencies par-
19 ticipating in the MTW demonstration shall be fund-
20 ed in accordance with the requirements of the MTW
21 demonstration program or their MTW agreements,
22 if any, and shall be subject to the same pro rata ad-
23 justments under the preceding provisos: *Provided*
24 *further*, That the Secretary may offset public hous-
25 ing agencies' calendar year 2022 allocations based

1 on the excess amounts of public housing agencies'
2 net restricted assets accounts, including HUD-held
3 programmatic reserves (in accordance with VMS
4 data in calendar year 2021 that is verifiable and
5 complete), as determined by the Secretary: *Provided*
6 *further*, That public housing agencies participating
7 in the MTW demonstration shall also be subject to
8 the offset, as determined by the Secretary, excluding
9 amounts subject to the single fund budget authority
10 provisions of their MTW agreements, from the agen-
11 cies' calendar year 2022 MTW funding allocation:
12 *Provided further*, That the Secretary shall use any
13 offset referred to in the preceding two provisos
14 throughout the calendar year to prevent the termi-
15 nation of rental assistance for families as the result
16 of insufficient funding, as determined by the Sec-
17 retary, and to avoid or reduce the proration of re-
18 newal funding allocations: *Provided further*, That up
19 to \$200,000,000 shall be available only: (1) for ad-
20 justments in the allocations for public housing agen-
21 cies, after application for an adjustment by a public
22 housing agency that experienced a significant in-
23 crease, as determined by the Secretary, in renewal
24 costs of vouchers resulting from unforeseen cir-
25 cumstances or from portability under section 8(r) of

1 the Act; (2) for vouchers that were not in use during
2 the previous 12-month period in order to be avail-
3 able to meet a commitment pursuant to section
4 8(o)(13) of the Act, or an adjustment for a funding
5 obligation not yet expended in the previous calendar
6 year for a MTW-eligible activity to develop afford-
7 able housing for an agency added to the MTW dem-
8 onstration under the expansion authority provided in
9 section 239 of the Transportation, Housing and
10 Urban Development, and Related Agencies Appro-
11 priations Act, 2016 (division L of Public Law 114-
12 113); (3) for adjustments for costs associated with
13 HUD-Veterans Affairs Supportive Housing (HUD-
14 VASH) vouchers; (4) for public housing agencies
15 that despite taking reasonable cost savings meas-
16 ures, as determined by the Secretary, would other-
17 wise be required to terminate rental assistance for
18 families as a result of insufficient funding; (5) for
19 adjustments in the allocations for public housing
20 agencies that (i) are leasing a lower-than-average
21 percentage of their authorized vouchers, (ii) have low
22 amounts of budget authority in their net restricted
23 assets accounts and HUD-held programmatic re-
24 serves, relative to other agencies, and (iii) are not
25 participating in the Moving to Work demonstration,

1 to enable such agencies to lease more vouchers; (6)
2 for withheld payments in accordance with section
3 8(o)(8)(A)(ii) of the Act for months in the previous
4 calendar year that were subsequently paid by the
5 public housing agency after the agency's actual costs
6 were validated; and (7) for public housing agencies
7 that have experienced increased costs or loss of units
8 in an area for which the President declared a dis-
9 aster under title IV of the Robert T. Stafford Dis-
10 aster Relief and Emergency Assistance Act (42
11 U.S.C. 5170 et seq.): *Provided further*, That the
12 Secretary shall allocate amounts under the preceding
13 proviso based on need, as determined by the Sec-
14 retary;

15 (2) \$100,000,000 shall be for section 8 rental
16 assistance for relocation and replacement of housing
17 units that are demolished or disposed of pursuant to
18 section 18 of the Act, conversion of section 23
19 projects to assistance under section 8, relocation of
20 witnesses (including victims of violent crimes) in
21 connection with efforts to combat crime in public
22 and assisted housing pursuant to a request from a
23 law enforcement or prosecution agency, enhanced
24 vouchers under any provision of law authorizing
25 such assistance under section 8(t) of the Act, Choice

1 Neighborhood vouchers, mandatory and voluntary
2 conversions, and tenant protection assistance includ-
3 ing replacement and relocation assistance or for
4 project-based assistance to prevent the displacement
5 of unassisted elderly tenants currently residing in
6 section 202 properties financed between 1959 and
7 1974 that are refinanced pursuant to Public Law
8 106–569, as amended, or under the authority as
9 provided under this Act: *Provided*, That when a pub-
10 lic housing development is submitted for demolition
11 or disposition under section 18 of the Act, the Sec-
12 retary may provide section 8 rental assistance when
13 the units pose an imminent health and safety risk to
14 residents: *Provided further*, That the Secretary may
15 provide section 8 rental assistance from amounts
16 made available under this paragraph for units as-
17 sisted under a project-based subsidy contract funded
18 under the “Project-Based Rental Assistance” head-
19 ing under this title where the owner has received a
20 Notice of Default and the units pose an imminent
21 health and safety risk to residents: *Provided further*,
22 That of the amounts made available under this para-
23 graph, no less than \$5,000,000 may be available to
24 provide tenant protection assistance, not otherwise
25 provided under this paragraph, to residents residing

1 in low vacancy areas and who may have to pay rents
2 greater than 30 percent of household income, as the
3 result of: (A) the maturity of a HUD-insured, HUD-
4 held or section 202 loan that requires the permission
5 of the Secretary prior to loan prepayment; (B) the
6 expiration of a rental assistance contract for which
7 the tenants are not eligible for enhanced voucher or
8 tenant protection assistance under existing law; or
9 (C) the expiration of affordability restrictions accom-
10 panying a mortgage or preservation program admin-
11 istered by the Secretary: *Provided further*, That such
12 tenant protection assistance made available under
13 the preceding proviso may be provided under the au-
14 thority of section 8(t) or section 8(o)(13) of the
15 United States Housing Act of 1937 (42 U.S.C.
16 1437f(t)): *Provided further*, That any tenant protec-
17 tion voucher made available from amounts under
18 this paragraph shall not be reissued by any public
19 housing agency, except the replacement vouchers as
20 defined by the Secretary by notice, when the initial
21 family that received any such voucher no longer re-
22 ceives such voucher, and the authority for any public
23 housing agency to issue any such voucher shall cease
24 to exist: *Provided further*, That the Secretary may
25 only provide replacement vouchers for units that

1 were occupied within the previous 24 months that
2 cease to be available as assisted housing, subject
3 only to the availability of funds;

4 (3) \$2,410,612,000 shall be for administrative
5 and other expenses of public housing agencies in ad-
6 ministering the section 8 tenant-based rental assist-
7 ance program, of which up to \$30,000,000 shall be
8 available to the Secretary to allocate to public hous-
9 ing agencies that need additional funds to admin-
10 ister their section 8 programs, including fees associ-
11 ated with section 8 tenant protection rental assist-
12 ance, the administration of disaster related vouchers,
13 HUD-VASH vouchers, and other special purpose in-
14 cremental vouchers: *Provided*, That no less than
15 \$2,380,612,000 of the amount provided in this para-
16 graph shall be allocated to public housing agencies
17 for the calendar year 2022 funding cycle based on
18 section 8(q) of the Act (and related Appropriation
19 Act provisions) as in effect immediately before the
20 enactment of the Quality Housing and Work Re-
21 sponsibility Act of 1998 (Public Law 105-276): *Pro-*
22 *vided further*, That if the amounts made available
23 under this paragraph are insufficient to pay the
24 amounts determined under the preceding proviso,
25 the Secretary may decrease the amounts allocated to

1 agencies by a uniform percentage applicable to all
2 agencies receiving funding under this paragraph or
3 may, to the extent necessary to provide full payment
4 of amounts determined under the preceding proviso,
5 utilize unobligated balances, including recaptures
6 and carryover, remaining from funds appropriated to
7 the Department of Housing and Urban Development
8 under this heading from prior fiscal years, excluding
9 special purpose vouchers, notwithstanding the pur-
10 poses for which such amounts were appropriated:
11 *Provided further*, That all public housing agencies
12 participating in the MTW demonstration shall be
13 funded in accordance with the requirements of the
14 MTW demonstration program or their MTW agree-
15 ments, if any, and shall be subject to the same uni-
16 form percentage decrease as under the preceding
17 proviso: *Provided further*, That amounts provided
18 under this paragraph shall be only for activities re-
19 lated to the provision of tenant-based rental assist-
20 ance authorized under section 8, including related
21 development activities;

22 (4) \$459,000,000 for the renewal of tenant-
23 based assistance contracts under section 811 of the
24 Cranston-Gonzalez National Affordable Housing Act
25 (42 U.S.C. 8013), including necessary administra-

1 tive expenses: *Provided*, That administrative and
2 other expenses of public housing agencies in admin-
3 istering the special purpose vouchers in this para-
4 graph shall be funded under the same terms and be
5 subject to the same pro rata reduction as the per-
6 cent decrease for administrative and other expenses
7 to public housing agencies under paragraph (3) of
8 this heading: *Provided further*, That up to
9 \$10,000,000 shall be available only (1) for adjust-
10 ments in the allocation for public housing agencies,
11 after applications for an adjustment by a public
12 housing agency that experienced a significant in-
13 crease, as determined by the Secretary, in Main-
14 stream renewal costs resulting from unforeseen cir-
15 cumstances, and (2) for public housing agencies that
16 despite taking reasonable cost savings measures, as
17 determined by the Secretary, would otherwise be re-
18 quired to terminate the rental assistance for Main-
19 stream families as a result of insufficient funding:
20 *Provided further*, That the Secretary shall allocate
21 amounts under the preceding proviso based on need,
22 as determined by the Secretary: *Provided further*,
23 That upon turnover, section 811 special purpose
24 vouchers funded under this heading in this or prior

1 Acts, or under any other heading in prior Acts, shall
2 be provided to non-elderly persons with disabilities;

3 (5) Of the amounts provided under paragraph
4 (1) up to \$5,000,000 shall be for rental assistance
5 and associated administrative fees for Tribal HUD-
6 VASH to serve Native American veterans that are
7 homeless or at-risk of homelessness living on or near
8 a reservation or other Indian areas: *Provided*, That
9 such amount shall be made available for renewal
10 grants to recipients that received assistance under
11 prior Acts under the Tribal HUD-VASH program:
12 *Provided further*, That the Secretary shall be author-
13 ized to specify criteria for renewal grants, including
14 data on the utilization of assistance reported by
15 grant recipients: *Provided further*, That such assist-
16 ance shall be administered in accordance with pro-
17 gram requirements under the Native American
18 Housing Assistance and Self-Determination Act of
19 1996 and modeled after the HUD-VASH program:
20 *Provided further*, That the Secretary shall be author-
21 ized to waive, or specify alternative requirements for
22 any provision of any statute or regulation that the
23 Secretary administers in connection with the use of
24 funds made available under this paragraph (except
25 for requirements related to fair housing, non-

1 discrimination, labor standards, and the environ-
2 ment), upon a finding by the Secretary that any
3 such waivers or alternative requirements are nec-
4 essary for the effective delivery and administration
5 of such assistance: *Provided further*, That grant re-
6 cipients shall report to the Secretary on utilization
7 of such rental assistance and other program data, as
8 prescribed by the Secretary: *Provided further*, That
9 the Secretary may reallocate, as determined by the
10 Secretary, amounts returned or recaptured from
11 awards under the Tribal HUD-VASH program
12 under prior Acts to existing recipients under the
13 Tribal HUD-VASH program;

14 (6) \$50,000,000 for incremental rental voucher
15 assistance for use through a supported housing pro-
16 gram administered in conjunction with the Depart-
17 ment of Veterans Affairs as authorized under section
18 8(o)(19) of the United States Housing Act of 1937:
19 *Provided*, That the Secretary of Housing and Urban
20 Development shall make such funding available, not-
21 withstanding section 203 (competition provision) of
22 this title, to public housing agencies that partner
23 with eligible VA Medical Centers or other entities as
24 designated by the Secretary of the Department of
25 Veterans Affairs, based on geographical need for

1 such assistance as identified by the Secretary of the
2 Department of Veterans Affairs, public housing
3 agency administrative performance, and other fac-
4 tors as specified by the Secretary of Housing and
5 Urban Development in consultation with the Sec-
6 retary of the Department of Veterans Affairs: *Pro-*
7 *vided further*, That the Secretary of Housing and
8 Urban Development may waive, or specify alter-
9 native requirements for (in consultation with the
10 Secretary of the Department of Veterans Affairs),
11 any provision of any statute or regulation that the
12 Secretary of Housing and Urban Development ad-
13 ministers in connection with the use of funds made
14 available under this paragraph (except for require-
15 ments related to fair housing, nondiscrimination,
16 labor standards, and the environment), upon a find-
17 ing by the Secretary that any such waivers or alter-
18 native requirements are necessary for the effective
19 delivery and administration of such voucher assist-
20 ance: *Provided further*, That assistance made avail-
21 able under this paragraph shall continue to remain
22 available for homeless veterans upon turn-over;

23 (7) \$30,000,000 shall be made available for the
24 family unification program as authorized under sec-
25 tion 8(x) of the Act: *Provided*, That the amounts

1 made available under this paragraph are provided as
2 follows:

3 (A) \$5,000,000 shall be for new incre-
4 mental voucher assistance: *Provided*, That the
5 assistance made available under this subpara-
6 graph shall continue to remain available for
7 family unification upon turnover; and

8 (B) \$25,000,000 shall be for new incre-
9 mental voucher assistance to assist eligible
10 youth as defined by such section 8(x)(2)(B):
11 *Provided*, That assistance made available under
12 this subparagraph shall continue to remain
13 available for such eligible youth upon turnover:
14 *Provided further*, That of the total amount
15 made available under this subparagraph, up to
16 \$15,000,000 shall be available on a noncompeti-
17 tive basis to public housing agencies that part-
18 ner with public child welfare agencies to iden-
19 tify such eligible youth, that request such as-
20 sistance to timely assist such eligible youth, and
21 that meet any other criteria as specified by the
22 Secretary: *Provided further*, That the Secretary
23 shall review utilization of the assistance made
24 available under the preceding proviso, at an in-
25 terval to be determined by the Secretary, and

1 unutilized voucher assistance that is no longer
2 needed shall be recaptured by the Secretary and
3 reallocated pursuant to the preceding proviso:

4 *Provided further*, That for any public housing agency
5 administering voucher assistance appropriated in a
6 prior Act under the family unification program, or
7 made available and competitively selected under this
8 paragraph, that determines that it no longer has an
9 identified need for such assistance upon turnover,
10 such agency shall notify the Secretary, and the Sec-
11 retary shall recapture such assistance from the agen-
12 cy and reallocate it to any other public housing
13 agency or agencies based on need for voucher assist-
14 ance in connection with such specified program or
15 eligible youth, as applicable;

16 (8) \$200,000,000 shall be made available for
17 new incremental voucher assistance under section
18 8(o) of the United States Housing Act of 1937 to
19 be allocated pursuant to a method, as determined by
20 the Secretary, which may include a formula that
21 may include such factors as severe cost burden, over-
22 crowding, substandard housing for very low-income
23 renters, homelessness, and administrative capacity,
24 where such allocation method shall include both
25 rural and urban areas: *Provided*, That the Secretary

1 may specify additional terms and conditions to en-
2 sure that public housing agencies provide vouchers
3 for use by survivors of domestic violence, or individ-
4 uals and families who are homeless, as defined in
5 section 103(a) of the McKinney-Vento Homeless As-
6 sistance Act (42 U.S.C. 11302(a)), or at risk of
7 homelessness, as defined in section 401(1) of such
8 Act (42 U.S.C. 11360(1));

9 (9) \$25,000,000 shall be for mobility-related
10 services, as defined by the Secretary, for voucher
11 families with children modeled after services pro-
12 vided in connection with the mobility demonstration
13 authorized under section 235 of division G of the
14 Consolidated Appropriations Act, 2019 (42 U.S.C.
15 1437f note; Public Law 116–6): *Provided*, That the
16 Secretary shall make funding available to public
17 housing agencies on a competitive basis and shall
18 give preference to public housing agencies with high-
19 er concentrations of housing choice voucher families
20 with children residing in high-poverty neighborhoods:
21 *Provided further*, That the Secretary may recapture
22 from the public housing agencies unused balances
23 based on utilization of such awards and reallocate
24 such amounts to any other public housing agency or

1 agencies based on need for such mobility-related
2 services as identified under such competition; and

3 (10) the Secretary shall separately track all
4 special purpose vouchers funded under this heading.

5 HOUSING CERTIFICATE FUND

6 (INCLUDING RESCISSIONS)

7 Unobligated balances, including recaptures and car-
8 ryover, remaining from funds appropriated to the Depart-
9 ment of Housing and Urban Development under this
10 heading, the heading “Annual Contributions for Assisted
11 Housing” and the heading “Project-Based Rental Assist-
12 ance”, for fiscal year 2022 and prior years may be used
13 for renewal of or amendments to section 8 project-based
14 contracts and for performance-based contract administra-
15 tors, notwithstanding the purposes for which such funds
16 were appropriated: *Provided*, That any obligated balances
17 of contract authority from fiscal year 1974 and prior fiscal
18 years that have been terminated shall be rescinded: *Pro-*
19 *vided further*, That amounts heretofore recaptured, or re-
20 captured during the current fiscal year, from section 8
21 project-based contracts from source years fiscal year 1975
22 through fiscal year 1987 are hereby rescinded, and an
23 amount of additional new budget authority, equivalent to
24 the amount rescinded is hereby appropriated, to remain

1 available until expended, for the purposes set forth under
2 this heading, in addition to amounts otherwise available.

3 PUBLIC HOUSING FUND

4 For 2022 payments to public housing agencies for the
5 operation and management of public housing, as author-
6 ized by section 9(e) of the United States Housing Act of
7 1937 (42 U.S.C. 1437g(e)) (the “Act”), and to carry out
8 capital and management activities for public housing
9 agencies, as authorized under section 9(d) of the Act (42
10 U.S.C. 1437g(d)), \$8,451,500,000, to remain available
11 until September 30, 2025: *Provided*, That the amounts
12 made available under this heading are provided as follows:

13 (1) \$5,038,500,000 shall be available to the
14 Secretary to allocate pursuant to the Operating
15 Fund formula at part 990 of title 24, Code of Fed-
16 eral Regulations, for 2022 payments;

17 (2) \$25,000,000 shall be available to the Sec-
18 retary to allocate pursuant to a need-based applica-
19 tion process notwithstanding section 203 of this title
20 and not subject to such Operating Fund formula to
21 public housing agencies that experience, or are at
22 risk of, financial shortfalls, as determined by the
23 Secretary: *Provided*, That after all such shortfall
24 needs are met, the Secretary may distribute any re-
25 maining funds to all public housing agencies on a

1 pro-rata basis pursuant to such Operating Fund for-
2 mula;

3 (3) \$3,200,000,000 shall be available to the
4 Secretary to allocate pursuant to the Capital Fund
5 formula at section 905.400 of title 24, Code of Fed-
6 eral Regulations: *Provided*, That for funds provided
7 under this paragraph, the limitation in section
8 9(g)(1) of the Act shall be 25 percent: *Provided fur-*
9 *ther*, That the Secretary may waive the limitation in
10 the preceding proviso to allow public housing agen-
11 cies to fund activities authorized under section
12 9(e)(1)(C) of the Act: *Provided further*, That the
13 Secretary shall notify public housing agencies re-
14 questing waivers under the preceding proviso if the
15 request is approved or denied within 14 days of sub-
16 mitting the request: *Provided further*, That from the
17 funds made available under this paragraph, the Sec-
18 retary shall provide bonus awards in fiscal year
19 2022 to public housing agencies that are designated
20 high performers: *Provided further*, That the Depart-
21 ment shall notify public housing agencies of their
22 formula allocation within 60 days of enactment of
23 this Act;

24 (4) \$75,000,000 shall be available for the Sec-
25 retary to make grants, notwithstanding section 203

1 of this title, to public housing agencies for emer-
2 gency capital needs, including safety and security
3 measures necessary to address crime and drug-re-
4 lated activity, as well as needs resulting from unfore-
5 seen or unpreventable emergencies and natural dis-
6 asters excluding Presidentially declared emergencies
7 and natural disasters under the Robert T. Stafford
8 Disaster Relief and Emergency Act (42 U.S.C. 5121
9 et seq.) occurring in fiscal year 2022, of which
10 \$45,000,000 shall be available for public housing
11 agencies under administrative and judicial receiver-
12 ships or under the control of a Federal monitor:
13 *Provided*, That of the amount made available under
14 this paragraph, not less than \$10,000,000 shall be
15 for safety and security measures: *Provided further*,
16 That in addition to the amount in the preceding pro-
17 viso for such safety and security measures, any
18 amounts that remain available, after all applications
19 received on or before September 30, 2023, for emer-
20 gency capital needs have been processed, shall be al-
21 located to public housing agencies for such safety
22 and security measures;

23 (5) \$65,000,000 shall be for competitive grants
24 to public housing agencies to evaluate and reduce
25 residential health hazards in public housing, includ-

1 ing lead-based paint (by carrying out the activities
2 of risk assessments, abatement, and interim con-
3 trols, as those terms are defined in section 1004 of
4 the Residential Lead-Based Paint Hazard Reduction
5 Act of 1992 (42 U.S.C. 4851b)), carbon monoxide,
6 mold, radon, and fire safety: *Provided*, That not less
7 than \$25,000,000 of the amounts provided under
8 this paragraph shall be awarded for evaluating and
9 reducing lead-based paint hazards: *Provided further*,
10 That for purposes of environmental review, a grant
11 under this paragraph shall be considered funds for
12 projects or activities under title I of the United
13 States Housing Act of 1937 (42 U.S.C. 1437 et
14 seq.) for purposes of section 26 of such Act (42
15 U.S.C. 1437x) and shall be subject to the regula-
16 tions implementing such section: *Provided further*,
17 That amounts made available under this paragraph
18 shall be combined with amounts made available
19 under the sixth paragraph under this heading in the
20 Consolidated Appropriations Act, 2021 (Public Law
21 116–260) and shall be used in accordance with the
22 purposes and requirements under this paragraph;

23 (6) \$15,000,000 shall be to support the costs of
24 administrative and judicial receiverships and for
25 competitive grants to PHAs in receivership, des-

1 ignated troubled or substandard, or otherwise at
2 risk, as determined by the Secretary, for costs asso-
3 ciated with public housing asset improvement, in ad-
4 dition to other amounts for that purpose provided
5 under any heading under this title; and

6 (7) \$33,000,000 shall be to support ongoing
7 public housing financial and physical assessment ac-
8 tivities:

9 *Provided further*, That notwithstanding any other provi-
10 sion of law or regulation, during fiscal year 2022, the Sec-
11 retary of Housing and Urban Development may not dele-
12 gate to any Department official other than the Deputy
13 Secretary and the Assistant Secretary for Public and In-
14 dian Housing any authority under paragraph (2) of sec-
15 tion 9(j) of the Act regarding the extension of the time
16 periods under such section: *Provided further*, That for pur-
17 poses of such section 9(j), the term “obligate” means, with
18 respect to amounts, that the amounts are subject to a
19 binding agreement that will result in outlays, immediately
20 or in the future.

21 CHOICE NEIGHBORHOODS INITIATIVE

22 For competitive grants under the Choice Neighbor-
23 hoods Initiative (subject to section 24 of the United States
24 Housing Act of 1937 (42 U.S.C. 1437v) unless otherwise
25 specified under this heading), for transformation, rehabili-

1 tation, and replacement housing needs of public and
2 HUD-assisted housing and to transform neighborhoods of
3 poverty into functioning, sustainable, mixed-income neigh-
4 borhoods with appropriate services, schools, public assets,
5 transportation, and access to jobs, \$350,000,000, to re-
6 main available until September 30, 2026: *Provided*, That
7 grant funds may be used for resident and community serv-
8 ices, community development, and affordable housing
9 needs in the community, and for conversion of vacant or
10 foreclosed properties to affordable housing: *Provided fur-*
11 *ther*, That not more than 20 percent of the amount of any
12 grant made with amounts made available under this head-
13 ing may be used for necessary supportive services notwith-
14 standing subsection (d)(1)(L) of such section 24: *Provided*
15 *further*, That the use of amounts made available under
16 this heading shall not be deemed to be for public housing,
17 notwithstanding section 3(b)(1) of such Act: *Provided fur-*
18 *ther*, That grantees shall commit to an additional period
19 of affordability determined by the Secretary of not fewer
20 than 20 years: *Provided further*, That grantees shall pro-
21 vide a match in State, local, other Federal, or private
22 funds: *Provided further*, That grantees may include local
23 governments, Tribal entities, public housing agencies, and
24 nonprofit organizations: *Provided further*, That for-profit
25 developers may apply jointly with a public entity: *Provided*

1 *further*, That for purposes of environmental review, a
2 grantee shall be treated as a public housing agency under
3 section 26 of the United States Housing Act of 1937 (42
4 U.S.C. 1437x), and grants made with amounts available
5 under this heading shall be subject to the regulations
6 issued by the Secretary to implement such section: *Pro-*
7 *vided further*, That of the amounts made available under
8 this heading, not less than \$175,000,000 shall be awarded
9 to public housing agencies: *Provided further*, That such
10 grantees shall create partnerships with other local organi-
11 zations, including assisted housing owners, service agen-
12 cies, and resident organizations: *Provided further*, That
13 the Secretary shall consult with the Secretaries of Edu-
14 cation, Labor, Transportation, Health and Human Serv-
15 ices, Agriculture, and Commerce, the Attorney General,
16 and the Administrator of the Environmental Protection
17 Agency to coordinate and leverage other appropriate Fed-
18 eral resources: *Provided further*, That not more than
19 \$10,000,000 of the amounts made available under this
20 heading may be provided as grants to undertake com-
21 prehensive local planning with input from residents and
22 the community: *Provided further*, That unobligated bal-
23 ances, including recaptures, remaining from amounts
24 made available under the heading “Revitalization of Se-
25 verely Distressed Public Housing (HOPE VI)” in fiscal

1 year 2011 and prior fiscal years may be used for purposes
2 under this heading, notwithstanding the purposes for
3 which such amounts were appropriated: *Provided further*,
4 That the Secretary shall make grant awards not later than
5 1 year after the date of enactment of this Act in such
6 amounts that the Secretary determines: *Provided further*,
7 That notwithstanding section 24(o) of the United States
8 Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary
9 may, until September 30, 2022, obligate any available un-
10 obligated balances made available under this heading in
11 this or any prior Act.

12 SELF-SUFFICIENCY PROGRAMS

13 For activities and assistance related to Self-Suffi-
14 ciency Programs, to remain available until September 30,
15 2025, \$159,000,000: *Provided*, That the amounts made
16 available under this heading are provided as follows:

17 (1) \$109,000,000 shall be for the Family Self-
18 Sufficiency program to support family self-suffi-
19 ciency coordinators under section 23 of the United
20 States Housing Act of 1937 (42 U.S.C. 1437u), to
21 promote the development of local strategies to co-
22 ordinate the use of assistance under sections 8 and
23 9 of such Act with public and private resources, and
24 enable eligible families to achieve economic inde-
25 pendence and self-sufficiency: *Provided*, That the

1 Secretary may, by Federal Register notice, waive or
2 specify alternative requirements under subsections
3 (b)(3), (b)(4), (b)(5), or (c)(1) of section 23 of such
4 Act in order to facilitate the operation of a unified
5 self-sufficiency program for individuals receiving as-
6 sistance under different provisions of such Act, as
7 determined by the Secretary: *Provided further*, That
8 owners or sponsors of a multifamily property receiv-
9 ing project-based rental assistance under section 8
10 of such Act may voluntarily make a Family Self-Suf-
11 ficiency program available to the assisted tenants of
12 such property in accordance with procedures estab-
13 lished by the Secretary: *Provided further*, That such
14 procedures established pursuant to the preceding
15 proviso shall permit participating tenants to accrue
16 escrow funds in accordance with section 23(d)(2) of
17 such Act and shall allow owners to use funding from
18 residual receipt accounts to hire coordinators for
19 their own Family Self-Sufficiency program;

20 (2) \$35,000,000 shall be for the Resident Op-
21 portunity and Self-Sufficiency program to provide
22 for supportive services, service coordinators, and
23 congregate services as authorized by section 34 of
24 the United States Housing Act of 1937 (42 U.S.C.
25 1437z-6) and the Native American Housing Assist-

1 ance and Self-Determination Act of 1996 (25 U.S.C.
2 4101 et seq.); and

3 (3) \$15,000,000 shall be for a Jobs-Plus initia-
4 tive, modeled after the Jobs-Plus demonstration:
5 *Provided*, That funding provided under this para-
6 graph shall be available for competitive grants to
7 partnerships between public housing authorities,
8 local workforce investment boards established under
9 section 107 of the Workforce Innovation and Oppor-
10 tunity Act of 2014 (29 U.S.C. 3122), and other
11 agencies and organizations that provide support to
12 help public housing residents obtain employment and
13 increase earnings: *Provided further*, That applicants
14 must demonstrate the ability to provide services to
15 residents, partner with workforce investment boards,
16 and leverage service dollars: *Provided further*, That
17 the Secretary may allow public housing agencies to
18 request exemptions from rent and income limitation
19 requirements under sections 3 and 6 of the United
20 States Housing Act of 1937 (42 U.S.C. 1437a,
21 1437d), as necessary to implement the Jobs-Plus
22 program, on such terms and conditions as the Sec-
23 retary may approve upon a finding by the Secretary
24 that any such waivers or alternative requirements
25 are necessary for the effective implementation of the

1 Jobs-Plus initiative as a voluntary program for resi-
2 dents: *Provided further*, That the Secretary shall
3 publish by notice in the Federal Register any waiv-
4 ers or alternative requirements pursuant to the pre-
5 ceding proviso no later than 10 days before the ef-
6 fective date of such notice.

7 NATIVE AMERICAN PROGRAMS

8 For activities and assistance authorized under title
9 I of the Native American Housing Assistance and Self-
10 Determination Act of 1996 (in this heading
11 “NAHASDA”) (25 U.S.C. 4111 et seq.), title I of the
12 Housing and Community Development Act of 1974 (42
13 U.S.C. 5301 et seq.) with respect to Indian tribes, and
14 related training and technical assistance, \$1,002,086,000,
15 to remain available until September 30, 2026: *Provided*,
16 That the amounts made available under this heading are
17 provided as follows:

18 (1) \$772,000,000 shall be for the Native Amer-
19 ican Housing Block Grants program, as authorized
20 under title I of NAHASDA: *Provided*, That, not-
21 withstanding NAHASDA, to determine the amount
22 of the allocation under title I of such Act for each
23 Indian tribe, the Secretary shall apply the formula
24 under section 302 of such Act with the need compo-
25 nent based on single-race census data and with the

1 need component based on multi-race census data,
2 and the amount of the allocation for each Indian
3 tribe shall be the greater of the two resulting alloca-
4 tion amounts: *Provided further*, That the Secretary
5 shall notify grantees of their formula allocation not
6 later than 60 days after the date of enactment of
7 this Act;

8 (2) \$150,000,000 shall be for competitive
9 grants under the Native American Housing Block
10 Grants program, as authorized under title I of
11 NAHASDA: *Provided*, That the Secretary shall obli-
12 gate such amount for competitive grants to eligible
13 recipients authorized under NAHASDA that apply
14 for funds: *Provided further*, That in awarding
15 amounts made available in this paragraph, the Sec-
16 retary shall consider need and administrative capac-
17 ity, and shall give priority to projects that will spur
18 construction and rehabilitation of housing: *Provided*
19 *further*, That a grant funded pursuant to this para-
20 graph shall be in an amount not greater than
21 \$7,500,000: *Provided further*, That any amounts
22 transferred for the necessary costs of administering
23 and overseeing the obligation and expenditure of
24 such additional amounts in prior Acts may also be

1 used for the necessary costs of administering and
2 overseeing such additional amount;

3 (3) \$1,000,000 shall be for the cost of guaran-
4 teed notes and other obligations, as authorized by
5 title VI of NAHASDA: *Provided*, That such costs,
6 including the costs of modifying such notes and
7 other obligations, shall be as defined in section 502
8 of the Congressional Budget Act of 1974 (2 U.S.C.
9 661a): *Provided further*, That for fiscal year 2022
10 amounts made available in this Act for the cost of
11 guaranteed notes and other obligations and any un-
12 obligated balances, including recaptures and carry-
13 over, remaining from amounts made available for
14 this purpose under this heading or under the head-
15 ing “Native American Housing Block Grants” in
16 prior Acts shall be available to subsidize the total
17 principal amount of any notes and other obligations,
18 any part of which is to be guaranteed, not to exceed
19 \$50,000,000;

20 (4) \$72,086,000 shall be for grants to Indian
21 tribes for carrying out the Indian Community Devel-
22 opment Block Grant program under title I of the
23 Housing and Community Development Act of 1974,
24 notwithstanding section 106(a)(1) of such Act, of
25 which, notwithstanding any other provision of law

1 (including section 203 of this Act), not more than
2 \$5,000,000 may be used for emergencies that con-
3 stitute imminent threats to health and safety: *Pro-*
4 *vided*, That not to exceed 20 percent of any grant
5 made with amounts made available in this para-
6 graph shall be expended for planning and manage-
7 ment development and administration; and

8 (5) \$7,000,000 shall be for providing training
9 and technical assistance to Indian tribes, Indian
10 housing authorities, and tribally designated housing
11 entities, to support the inspection of Indian housing
12 units, for contract expertise, and for training and
13 technical assistance related to amounts made avail-
14 able under this heading and other headings in this
15 Act for the needs of Native American families and
16 Indian country: *Provided*, That of the amounts made
17 available in this paragraph, not less than \$2,000,000
18 shall be for a national organization as authorized
19 under section 703 of NAHASDA (25 U.S.C. 4212):
20 *Provided further*, That amounts made available in
21 this paragraph may be used, contracted, or com-
22 peted as determined by the Secretary: *Provided fur-*
23 *ther*, That notwithstanding chapter 63 of title 31,
24 United States Code (commonly known as the Fed-
25 eral Grant and Cooperative Agreements Act of

1 1977), the amounts made available in this para-
2 graph may be used by the Secretary to enter into co-
3 operative agreements with public and private organi-
4 zations, agencies, institutions, and other technical
5 assistance providers to support the administration of
6 negotiated rulemaking under section 106 of
7 NAHASDA (25 U.S.C. 4116), the administration of
8 the allocation formula under section 302 of
9 NAHASDA (25 U.S.C. 4152), and the administra-
10 tion of performance tracking and reporting under
11 section 407 of NAHASDA (25 U.S.C. 4167).

12 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

13 ACCOUNT

14 For the cost of guaranteed loans, as authorized by
15 section 184 of the Housing and Community Development
16 Act of 1992 (12 U.S.C. 1715z-13a), \$3,000,000, to re-
17 main available until expended: *Provided*, That such costs,
18 including the costs of modifying such loans, shall be as
19 defined in section 502 of the Congressional Budget Act
20 of 1974 (2 U.S.C. 661a): *Provided further*, That an addi-
21 tional \$500,000, to remain available until expended, shall
22 be for administrative contract expenses, including manage-
23 ment processes to carry out the loan guarantee program:
24 *Provided further*, That for fiscal year 2022 amounts made
25 available in this and prior Acts for the cost of guaranteed

1 loans, as authorized by section 184 of the Housing and
2 Community Development Act of 1992 (12 U.S.C. 1715z–
3 13a), that are unobligated, including recaptures and car-
4 ryover, shall be available to subsidize total loan principal,
5 any part of which is to be guaranteed, not to exceed
6 \$1,400,000,000, to remain available until September 30,
7 2023.

8 NATIVE HAWAIIAN HOUSING BLOCK GRANT

9 For the Native Hawaiian Housing Block Grant pro-
10 gram, as authorized under title VIII of the Native Amer-
11 ican Housing Assistance and Self-Determination Act of
12 1996 (25 U.S.C. 4221 et seq.), \$22,300,000, to remain
13 available until September 30, 2026: *Provided*, That not-
14 withstanding section 812(b) of such Act, the Department
15 of Hawaiian Home Lands may not invest grant amounts
16 made available under this heading in investment securities
17 and other obligations: *Provided further*, That amounts
18 made available under this heading in this and prior fiscal
19 years may be used to provide rental assistance to eligible
20 Native Hawaiian families both on and off the Hawaiian
21 Home Lands, notwithstanding any other provision of law.

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1 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

2 PROGRAM ACCOUNT

3 (INCLUDING RESCISSION)

4 New commitments to guarantee loans, as authorized
5 by section 184A of the Housing and Community Develop-
6 ment Act of 1992 (12 U.S.C. 1715z-13b), any part of
7 which is to be guaranteed, shall not exceed \$28,000,000
8 in total loan principal: *Provided*, That the Secretary may
9 enter into commitments to guarantee loans used for refi-
10 nancing: *Provided further*, That any unobligated balances,
11 including recaptures and carryover, remaining from
12 amounts made available under this heading in prior Acts
13 and any remaining total loan principal guarantee limita-
14 tion associated with such amounts in such prior Acts are
15 hereby rescinded.

16 COMMUNITY PLANNING AND DEVELOPMENT

17 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

18 For carrying out the Housing Opportunities for Per-
19 sons with AIDS program, as authorized by the AIDS
20 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
21 \$450,000,000, to remain available until September 30,
22 2023, except that amounts allocated pursuant to section
23 854(c)(5) of such Act shall remain available until Sep-
24 tember 30, 2024: *Provided*, That the Secretary shall renew
25 or replace all expiring contracts for permanent supportive

1 housing that initially were funded under section 854(e)(5)
2 of such Act from funds made available under this heading
3 in fiscal year 2010 and prior fiscal years that meet all
4 program requirements before awarding funds for new con-
5 tracts under such section: *Provided further*, That the proc-
6 ess for submitting amendments and approving replace-
7 ment contracts shall be established by the Secretary in a
8 notice: *Provided further*, That the Department shall notify
9 grantees of their formula allocation within 60 days of en-
10 actment of this Act.

11 COMMUNITY DEVELOPMENT FUND

12 For assistance to States and units of general local
13 government, and other entities, for economic and commu-
14 nity development activities, and other purposes,
15 \$4,841,409,207, to remain available until September 30,
16 2025, unless otherwise specified: *Provided*, That of the
17 total amount provided under this heading, \$3,300,000,000
18 is for carrying out the community development block grant
19 program under title I of the Housing and Community De-
20 velopment Act of 1974, as amended (42 U.S.C. 5301 et
21 seq.) (in this heading “the Act”): *Provided further*, That
22 unless explicitly provided for under this heading, not to
23 exceed 20 percent of any grant made with funds made
24 available under this heading shall be expended for plan-
25 ning and management development and administration:

1 *Provided further*, That a metropolitan city, urban county,
2 unit of general local government, or insular area that di-
3 rectly or indirectly receives funds under this heading may
4 not sell, trade, or otherwise transfer all or any portion of
5 such funds to another such entity in exchange for any
6 other funds, credits, or non-Federal considerations, but
7 shall use such funds for activities eligible under title I of
8 the Act: *Provided further*, That notwithstanding section
9 105(e)(1) of the Act, no funds made available under this
10 heading may be provided to a for-profit entity for an eco-
11 nomic development project under section 105(a)(17) un-
12 less such project has been evaluated and selected in ac-
13 cordance with guidelines required under subsection (e)(2)
14 of section 105: *Provided further*, That of the total amount
15 provided under this heading, \$25,000,000 shall be for ac-
16 tivities authorized under section 8071 of the SUPPORT
17 for Patients and Communities Act (Public Law 115–271):
18 *Provided further*, That the funds allocated pursuant to the
19 preceding proviso shall not adversely affect the amount of
20 any formula assistance received by a State under the first
21 proviso: *Provided further*, That the Secretary shall allocate
22 the funds for such activities based on the notice estab-
23 lishing the funding formula published in 84 FR 16027
24 (April 17, 2019) except that the formula shall use age-
25 adjusted rates of drug overdose deaths for 2019 based on

1 data from the Centers for Disease Control and Prevention:
2 *Provided further*, That of the total amount made available
3 under this heading, \$1,516,409,207 shall be available for
4 grants for the Economic Development Initiative (EDI) for
5 the purposes, and in amounts, specified for Community
6 Project Funding/Congressionally Directed Spending in the
7 table entitled “Community Project Funding/Congression-
8 ally Directed Spending” included in the explanatory state-
9 ment described in section 4 (in the matter preceding divi-
10 sion A of this consolidated Act): *Provided further*, That
11 none of the amounts made available in the preceding pro-
12 viso shall be used for reimbursement of expenses incurred
13 prior to the obligation of funds: *Provided further*, That the
14 Department of Housing and Urban Development shall no-
15 tify grantees of their formula allocation within 60 days
16 of enactment of this Act.

17 COMMUNITY DEVELOPMENT LOAN GUARANTEES

18 PROGRAM ACCOUNT

19 Subject to section 502 of the Congressional Budget
20 Act of 1974 (2 U.S.C. 661a), during fiscal year 2022,
21 commitments to guarantee loans under section 108 of the
22 Housing and Community Development Act of 1974 (42
23 U.S.C. 5308), any part of which is guaranteed, shall not
24 exceed a total principal amount of \$300,000,000, notwith-
25 standing any aggregate limitation on outstanding obliga-

1 tions guaranteed in subsection (k) of such section 108:
2 *Provided*, That the Secretary shall collect fees from bor-
3 rowers, notwithstanding subsection (m) of such section
4 108, to result in a credit subsidy cost of zero for guaran-
5 teeing such loans, and any such fees shall be collected in
6 accordance with section 502(7) of the Congressional
7 Budget Act of 1974: *Provided further*, That such commit-
8 ment authority funded by fees may be used to guarantee,
9 or make commitments to guarantee, notes or other obliga-
10 tions issued by any State on behalf of non-entitlement
11 communities in the State in accordance with the require-
12 ments of such section 108: *Provided further*, That any
13 State receiving such a guarantee or commitment under the
14 preceding proviso shall distribute all funds subject to such
15 guarantee to the units of general local government in non-
16 entitlement areas that received the commitment.

17 HOME INVESTMENT PARTNERSHIPS PROGRAM

18 For the HOME Investment Partnerships program, as
19 authorized under title II of the Cranston-Gonzalez Na-
20 tional Affordable Housing Act, as amended (42 U.S.C.
21 12721 et seq.), \$1,500,000,000, to remain available until
22 September 30, 2025: *Provided*, That notwithstanding sec-
23 tion 231(b) of such Act (42 U.S.C. 12771(b)), all unobli-
24 gated balances remaining from amounts recaptured pursu-
25 ant to such section that remain available until expended

1 shall be combined with amounts made available under this
2 heading and allocated in accordance with the formula
3 under section 217(b)(1)(A) of such Act (42 U.S.C.
4 12747(b)(1)(A)): *Provided further*, That the Department
5 shall notify grantees of their formula allocations within 60
6 days after enactment of this Act: *Provided further*, That
7 section 218(g) of such Act (42 U.S.C. 12748(g)) shall not
8 apply with respect to the right of a jurisdiction to draw
9 funds from its HOME Investment Trust Fund that other-
10 wise expired or would expire in any calendar year from
11 2016 through 2024 under that section: *Provided further*,
12 That section 231(b) of such Act (42 U.S.C. 12771(b))
13 shall not apply to any uninvested funds that otherwise
14 were deducted or would be deducted from the line of credit
15 in the participating jurisdiction's HOME Investment
16 Trust Fund in any calendar year from 2018 through 2024
17 under that section.

18 SELF-HELP AND ASSISTED HOMEOWNERSHIP

19 OPPORTUNITY PROGRAM

20 For the Self-Help and Assisted Homeownership Op-
21 portunity Program, as authorized under section 11 of the
22 Housing Opportunity Program Extension Act of 1996 (42
23 U.S.C. 12805 note), and for related activities and assist-
24 ance, \$62,500,000, to remain available until September

1 30, 2024: *Provided*, That the amounts made available
2 under this heading are provided as follows:

3 (1) \$12,500,000 shall be for the Self-Help
4 Homeownership Opportunity Program as authorized
5 under such section 11;

6 (2) \$41,000,000 shall be for the second, third,
7 and fourth capacity building entities specified in sec-
8 tion 4(a) of the HUD Demonstration Act of 1993
9 (42 U.S.C. 9816 note), of which not less than
10 \$5,000,000 shall be for rural capacity building ac-
11 tivities: *Provided*, That for purposes of awarding
12 grants from amounts made available in this para-
13 graph, the Secretary may enter into multiyear agree-
14 ments, as appropriate, subject to the availability of
15 annual appropriations;

16 (3) \$5,000,000 shall be for capacity building by
17 national rural housing organizations having experi-
18 ence assessing national rural conditions and pro-
19 viding financing, training, technical assistance, infor-
20 mation, and research to local nonprofit organiza-
21 tions, local governments, and Indian Tribes serving
22 high need rural communities; and

23 (4) \$4,000,000, shall be for a program to reha-
24 bilitate and modify the homes of disabled or low-in-
25 come veterans, as authorized under section 1079 of

1 the Carl Levin and Howard P. “Buck” McKeon Na-
2 tional Defense Authorization Act for Fiscal Year
3 2015 (38 U.S.C. 2101 note): *Provided*, That the
4 issuance of a Notice of Funding Opportunity for the
5 amounts made available in this paragraph shall be
6 completed not later than 120 days after enactment
7 of this Act and such amounts shall be awarded not
8 later than 180 days after such issuance.

9 HOMELESS ASSISTANCE GRANTS

10 For assistance under title IV of the McKinney-Vento
11 Homeless Assistance Act (42 U.S.C. 11360 et seq.),
12 \$3,213,000,000, to remain available until September 30,
13 2024: *Provided*, That of the amounts made available
14 under this heading—

15 (1) \$290,000,000 shall be for the Emergency
16 Solutions Grants program authorized under subtitle
17 B of such title IV (42 U.S.C. 11371 et seq.): *Pro-*
18 *vided*, That the Department shall notify grantees of
19 their formula allocation from amounts allocated
20 (which may represent initial or final amounts allo-
21 cated) for the Emergency Solutions Grant program
22 not later than 60 days after enactment of this Act;

23 (2) \$2,809,000,000 shall be for the Continuum
24 of Care program authorized under subtitle C of such
25 title IV (42 U.S.C. 11381 et seq.) and the Rural

1 Housing Stability Assistance programs authorized
2 under subtitle D of such title IV (42 U.S.C. 11408):
3 *Provided*, That the Secretary shall prioritize funding
4 under the Continuum of Care program to contin-
5 uums of care that have demonstrated a capacity to
6 reallocate funding from lower performing projects to
7 higher performing projects: *Provided further*, That
8 the Secretary shall provide incentives to create
9 projects that coordinate with housing providers and
10 healthcare organizations to provide permanent sup-
11 portive housing and rapid re-housing services: *Pro-*
12 *vided further*, That of the amounts made available
13 for the Continuum of Care program under this para-
14 graph, not less than \$52,000,000 shall be for grants
15 for new rapid re-housing projects and supportive
16 service projects providing coordinated entry, and for
17 eligible activities that the Secretary determines to be
18 critical in order to assist survivors of domestic vio-
19 lence, dating violence, sexual assault, or stalking:
20 *Provided further*, That amounts made available for
21 the Continuum of Care program under this heading
22 in this Act and any remaining unobligated balances
23 from prior Acts may be used to competitively or non-
24 competitively renew or replace grants for youth
25 homeless demonstration projects under the Con-

1 continuum of Care program, notwithstanding any con-
2 flict with the requirements of the Continuum of Care
3 program;

4 (3) \$7,000,000 shall be for the national home-
5 less data analysis project: *Provided*, That notwith-
6 standing the provisions of the Federal Grant and
7 Cooperative Agreements Act of 1977 (31 U.S.C.
8 6301–6308), the amounts made available under this
9 paragraph and any remaining unobligated balances
10 under this heading for such purposes in prior Acts
11 may be used by the Secretary to enter into coopera-
12 tive agreements with such entities as may be deter-
13 mined by the Secretary, including public and private
14 organizations, agencies, and institutions; and

15 (4) \$107,000,000 shall be to implement
16 projects to demonstrate how a comprehensive ap-
17 proach to serving homeless youth, age 24 and under,
18 in up to 25 communities with a priority for commu-
19 nities with substantial rural populations in up to
20 eight locations, can dramatically reduce youth home-
21 lessness: *Provided*, That of the amount made avail-
22 able under this paragraph, not less than
23 \$25,000,000 shall be for youth homelessness system
24 improvement grants to support communities, includ-
25 ing but not limited to the communities assisted

1 under the matter preceding this proviso, in estab-
2 lishing and implementing a response system for
3 youth homelessness, or for improving their existing
4 system: *Provided further*, That of the amount made
5 available under this paragraph, up to \$10,000,000
6 shall be to provide technical assistance to commu-
7 nities, including but not limited to the communities
8 assisted in the preceding proviso and the matter pre-
9 ceding such proviso, on improving system responses
10 to youth homelessness, and collection, analysis, use,
11 and reporting of data and performance measures
12 under the comprehensive approaches to serve home-
13 less youth, in addition to and in coordination with
14 other technical assistance funds provided under this
15 title: *Provided further*, That the Secretary may use
16 up to 10 percent of the amount made available
17 under the preceding proviso to build the capacity of
18 current technical assistance providers or to train
19 new technical assistance providers with verifiable
20 prior experience with systems and programs for
21 youth experiencing homelessness:

22 *Provided further*, That youth aged 24 and under seeking
23 assistance under this heading shall not be required to pro-
24 vide third party documentation to establish their eligibility
25 under subsection (a) or (b) of section 103 of the McKin-

1 ney-Vento Homeless Assistance Act (42 U.S.C. 11302) to
2 receive services: *Provided further*, That unaccompanied
3 youth aged 24 and under or families headed by youth aged
4 24 and under who are living in unsafe situations may be
5 served by youth-serving providers funded under this head-
6 ing: *Provided further*, That persons eligible under section
7 103(a)(5) of the McKinney-Vento Homeless Assistance
8 Act may be served by any project funded under this head-
9 ing to provide both transitional housing and rapid re-hous-
10 ing: *Provided further*, That for all matching funds require-
11 ments applicable to funds made available under this head-
12 ing for this fiscal year and prior fiscal years, a grantee
13 may use (or could have used) as a source of match funds
14 other funds administered by the Secretary and other Fed-
15 eral agencies unless there is (or was) a specific statutory
16 prohibition on any such use of any such funds: *Provided*
17 *further*, That none of the funds made available under this
18 heading shall be available to provide funding for new
19 projects, except for projects created through reallocation,
20 unless the Secretary determines that the continuum of
21 care has demonstrated that projects are evaluated and
22 ranked based on the degree to which they improve the con-
23 tinuum of care's system performance: *Provided further*,
24 That any unobligated amounts remaining from funds
25 made available under this heading in fiscal year 2012 and

1 prior years for project-based rental assistance for rehabili-
2 tation projects with 10-year grant terms may be used for
3 purposes under this heading, notwithstanding the pur-
4 poses for which such funds were appropriated: *Provided*
5 *further*, That unobligated balances, including recaptures
6 and carryover, remaining from funds transferred to or ap-
7 propriated under this heading in fiscal year 2019 or prior
8 years, except for rental assistance amounts that were re-
9 captured and made available until expended, shall be avail-
10 able for the current purposes authorized under this head-
11 ing in addition to the purposes for which such funds origi-
12 nally were appropriated.

13 HOUSING PROGRAMS

14 PROJECT-BASED RENTAL ASSISTANCE

15 For activities and assistance for the provision of
16 project-based subsidy contracts under the United States
17 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
18 Act”), not otherwise provided for, \$13,540,000,000, to re-
19 main available until expended, shall be available on Octo-
20 ber 1, 2021 (in addition to the \$400,000,000 previously
21 appropriated under this heading that became available Oc-
22 tober 1, 2021), and \$400,000,000, to remain available
23 until expended, shall be available on October 1, 2022: *Pro-*
24 *vided*, That the amounts made available under this head-
25 ing shall be available for expiring or terminating section

1 8 project-based subsidy contracts (including section 8
2 moderate rehabilitation contracts), for amendments to sec-
3 tion 8 project-based subsidy contracts (including section
4 8 moderate rehabilitation contracts), for contracts entered
5 into pursuant to section 441 of the McKinney-Vento
6 Homeless Assistance Act (42 U.S.C. 11401), for renewal
7 of section 8 contracts for units in projects that are subject
8 to approved plans of action under the Emergency Low In-
9 come Housing Preservation Act of 1987 or the Low-In-
10 come Housing Preservation and Resident Homeownership
11 Act of 1990, and for administrative and other expenses
12 associated with project-based activities and assistance
13 funded under this heading: *Provided further*, That of the
14 total amounts provided under this heading, not to exceed
15 \$355,000,000 shall be available for performance-based
16 contract administrators for section 8 project-based assist-
17 ance, for carrying out 42 U.S.C. 1437(f): *Provided further*,
18 That the Secretary may also use such amounts in the pre-
19 ceding proviso for performance-based contract administra-
20 tors for the administration of: interest reduction payments
21 pursuant to section 236(a) of the National Housing Act
22 (12 U.S.C. 1715z-1(a)); rent supplement payments pur-
23 suant to section 101 of the Housing and Urban Develop-
24 ment Act of 1965 (12 U.S.C. 1701s); section 236(f)(2)
25 rental assistance payments (12 U.S.C. 1715z-1(f)(2));

1 project rental assistance contracts for the elderly under
2 section 202(c)(2) of the Housing Act of 1959 (12 U.S.C.
3 1701q); project rental assistance contracts for supportive
4 housing for persons with disabilities under section
5 811(d)(2) of the Cranston-Gonzalez National Affordable
6 Housing Act (42 U.S.C. 8013(d)(2)); project assistance
7 contracts pursuant to section 202(h) of the Housing Act
8 of 1959 (Public Law 86–372; 73 Stat. 667); and loans
9 under section 202 of the Housing Act of 1959 (Public Law
10 86–372; 73 Stat. 667): *Provided further*, That amounts
11 recaptured under this heading, the heading “Annual Con-
12 tributions for Assisted Housing”, or the heading “Housing
13 Certificate Fund”, may be used for renewals of or amend-
14 ments to section 8 project-based contracts or for perform-
15 ance-based contract administrators, notwithstanding the
16 purposes for which such amounts were appropriated: *Pro-*
17 *vided further*, That, notwithstanding any other provision
18 of law, upon the request of the Secretary, project funds
19 that are held in residual receipts accounts for any project
20 subject to a section 8 project-based Housing Assistance
21 Payments contract that authorizes the Department or a
22 housing finance agency to require that surplus project
23 funds be deposited in an interest-bearing residual receipts
24 account and that are in excess of an amount to be deter-
25 mined by the Secretary, shall be remitted to the Depart-

1 actment of this Act: *Provided further*, That amounts made
2 available under this heading shall be available for Real Es-
3 tate Assessment Center inspections and inspection-related
4 activities associated with section 202 projects: *Provided*
5 *further*, That the Secretary may waive the provisions of
6 section 202 governing the terms and conditions of project
7 rental assistance, except that the initial contract term for
8 such assistance shall not exceed 5 years in duration: *Pro-*
9 *vided further*, That upon request of the Secretary, project
10 funds that are held in residual receipts accounts for any
11 project subject to a section 202 project rental assistance
12 contract, and that upon termination of such contract are
13 in excess of an amount to be determined by the Secretary,
14 shall be remitted to the Department and deposited in this
15 account, to remain available until September 30, 2025:
16 *Provided further*, That amounts deposited in this account
17 pursuant to the preceding proviso shall be available, in ad-
18 dition to the amounts otherwise provided by this heading,
19 for the purposes authorized under this heading: *Provided*
20 *further*, That unobligated balances, including recaptures
21 and carryover, remaining from funds transferred to or ap-
22 propriated under this heading shall be available for the
23 current purposes authorized under this heading in addi-
24 tion to the purposes for which such funds originally were
25 appropriated: *Provided further*, That of the total amount

1 made available under this heading, up to \$10,000,000
2 shall be used to expand the supply of intergenerational
3 dwelling units (as such term is defined in section 202 of
4 the Legacy Act of 2003 (12 U.S.C. 1701q note)) for elder-
5 ly caregivers raising children: *Provided further*, That for
6 the purposes of the preceding proviso the Secretary may
7 waive, or specify alternative requirements for, any provi-
8 sion of section 202 of the Housing Act of 1959 (12 U.S.C.
9 1701q) in order to facilitate the development of such
10 units, except for requirements related to fair housing, non-
11 discrimination, labor standards, and the environment: *Pro-*
12 *vided further*, That of the total amount made available
13 under this heading, up to \$6,000,000 shall be used by the
14 Secretary to support preservation transactions of housing
15 for the elderly originally developed with a capital advance
16 and assisted by a project rental assistance contract under
17 the provisions of section 202(c) of the Housing Act of
18 1959.

19 HOUSING FOR PERSONS WITH DISABILITIES

20 For capital advances, including amendments to cap-
21 ital advance contracts, for supportive housing for persons
22 with disabilities, as authorized by section 811 of the Cran-
23 ston-Gonzalez National Affordable Housing Act (42
24 U.S.C. 8013), for project rental assistance for supportive
25 housing for persons with disabilities under section

1 811(d)(2) of such Act, for project assistance contracts
2 pursuant to subsection (h) of section 202 of the Housing
3 Act of 1959, as added by section 205(a) of the Housing
4 and Community Development Amendments of 1978 (Pub-
5 lic Law 95-557: 92 Stat. 2090), including amendments
6 to contracts for such assistance and renewal of expiring
7 contracts for such assistance for up to a 1-year term, for
8 project rental assistance to State housing finance agencies
9 and other appropriate entities as authorized under section
10 811(b)(3) of the Cranston-Gonzalez National Affordable
11 Housing Act, and for supportive services associated with
12 the housing for persons with disabilities as authorized by
13 section 811(b)(1) of such Act, \$352,000,000, to remain
14 available until September 30, 2025: *Provided*, That
15 amounts made available under this heading shall be avail-
16 able for Real Estate Assessment Center inspections and
17 inspection-related activities associated with section 811
18 projects: *Provided further*, That, upon the request of the
19 Secretary, project funds that are held in residual receipts
20 accounts for any project subject to a section 811 project
21 rental assistance contract, and that upon termination of
22 such contract are in excess of an amount to be determined
23 by the Secretary, shall be remitted to the Department and
24 deposited in this account, to remain available until Sep-
25 tember 30, 2025: *Provided further*, That amounts depos-

1 ited in this account pursuant to the preceding proviso shall
2 be available in addition to the amounts otherwise provided
3 by this heading for the purposes authorized under this
4 heading: *Provided further*, That unobligated balances, in-
5 cluding recaptures and carryover, remaining from funds
6 transferred to or appropriated under this heading shall be
7 used for the current purposes authorized under this head-
8 ing in addition to the purposes for which such funds origi-
9 nally were appropriated.

10 HOUSING COUNSELING ASSISTANCE

11 For contracts, grants, and other assistance excluding
12 loans, as authorized under section 106 of the Housing and
13 Urban Development Act of 1968, as amended,
14 \$57,500,000, to remain available until September 30,
15 2023, including up to \$4,500,000 for administrative con-
16 tract services: *Provided*, That funds shall be used for pro-
17 viding counseling and advice to tenants and homeowners,
18 both current and prospective, with respect to property
19 maintenance, financial management or literacy, and such
20 other matters as may be appropriate to assist them in im-
21 proving their housing conditions, meeting their financial
22 needs, and fulfilling the responsibilities of tenancy or
23 homeownership; for program administration; and for hous-
24 ing counselor training: *Provided further*, That for purposes
25 of awarding grants from amounts provided under this

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1 heading, the Secretary may enter into multiyear agree-
2 ments, as appropriate, subject to the availability of annual
3 appropriations.

4 PAYMENT TO MANUFACTURED HOUSING FEES TRUST
5 FUND

6 For necessary expenses as authorized by the National
7 Manufactured Housing Construction and Safety Stand-
8 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
9 \$14,000,000, to remain available until expended, of which
10 \$14,000,000 shall be derived from the Manufactured
11 Housing Fees Trust Fund (established under section
12 620(e) of such Act (42 U.S.C. 5419(e)): *Provided*, That
13 not to exceed the total amount appropriated under this
14 heading shall be available from the general fund of the
15 Treasury to the extent necessary to incur obligations and
16 make expenditures pending the receipt of collections to the
17 Fund pursuant to section 620 of such Act: *Provided fur-*
18 *ther*, That the amount made available under this heading
19 from the general fund shall be reduced as such collections
20 are received during fiscal year 2022 so as to result in a
21 final fiscal year 2022 appropriation from the general fund
22 estimated at zero, and fees pursuant to such section 620
23 shall be modified as necessary to ensure such a final fiscal
24 year 2022 appropriation: *Provided further*, That for the
25 dispute resolution and installation programs, the Sec-

1 retary may assess and collect fees from any program par-
2 ticipant: *Provided further*, That such collections shall be
3 deposited into the Trust Fund, and the Secretary, as pro-
4 vided herein, may use such collections, as well as fees col-
5 lected under section 620 of such Act, for necessary ex-
6 penses of such Act: *Provided further*, That, notwith-
7 standing the requirements of section 620 of such Act, the
8 Secretary may carry out responsibilities of the Secretary
9 under such Act through the use of approved service pro-
10 viders that are paid directly by the recipients of their serv-
11 ices.

12 FEDERAL HOUSING ADMINISTRATION

13 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

14 New commitments to guarantee single family loans
15 insured under the Mutual Mortgage Insurance Fund shall
16 not exceed \$400,000,000,000, to remain available until
17 September 30, 2023: *Provided*, That during fiscal year
18 2022, obligations to make direct loans to carry out the
19 purposes of section 204(g) of the National Housing Act,
20 as amended, shall not exceed \$1,000,000: *Provided fur-*
21 *ther*, That the foregoing amount in the preceding proviso
22 shall be for loans to nonprofit and governmental entities
23 in connection with sales of single family real properties
24 owned by the Secretary and formerly insured under the
25 Mutual Mortgage Insurance Fund: *Provided further*, That

1 for administrative contract expenses of the Federal Hous-
2 ing Administration, \$150,000,000, to remain available
3 until September 30, 2023: *Provided further*, That to the
4 extent guaranteed loan commitments exceed
5 \$200,000,000,000 on or before April 1, 2022, an addi-
6 tional \$1,400 for administrative contract expenses shall be
7 available for each \$1,000,000 in additional guaranteed
8 loan commitments (including a pro rata amount for any
9 amount below \$1,000,000), but in no case shall funds
10 made available by this proviso exceed \$30,000,000: *Pro-*
11 *vided further*, That notwithstanding the limitation in the
12 first sentence of section 255(g) of the National Housing
13 Act (12 U.S.C. 1715z–20(g)), during fiscal year 2022 the
14 Secretary may insure and enter into new commitments to
15 insure mortgages under section 255 of the National Hous-
16 ing Act only to the extent that the net credit subsidy cost
17 for such insurance does not exceed zero.

18 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

19 New commitments to guarantee loans insured under
20 the General and Special Risk Insurance Funds, as author-
21 ized by sections 238 and 519 of the National Housing Act
22 (12 U.S.C. 1715z–3 and 1735c), shall not exceed
23 \$30,000,000,000 in total loan principal, any part of which
24 is to be guaranteed, to remain available until September
25 30, 2023: *Provided*, That during fiscal year 2022, gross

1 obligations for the principal amount of direct loans, as au-
2 thorized by sections 204(g), 207(l), 238, and 519(a) of
3 the National Housing Act, shall not exceed \$1,000,000,
4 which shall be for loans to nonprofit and governmental en-
5 tities in connection with the sale of single family real prop-
6 erties owned by the Secretary and formerly insured under
7 such Act.

8 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
9 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
10 GUARANTEE PROGRAM ACCOUNT

11 New commitments to issue guarantees to carry out
12 the purposes of section 306 of the National Housing Act,
13 as amended (12 U.S.C. 1721(g)), shall not exceed
14 \$900,000,000,000, to remain available until September
15 30, 2023: *Provided*, That \$33,500,000, to remain avail-
16 able until September 30, 2023, shall be for necessary sala-
17 ries and expenses of the Government National Mortgage
18 Association: *Provided further*, That to the extent that
19 guaranteed loan commitments exceed \$155,000,000,000
20 on or before April 1, 2022, an additional \$100 for nec-
21 essary salaries and expenses shall be available until ex-
22 pended for each \$1,000,000 in additional guaranteed loan
23 commitments (including a pro rata amount for any
24 amount below \$1,000,000), but in no case shall funds
25 made available by this proviso exceed \$3,000,000: *Pro-*

1 *vided further*, That receipts from Commitment and
2 Multiclass fees collected pursuant to title III of the Na-
3 tional Housing Act (12 U.S.C. 1716 et seq.) shall be cred-
4 ited as offsetting collections to this account.

5 POLICY DEVELOPMENT AND RESEARCH

6 RESEARCH AND TECHNOLOGY

7 For contracts, grants, and necessary expenses of pro-
8 grams of research and studies relating to housing and
9 urban problems, not otherwise provided for, as authorized
10 by title V of the Housing and Urban Development Act
11 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
12 out the functions of the Secretary of Housing and Urban
13 Development under section 1(a)(1)(i) of Reorganization
14 Plan No. 2 of 1968, and for technical assistance,
15 \$125,400,000, to remain available until September 30,
16 2023: *Provided*, That with respect to amounts made avail-
17 able under this heading, notwithstanding section 203 of
18 this title, the Secretary may enter into cooperative agree-
19 ments with philanthropic entities, other Federal agencies,
20 State or local governments and their agencies, Indian
21 Tribes, tribally designated housing entities, or colleges or
22 universities for research projects: *Provided further*, That
23 with respect to the preceding proviso, such partners to the
24 cooperative agreements shall contribute at least a 50 per-
25 cent match toward the cost of the project: *Provided fur-*

1 *ther*, That for non-competitive agreements entered into in
2 accordance with the preceding two provisos, the Secretary
3 shall comply with section 2(b) of the Federal Funding Ac-
4 countability and Transparency Act of 2006 (Public Law
5 109–282, 31 U.S.C. note) in lieu of compliance with sec-
6 tion 102(a)(4)(C) of the Department of Housing and
7 Urban Development Reform Act of 1989 (42 U.S.C.
8 3545(a)(4)(C)) with respect to documentation of award
9 decisions: *Provided further*, That prior to obligation of
10 technical assistance funding, the Secretary shall submit a
11 plan to the House and Senate Committees on Appropria-
12 tions on how the Secretary will allocate funding for this
13 activity at least 30 days prior to obligation: *Provided fur-*
14 *ther*, That none of the funds provided under this heading
15 may be available for the doctoral dissertation research
16 grant program: *Provided further*, That an additional
17 \$20,000,000, to remain available until September 30,
18 2024, shall be for competitive grants to nonprofit or gov-
19 ernmental entities to provide legal assistance (including
20 assistance related to pretrial activities, trial activities,
21 post-trial activities and alternative dispute resolution) at
22 no cost to eligible low-income tenants at risk of or subject
23 to eviction: *Provided further*, That in awarding grants
24 under the preceding proviso, the Secretary shall give pref-
25 erence to applicants that include a marketing strategy for

1 residents of areas with high rates of eviction, have experi-
2 ence providing no-cost legal assistance to low-income indi-
3 viduals, including those with limited English proficiency
4 or disabilities, and have sufficient capacity to administer
5 such assistance, and may select unfunded or partially
6 funded eligible applicants identified in the previous com-
7 petition: *Provided further*, That the Secretary shall ensure,
8 to the extent practicable, that the proportion of eligible
9 tenants living in rural areas who will receive legal assist-
10 ance with grant funds made available under this heading
11 is not less than the overall proportion of eligible tenants
12 who live in rural areas.

13 FAIR HOUSING AND EQUAL OPPORTUNITY

14 FAIR HOUSING ACTIVITIES

15 For contracts, grants, and other assistance, not oth-
16 erwise provided for, as authorized by title VIII of the Civil
17 Rights Act of 1968 (42 U.S.C. 3601 et seq.), and section
18 561 of the Housing and Community Development Act of
19 1987 (42 U.S.C. 3616a), \$85,000,000, to remain available
20 until September 30, 2023: *Provided*, That notwithstanding
21 section 3302 of title 31, United States Code, the Secretary
22 may assess and collect fees to cover the costs of the Fair
23 Housing Training Academy, and may use such funds to
24 develop on-line courses and provide such training: *Pro-*
25 *vided further*, That none of the funds made available under

1 this heading may be used to lobby the executive or legisla-
2 tive branches of the Federal Government in connection
3 with a specific contract, grant, or loan: *Provided further*,
4 That of the funds made available under this heading,
5 \$1,000,000 shall be available to the Secretary for the cre-
6 ation and promotion of translated materials and other pro-
7 grams that support the assistance of persons with limited
8 English proficiency in utilizing the services provided by
9 the Department of Housing and Urban Development.

10 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

11 HOMES

12 LEAD HAZARD REDUCTION

13 (INCLUDING TRANSFER OF FUNDS)

14 For the Lead Hazard Reduction Program, as author-
15 ized by section 1011 of the Residential Lead-Based Paint
16 Hazard Reduction Act of 1992 (42 U.S.C. 4852), and for
17 related activities and assistance, \$415,000,000, to remain
18 available until September 30, 2024: *Provided*, That the
19 amounts made available under this heading are provided
20 as follows:

21 (1) \$290,000,000 shall be for the award of
22 grants pursuant to such section 1011, of which not
23 less than \$95,000,000 shall be provided to areas
24 with the highest lead-based paint abatement needs;

1 (2) \$90,000,000 shall be for the Healthy
2 Homes Initiative, pursuant to sections 501 and 502
3 of the Housing and Urban Development Act of
4 1970, which shall include research, studies, testing,
5 and demonstration efforts, including education and
6 outreach concerning lead-based paint poisoning and
7 other housing-related diseases and hazards, and
8 mitigating housing-related health and safety hazards
9 in housing of low-income families, of which—

10 (A) \$5,000,000 of such amounts shall be
11 for the implementation of projects in up to five
12 communities that are served by both the
13 Healthy Homes Initiative and the Department
14 of Energy weatherization programs to dem-
15 onstrate whether the coordination of Healthy
16 Homes remediation activities with weatheriza-
17 tion activities achieves cost savings and better
18 outcomes in improving the safety and quality of
19 homes; and

20 (B) \$15,000,000 of such amounts shall be
21 for grants to experienced non-profit organiza-
22 tions, States, local governments, or public hous-
23 ing agencies for safety and functional home
24 modification repairs and renovations to meet
25 the needs of low-income elderly homeowners to

1 enable them to remain in their primary resi-
2 dence: *Provided*, That of the total amount made
3 available under this subparagraph no less than
4 \$5,000,000 shall be available to meet such
5 needs in communities with substantial rural
6 populations;

7 (3) \$5,000,000 shall be for the award of grants
8 and contracts for research pursuant to sections 1051
9 and 1052 of the Residential Lead-Based Paint Haz-
10 ard Reduction Act of 1992 (42 U.S.C. 4854,
11 4854a);

12 (4) Up to \$2,000,000 in total of the amounts
13 made available under paragraphs (2) and (3) may be
14 transferred to the heading “Research and Tech-
15 nology” for the purposes of conducting research and
16 studies and for use in accordance with the provisos
17 under that heading for non-competitive agreements;

18 (5) \$25,000,000 shall be for a lead-risk assess-
19 ment demonstration for public housing agencies to
20 conduct lead hazard screenings or lead-risk assess-
21 ments during housing quality standards inspections
22 of units in which a family receiving assistance under
23 section 8(o) of the U.S. Housing Act of 1937 (42
24 U.S.C. 1437f(o)) resides or expects to reside, and
25 has or expects to have a child under age 6 residing

1 in the unit, while preserving rental housing avail-
2 ability and affordability; and

3 (6) \$5,000,000 shall be for grants for a radon
4 testing and mitigation safety demonstration program
5 (the radon demonstration) in public housing: *Pro-*
6 *vided*, That the testing method, mitigation method,
7 or action level used under the radon demonstration
8 shall be as specified by applicable state or local law,
9 if such law is more protective of human health or
10 the environment than the method or level specified
11 by the Secretary:

12 *Provided further*, That for purposes of environmental re-
13 view, pursuant to the National Environmental Policy Act
14 of 1969 (42 U.S.C. 4321 et seq.) and other provisions of
15 law that further the purposes of such Act, a grant under
16 the Healthy Homes Initiative, or the Lead Technical Stud-
17 ies program, or other demonstrations or programs under
18 this heading or under prior appropriations Acts for such
19 purposes under this heading, or under the heading “Hous-
20 ing for the Elderly” under prior Appropriations Acts, shall
21 be considered to be funds for a special project for purposes
22 of section 305(c) of the Multifamily Housing Property
23 Disposition Reform Act of 1994: *Provided further*, That
24 each applicant for a grant or cooperative agreement under
25 this heading shall certify adequate capacity that is accept-

1 able to the Secretary to carry out the proposed use of
2 funds pursuant to a notice of funding opportunity: *Pro-*
3 *vided further*, That amounts made available under this
4 heading, except for amounts in paragraphs (2)(B) for
5 home modification repairs and renovations, in this or prior
6 appropriations Acts, still remaining available, may be used
7 for any purpose under this heading notwithstanding the
8 purpose for which such amounts were appropriated if a
9 program competition is undersubscribed and there are
10 other program competitions under this heading that are
11 oversubscribed.

12 INFORMATION TECHNOLOGY FUND

13 For Department-wide and program-specific informa-
14 tion technology systems and infrastructure, \$323,200,000,
15 to remain available until September 30, 2024, of which
16 up to \$40,000,000 shall be for development, moderniza-
17 tion, and enhancement projects, including planning for
18 such projects: *Provided*, That not more than 10 percent
19 of the funds made available under this heading for devel-
20 opment, modernization, and enhancement may be obli-
21 gated until the Secretary submits and the House and Sen-
22 ate Committees on Appropriations approve a plan that—
23 (1) identifies for each development, moderniza-
24 tion, and enhancement project to be funded from
25 available balances, including carryover—

1 (A) plain language summaries of the
2 project scope;

3 (B) the estimated total project cost; and

4 (C) key milestones to be met; and

5 (2) identifies for each major modernization
6 project—

7 (A) the functional and performance capa-
8 bilities to be delivered and the mission benefits
9 to be realized;

10 (B) the estimated life-cycle cost;

11 (C) key milestones to be met through the
12 project end date, including any identified sys-
13 tem decommissioning;

14 (D) a description of the procurement strat-
15 egy and governance structure for the project
16 and the number of HUD staff and contractors
17 supporting the project; and

18 (E) certification from the Chief Informa-
19 tion Officer that each project is compliant with
20 the Department's enterprise architecture, life-
21 cycle management and capital planning and in-
22 vestment control requirements:

23 *Provided further*, That not later than 30 days after
24 the end of each quarter, the Secretary shall submit
25 an updated report to the Committees on Appropria-

1 tions of the House of Representatives and the Sen-
2 ate summarizing the status, cost and plan for all
3 modernization projects; and for each major mod-
4 ernization project with an approved project plan,
5 identifying—

6 (1) results and actual expenditures of the prior
7 quarter;

8 (2) any variances in cost, schedule (including
9 procurement), or functionality from the previously
10 approved project plan, reasons for such variances
11 and estimated impact on total life-cycle costs; and

12 (3) risks and mitigation strategies associated
13 with ongoing work.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary salaries and expenses of the Office of
16 Inspector General in carrying out the Inspector General
17 Act of 1978, as amended, \$140,000,000: *Provided*, That
18 the Inspector General shall have independent authority
19 over all personnel issues within this office.

20 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
21 URBAN DEVELOPMENT

22 (INCLUDING TRANSFER OF FUNDS)

23 (INCLUDING RESCISSIONS)

24 SEC. 201. Fifty percent of the amounts of budget au-
25 thority, or in lieu thereof 50 percent of the cash amounts

1 associated with such budget authority, that are recaptured
2 from projects described in section 1012(a) of the Stewart
3 B. McKinney Homeless Assistance Amendments Act of
4 1988 (42 U.S.C. 1437f note) shall be rescinded or in the
5 case of cash, shall be remitted to the Treasury, and such
6 amounts of budget authority or cash recaptured and not
7 rescinded or remitted to the Treasury shall be used by
8 State housing finance agencies or local governments or
9 local housing agencies with projects approved by the Sec-
10 retary of Housing and Urban Development for which set-
11 tlement occurred after January 1, 1992, in accordance
12 with such section. Notwithstanding the previous sentence,
13 the Secretary may award up to 15 percent of the budget
14 authority or cash recaptured and not rescinded or remitted
15 to the Treasury to provide project owners with incentives
16 to refinance their project at a lower interest rate.

17 SEC. 202. None of the funds made available by this
18 Act may be used during fiscal year 2022 to investigate
19 or prosecute under the Fair Housing Act any otherwise
20 lawful activity engaged in by one or more persons, includ-
21 ing the filing or maintaining of a nonfrivolous legal action,
22 that is engaged in solely for the purpose of achieving or
23 preventing action by a Government official or entity, or
24 a court of competent jurisdiction.

1 SEC. 203. Except as explicitly provided in law, any
2 grant, cooperative agreement or other assistance made
3 pursuant to title II of this Act shall be made on a competi-
4 tive basis and in accordance with section 102 of the De-
5 partment of Housing and Urban Development Reform Act
6 of 1989 (42 U.S.C. 3545).

7 SEC. 204. Funds of the Department of Housing and
8 Urban Development subject to the Government Corpora-
9 tion Control Act or section 402 of the Housing Act of
10 1950 shall be available, without regard to the limitations
11 on administrative expenses, for legal services on a contract
12 or fee basis, and for utilizing and making payment for
13 services and facilities of the Federal National Mortgage
14 Association, Government National Mortgage Association,
15 Federal Home Loan Mortgage Corporation, Federal Fi-
16 nancing Bank, Federal Reserve banks or any member
17 thereof, Federal Home Loan banks, and any insured bank
18 within the meaning of the Federal Deposit Insurance Cor-
19 poration Act, as amended (12 U.S.C. 1811–1).

20 SEC. 205. Unless otherwise provided for in this Act
21 or through a reprogramming of funds, no part of any ap-
22 propriation for the Department of Housing and Urban
23 Development shall be available for any program, project
24 or activity in excess of amounts set forth in the budget
25 estimates submitted to Congress.

1 SEC. 206. Corporations and agencies of the Depart-
2 ment of Housing and Urban Development which are sub-
3 ject to the Government Corporation Control Act are here-
4 by authorized to make such expenditures, within the limits
5 of funds and borrowing authority available to each such
6 corporation or agency and in accordance with law, and to
7 make such contracts and commitments without regard to
8 fiscal year limitations as provided by section 104 of such
9 Act as may be necessary in carrying out the programs set
10 forth in the budget for 2022 for such corporation or agen-
11 cy except as hereinafter provided: *Provided*, That collec-
12 tions of these corporations and agencies may be used for
13 new loan or mortgage purchase commitments only to the
14 extent expressly provided for in this Act (unless such loans
15 are in support of other forms of assistance provided for
16 in this or prior appropriations Acts), except that this pro-
17 viso shall not apply to the mortgage insurance or guaranty
18 operations of these corporations, or where loans or mort-
19 gage purchases are necessary to protect the financial in-
20 terest of the United States Government.

21 SEC. 207. The Secretary shall provide quarterly re-
22 ports to the House and Senate Committees on Appropria-
23 tions regarding all uncommitted, unobligated, recaptured
24 and excess funds in each program and activity within the
25 jurisdiction of the Department and shall submit addi-

1 tional, updated budget information to these Committees
2 upon request.

3 SEC. 208. None of the funds made available by this
4 title may be used for an audit of the Government National
5 Mortgage Association that makes applicable requirements
6 under the Federal Credit Reform Act of 1990 (2 U.S.C.
7 661 et seq.).

8 SEC. 209. (a) Notwithstanding any other provision
9 of law, subject to the conditions listed under this section,
10 for fiscal years 2022 and 2023, the Secretary of Housing
11 and Urban Development may authorize the transfer of
12 some or all project-based assistance, debt held or insured
13 by the Secretary and statutorily required low-income and
14 very low-income use restrictions if any, associated with one
15 or more multifamily housing project or projects to another
16 multifamily housing project or projects.

17 (b) PHASED TRANSFERS.—Transfers of project-
18 based assistance under this section may be done in phases
19 to accommodate the financing and other requirements re-
20 lated to rehabilitating or constructing the project or
21 projects to which the assistance is transferred, to ensure
22 that such project or projects meet the standards under
23 subsection (c).

24 (c) The transfer authorized in subsection (a) is sub-
25 ject to the following conditions:

1 (1) NUMBER AND BEDROOM SIZE OF UNITS.—

2 (A) For occupied units in the transferring
3 project: The number of low-income and very
4 low-income units and the configuration (i.e.,
5 bedroom size) provided by the transferring
6 project shall be no less than when transferred
7 to the receiving project or projects and the net
8 dollar amount of Federal assistance provided to
9 the transferring project shall remain the same
10 in the receiving project or projects.

11 (B) For unoccupied units in the transfer-
12 ring project: The Secretary may authorize a re-
13 duction in the number of dwelling units in the
14 receiving project or projects to allow for a re-
15 configuration of bedroom sizes to meet current
16 market demands, as determined by the Sec-
17 retary and provided there is no increase in the
18 project-based assistance budget authority.

19 (2) The transferring project shall, as deter-
20 mined by the Secretary, be either physically obsolete
21 or economically nonviable, or be reasonably expected
22 to become economically nonviable when complying
23 with state or Federal requirements for community
24 integration and reduced concentration of individuals
25 with disabilities.

1 (3) The receiving project or projects shall meet
2 or exceed applicable physical standards established
3 by the Secretary.

4 (4) The owner or mortgagor of the transferring
5 project shall notify and consult with the tenants re-
6 siding in the transferring project and provide a cer-
7 tification of approval by all appropriate local govern-
8 mental officials.

9 (5) The tenants of the transferring project who
10 remain eligible for assistance to be provided by the
11 receiving project or projects shall not be required to
12 vacate their units in the transferring project or
13 projects until new units in the receiving project are
14 available for occupancy.

15 (6) The Secretary determines that this transfer
16 is in the best interest of the tenants.

17 (7) If either the transferring project or the re-
18 ceiving project or projects meets the condition speci-
19 fied in subsection (d)(2)(A), any lien on the receiv-
20 ing project resulting from additional financing ob-
21 tained by the owner shall be subordinate to any
22 FHA-insured mortgage lien transferred to, or placed
23 on, such project by the Secretary, except that the
24 Secretary may waive this requirement upon deter-
25 mination that such a waiver is necessary to facilitate

1 the financing of acquisition, construction, and/or re-
2 habilitation of the receiving project or projects.

3 (8) If the transferring project meets the re-
4 quirements of subsection (d)(2), the owner or mort-
5 gator of the receiving project or projects shall exe-
6 cute and record either a continuation of the existing
7 use agreement or a new use agreement for the
8 project where, in either case, any use restrictions in
9 such agreement are of no lesser duration than the
10 existing use restrictions.

11 (9) The transfer does not increase the cost (as
12 defined in section 502 of the Congressional Budget
13 Act of 1974 (2 U.S.C. 661a)) of any FHA-insured
14 mortgage, except to the extent that appropriations
15 are provided in advance for the amount of any such
16 increased cost.

17 (d) For purposes of this section—

18 (1) the terms “low-income” and “very low-in-
19 come” shall have the meanings provided by the stat-
20 ute and/or regulations governing the program under
21 which the project is insured or assisted;

22 (2) the term “multifamily housing project”
23 means housing that meets one of the following con-
24 ditions—

1 (A) housing that is subject to a mortgage
2 insured under the National Housing Act;

3 (B) housing that has project-based assist-
4 ance attached to the structure including
5 projects undergoing mark to market debt re-
6 structuring under the Multifamily Assisted
7 Housing Reform and Affordability Housing Act;

8 (C) housing that is assisted under section
9 202 of the Housing Act of 1959 (12 U.S.C.
10 1701q);

11 (D) housing that is assisted under section
12 202 of the Housing Act of 1959 (12 U.S.C.
13 1701q), as such section existed before the en-
14 actment of the Cranston-Gonzales National Af-
15 fordable Housing Act;

16 (E) housing that is assisted under section
17 811 of the Cranston-Gonzales National Afford-
18 able Housing Act (42 U.S.C. 8013); or

19 (F) housing or vacant land that is subject
20 to a use agreement;

21 (3) the term “project-based assistance”
22 means—

23 (A) assistance provided under section 8(b)
24 of the United States Housing Act of 1937 (42
25 U.S.C. 1437f(b));

1 (B) assistance for housing constructed or
2 substantially rehabilitated pursuant to assist-
3 ance provided under section 8(b)(2) of such Act
4 (as such section existed immediately before Oc-
5 tober 1, 1983);

6 (C) rent supplement payments under sec-
7 tion 101 of the Housing and Urban Develop-
8 ment Act of 1965 (12 U.S.C. 1701s);

9 (D) interest reduction payments under sec-
10 tion 236 and/or additional assistance payments
11 under section 236(f)(2) of the National Hous-
12 ing Act (12 U.S.C. 1715z-1);

13 (E) assistance payments made under sec-
14 tion 202(e)(2) of the Housing Act of 1959 (12
15 U.S.C. 1701q(e)(2)); and

16 (F) assistance payments made under sec-
17 tion 811(d)(2) of the Cranston-Gonzalez Na-
18 tional Affordable Housing Act (42 U.S.C.
19 8013(d)(2));

20 (4) the term “receiving project or projects”
21 means the multifamily housing project or projects to
22 which some or all of the project-based assistance,
23 debt, and statutorily required low-income and very
24 low-income use restrictions are to be transferred;

1 (5) the term “transferring project” means the
2 multifamily housing project which is transferring
3 some or all of the project-based assistance, debt, and
4 the statutorily required low-income and very low-in-
5 come use restrictions to the receiving project or
6 projects; and

7 (6) the term “Secretary” means the Secretary
8 of Housing and Urban Development.

9 (e) RESEARCH REPORT.—The Secretary shall con-
10 duct an evaluation of the transfer authority under this sec-
11 tion, including the effect of such transfers on the oper-
12 ational efficiency, contract rents, physical and financial
13 conditions, and long-term preservation of the affected
14 properties.

15 SEC. 210. (a) No assistance shall be provided under
16 section 8 of the United States Housing Act of 1937 (42
17 U.S.C. 1437f) to any individual who—

18 (1) is enrolled as a student at an institution of
19 higher education (as defined under section 102 of
20 the Higher Education Act of 1965 (20 U.S.C.
21 1002));

22 (2) is under 24 years of age;

23 (3) is not a veteran;

24 (4) is unmarried;

25 (5) does not have a dependent child;

1 (6) is not a person with disabilities, as such
2 term is defined in section 3(b)(3)(E) of the United
3 States Housing Act of 1937 (42 U.S.C.
4 1437a(b)(3)(E)) and was not receiving assistance
5 under such section 8 as of November 30, 2005;

6 (7) is not a youth who left foster care at age
7 14 or older and is at risk of becoming homeless; and

8 (8) is not otherwise individually eligible, or has
9 parents who, individually or jointly, are not eligible,
10 to receive assistance under section 8 of the United
11 States Housing Act of 1937 (42 U.S.C. 1437f).

12 (b) For purposes of determining the eligibility of a
13 person to receive assistance under section 8 of the United
14 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
15 cial assistance (in excess of amounts received for tuition
16 and any other required fees and charges) that an indi-
17 vidual receives under the Higher Education Act of 1965
18 (20 U.S.C. 1001 et seq.), from private sources, or from
19 an institution of higher education (as defined under sec-
20 tion 102 of the Higher Education Act of 1965 (20 U.S.C.
21 1002)), shall be considered income to that individual, ex-
22 cept for a person over the age of 23 with dependent chil-
23 dren.

24 SEC. 211. The funds made available for Native Alas-
25 kans under paragraph (1) under the heading “Native

1 American Programs” in title II of this Act shall be allo-
2 cated to the same Native Alaskan housing block grant re-
3 cipients that received funds in fiscal year 2005, and only
4 such recipients shall be eligible to apply for funds made
5 available under paragraph (2) of such heading.

6 SEC. 212. Notwithstanding any other provision of
7 law, in fiscal year 2022, in managing and disposing of any
8 multifamily property that is owned or has a mortgage held
9 by the Secretary of Housing and Urban Development, and
10 during the process of foreclosure on any property with a
11 contract for rental assistance payments under section 8
12 of the United States Housing Act of 1937 (42 U.S.C.
13 1437f) or any other Federal programs, the Secretary shall
14 maintain any rental assistance payments under section 8
15 of the United States Housing Act of 1937 and other pro-
16 grams that are attached to any dwelling units in the prop-
17 erty. To the extent the Secretary determines, in consulta-
18 tion with the tenants and the local government that such
19 a multifamily property owned or having a mortgage held
20 by the Secretary is not feasible for continued rental assist-
21 ance payments under such section 8 or other programs,
22 based on consideration of (1) the costs of rehabilitating
23 and operating the property and all available Federal,
24 State, and local resources, including rent adjustments
25 under section 524 of the Multifamily Assisted Housing

1 Reform and Affordability Act of 1997 (in this section
2 “MAHRAA”) (42 U.S.C. 1437f note), and (2) environ-
3 mental conditions that cannot be remedied in a cost-effec-
4 tive fashion, the Secretary may, in consultation with the
5 tenants of that property, contract for project-based rental
6 assistance payments with an owner or owners of other ex-
7 isting housing properties, or provide other rental assist-
8 ance. The Secretary shall also take appropriate steps to
9 ensure that project-based contracts remain in effect prior
10 to foreclosure, subject to the exercise of contractual abate-
11 ment remedies to assist relocation of tenants for imminent
12 major threats to health and safety after written notice to
13 and informed consent of the affected tenants and use of
14 other available remedies, such as partial abatements or re-
15 ceivership. After disposition of any multifamily property
16 described in this section, the contract and allowable rent
17 levels on such properties shall be subject to the require-
18 ments under section 524 of MAHRAA.

19 SEC. 213. Public housing agencies that own and oper-
20 ate 400 or fewer public housing units may elect to be ex-
21 empt from any asset management requirement imposed by
22 the Secretary in connection with the operating fund rule:
23 *Provided*, That an agency seeking a discontinuance of a
24 reduction of subsidy under the operating fund formula
25 shall not be exempt from asset management requirements.

1 SEC. 214. With respect to the use of amounts pro-
2 vided in this Act and in future Acts for the operation, cap-
3 ital improvement, and management of public housing as
4 authorized by sections 9(d) and 9(e) of the United States
5 Housing Act of 1937 (42 U.S.C. 1437g(d),(e)), the Sec-
6 retary shall not impose any requirement or guideline relat-
7 ing to asset management that restricts or limits in any
8 way the use of capital funds for central office costs pursu-
9 ant to paragraph (1) or (2) of section 9(g) of the United
10 States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)):
11 *Provided*, That a public housing agency may not use cap-
12 ital funds authorized under section 9(d) for activities that
13 are eligible under section 9(e) for assistance with amounts
14 from the operating fund in excess of the amounts per-
15 mitted under paragraph (1) or (2) of section 9(g).

16 SEC. 215. No official or employee of the Department
17 of Housing and Urban Development shall be designated
18 as an allotment holder unless the Office of the Chief Fi-
19 nancial Officer has determined that such allotment holder
20 has implemented an adequate system of funds control and
21 has received training in funds control procedures and di-
22 rectives. The Chief Financial Officer shall ensure that
23 there is a trained allotment holder for each HUD appro-
24 priation under the accounts “Executive Offices”, “Admin-
25 istrative Support Offices”, “Program Offices”, “Govern-

1 ment National Mortgage Association—Guarantees of
2 Mortgage-Backed Securities Loan Guarantee Program
3 Account”, and “Office of Inspector General” within the
4 Department of Housing and Urban Development.

5 SEC. 216. The Secretary shall, for fiscal year 2022,
6 notify the public through the Federal Register and other
7 means, as determined appropriate, of the issuance of a no-
8 tice of the availability of assistance or notice of funding
9 opportunity (NOFO) for any program or discretionary
10 fund administered by the Secretary that is to be competi-
11 tively awarded. Notwithstanding any other provision of
12 law, for fiscal year 2022, the Secretary may make the
13 NOFO available only on the Internet at the appropriate
14 Government website or through other electronic media, as
15 determined by the Secretary.

16 SEC. 217. Payment of attorney fees in program-re-
17 lated litigation shall be paid from the individual program
18 office and Office of General Counsel salaries and expenses
19 appropriations.

20 SEC. 218. The Secretary is authorized to transfer up
21 to 10 percent or \$5,000,000, whichever is less, of funds
22 appropriated for any office under the headings “Adminis-
23 trative Support Offices” or “Program Offices” to any
24 other such office under such headings: *Provided*, That no
25 appropriation for any such office under such headings

1 shall be increased or decreased by more than 10 percent
2 or \$5,000,000, whichever is less, without prior written ap-
3 proval of the House and Senate Committees on Appropria-
4 tions: *Provided further*, That the Secretary shall provide
5 notification to such Committees 3 business days in ad-
6 vance of any such transfers under this section up to 10
7 percent or \$5,000,000, whichever is less.

8 SEC. 219. (a) Any entity receiving housing assistance
9 payments shall maintain decent, safe, and sanitary condi-
10 tions, as determined by the Secretary, and comply with
11 any standards under applicable State or local laws, rules,
12 ordinances, or regulations relating to the physical condi-
13 tion of any property covered under a housing assistance
14 payment contract.

15 (b) The Secretary shall take action under subsection
16 (c) when a multifamily housing project with a contract
17 under section 8 of the United States Housing Act of 1937
18 (42 U.S.C. 1437f) or a contract for similar project-based
19 assistance—

20 (1) receives a Uniform Physical Condition
21 Standards (UPCS) score of 60 or less; or

22 (2) fails to certify in writing to the Secretary
23 within 3 days that all Exigent Health and Safety de-
24 ficiencies identified by the inspector at the project
25 have been corrected.

1 Such requirements shall apply to insured and non-
2 insured projects with assistance attached to the units
3 under section 8 of the United States Housing Act of 1937
4 (42 U.S.C. 1437f), but shall not apply to such units as-
5 sisted under section 8(o)(13) of such Act (42 U.S.C.
6 1437f(o)(13)) or to public housing units assisted with cap-
7 ital or operating funds under section 9 of the United
8 States Housing Act of 1937 (42 U.S.C. 1437g).

9 (c)(1) Within 15 days of the issuance of the Real Es-
10 tate Assessment Center (“REAC”) inspection, the Sec-
11 retary shall provide the owner with a Notice of Default
12 with a specified timetable, determined by the Secretary,
13 for correcting all deficiencies. The Secretary shall provide
14 a copy of the Notice of Default to the tenants, the local
15 government, any mortgagees, and any contract adminis-
16 trator. If the owner’s appeal results in a UPCS score of
17 60 or above, the Secretary may withdraw the Notice of
18 Default.

19 (2) At the end of the time period for correcting all
20 deficiencies specified in the Notice of Default, if the owner
21 fails to fully correct such deficiencies, the Secretary may—

22 (A) require immediate replacement of project
23 management with a management agent approved by
24 the Secretary;

1 (B) impose civil money penalties, which shall be
2 used solely for the purpose of supporting safe and
3 sanitary conditions at applicable properties, as des-
4 ignated by the Secretary, with priority given to the
5 tenants of the property affected by the penalty;

6 (C) abate the section 8 contract, including par-
7 tial abatement, as determined by the Secretary, until
8 all deficiencies have been corrected;

9 (D) pursue transfer of the project to an owner,
10 approved by the Secretary under established proce-
11 dures, who will be obligated to promptly make all re-
12 quired repairs and to accept renewal of the assist-
13 ance contract if such renewal is offered;

14 (E) transfer the existing section 8 contract to
15 another project or projects and owner or owners;

16 (F) pursue exclusionary sanctions, including
17 suspensions or debarments from Federal programs;

18 (G) seek judicial appointment of a receiver to
19 manage the property and cure all project deficiencies
20 or seek a judicial order of specific performance re-
21 quiring the owner to cure all project deficiencies;

22 (H) work with the owner, lender, or other re-
23 lated party to stabilize the property in an attempt
24 to preserve the property through compliance, trans-

1 fer of ownership, or an infusion of capital provided
2 by a third-party that requires time to effectuate; or

3 (I) take any other regulatory or contractual
4 remedies available as deemed necessary and appro-
5 priate by the Secretary.

6 (d) The Secretary shall take appropriate steps to en-
7 sure that project-based contracts remain in effect, subject
8 to the exercise of contractual abatement remedies to assist
9 relocation of tenants for major threats to health and safety
10 after written notice to the affected tenants. To the extent
11 the Secretary determines, in consultation with the tenants
12 and the local government, that the property is not feasible
13 for continued rental assistance payments under such sec-
14 tion 8 or other programs, based on consideration of—

15 (1) the costs of rehabilitating and operating the
16 property and all available Federal, State, and local
17 resources, including rent adjustments under section
18 524 of the Multifamily Assisted Housing Reform
19 and Affordability Act of 1997 (“MAHRAA”); and

20 (2) environmental conditions that cannot be
21 remedied in a cost-effective fashion, the Secretary
22 may contract for project-based rental assistance pay-
23 ments with an owner or owners of other existing
24 housing properties, or provide other rental assist-
25 ance.

1 (e) The Secretary shall report semi-annually on all
2 properties covered by this section that are assessed
3 through the Real Estate Assessment Center and have
4 UPCS physical inspection scores of less than 60 or have
5 received an unsatisfactory management and occupancy re-
6 view within the past 36 months. The report shall include—

7 (1) identification of the enforcement actions
8 being taken to address such conditions, including
9 imposition of civil money penalties and termination
10 of subsidies, and identification of properties that
11 have such conditions multiple times;

12 (2) identification of actions that the Depart-
13 ment of Housing and Urban Development is taking
14 to protect tenants of such identified properties; and

15 (3) any administrative or legislative rec-
16 ommendations to further improve the living condi-
17 tions at properties covered under a housing assist-
18 ance payment contract.

19 The first report shall be submitted to the Senate and
20 House Committees on Appropriations not later than 30
21 days after the enactment of this Act, and the second re-
22 port shall be submitted within 180 days of the transmittal
23 of the first report.

24 SEC. 220. None of the funds made available by this
25 Act, or any other Act, for purposes authorized under sec-

1 tion 8 (only with respect to the tenant-based rental assist-
2 ance program) and section 9 of the United States Housing
3 Act of 1937 (42 U.S.C. 1437 et seq.), may be used by
4 any public housing agency for any amount of salary, in-
5 cluding bonuses, for the chief executive officer of which,
6 or any other official or employee of which, that exceeds
7 the annual rate of basic pay payable for a position at level
8 IV of the Executive Schedule at any time during any pub-
9 lic housing agency fiscal year 2022.

10 SEC. 221. None of the funds made available by this
11 Act and provided to the Department of Housing and
12 Urban Development may be used to make a grant award
13 unless the Secretary notifies the House and Senate Com-
14 mittees on Appropriations not less than 3 full business
15 days before any project, State, locality, housing authority,
16 Tribe, nonprofit organization, or other entity selected to
17 receive a grant award is announced by the Department
18 or its offices.

19 SEC. 222. None of the funds made available in this
20 Act shall be used by the Federal Housing Administration,
21 the Government National Mortgage Association, or the
22 Department of Housing and Urban Development to in-
23 sure, securitize, or establish a Federal guarantee of any
24 mortgage or mortgage backed security that refinances or
25 otherwise replaces a mortgage that has been subject to

1 eminent domain condemnation or seizure, by a State, mu-
2 nicipality, or any other political subdivision of a State.

3 SEC. 223. None of the funds made available by this
4 Act may be used to terminate the status of a unit of gen-
5 eral local government as a metropolitan city (as defined
6 in section 102 of the Housing and Community Develop-
7 ment Act of 1974 (42 U.S.C. 5302)) with respect to
8 grants under section 106 of such Act (42 U.S.C. 5306).

9 SEC. 224. Amounts made available by this Act that
10 are appropriated, allocated, advanced on a reimbursable
11 basis, or transferred to the Office of Policy Development
12 and Research of the Department of Housing and Urban
13 Development and functions thereof, for research, evalua-
14 tion, or statistical purposes, and that are unexpended at
15 the time of completion of a contract, grant, or cooperative
16 agreement, may be deobligated and shall immediately be-
17 come available and may be reobligated in that fiscal year
18 or the subsequent fiscal year for the research, evaluation,
19 or statistical purposes for which the amounts are made
20 available to that Office subject to reprogramming require-
21 ments in section 405 of this Act.

22 SEC. 225. None of the funds provided in this Act or
23 any other Act may be used for awards, including perform-
24 ance, special act, or spot, for any employee of the Depart-
25 ment of Housing and Urban Development subject to ad-

1 ministrative discipline (including suspension from work),
2 in this fiscal year, but this prohibition shall not be effec-
3 tive prior to the effective date of any such administrative
4 discipline or after any final decision over-turning such dis-
5 cipline.

6 SEC. 226. With respect to grant amounts awarded
7 under the heading “Homeless Assistance Grants” for fis-
8 cal years 2015 through 2022 for the Continuum of Care
9 (CoC) program as authorized under subtitle C of title IV
10 of the McKinney-Vento Homeless Assistance Act, costs
11 paid by program income of grant recipients may count to-
12 ward meeting the recipient’s matching requirements, pro-
13 vided the costs are eligible CoC costs that supplement the
14 recipient’s CoC program.

15 SEC. 227. (a) From amounts made available under
16 this title under the heading “Homeless Assistance
17 Grants”, the Secretary may award 1-year transition
18 grants to recipients of funds for activities under subtitle
19 C of the McKinney-Vento Homeless Assistance Act (42
20 U.S.C. 11381 et seq.) to transition from one Continuum
21 of Care program component to another.

22 (b) In order to be eligible to receive a transition
23 grant, the funding recipient must have the consent of the
24 continuum of care and meet standards determined by the
25 Secretary.

1 SEC. 228. The Promise Zone designations and Prom-
2 ise Zone Designation Agreements entered into pursuant
3 to such designations, made by the Secretary in prior fiscal
4 years, shall remain in effect in accordance with the terms
5 and conditions of such agreements.

6 SEC. 229. None of the funds made available by this
7 Act may be used to establish and apply review criteria,
8 including rating factors or preference points, for participa-
9 tion in or coordination with EnVision Centers, in the eval-
10 uation, selection, and award of any funds made available
11 and requiring competitive selection under this Act, except
12 with respect to any such funds otherwise authorized for
13 EnVision Center purposes under this Act.

14 SEC. 230. None of the amounts made available in this
15 Act may be used to consider Family Self-Sufficiency per-
16 formance measures or performance scores in determining
17 funding awards for programs receiving Family Self-Suffi-
18 ciency program coordinator funding provided in this Act.

19 SEC. 231. Any public housing agency designated as
20 a Moving to Work agency pursuant to section 239 of divi-
21 sion L of Public Law 114–113 (42 U.S.C. 1437f note;
22 129 Stat. 2897) may, upon such designation, use funds
23 (except for special purpose funding, including special pur-
24 pose vouchers) previously allocated to any such public
25 housing agency under section 8 or 9 of the United States

1 Housing Act of 1937, including any reserve funds held by
2 the public housing agency or funds held by the Depart-
3 ment of Housing and Urban Development, pursuant to the
4 authority for use of section 8 or 9 funding provided under
5 such section and section 204 of title II of the Departments
6 of Veterans Affairs and Housing and Urban Development
7 and Independent Agencies Appropriations Act, 1996
8 (Public Law 104–134; 110 Stat. 1321–28), notwith-
9 standing the purposes for which such funds were appro-
10 priated.

11 SEC. 232. None of the amounts made available by
12 this Act may be used to prohibit any public housing agen-
13 cy under receivership or the direction of a Federal monitor
14 from applying for, receiving, or using funds made available
15 under the heading “Public Housing Fund” for competitive
16 grants to evaluate and reduce lead-based paint hazards in
17 this Act or that remain available and not awarded from
18 prior Acts, or be used to prohibit a public housing agency
19 from using such funds to carry out any required work pur-
20 suant to a settlement agreement, consent decree, vol-
21 untary agreement, or similar document for a violation of
22 the Lead Safe Housing or Lead Disclosure Rules.

23 SEC. 233. None of the funds made available by this
24 title may be used to issue rules or guidance in contraven-
25 tion of section 1210 of Public Law 115–254 (132 Stat.

1 3442) or section 312 of the Robert T. Stafford Disaster
2 Relief and Emergency Assistance Act (42 U.S.C. 5155).

3 SEC. 234. Funds made available in the Consolidated
4 and Further Continuing Appropriations Act, 2015 (Public
5 Law 113–235) for the “Choice Neighborhoods Initiative”
6 that were available for obligation through fiscal year 2017
7 are to remain available through fiscal year 2023 for the
8 liquidation of valid obligations incurred in fiscal years
9 2015 through 2017.

10 SEC. 235. None of the funds made available by this
11 Act may be used by the Department of Housing and
12 Urban Development to direct a grantee to undertake spe-
13 cific changes to existing zoning laws as part of carrying
14 out the final rule entitled “Affirmatively Furthering Fair
15 Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the
16 notice entitled “Affirmatively Furthering Fair Housing
17 Assessment Tool” (79 Fed. Reg. 57949 (September 26,
18 2014)).

19 SEC. 236. The language under the heading “Rental
20 Assistance Demonstration” in the Department of Housing
21 and Urban Development Appropriations Act, 2012 (Public
22 Law 112–55), as most recently amended by Public Law
23 115–141, is further amended—

24 (1) after the seventeenth proviso, by inserting
25 the following new proviso: “*Provided further*, That

1 conversions of assistance under the following pro-
2 visos herein shall be considered as the ‘Second Com-
3 ponent’ and shall be authorized for fiscal year 2012
4 and thereafter:”;

5 (2) by striking the nineteenth proviso, as reor-
6 dered above, and inserting the following four pro-
7 visos: “*Provided further*, That owners of properties
8 assisted under section 101 of the Housing and
9 Urban Development Act of 1965, section 236(f)(2)
10 of the National Housing Act, or section 8(e)(2) of
11 the United States Housing Act of 1937, for which
12 an event after October 1, 2006 has caused or results
13 in the termination of rental assistance or afford-
14 ability restrictions and the issuance of tenant protec-
15 tion vouchers under section 8(o) of the Act shall be
16 eligible, subject to requirements established by the
17 Secretary, for conversion of assistance available for
18 such vouchers or assistance contracts to assistance
19 under a long term project-based subsidy contract
20 under section 8 of the Act: *Provided further*, That
21 owners of properties with a project rental assistance
22 contract under section 202(c)(2) of the Housing Act
23 of 1959 shall be eligible, subject to requirements es-
24 tablished by the Secretary, including but not limited
25 to the subordination, restructuring, or both, of any

1 capital advance documentation, including any note,
2 mortgage, use agreement or other agreements, evi-
3 dencing or securing a capital advance previously pro-
4 vided by the Secretary under section 202(c)(1) of
5 the Housing Act of 1959 as necessary to facilitate
6 the conversion of assistance while maintaining the
7 affordability period and the designation of the prop-
8 erty as serving elderly persons, and tenant consulta-
9 tion procedures, for conversion of assistance avail-
10 able for such assistance contracts to assistance
11 under a long term project-based subsidy contract
12 under section 8 of the Act: *Provided further*, That
13 owners of properties with a project rental assistance
14 contract under section 811(d)(2) of the Cranston-
15 Gonzalez National Affordable Housing Act, shall be
16 eligible, subject to requirements established by the
17 Secretary, including but not limited to the subordi-
18 nation, restructuring, or both, of any capital advance
19 documentation, including any note, mortgage, use
20 agreement or other agreements, evidencing or secur-
21 ing a capital advance previously provided by the Sec-
22 retary under section 811(d)(2) of the Cranston-Gon-
23 zalez National Affordable Housing Act as necessary
24 to facilitate the conversion of assistance while main-
25 taining the affordability period and the designation

1 of the property as serving persons with disabilities,
2 and tenant consultation procedures, for conversion
3 of assistance contracts to assistance under a long
4 term project-based subsidy contract under section 8
5 of the Act: *Provided further*, That long term project-
6 based subsidy contracts under section 8 of the Act
7 which are established under this Second Component
8 shall have a term of no less than 20 years, with rent
9 adjustments only by an operating cost factor estab-
10 lished by the Secretary, which shall be eligible for re-
11 newal under section 524 of the Multifamily Assisted
12 Housing Reform and Affordability Act of 1997 (42
13 U.S.C. 1437f note), or, subject to agreement of the
14 administering public housing agency, to assistance
15 under section 8(o)(13) of the Act, to which the limi-
16 tation under subsection (B) of section 8(o)(13) of
17 the Act shall not apply and for which the Secretary
18 may waive or alter the provisions of subparagraphs
19 (C) and (D) of section 8(o)(13) of the Act.”;

20 (3) after the twenty-third proviso, as reordered
21 above, by inserting the following new proviso: “*Pro-*
22 *vided further*, That the Secretary may waive or alter
23 the requirements of section 8(c)(1)(A) of the Act for
24 contracts provided to properties converting assist-
25 ance from section 202(c)(2) of the Housing Act of

1 1959 or section 811(d)(2) of the Cranston-Gonzalez
2 National Affordable Housing Act as necessary to en-
3 sure the ongoing provision and coordination of serv-
4 ices or to avoid a reduction in project subsidy.”; and
5 (4) in the twenty-ninth proviso, as reordered
6 above, by—

7 (A) striking “heading ‘Housing for the El-
8 derly’” and inserting “headings ‘Housing for
9 the Elderly’ and ‘Housing for Persons with Dis-
10 abilities’”; and

11 (B) inserting “or section 811 project rental
12 assistance contract” after “section 202 project
13 rental assistance contract”.

14 SEC. 237. For fiscal year 2022, if the Secretary de-
15 termines or has determined, for any prior formula grant
16 allocation administered by the Secretary through the Of-
17 fices of Public and Indian Housing, Community Planning
18 and Development, or Housing, that a recipient received
19 an allocation greater than the amount such recipient
20 should have received for a formula allocation cycle pursu-
21 ant to applicable statutes and regulations, the Secretary
22 may adjust for any such funding error in the next applica-
23 ble formula allocation cycle by (a) offsetting each such re-
24 cipient’s formula allocation (if eligible for a formula alloca-
25 tion in the next applicable formula allocation cycle) by the

1 amount of any such funding error, and (b) reallocating
2 any available balances that are attributable to the offset
3 to the recipient or recipients that would have been allo-
4 cated additional funds in the formula allocation cycle in
5 which any such error occurred (if such recipient or recipi-
6 ents are eligible for a formula allocation in the next appli-
7 cable formula allocation cycle) in an amount proportionate
8 to such recipient's eligibility under the next applicable for-
9 mula allocation cycle: *Provided*, That all offsets and re-
10 allocations from such available balances shall be recorded
11 against funds available for the next applicable formula al-
12 location cycle: *Provided further*, That the term "next appli-
13 cable formula allocation cycle" means the first formula al-
14 location cycle for a program that is reasonably available
15 for correction following such a Secretarial determination:
16 *Provided further*, That if, upon request by a recipient and
17 giving consideration to all Federal resources available to
18 the recipient for the same grant purposes, the Secretary
19 determines that the offset in the next applicable formula
20 allocation cycle would critically impair the recipient's abil-
21 ity to accomplish the purpose of the formula grant, the
22 Secretary may adjust for the funding error across two or
23 more formula allocation cycles.

24 SEC. 238. Of the unobligated balances available to
25 the Department of Housing and Urban Development from

1 title II of division L of the Consolidated Appropriations
2 Act of 2021 (Public Law 116–260), the following funds
3 are hereby rescinded from the following accounts in the
4 specified amounts—

5 (1) “Management and Administration—Execu-
6 tive Offices”, \$4,000,000; and

7 (2) “Management and Administration—Admin-
8 istrative Support Offices”, \$25,000,000.

9 SEC. 239. The Secretary may, upon a finding that
10 a waiver or alternative requirement is necessary to facili-
11 tate the use of funds made available in paragraph (8)
12 under the heading “Tenant-Based Rental Assistance” in
13 the Transportation, Housing and Urban Development,
14 and Related Agencies Appropriations Act, 2021 (Public
15 Law 116–260), waive or specify alternative requirements,
16 other than requirements related to tenant rights and pro-
17 tections, rent setting, fair housing, nondiscrimination,
18 labor standards, and the environment, for—

19 (1) section 214(d)(2) of the Housing and Com-
20 munity Development Act of 1980 (42 U.S.C.
21 1436a(d)(2)), and regulatory provisions related to
22 the timing of when documentation verifying eligi-
23 bility must be obtained;

24 (2) section 576(a), (b), and (c) of the Quality
25 Housing and Work Responsibility Act of 1998 (42

1 U.S.C. 13661(a), (b), and (c)), and regulatory provi-
2 sions related to the verification of eligibility, eligi-
3 bility requirements, and the admissions process;

4 (3) section 8(o)(6)(A) of the United States
5 Housing Act of 1937 (42 U.S.C. 1437f(o)(6)(A))
6 and regulatory provisions related to the administra-
7 tion of waiting lists, local preferences, and the initial
8 term and extensions of tenant-based vouchers;

9 (4) section 8(o)(7)(A) of the United States
10 Housing Act of 1937 (42 U.S.C. 1437f(o)(7)(A))
11 and regulatory provisions related to the initial lease
12 term;

13 (5) section 8(o)(8) of the United States Hous-
14 ing Act of 1937 (42 U.S.C. 1437f(o)(8)) and regu-
15 latory provisions related to related to the timing of
16 the initial inspection of a unit to allow for pre-in-
17 spections;

18 (6) section 8(o)(13)(J) of the United States
19 Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(J))
20 and regulatory provisions related to the selection of
21 tenants for project-based assistance;

22 (7) section 8(r)(B)(i) of the United States
23 Housing Act of 1937 (42 U.S.C. 1437f(r)(B)(i)) and
24 regulatory provisions related to portability moves by
25 non-resident applicants;

1 (8) section 16(b) of the United States Housing
2 Act of 1937 (42 U.S.C. 1437n(b)) and regulatory
3 provisions related to the eligibility and targeting of
4 families for tenant-based assistance; and

5 (9) regulatory provisions related to the estab-
6 lishment of payment standards.

7 This title may be cited as the “Department of Hous-
8 ing and Urban Development Appropriations Act, 2022”.

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1 TITLE III
2 RELATED AGENCIES
3 ACCESS BOARD
4 SALARIES AND EXPENSES

5 For expenses necessary for the Access Board, as au-
6 thorized by section 502 of the Rehabilitation Act of 1973
7 (29 U.S.C. 792), \$9,750,000: *Provided*, That, notwith-
8 standing any other provision of law, there may be credited
9 to this appropriation funds received for publications and
10 training expenses.

11 FEDERAL MARITIME COMMISSION
12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Maritime
14 Commission as authorized by section 201(d) of the Mer-
15 chant Marine Act, 1936, as amended (46 U.S.C. 46107),
16 including services as authorized by section 3109 of title
17 5, United States Code; hire of passenger motor vehicles
18 as authorized by section 1343(b) of title 31, United States
19 Code; and uniforms or allowances therefore, as authorized
20 by sections 5901 and 5902 of title 5, United States Code,
21 \$32,869,000: *Provided*, That not to exceed \$3,500 shall
22 be for official reception and representation expenses.

1 NATIONAL RAILROAD PASSENGER CORPORATION
2 OFFICE OF INSPECTOR GENERAL
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of Inspector
5 General for the National Railroad Passenger Corporation
6 to carry out the provisions of the Inspector General Act
7 of 1978 (5 U.S.C. App. 3), \$26,248,000: *Provided*, That
8 the Inspector General shall have all necessary authority,
9 in carrying out the duties specified in such Act, to inves-
10 tigate allegations of fraud, including false statements to
11 the Government under section 1001 of title 18, United
12 States Code, by any person or entity that is subject to
13 regulation by the National Railroad Passenger Corpora-
14 tion: *Provided further*, That the Inspector General may
15 enter into contracts and other arrangements for audits,
16 studies, analyses, and other services with public agencies
17 and with private persons, subject to the applicable laws
18 and regulations that govern the obtaining of such services
19 within the National Railroad Passenger Corporation: *Pro-*
20 *vided further*, That the Inspector General may select, ap-
21 point, and employ such officers and employees as may be
22 necessary for carrying out the functions, powers, and du-
23 ties of the Office of Inspector General, subject to the appli-
24 cable laws and regulations that govern such selections, ap-
25 pointments, and employment within the National Railroad

1 Passenger Corporation: *Provided further*, That concurrent
2 with the President's budget request for fiscal year 2023,
3 the Inspector General shall submit to the House and Sen-
4 ate Committees on Appropriations a budget request for
5 fiscal year 2023 in similar format and substance to budget
6 requests submitted by executive agencies of the Federal
7 Government.

8 NATIONAL TRANSPORTATION SAFETY BOARD
9 SALARIES AND EXPENSES

10 For necessary expenses of the National Transpor-
11 tation Safety Board, including hire of passenger motor ve-
12 hicles and aircraft; services as authorized by section 3109
13 of title 5, United States Code, but at rates for individuals
14 not to exceed the per diem rate equivalent to the rate for
15 a GS-15; uniforms, or allowances therefor, as authorized
16 by sections 5901 and 5902 of title 5, United States Code,
17 \$121,400,000, of which not to exceed \$2,000 may be used
18 for official reception and representation expenses: *Pro-*
19 *vided*, That the amounts made available to the National
20 Transportation Safety Board in this Act include amounts
21 necessary to make lease payments on an obligation in-
22 curred in fiscal year 2001 for a capital lease.

1795

1 NEIGHBORHOOD REINVESTMENT CORPORATION
2 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
3 CORPORATION

4 For payment to the Neighborhood Reinvestment Cor-
5 poration for use in neighborhood reinvestment activities,
6 as authorized by the Neighborhood Reinvestment Corpora-
7 tion Act (42 U.S.C. 8101–8107), \$163,000,000: *Provided,*
8 That an additional \$3,000,000, to remain available until
9 September 30, 2025, shall be for the promotion and devel-
10 opment of shared equity housing models.

11 SURFACE TRANSPORTATION BOARD
12 SALARIES AND EXPENSES

13 For necessary expenses of the Surface Transpor-
14 tation Board, including services authorized by section
15 3109 of title 5, United States Code, \$39,152,000: *Pro-*
16 *vided,* That, notwithstanding any other provision of law,
17 not to exceed \$1,250,000 from fees established by the Sur-
18 face Transportation Board shall be credited to this appro-
19 priation as offsetting collections and used for necessary
20 and authorized expenses under this heading: *Provided fur-*
21 *ther,* That the amounts made available under this heading
22 from the general fund shall be reduced on a dollar-for-
23 dollar basis as such offsetting collections are received dur-
24 ing fiscal year 2022, to result in a final appropriation from
25 the general fund estimated at not more than \$37,902,000.

1 TITLE IV

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 401. None of the funds in this Act shall be used
4 for the planning or execution of any program to pay the
5 expenses of, or otherwise compensate, non-Federal parties
6 intervening in regulatory or adjudicatory proceedings
7 funded in this Act.

8 SEC. 402. None of the funds appropriated in this Act
9 shall remain available for obligation beyond the current
10 fiscal year, nor may any be transferred to other appropria-
11 tions, unless expressly so provided herein.

12 SEC. 403. The expenditure of any appropriation
13 under this Act for any consulting service through a pro-
14 curement contract pursuant to section 3109 of title 5,
15 United States Code, shall be limited to those contracts
16 where such expenditures are a matter of public record and
17 available for public inspection, except where otherwise pro-
18 vided under existing law, or under existing Executive order
19 issued pursuant to existing law.

20 SEC. 404. (a) None of the funds made available in
21 this Act may be obligated or expended for any employee
22 training that—

23 (1) does not meet identified needs for knowl-
24 edge, skills, and abilities bearing directly upon the
25 performance of official duties;

1 (2) contains elements likely to induce high lev-
2 els of emotional response or psychological stress in
3 some participants;

4 (3) does not require prior employee notification
5 of the content and methods to be used in the train-
6 ing and written end of course evaluation;

7 (4) contains any methods or content associated
8 with religious or quasi-religious belief systems or
9 “new age” belief systems as defined in Equal Em-
10 ployment Opportunity Commission Notice N-
11 915.022, dated September 2, 1988; or

12 (5) is offensive to, or designed to change, par-
13 ticipants’ personal values or lifestyle outside the
14 workplace.

15 (b) Nothing in this section shall prohibit, restrict, or
16 otherwise preclude an agency from conducting training
17 bearing directly upon the performance of official duties.

18 SEC. 405. Except as otherwise provided in this Act,
19 none of the funds provided in this Act, provided by pre-
20 vious appropriations Acts to the agencies or entities fund-
21 ed in this Act that remain available for obligation or ex-
22 penditure in fiscal year 2022, or provided from any ac-
23 counts in the Treasury derived by the collection of fees
24 and available to the agencies funded by this Act, shall be

1 available for obligation or expenditure through a re-
2 programming of funds that—

3 (1) creates a new program;

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

5 (3) increases funds or personnel for any pro-
6 gram, project, or activity for which funds have been
7 denied or restricted by the Congress;

8 (4) proposes to use funds directed for a specific
9 activity by either the House or Senate Committees
10 on Appropriations for a different purpose;

11 (5) augments existing programs, projects, or ac-
12 tivities in excess of \$5,000,000 or 10 percent, which-
13 ever is less;

14 (6) reduces existing programs, projects, or ac-
15 tivities by \$5,000,000 or 10 percent, whichever is
16 less; or

17 (7) creates, reorganizes, or restructures a
18 branch, division, office, bureau, board, commission,
19 agency, administration, or department different from
20 the budget justifications submitted to the Commit-
21 tees on Appropriations or the table accompanying
22 the explanatory statement described in section 4 (in
23 the matter preceding division A of this consolidated
24 Act), whichever is more detailed, unless prior ap-

1 proval is received from the House and Senate Com-
2 mittees on Appropriations:

3 *Provided*, That not later than 60 days after the date of
4 enactment of this Act, each agency funded by this Act
5 shall submit a report to the Committees on Appropriations
6 of the Senate and of the House of Representatives to es-
7 tablish the baseline for application of reprogramming and
8 transfer authorities for the current fiscal year: *Provided*
9 *further*, That the report shall include—

10

11 (A) a table for each appropriation with a
12 separate column to display the prior year en-
13 acted level, the President’s budget request, ad-
14 justments made by Congress, adjustments due
15 to enacted rescissions, if appropriate, and the
16 fiscal year enacted level;

17 (B) a delineation in the table for each ap-
18 propriation and its respective prior year enacted
19 level by object class and program, project, and
20 activity as detailed in this Act, the table accom-
21 panying the explanatory statement described in
22 section 4 (in the matter preceding division A of
23 this consolidated Act), accompanying reports of
24 the House and Senate Committee on Appro-
25 priations, or in the budget appendix for the re-

1 spective appropriations, whichever is more de-
2 tailed, and shall apply to all items for which a
3 dollar amount is specified and to all programs
4 for which new budget (obligational) authority is
5 provided, as well as to discretionary grants and
6 discretionary grant allocations; and

7 (C) an identification of items of special
8 congressional interest.

9 SEC. 406. Except as otherwise specifically provided
10 by law, not to exceed 50 percent of unobligated balances
11 remaining available at the end of fiscal year 2022 from
12 appropriations made available for salaries and expenses
13 for fiscal year 2022 in this Act, shall remain available
14 through September 30, 2023, for each such account for
15 the purposes authorized: *Provided*, That a request shall
16 be submitted to the House and Senate Committees on Ap-
17 propriations for approval prior to the expenditure of such
18 funds: *Provided further*, That these requests shall be made
19 in compliance with reprogramming guidelines under sec-
20 tion 405 of this Act.

21 SEC. 407. No funds in this Act may be used to sup-
22 port any Federal, State, or local projects that seek to use
23 the power of eminent domain, unless eminent domain is
24 employed only for a public use: *Provided*, That for pur-
25 poses of this section, public use shall not be construed to

1 include economic development that primarily benefits pri-
2 vate entities: *Provided further*, That any use of funds for
3 mass transit, railroad, airport, seaport or highway
4 projects, as well as utility projects which benefit or serve
5 the general public (including energy-related, communica-
6 tion-related, water-related and wastewater-related infra-
7 structure), other structures designated for use by the gen-
8 eral public or which have other common-carrier or public-
9 utility functions that serve the general public and are sub-
10 ject to regulation and oversight by the government, and
11 projects for the removal of an immediate threat to public
12 health and safety or brownfields as defined in the Small
13 Business Liability Relief and Brownfields Revitalization
14 Act (Public Law 107–118) shall be considered a public
15 use for purposes of eminent domain.

16 SEC. 408. None of the funds made available in this
17 Act may be transferred to any department, agency, or in-
18 strumentality of the United States Government, except
19 pursuant to a transfer made by, or transfer authority pro-
20 vided in, this Act or any other appropriations Act.

21 SEC. 409. No funds appropriated pursuant to this
22 Act may be expended by an entity unless the entity agrees
23 that in expending the assistance the entity will comply
24 with sections 2 through 4 of the Act of March 3, 1933

1 (41 U.S.C. 8301–8305, popularly known as the “Buy
2 American Act”).

3 SEC. 410. No funds appropriated or otherwise made
4 available under this Act shall be made available to any
5 person or entity that has been convicted of violating the
6 Buy American Act (41 U.S.C. 8301–8305).

7 SEC. 411. None of the funds made available in this
8 Act may be used for first-class airline accommodations in
9 contravention of sections 301–10.122 and 301–10.123 of
10 title 41, Code of Federal Regulations.

11 SEC. 412. None of the funds made available in this
12 Act may be used to send or otherwise pay for the attend-
13 ance of more than 50 employees of a single agency or de-
14 partment of the United States Government, who are sta-
15 tioned in the United States, at any single international
16 conference unless the relevant Secretary reports to the
17 House and Senate Committees on Appropriations at least
18 5 days in advance that such attendance is important to
19 the national interest: *Provided*, That for purposes of this
20 section the term “international conference” shall mean a
21 conference occurring outside of the United States attended
22 by representatives of the United States Government and
23 of foreign governments, international organizations, or
24 nongovernmental organizations.

1 SEC. 413. None of the funds appropriated or other-
2 wise made available under this Act may be used by the
3 Surface Transportation Board to charge or collect any fil-
4 ing fee for rate or practice complaints filed with the Board
5 in an amount in excess of the amount authorized for dis-
6 trict court civil suit filing fees under section 1914 of title
7 28, United States Code.

8 SEC. 414. (a) None of the funds made available in
9 this Act may be used to maintain or establish a computer
10 network unless such network blocks the viewing,
11 downloading, and exchanging of pornography.

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

16 SEC. 415. (a) None of the funds made available in
17 this Act may be used to deny an Inspector General funded
18 under this Act timely access to any records, documents,
19 or other materials available to the department or agency
20 over which that Inspector General has responsibilities
21 under the Inspector General Act of 1978 (5 U.S.C. App.),
22 or to prevent or impede that Inspector General's access
23 to such records, documents, or other materials, under any
24 provision of law, except a provision of law that expressly

1 refers to the Inspector General and expressly limits the
2 Inspector General's right of access.

3 (b) A department or agency covered by this section
4 shall provide its Inspector General with access to all such
5 records, documents, and other materials in a timely man-
6 ner.

7 (c) Each Inspector General shall ensure compliance
8 with statutory limitations on disclosure relevant to the in-
9 formation provided by the establishment over which that
10 Inspector General has responsibilities under the Inspector
11 General Act of 1978 (5 U.S.C. App.).

12 (d) Each Inspector General covered by this section
13 shall report to the Committees on Appropriations of the
14 House of Representatives and the Senate within 5 cal-
15 endar days any failures to comply with this requirement.

16 SEC. 416. None of the funds appropriated or other-
17 wise made available by this Act may be used to pay award
18 or incentive fees for contractors whose performance has
19 been judged to be below satisfactory, behind schedule, over
20 budget, or has failed to meet the basic requirements of
21 a contract, unless the Agency determines that any such
22 deviations are due to unforeseeable events, government-
23 driven scope changes, or are not significant within the
24 overall scope of the project and/or program unless such

1 awards or incentive fees are consistent with 16.401(e)(2)
2 of the Federal Acquisition Regulations.

3 SEC. 417. Within the amounts appropriated in this
4 Act, funding shall be allocated in the amounts specified
5 for those projects and purposes delineated in the table ti-
6 tled “Community Project Funding/Congressionally Di-
7 rected Spending” included in the explanatory statement
8 described in section 4 (in the matter preceding division
9 A of this consolidated Act).

10 SEC. 418. None of the funds made available by this
11 Act to the Department of Transportation may be used in
12 contravention of section 306108 of title 54, United States
13 Code.

14 SEC. 419. No part of any appropriation contained in
15 this Act shall be available to pay the salary for any person
16 filling a position, other than a temporary position, for-
17 merly held by an employee who has left to enter the Armed
18 Forces of the United States and has satisfactorily com-
19 pleted his or her period of active military or naval service,
20 and has within 90 days after his or her release from such
21 service or from hospitalization continuing after discharge
22 for a period of not more than 1 year, made application
23 for restoration to his or her former position and has been
24 certified by the Office of Personnel Management as still

1 qualified to perform the duties of his or her former posi-
2 tion and has not been restored thereto.

3 SEC. 420. (a) None of the funds made available by
4 this Act may be used to approve a new foreign air carrier
5 permit under sections 41301 through 41305 of title 49,
6 United States Code, or exemption application under sec-
7 tion 40109 of that title of an air carrier already holding
8 an air operators certificate issued by a country that is
9 party to the U.S.-E.U.-Iceland-Norway Air Transport
10 Agreement where such approval would contravene United
11 States law or Article 17 bis of the U.S.-E.U.-Iceland-Nor-
12 way Air Transport Agreement.

13 (b) Nothing in this section shall prohibit, restrict or
14 otherwise preclude the Secretary of Transportation from
15 granting a foreign air carrier permit or an exemption to
16 such an air carrier where such authorization is consistent
17 with the U.S.-E.U.-Iceland-Norway Air Transport Agree-
18 ment and United States law.

19 SEC. 421. Section 1105(e)(5)(A) of the Intermodal
20 Surface Transportation Efficiency Act of 1991 (Public
21 Law 102-240; 105 Stat. 2032; 109 Stat. 597; 118 Stat.
22 293; 133 Stat. 3018) is amended, in the first sentence,
23 by inserting “clauses (i) and (iv) of subsection
24 (c)(38)(A),” after “subsection (c)(37),”.

1 SEC. 422. The remaining unobligated balances, as of
2 September 30, 2022, from amounts made available to the
3 Department of Transportation under the heading “Fed-
4 eral Transit Administration—Capital Investment Grants”
5 in division G of the Consolidated Appropriations Act, 2019
6 (Public Law 116–6) are hereby rescinded, and an amount
7 of additional new budget authority equivalent to the
8 amount rescinded is hereby appropriated on September
9 30, 2022, for an additional amount for fiscal year 2022,
10 to remain available until September 30, 2023, and shall
11 be available for the same purposes and under the same
12 authorities for which such amounts were originally pro-
13 vided in Public Law 116–6.

14 SEC. 423. The second proviso under the heading “De-
15 partment of Transportation—Office of the Secretary—
16 National Infrastructure Investments” in title VIII of divi-
17 sion J of Public Law 117–58 is amended—

18 (1) by striking “to remain until September”
19 and inserting “to remain available until September”;
20 and

21 (2) by striking “to remain available September”
22 and inserting “to remain available until September”:
23 *Provided*, That amounts repurposed pursuant to this sec-
24 tion that were previously designated by the Congress as
25 an emergency requirement pursuant to section 4112(a) of

1 H. Con. Res. 71 (115th Congress), the concurrent resolu-
2 tion on the budget for fiscal year 2018, and to section
3 251(b) of the Balanced Budget and Emergency Deficit
4 Control Act of 1985 are designated by the Congress as
5 an emergency requirement pursuant to section 4001(a)(1)
6 and section 4001(b) of S. Con. Res. 14 (117th Congress),
7 the concurrent resolution on the budget for fiscal year
8 2022.

9 SEC. 424. The matter preceding the first proviso
10 under the heading “Department of Transportation—Of-
11 fice of the Secretary—National Culvert Removal, Replace-
12 ment, and Restoration Grants” in title VIII of division J
13 of Public Law 117–58 is amended by striking “section
14 6203” and inserting “section 6703”: *Provided*, That
15 amounts repurposed pursuant to this section that were
16 previously designated by the Congress as an emergency
17 requirement pursuant to section 4112(a) of H. Con. Res.
18 71 (115th Congress), the concurrent resolution on the
19 budget for fiscal year 2018, and to section 251(b) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985 are designated by the Congress as an emergency re-
22 quirement pursuant to section 4001(a)(1) and section
23 4001(b) of S. Con. Res. 14 (117th Congress), the concur-
24 rent resolution on the budget for fiscal year 2022.

1 SEC. 425. Section 801 of title VIII of division J of
2 Public Law 117–58 is amended—

3 (1) in subsection (a), by striking “the programs
4 administered by the Office of Multimodal Infrastruc-
5 ture and Freight may be transferred to an ‘Office of
6 Multimodal Infrastructure and Freight’ account, to
7 remain available until expended, for the necessary
8 expenses of award, administration, or oversight of
9 any discretionary financial assistance programs
10 funded under this title in this Act or division A of
11 this Act: *Provided*,” and inserting “the programs ad-
12 ministered by the Office of the Secretary may be
13 transferred to an ‘Operational Support’ account, to
14 remain available until expended, for the necessary
15 expenses of (1) coordination of the implementation
16 of any division of this Act or (2) the award, adminis-
17 tration, or oversight of any financial assistance pro-
18 grams funded under this title in this Act or divisions
19 A, B, C, or G of this Act: *Provided*, That amounts
20 transferred pursuant to the authority in this section
21 are available in addition to amounts otherwise avail-
22 able for such purposes: *Provided further*,”; and

23 (2) in subsection (b)—

24 (A) in the matter preceding paragraph (1)
25 and in paragraph (6), by striking “Office of

1 Multimodal Infrastructure and Freight” and in-
2 serting “Office of the Secretary”; and

3 (B) in paragraph (5), by striking “section
4 6203” and inserting “section 6703”:

5 *Provided*, That amounts repurposed pursuant to this sec-
6 tion that were previously designated by the Congress as
7 an emergency requirement pursuant to section 4112(a) of
8 H. Con. Res. 71 (115th Congress), the concurrent resolu-
9 tion on the budget for fiscal year 2018, and to section
10 251(b) of the Balanced Budget and Emergency Deficit
11 Control Act of 1985 are designated by the Congress as
12 an emergency requirement pursuant to section 4001(a)(1)
13 and section 4001(b) of S. Con. Res. 14 (117th Congress),
14 the concurrent resolution on the budget for fiscal year
15 2022.

16 SEC. 426. The heading “Department of Transpor-
17 tation—Federal Highway Administration—Highway In-
18 frastructure Program” in title VIII of division J of Public
19 Law 117–58 is amended by striking “Program” and in-
20 serting “Programs”: *Provided*, That amounts repurposed
21 pursuant to this section that were previously designated
22 by the Congress as an emergency requirement pursuant
23 to section 4112(a) of H. Con. Res. 71 (115th Congress),
24 the concurrent resolution on the budget for fiscal year
25 2018, and to section 251(b) of the Balanced Budget and

1 Emergency Deficit Control Act of 1985 are designated by
2 the Congress as an emergency requirement pursuant to
3 section 4001(a)(1) and section 4001(b) of S. Con. Res.
4 14 (117th Congress), the concurrent resolution on the
5 budget for fiscal year 2022.

6 SEC. 427. The matter under the heading “Depart-
7 ment of Transportation—Federal Highway Administra-
8 tion—Highway Infrastructure Program” in title VIII of
9 division J of Public Law 117–58 is amended—

10 (1) in the third proviso, by striking “adminis-
11 trations” and inserting “administration”;

12 (2) in the fourth proviso, by inserting “and
13 shall remain available until expended” after “in the
14 same account”;

15 (3) in paragraph (1), by striking “construction
16 program: *Provided further*,” and inserting “construc-
17 tion program: *Provided*,”;

18 (4) in the ninth proviso in paragraph (2)—

19 (A) by striking “withdrawn from a State
20 under the preceding proviso” and inserting
21 “withdrawn from a State under the sixth pro-
22 viso of this paragraph in this Act”;

23 (B) by striking “within the State under
24 the preceding proviso” and inserting “within
25 the State under such proviso”;

1 (C) by striking “withdrawn under the pre-
2 ceding proviso” and inserting “withdrawn under
3 such proviso”;

4 (D) by striking “under the second proviso
5 under this paragraph” and inserting “under the
6 second proviso of this paragraph”; and

7 (E) by striking “withheld or withdrawn
8 under the preceding proviso:” and inserting
9 “withheld or withdrawn under the sixth proviso
10 of this paragraph in this Act.”;

11 (5) in the sixteenth proviso in paragraph (2), by
12 striking “publically accessible” and inserting “pub-
13 licly accessible” each place it appears;

14 (6) in the twenty-first proviso in paragraph (2),
15 by striking “twenty-fourth proviso” and inserting
16 “twenty-sixth proviso”;

17 (7) in the twenty-fourth proviso in paragraph
18 (2), by striking “nineteenth proviso” and inserting
19 “twenty-first proviso”;

20 (8) in the thirtieth proviso in paragraph (2), by
21 striking “previous proviso” and inserting “preceding
22 proviso”;

23 (9) in the fourth proviso in paragraph (9)—

24 (A) by striking “third proviso in this” and
25 inserting “third proviso of this”; and

1 (B) by striking “under this heading:” and
2 inserting “under this paragraph in this Act:”;
3 and

4 (10) in the fifth proviso in paragraph (9), by
5 striking “in this paragraph in this Act” and insert-
6 ing “in this paragraph of this Act”:

7 *Provided*, That amounts repurposed pursuant to this sec-
8 tion that were previously designated by the Congress as
9 an emergency requirement pursuant to section 4112(a) of
10 H. Con. Res. 71 (115th Congress), the concurrent resolu-
11 tion on the budget for fiscal year 2018, and to section
12 251(b) of the Balanced Budget and Emergency Deficit
13 Control Act of 1985 are designated by the Congress as
14 an emergency requirement pursuant to section 4001(a)(1)
15 and section 4001(b) of S. Con. Res. 14 (117th Congress),
16 the concurrent resolution on the budget for fiscal year
17 2022.

18 SEC. 428. The matter under the heading “Depart-
19 ment of Transportation—Federal Railroad Administra-
20 tion—Northeast Corridor Grants to the National Railroad
21 Passenger Corporation” in title VIII of division J of Pub-
22 lic Law 117–58 is amended—

23 (1) in the third proviso, by striking “shall be
24 made available for” and inserting “shall be made
25 available for appropriate costs required for”; and

1 (2) in the seventh proviso, by striking “the cap-
2 ital costs of” and inserting “the costs of”:
3 *Provided*, That amounts repurposed pursuant to this sec-
4 tion that were previously designated by the Congress as
5 an emergency requirement pursuant to section 4112(a) of
6 H. Con. Res. 71 (115th Congress), the concurrent resolu-
7 tion on the budget for fiscal year 2018, and to section
8 251(b) of the Balanced Budget and Emergency Deficit
9 Control Act of 1985 are designated by the Congress as
10 an emergency requirement pursuant to section 4001(a)(1)
11 and section 4001(b) of S. Con. Res. 14 (117th Congress),
12 the concurrent resolution on the budget for fiscal year
13 2022.

14 SEC. 429. The matter under the heading “Depart-
15 ment of Transportation—Federal Railroad Administra-
16 tion—National Network Grants to the National Railroad
17 Passenger Corporation” in title VIII of division J of Pub-
18 lic Law 117–58 is amended in the second proviso, by strik-
19 ing “under this heading in this Act shall be made available
20 for” and inserting “under this heading in this Act shall
21 be made available for appropriate costs required for”: *Pro-*
22 *vided*, That amounts repurposed pursuant to this section
23 that were previously designated by the Congress as an
24 emergency requirement pursuant to section 4112(a) of H.
25 Con. Res. 71 (115th Congress), the concurrent resolution

1 on the budget for fiscal year 2018, and to section 251(b)
2 of the Balanced Budget and Emergency Deficit Control
3 Act of 1985 are designated by the Congress as an emer-
4 gency requirement pursuant to section 4001(a)(1) and
5 section 4001(b) of S. Con. Res. 14 (117th Congress), the
6 concurrent resolution on the budget for fiscal year 2022.

7 SEC. 430. The matter preceding the first proviso
8 under the heading “Department of Transportation—Fed-
9 eral Railroad Administration—Federal-State Partnership
10 for Intercity Passenger Rail Grants” in title VIII of divi-
11 sion J of Public Law 117–58 is amended by inserting “in”
12 before “section 24911”: *Provided*, That amounts
13 repurposed pursuant to this section that were previously
14 designated by the Congress as an emergency requirement
15 pursuant to section 4112(a) of H. Con. Res. 71 (115th
16 Congress), the concurrent resolution on the budget for fis-
17 cal year 2018, and to section 251(b) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985 are
19 designated by the Congress as an emergency requirement
20 pursuant to section 4001(a)(1) and section 4001(b) of S.
21 Con. Res. 14 (117th Congress), the concurrent resolution
22 on the budget for fiscal year 2022.

23 SEC. 431. The eighth proviso under the heading “De-
24 partment of Transportation—Pipeline and Hazardous
25 Materials Safety Administration—Natural Gas Distribu-

1 tion Infrastructure Safety and Modernization Grant Pro-
2 gram” in title VIII of division J of Public Law 117–58
3 is amended by striking “transferred pursuant to the au-
4 thority in this section in each of fiscal years 2022 through
5 2026” and inserting “in the preceding proviso”: *Provided,*
6 That amounts repurposed pursuant to this section that
7 were previously designated by the Congress as an emer-
8 gency requirement pursuant to section 4112(a) of H. Con.
9 Res. 71 (115th Congress), the concurrent resolution on
10 the budget for fiscal year 2018, and to section 251(b) of
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985 are designated by the Congress as an emergency
13 requirement pursuant to section 4001(a)(1) and section
14 4001(b) of S. Con. Res. 14 (117th Congress), the concur-
15 rent resolution on the budget for fiscal year 2022.

16 SEC. 432. (a) Funds previously made available in
17 chapter 9 of title X of the Disaster Relief Appropriations
18 Act, 2013 (Public Law 113–2, division A; 127 Stat. 36)
19 under the heading “Department of Housing and Urban
20 Development—Community Planning and Development—
21 Community Development Fund” that were available for
22 obligation through fiscal year 2017 are to remain available
23 through fiscal year 2025 for the liquidation of valid obliga-
24 tions incurred in fiscal years 2013 through 2017.

1 (b) EMERGENCY.—Amounts repurposed pursuant to
2 this section that were previously designated by the Con-
3 gress as an emergency requirement pursuant to the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985
5 are designated by the Congress as an emergency require-
6 ment pursuant to section 4001(a)(1) and section 4001(b)
7 of S. Con. Res. 14 (117th Congress), the concurrent reso-
8 lution on the budget for fiscal year 2022.

9 SEC. 433. Any obligated balances from amounts
10 made available for project-based vouchers under the head-
11 ing “Permanent Supportive Housing” in chapter 6 of title
12 III of Public Law 110–252 may be used for tenant-based
13 rental assistance under section 8(o) of the United States
14 Housing Act of 1937 (42 U.S.C. 1437f(o)).

15 This division may be cited as the “Transportation,
16 Housing and Urban Development, and Related Agencies
17 Appropriations Act, 2022”.

1 **DIVISION M—COVID SUPPLEMENTAL**
2 **APPROPRIATIONS ACT, 2022**

3 **TITLE I**

4 **DEPARTMENT OF HEALTH AND HUMAN**
5 **SERVICES**

6 **OFFICE OF THE SECRETARY**

7 **PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY**

8 **FUND**

9 **(INCLUDING TRANSFER OF FUNDS)**

10 For an additional amount for “Public Health and So-
11 cial Services Emergency Fund”, \$10,600,000,000, to re-
12 main available until September 30, 2025, to prevent, pre-
13 pare for, and respond to coronavirus, including for nec-
14 essary expenses with respect to the research and develop-
15 ment, manufacturing, production, purchase, and distribu-
16 tion of vaccines, therapeutics, diagnostics, and medical
17 products, services, and supplies: *Provided*, That of the
18 amount provided under this heading in this Act, up to
19 \$9,850,000,000 shall be available to the Biomedical Ad-
20 vanced Research and Development Authority for necessary
21 expenses of advanced research and development, manufac-
22 turing, production, and purchase, at the discretion of the
23 Secretary of Health and Human Services, of vaccines,
24 therapeutics, diagnostics, and supplies necessary for the
25 administration of such vaccines, therapeutics, and

1 diagnostics: *Provided further*, That from the amount made
2 available in the preceding proviso, not less than
3 \$5,000,000,000 shall be available for necessary expenses
4 to research, develop, manufacture, produce, purchase, and
5 administer therapeutics: *Provided further*, That from the
6 amount made available under this heading in this Act, not
7 less than \$750,000,000 shall be available for research and
8 clinical trials related to research on, clinical trials for, and
9 development and procurement of, vaccines for emerging
10 coronavirus variants, and to support the sustainment and
11 expansion of vaccine manufacturing capacity, including
12 fill-finish capacity: *Provided further*, That products, sup-
13 plies, and equipment purchased with amounts provided
14 under this heading in this Act may, at the discretion of
15 the Secretary of Health and Human Services, be deposited
16 in the Strategic National Stockpile under section 319F-
17 2(a) of the Public Health Service Act: *Provided further*,
18 That amounts provided under this heading in this Act may
19 be used for the construction, alteration, or renovation of
20 non-federally owned U.S.-based facilities for the produc-
21 tion of vaccines, therapeutics, diagnostics, and ancillary
22 medical supplies where the Secretary determines that such
23 a contract is necessary to secure sufficient amounts of
24 such supplies: *Provided further*, That amounts provided
25 under this heading in this Act may be transferred to, and

1 merged with, the fund authorized by section 319F–4, the
2 Covered Countermeasure Process Fund, of the Public
3 Health Service Act: *Provided further*, That the transfer
4 authority provided under this heading in this Act is in ad-
5 dition to any other transfer authority provided by law:
6 *Provided further*, That the Secretary shall notify the Com-
7 mittees on Appropriations of the House of Representatives
8 and the Senate at least 2 days in advance of any obligation
9 in excess of \$50,000,000, including but not limited to con-
10 tracts and interagency agreements, from amounts pro-
11 vided under this heading in this Act: *Provided further*,
12 That the Secretary shall provide a report to the Commit-
13 tees on Appropriations of the House of Representatives
14 and the Senate not later than 30 days after the date of
15 enactment of this Act, and every 30 days thereafter until
16 all amounts provided under this heading in this Act have
17 been expended, detailing obligations of such amounts in
18 excess of \$20,000,000, with annotation of which Depart-
19 ment or agency, and component thereof is managing the
20 contract; the current inventory of COVID–19 vaccines,
21 therapeutics, and diagnostics; and the distribution of
22 COVID–19 vaccines, therapeutics, and diagnostics during
23 the previous month, reported by State and other jurisdic-
24 tion.

1 GENERAL PROVISIONS—THIS TITLE

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 1101. Funds appropriated by this title under
4 the heading “Public Health and Social Services Emer-
5 gency Fund” may be transferred to, and merged with,
6 other appropriation accounts under the heading “National
7 Institutes of Health” to prevent, prepare for, and respond
8 to coronavirus: *Provided*, That the Committees on Appro-
9 priations of the House of Representatives and the Senate
10 shall be notified 10 days in advance of any such transfer:
11 *Provided further*, That the transfer authority provided by
12 this section is in addition to any other transfer authority
13 provided by law: *Provided further*, That, upon a deter-
14 mination that all or part of the funds transferred from
15 an appropriation by this Act are not necessary, such
16 amounts may be transferred back to that appropriation:
17 *Provided further*, That none of the funds made available
18 by this Act may be transferred pursuant to the authority
19 in section 205 of the Departments of Labor, Health and
20 Human Services, and Education, and Related Agencies
21 Appropriations Act, 2022 or section 241(a) of the Public
22 Health Service Act.

23 SEC. 1102. Not later than 30 days after the date of
24 enactment of this Act, the Secretary of Health and
25 Human Services shall provide a detailed spend plan of an-

1 anticipated uses of funds made available in this title, includ-
2 ing estimated personnel and administrative costs, to the
3 Committees on Appropriations of the House of Represent-
4 atives and the Senate: *Provided*, That such plans shall be
5 updated and submitted to such Committees every 60 days
6 until all funds are expended: *Provided further*, That the
7 spend plans shall be accompanied by a listing of each con-
8 tract obligation incurred that exceeds \$5,000,000 which
9 has not previously been reported, including the amount of
10 each such obligation: *Provided further*, That the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate shall be briefed on obligations quarterly
13 until all funds are expended.

14 SEC. 1103. Not later than 60 days after the date of
15 enactment of this Act, the Secretary of Health and
16 Human Services shall provide biweekly obligation reports,
17 including anticipated use of funds made available in this
18 title, to the Committees on Appropriations of the House
19 of Representatives and the Senate: *Provided*, That such
20 reports shall be updated and submitted biweekly to the
21 Committees until all funds are expended.

22 SEC. 1104. Not later than 30 days after the date of
23 enactment of this Act, the Secretary of Health and
24 Human Services shall provide monthly reports on obliga-
25 tions made with these supplemental funds related to: (1)

1 research; (2) advanced development; (3) procurement; or
2 (4) administration activities to the Committees on Appro-
3 priations of the House of Representatives and the Senate
4 and the Committee on Energy and Commerce of the
5 House of Representatives and Committee on Health, Edu-
6 cation, Labor, and Pensions of the Senate: *Provided*, That
7 such report shall include for procurement contracts: (1)
8 recipient; (2) total number of units purchased; (3) delivery
9 dates; (4) any options on such contracts; and (5) location
10 of manufactured product: *Provided further*, That such re-
11 port shall include projections of the supply of and domestic
12 need for vaccines, therapeutics, tests, and ancillary med-
13 ical supplies over the next 90 days to prepare for and re-
14 spond to coronavirus, to the extent such information is
15 available: *Provided further*, That such reports shall be up-
16 dated and submitted monthly to the Committees until all
17 funds are expended.

18 TITLE II
19 DEPARTMENT OF STATE AND RELATED
20 AGENCY
21 DEPARTMENT OF STATE
22 ADMINISTRATION OF FOREIGN AFFAIRS
23 DIPLOMATIC PROGRAMS

24 For an additional amount for “Diplomatic Pro-
25 grams”, \$15,000,000, to remain available until September

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1 30, 2024, to prevent, prepare for, and respond to
2 coronavirus.

3 UNITED STATES AGENCY FOR INTERNATIONAL
4 DEVELOPMENT

5 FUNDS APPROPRIATED TO THE PRESIDENT

6 OPERATING EXPENSES

7 For an additional amount for “Operating Expenses”,
8 \$35,000,000, to remain available until September 30,
9 2024, to prevent, prepare for, and respond to coronavirus.

10 BILATERAL ECONOMIC ASSISTANCE

11 FUNDS APPROPRIATED TO THE PRESIDENT

12 GLOBAL HEALTH PROGRAMS

13 For an additional amount for “Global Health Pro-
14 grams”, \$4,450,000,000, to remain available until ex-
15 pended, to prevent, prepare for, and respond to
16 coronavirus: *Provided*, That funds may be made available
17 as contributions, including to the Global Fund to Fight
18 AIDS, Tuberculosis, and Malaria, and to Gavi, the Vac-
19 cine Alliance: *Provided further*, That any contribution to
20 the Global Fund to Fight AIDS, Tuberculosis and Malaria
21 made pursuant to the preceding proviso shall be made
22 available notwithstanding section 202(d)(4)(A)(i) of the
23 United States Leadership Against HIV/AIDS, Tuber-
24 culosis, and Malaria Act of 2003 (22 U.S.C.
25 7622(d)(4)(A)(i)), and such contribution shall not be con-

1 sidered a contribution for the purpose of applying such
2 section 202(d)(4)(A)(i).

3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for “International Disaster
5 Assistance”, \$425,000,000, to remain available until ex-
6 pended, to prevent, prepare for, and respond to
7 coronavirus, and for humanitarian needs.

8 DEPARTMENT OF STATE

9 MIGRATION AND REFUGEE ASSISTANCE

10 For an additional amount for “Migration and Ref-
11 ugee Assistance”, \$75,000,000, to remain available until
12 expended, to prevent, prepare for, and respond to
13 coronavirus, and for humanitarian needs.

14 GENERAL PROVISIONS—THIS TITLE

15 (INCLUDING TRANSFERS OF FUNDS)

16 SEC. 1201. The reporting requirement provided by
17 section 406(b) of the Coronavirus Preparedness and Re-
18 sponse Supplemental Appropriations Act, 2020 (division
19 A of Public Law 116–123) shall apply to funds appro-
20 priated by this title, except that such section 406(b) shall
21 be applied to such funds by substituting “September 30,
22 2023” for “September 30, 2022”.

23 SEC. 1202. (a) Funds appropriated by this title under
24 the headings “Global Health Programs”, “International
25 Disaster Assistance”, and “Migration and Refugee Assist-

1 ance” may be transferred to, and merged with, funds ap-
2 propriated by this title under such headings to prevent,
3 prepare for, and respond to coronavirus, and for humani-
4 tarian needs.

5 (b) The authorities and limitations provided by sec-
6 tions 402(d), 402(e), and 402(f) of the Coronavirus Pre-
7 paredness and Response Supplemental Appropriations
8 Act, 2020 (division A of Public Law 116–123) shall apply
9 to the funds appropriated and authorities provided by this
10 title.

11 TITLE III

12 GENERAL PROVISIONS—THIS ACT

13 SEC. 1301. Each amount appropriated or made avail-
14 able by this Act is in addition to amounts otherwise appro-
15 priated for the fiscal year involved.

16 SEC. 1302. No part of any appropriation contained
17 in this Act shall remain available for obligation beyond
18 the current fiscal year unless expressly so provided herein.

19 SEC. 1303. Unless otherwise provided for by this Act,
20 the additional amounts appropriated by this Act to appro-
21 priations accounts shall be available under the authorities
22 and conditions applicable to such appropriations accounts
23 for fiscal year 2022.

24 SEC. 1304. Each amount provided by this division is
25 designated by the Congress as being for an emergency re-

1 quirement pursuant to section 4001(a)(1) and section
2 4001(b) of S. Con. Res. 14 (117th Congress), the concur-
3 rent resolution on the budget for fiscal year 2022.

4 SEC. 1305. In this Act, the term “coronavirus”
5 means SARS-CoV-2 or another coronavirus with pan-
6 demic potential.

7 SEC. 1306. (a) Of the unobligated balances from
8 amounts made available to the Department of Agriculture
9 in section 1001(a) of subtitle A of title I of the American
10 Rescue Plan Act of 2021 (Public Law 117–2),
11 \$1,000,000,000 are hereby permanently rescinded.

12 (b) Of the unobligated balances from amounts made
13 available under the heading “Small Business Administra-
14 tion—Business Loans Program Account, CARES Act” in
15 section 323(d)(1)(A) of division N of the Consolidated Ap-
16 propriations Act, 2021 (Public Law 116–260) for the cost
17 of guaranteed loans as authorized under paragraphs (36)
18 and (37) of section 7(a) of the Small Business Act (15
19 U.S.C. 636(a)), \$2,950,000,000 are hereby permanently
20 rescinded.

21 (c) Of the unexpended balances remaining from
22 amounts made available under the heading “Small Busi-
23 ness Administration—Business Loans Program Account,
24 CARES Act” in section 1107(a)(1) of the Coronavirus
25 Aid, Relief, and Economic Security Act (Public Law 116–

1 136), as amended by section 101(a)(2) of division A of
2 the Paycheck Protection Program and Health Care En-
3 hancement Act (Public Law 116–139), \$1,904,000,000
4 shall be returned to the Treasury.

5 (d) Of the unobligated balances from amounts made
6 available under sections 602(a)(1) and 603(a) of the So-
7 cial Security Act (42 U.S.C. 802(a)(1), 803(a)) on the
8 date of enactment of this Act, \$7,055,000,000 is rescinded
9 as of such date: *Provided*, That such rescission shall be
10 applied first on a pro rata basis to the unobligated bal-
11 ances of the payment amounts allocated by the Secretary
12 of the Treasury pursuant to subsection (b)(3)(B) of sec-
13 tion 602 of the Social Security Act (42 U.S.C. 802): *Pro-*
14 *vided further*, That any remaining amounts to be rescinded
15 shall be applied next on a pro rata basis to the unobligated
16 balances of the payment amounts allocated by the Sec-
17 retary of the Treasury pursuant to subsection (b)(1)(B)
18 and (b)(2)(B) of section 602 of such Act (42 U.S.C. 802):
19 *Provided further*, That any remaining amounts to be re-
20 scinded shall be applied on a pro rata basis to the unobli-
21 gated balances of the payment amounts allocated by the
22 Secretary of the Treasury for each of the entities author-
23 ized to receive payments under section 603 of such Act
24 (42 U.S.C. 803).

1 (e) Of the unobligated balances from amounts made
2 available to the Department of Education in section 2003
3 of title II of the American Rescue Plan Act of 2021 (Pub-
4 lic Law 117–2) and allocated to institutions of higher edu-
5 cation as defined in section 102(b) of the Higher Edu-
6 cation Act of 1965, \$100,000,000 are hereby permanently
7 rescinded.

8 (f) Of the unobligated balances from amounts made
9 available to the Department of Transportation in section
10 7202(a) of title VII of the American Rescue Plan Act of
11 2021 (Public Law 117–2), \$2,000,000,000 are hereby
12 permanently rescinded.

13 (g) Of the unobligated balances from amounts made
14 available to the Secretary of the Treasury (referred to in
15 this subsection as “Secretary”) for administrative ex-
16 penses pursuant to section 4003(f) of the Coronavirus Aid,
17 Relief, and Economic Security Act (Public Law 116–136),
18 up to \$55,000,000 shall be available to the Secretary for
19 any administrative expenses of the Department of the
20 Treasury determined by the Secretary to be necessary to
21 implement section 501 of division N of the Consolidated
22 Appropriations Act, 2021 (Public Law 116–260), section
23 3201 of the American Rescue Plan Act of 2021 (Public
24 Law 117–2), or title VI of the Social Security Act (42

1 U.S.C. 801 et seq.), in addition to amounts otherwise
2 available for such purposes.

3 (h)(1) STATUTORY PAYGO SCORECARDS.—The
4 budgetary effects of this section shall not be entered on
5 either PAYGO scorecard maintained pursuant to section
6 4(d) of the Statutory Pay-As-You-Go Act of 2010.

7 (2) SENATE PAYGO SCORECARDS.—The budgetary
8 effects of this section shall not be entered on any PAYGO
9 scorecard maintained for purposes of section 4106 of H.
10 Con. Res. 71 (115th Congress).

11 (3) CLASSIFICATION OF BUDGETARY EFFECTS.—
12 Notwithstanding Rule 3 of the Budget Scorekeeping
13 Guidelines set forth in the joint explanatory statement of
14 the committee of conference accompanying Conference Re-
15 port 105–217 and section 250(c)(8) of the Balanced
16 Budget and Emergency Deficit Control Act of 1985, the
17 budgetary effects of this section shall not be estimated—

18 (A) for purposes of section 251 of such Act;

19 (B) for purposes of an allocation to the Com-
20 mittee on Appropriations pursuant to section 302(a)
21 of the Congressional Budget Act of 1974; and

22 (C) for purposes of paragraph (4)(C) of section
23 3 of the Statutory Pay-As-You-Go Act of 2010 as
24 being included in an appropriation Act.

1 SEC. 1307. Of the unobligated balances from
2 amounts made available to the Department of Agriculture
3 under the heading “Agricultural Programs—Office of the
4 Secretary” in title I of division B of the Coronavirus Aid,
5 Relief, and Economic Security Act (Public Law 116–136),
6 \$650,000,000 are hereby permanently rescinded: *Pro-*
7 *vided*, That the amounts rescinded pursuant to this sec-
8 tion that were previously designated by the Congress as
9 an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985 are designated by the Con-
12 gress as an emergency requirement pursuant to section
13 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th
14 Congress), the concurrent resolution on the budget for fis-
15 cal year.

16 This division may be cited as the “COVID Supple-
17 mental Appropriations Act, 2022”.

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1 **DIVISION N—UKRAINE SUPPLEMENTAL**
2 **APPROPRIATIONS ACT, 2022**

3 TITLE I

4 DEPARTMENT OF AGRICULTURE

5 FOREIGN AGRICULTURAL SERVICE

6 FOOD FOR PEACE TITLE II GRANTS

7 For an additional amount for “Food for Peace Title
8 II Grants”, \$100,000,000, to remain available until ex-
9 pended.

10 TITLE II

11 DEPARTMENT OF COMMERCE

12 BUREAU OF INDUSTRY AND SECURITY

13 OPERATIONS AND ADMINISTRATION

14 For an additional amount for “Operations and Ad-
15 ministration”, \$22,100,000, to remain available until Sep-
16 tember 30, 2024, to respond to the situation in Ukraine
17 and for related expenses: *Provided*, That the Bureau of
18 Industry and Security shall submit a spending plan to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate within 45 days after the date of
21 enactment of this Act: *Provided further*, That amounts
22 provided under this heading in this Act may not be used
23 to increase the number of permanent positions: *Provided*
24 *further*, That amounts made available under this heading
25 in this Act may be used to appoint such temporary per-

1 sonnel as may be necessary without regard to the provi-
2 sions of title 5, United States Code, governing appoint-
3 ments in the competitive service: *Provided further*, That
4 the Secretary of Commerce is authorized to appoint such
5 temporary personnel, after serving continuously for one
6 year, to positions in the Bureau of Industry and Security
7 in the same manner that competitive service employees
8 with competitive status are considered for transfer, reas-
9 signment, or promotion to such positions and an individual
10 appointed under this provision shall become a career-con-
11 ditional employee, unless the employee has already com-
12 pleted the service requirements for career tenure.

13 DEPARTMENT OF JUSTICE

14 LEGAL ACTIVITIES

15 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

16 For an additional amount for “Salaries and Ex-
17 penses, General Legal Activities”, \$9,700,000, to remain
18 available until September 30, 2023, to respond to the situ-
19 ation in Ukraine and for related expenses: *Provided*, That
20 amounts provided under this heading in this Act may not
21 be used to increase the number of permanent positions.

22 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

23 For an additional amount for “Salaries and Ex-
24 penses, United States Attorneys”, \$5,000,000, to remain
25 available until September 30, 2023, to respond to the situ-

1835

1 ation in Ukraine and for related expenses: *Provided*, That
2 amounts provided under this heading in this Act may not
3 be used to increase the number of permanent positions.

4 NATIONAL SECURITY DIVISION

5 SALARIES AND EXPENSES

6 For an additional amount for “Salaries and Ex-
7 penses”, \$1,100,000, to remain available until September
8 30, 2023, to respond to the situation in Ukraine and for
9 related expenses: *Provided*, That amounts provided under
10 this heading in this Act may not be used to increase the
11 number of permanent positions.

12 FEDERAL BUREAU OF INVESTIGATION

13 SALARIES AND EXPENSES

14 For an additional amount for “Salaries and Ex-
15 penses”, \$43,600,000, to remain available until September
16 30, 2023, to respond to the situation in Ukraine and for
17 related expenses.

18 TITLE III

19 DEPARTMENT OF DEFENSE

20 MILITARY PERSONNEL

21 MILITARY PERSONNEL, ARMY

22 For an additional amount for “Military Personnel,
23 Army”, \$130,377,000, to remain available until Sep-
24 tember 30, 2022, to respond to the situation in Ukraine
25 and for related expenses.

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1 MILITARY PERSONNEL, NAVY

2 For an additional amount for “Military Personnel,
3 Navy”, \$11,645,000, to remain available until September
4 30, 2022, to respond to the situation in Ukraine and for
5 related expenses.

6 MILITARY PERSONNEL, MARINE CORPS

7 For an additional amount for “Military Personnel,
8 Marine Corps”, \$3,079,000, to remain available until Sep-
9 tember 30, 2022, to respond to the situation in Ukraine
10 and for related expenses.

11 MILITARY PERSONNEL, AIR FORCE

12 For an additional amount for “Military Personnel,
13 Air Force”, \$50,396,000, to remain available until Sep-
14 tember 30, 2022, to respond to the situation in Ukraine
15 and for related expenses.

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 For an additional amount for “Operation and Main-
19 tenance, Army”, \$1,113,234,000, to remain available until
20 September 30, 2022, to respond to the situation in
21 Ukraine and for related expenses.

22 OPERATION AND MAINTENANCE, NAVY

23 For an additional amount for “Operation and Main-
24 tenance, Navy”, \$202,797,000, to remain available until

1 September 30, 2022, to respond to the situation in
2 Ukraine and for related expenses.

3 OPERATION AND MAINTENANCE, MARINE CORPS

4 For an additional amount for “Operation and Main-
5 tenance, Marine Corps”, \$21,440,000, to remain available
6 until September 30, 2022, to respond to the situation in
7 Ukraine and for related expenses.

8 OPERATION AND MAINTENANCE, AIR FORCE

9 For an additional amount for “Operation and Main-
10 tenance, Air Force”, \$415,442,000, to remain available
11 until September 30, 2022, to respond to the situation in
12 Ukraine and for related expenses.

13 OPERATION AND MAINTENANCE, SPACE FORCE

14 For an additional amount for “Operation and Main-
15 tenance, Space Force”, \$800,000, to remain available
16 until September 30, 2022, to respond to the situation in
17 Ukraine and for related expenses.

18 OPERATION AND MAINTENANCE, DEFENSE-WIDE

19 For an additional amount for “Operation and Main-
20 tenance, Defense-Wide”, \$311,583,000, to remain avail-
21 able until September 30, 2022, to respond to the situation
22 in Ukraine and for related expenses.

1839

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 DEFENSE-WIDE

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Defense-Wide”, \$51,745,000,
5 to remain available until September 30, 2023, to respond
6 to the situation in Ukraine and for related expenses.

7 REVOLVING AND MANAGEMENT FUNDS

8 DEFENSE WORKING CAPITAL FUNDS

9 For an additional amount for “Defense Working
10 Capital Funds”, \$409,000,000, to remain available until
11 September 30, 2022, to respond to the situation in
12 Ukraine and for related expenses.

13 GENERAL PROVISIONS—THIS TITLE

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 2301. In addition to amounts provided else-
16 where in this title, there is appropriated \$3,500,000,000,
17 for an additional amount for “Operation and Mainte-
18 nance, Defense-Wide”, to remain available until Sep-
19 tember 30, 2023, which may be transferred to accounts
20 under the headings “Operation and Maintenance” and
21 “Procurement”, for replacement of defense articles from
22 the stocks of the Department of Defense, and for reim-
23 bursement for defense services of the Department of De-
24 fense and military education and training, provided to the
25 Government of Ukraine: *Provided*, That the Secretary of

1 Defense shall notify the congressional defense committees
2 of the details of such transfers not less than 30 days be-
3 fore any such transfer: *Provided further*, That the funds
4 transferred pursuant to this section shall be merged with
5 and available for the same purposes and for the same time
6 period as the appropriations to which the funds are trans-
7 ferred: *Provided further*, That upon a determination that
8 all or part of the funds transferred from this appropriation
9 are not necessary for the purposes provided herein, such
10 amounts may be transferred back and merged with this
11 appropriation: *Provided further*, That the transfer author-
12 ity provided in this section is in addition to any other
13 transfer authority provided by law.

14 SEC. 2302. The Inspector General of the Department
15 of Defense shall carry out reviews of the activities of the
16 Department of Defense to execute funds appropriated in
17 this Act, including assistance provided to Ukraine: *Pro-*
18 *vided*, That the Inspector General shall provide to the con-
19 gressional defense committees a written report not later
20 than 120 days after the date of enactment of this Act.

1841

1

TITLE IV

2

DEPARTMENT OF ENERGY

3

ENERGY PROGRAMS

4

DEPARTMENTAL ADMINISTRATION

5

(INCLUDING TRANSFER OF FUNDS)

6

For an additional amount for “Departmental Admin-

7

istration”, \$30,000,000, to remain available until ex-

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pired, to respond to the situation in Ukraine and for

9

related expenses: *Provided*, That funds appropriated under

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this heading in this Act may be transferred to, and merged

11

with, other appropriation accounts of the Department of

12

Energy, to respond to the situation in Ukraine and for

13

related expenses: *Provided further*, That upon a deter-

14

mination that all or part of the funds transferred pursuant

15

to the authority provided under this heading are not nec-

16

essary for such purposes, such amounts may be trans-

17

ferred back to this appropriation.

18

TITLE V

19

DEPARTMENT OF THE TREASURY

20

DEPARTMENTAL OFFICES

21

SALARIES AND EXPENSES

22

For an additional amount for “Salaries and Ex-

23

penses”, \$17,000,000, to remain available until September

24

30, 2023, to respond to the situation in Ukraine and for

25

related expenses.

1842

1 OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

2 SALARIES AND EXPENSES

3 For an additional amount for “Salaries and Ex-
4 penses”, \$25,000,000, to remain available until September
5 30, 2023, to respond to the situation in Ukraine and for
6 related expenses.

7 FINANCIAL CRIMES ENFORCEMENT NETWORK

8 SALARIES AND EXPENSES

9 For an additional amount for “Salaries and Ex-
10 penses”, \$19,000,000, to remain available until September
11 30, 2023, to respond to the situation in Ukraine and for
12 related expenses.

13 TITLE VI

14 DEPARTMENT OF STATE AND RELATED

15 AGENCY

16 DEPARTMENT OF STATE

17 ADMINISTRATION OF FOREIGN AFFAIRS

18 DIPLOMATIC PROGRAMS

19 (INCLUDING TRANSFERS OF FUNDS)

20 For an additional amount for “Diplomatic Pro-
21 grams”, \$125,000,000, to remain available until Sep-
22 tember 30, 2024, to respond to the situation in Ukraine
23 and in countries impacted by the situation in Ukraine:
24 *Provided*, That up to \$15,000,000 may be transferred to,
25 and merged with, funds available under the heading

1 “Emergencies in the Diplomatic and Consular Service”:
2 *Provided further*, That up to \$50,000,000 may be trans-
3 ferred to, and merged with, funds available under the
4 heading “Capital Investment Fund” for cybersecurity and
5 related information technology investments: *Provided fur-*
6 *ther*, That funds appropriated under this heading in this
7 Act shall be made available, as appropriate, to enhance
8 the capacity of the Department of State to identify the
9 assets of Russian and other oligarchs related to the situa-
10 tion in Ukraine, and to coordinate with the Department
11 of the Treasury in seizing or freezing such assets.

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for “Office of Inspector
14 General”, \$4,000,000, to remain available until September
15 30, 2024.

16 RELATED AGENCY

17 UNITED STATES AGENCY FOR GLOBAL MEDIA

18 INTERNATIONAL BROADCASTING OPERATIONS

19 For an additional amount for “International Broad-
20 casting Operations”, \$25,000,000, to remain available
21 until September 30, 2024, to respond to the situation in
22 Ukraine and in countries impacted by the situation in
23 Ukraine, including to enhance the capacity of Radio Free
24 Europe/Radio Liberty, Voice of America, and other United

1844

1 States broadcasting entities and independent grantee or-
2 ganizations.

3 UNITED STATES AGENCY FOR INTERNATIONAL
4 DEVELOPMENT

5 FUNDS APPROPRIATED TO THE PRESIDENT
6 OPERATING EXPENSES

7 For an additional amount for “Operating Expenses”,
8 \$25,000,000, to remain available until September 30,
9 2024, to respond to the situation in Ukraine and in coun-
10 tries impacted by the situation in Ukraine.

11 OFFICE OF INSPECTOR GENERAL

12 For an additional amount for “Office of Inspector
13 General”, \$4,000,000, to remain available until September
14 30, 2024.

15 BILATERAL ECONOMIC ASSISTANCE

16 FUNDS APPROPRIATED TO THE PRESIDENT

17 INTERNATIONAL DISASTER ASSISTANCE

18 For an additional amount for “International Disaster
19 Assistance”, \$2,650,000,000, to remain available until ex-
20 pended, to respond to humanitarian needs in Ukraine and
21 in countries impacted by the situation in Ukraine, includ-
22 ing the provision of emergency food and shelter, and for
23 assistance for other vulnerable populations and commu-
24 nities.

1846

1 DEPARTMENT OF STATE

2 MIGRATION AND REFUGEE ASSISTANCE

3 For an additional amount for “Migration and Ref-
4 ugee Assistance”, \$1,400,000,000, to remain available
5 until expended, to assist refugees from Ukraine and for
6 additional support for other vulnerable populations and
7 communities.

8 INTERNATIONAL SECURITY ASSISTANCE

9 DEPARTMENT OF STATE

10 INTERNATIONAL NARCOTICS CONTROL AND LAW

11 ENFORCEMENT

12 For an additional amount for “International Nar-
13 cotics Control and Law Enforcement”, \$30,000,000, to re-
14 main available until September 30, 2024, for assistance
15 for Ukraine and countries impacted by the situation in
16 Ukraine.

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 FOREIGN MILITARY FINANCING PROGRAM

19 For an additional amount for “Foreign Military Fi-
20 nancing Program”, \$650,000,000, to remain available
21 until September 30, 2024, for assistance for Ukraine and
22 countries impacted by the situation in Ukraine.

1 GENERAL PROVISIONS—THIS TITLE

2 (INCLUDING TRANSFERS OF FUNDS)

3 SEC. 2601. During fiscal year 2022, section
4 506(a)(1) of the Foreign Assistance Act of 1961 (22
5 U.S.C. 2318(a)(1)) shall be applied by substituting
6 “\$3,000,000,000” for “\$100,000,000”.

7 SEC. 2602. During fiscal year 2022, section
8 614(a)(4)(A)(ii) of the Foreign Assistance Act of 1961
9 (22 U.S.C. 2364) shall be applied by substituting
10 “\$500,000,000” for “\$250,000,000” and section
11 614(a)(4)(C) shall be applied by substituting
12 “\$100,000,000” for “\$50,000,000”, by substituting
13 “\$500,000,000” for “\$250,000,000”, by substituting
14 “\$750,000,000” for “\$500,000,000”, and by substituting
15 “\$1,250,000,000” for “\$1,000,000,000”.

16 SEC. 2603. During fiscal year 2022, the President
17 may transfer excess defense articles to Ukraine and to al-
18 lies and partners in Europe pursuant to section 516 of
19 the Foreign Assistance Act of 1961 (22 U.S.C. 2321j)
20 without regard to the notification requirement in section
21 516(f)(1) of such Act and the monetary limitation in sec-
22 tion 516(g) of such Act: *Provided*, That not later than
23 30 days after such a transfer has occurred, the President
24 shall report to the appropriate congressional committees

1 on the items transferred, pursuant to the specifications
2 in section 516(f) of such Act.

3 SEC. 2604. (a) Funds appropriated by this title under
4 the headings “International Disaster Assistance” and
5 “Migration and Refugee Assistance” may be transferred
6 to, and merged with, funds appropriated by this title
7 under such headings to respond to humanitarian needs in
8 Ukraine and in countries impacted by the situation in
9 Ukraine and for other assistance for vulnerable popu-
10 lations and communities.

11 (b) Funds appropriated by this title under the head-
12 ings “Transition Initiatives”, “Economic Support Fund”,
13 “Assistance for Europe, Eurasia and Central Asia”, and
14 “International Narcotics Control and Law Enforcement”
15 may be transferred to, and merged with, funds available
16 under such headings and with funds available under the
17 headings “Complex Crises Fund” and “Nonproliferation,
18 Anti-terrorism, Demining and Related Programs” for as-
19 sistance for Ukraine and countries impacted by the situa-
20 tion in Ukraine and to respond to humanitarian needs.

21 (c) Funds appropriated by this title under the head-
22 ing “Economic Support Fund” may be transferred to, and
23 merged with, funds available under the heading “Diplo-
24 matic Programs” for activities related to public engage-
25 ment, messaging, and countering disinformation.

1 (d) The transfer authorities provided by this title are
2 in addition to any other transfer authority provided by
3 law.

4 (e) The exercise of the transfer authorities provided
5 by this title shall be subject to prior consultation with the
6 Committees on Appropriations.

7 (f) Upon a determination that all or part of the funds
8 transferred pursuant to the authorities provided under
9 this title are not necessary for such purposes, such
10 amounts may be transferred back to such appropriations.

11 SEC. 2605. Funds appropriated by this title under
12 the headings “Diplomatic Programs”, “International
13 Broadcasting Operations”, “Operating Expenses”, “Inter-
14 national Disaster Assistance”, “Transition Initiatives”,
15 “Economic Support Fund”, “Assistance for Europe, Eur-
16 asia and Central Asia”, “Migration and Refugee Assist-
17 ance”, “International Narcotics Control and Law Enforce-
18 ment” and “Foreign Military Financing Program” may
19 be used to reimburse accounts administered by the De-
20 partment of State, United States Agency for Global
21 Media, and the United States Agency for International
22 Development for obligations incurred related to the situa-
23 tion in Ukraine and in countries impacted by the situation
24 in Ukraine under such headings prior to the date of enact-
25 ment of this Act.

1 SEC. 2606. (a) During fiscal year 2022, direct loans
2 under section 23 of the Arms Export Control Act may be
3 made available for Ukraine and North Atlantic Treaty Or-
4 ganization (NATO) allies, notwithstanding section
5 23(c)(1) of the Arms Export Control Act, gross obligations
6 for the principal amounts of which shall not exceed
7 \$4,000,000,000: *Provided*, That funds made available
8 under the heading “Foreign Military Financing Program”
9 in this title and unobligated balances of funds made avail-
10 able under such heading in prior Acts making appropria-
11 tions for the Department of State, foreign operations, and
12 related programs may be made available for the costs, as
13 defined in section 502 of the Congressional Budget Act
14 of 1974, of such loans: *Provided further*, That such costs,
15 including the cost of modifying such loans, shall be as de-
16 fined in section 502 of the Congressional Budget Act of
17 1974 and may include the costs of selling, reducing, or
18 cancelling any amounts owed to the United States or any
19 agency of the United States: *Provided further*, That the
20 Government of the United States may charge fees for such
21 loans, which shall be collected from borrowers in accord-
22 ance with section 502(7) of the Congressional Budget Act
23 of 1974: *Provided further*, That no funds made available
24 by this or any other appropriations Act for this fiscal year
25 or prior fiscal years may be used for payment of any fees

1 associated with such loans: *Provided further*, That such
2 loans shall be repaid in not more than 12 years, including
3 a grace period of up to one year on repayment of principal:
4 *Provided further*, That notwithstanding section 23(c)(1) of
5 the Arms Export Control Act, interest for such loans may
6 be charged at a rate determined by the Secretary of State,
7 except that such rate may not be less than the prevailing
8 interest rate on marketable Treasury securities of similar
9 maturity: *Provided further*, That amounts made available
10 under this subsection for such costs shall not be consid-
11 ered assistance for the purposes of provisions of law lim-
12 iting assistance to a country.

13 (b) Funds made available under the heading “For-
14 eign Military Financing Program” in this title and unobli-
15 gated balances of funds made available under such head-
16 ing in prior Acts making appropriations for the Depart-
17 ment of State, foreign operations, and related programs
18 may be made available, notwithstanding the third proviso
19 under such heading, for the costs of loan guarantees under
20 section 24 of the Arms Export Control Act for Ukraine
21 and NATO allies, which are authorized to be provided:
22 *Provided*, That such funds are available to subsidize gross
23 obligations for the principal amount of commercial loans,
24 and total loan principal, any part of which is to be guaran-
25 teed, not to exceed \$4,000,000,000: *Provided further*, That

1 no loan guarantee with respect to any one borrower may
2 exceed 80 percent of the loan principal: *Provided further*,
3 That any loan guaranteed under this subsection may not
4 be subordinated to another debt contracted by the bor-
5 rower or to any other claims against the borrower in the
6 case of default: *Provided further*, That repayment in
7 United States dollars of any loan guaranteed under this
8 subsection shall be required within a period not to exceed
9 12 years after the loan agreement is signed: *Provided fur-*
10 *ther*, That the Government of the United States may
11 charge fees for such loan guarantees, as may be deter-
12 mined, notwithstanding section 24 of the Arms Export
13 Control Act, which shall be collected from borrowers or
14 third parties on behalf of such borrowers in accordance
15 with section 502(7) of the Congressional Budget Act of
16 1974: *Provided further*, That amounts made available
17 under this subsection for the costs of such guarantees
18 shall not be considered assistance for the purposes of pro-
19 visions of law limiting assistance to a country.

20 (c) Funds made available pursuant to the authorities
21 of this section shall be subject to prior consultation with
22 the appropriate congressional committees, and the regular
23 notification procedures of the Committees on Appropria-
24 tions.

1 priations accounts shall be available under the authorities
2 and conditions applicable to such appropriations accounts
3 for fiscal year 2022.

4 SEC. 2704. (a) Not later than 90 days after the date
5 of the enactment of this Act, the Secretary of State and
6 the Secretary of Defense shall submit to the appropriate
7 congressional committees and congressional Leadership a
8 report that includes the following:

9 (1) a description of United States Government
10 assistance provided to the security forces of the Gov-
11 ernment of Ukraine for the purpose of supporting
12 the Ukrainian people as they defend their territorial
13 integrity and sovereignty, and to counter ongoing
14 Russian aggression, including:

15 (A) an assessment of Ukrainian security
16 requirements and capabilities gaps the assist-
17 ance seeks to fill; and

18 (B) formal requests from the Government
19 of Ukraine for specific defense articles and
20 services as of the date of enactment;

21 (2) a description, to the extent practicable, of
22 other assistance, including lethal assistance, Ukraine
23 has received since December 1, 2021, from foreign
24 governments;

1 (3) a description of United States Government
2 diplomatic efforts to end Russia's aggression against
3 Ukraine and to restore Ukraine's sovereignty;

4 (4) a detailed description of United States Gov-
5 ernment policies aimed at supporting North Atlantic
6 Treaty Organization (NATO) allies and other Euro-
7 pean partners threatened by the government of the
8 Russian Federation and its proxies and increased
9 strain from the humanitarian crisis; and

10 (5) a plan to replenish stocks of U.S. origin de-
11 fense articles transferred by NATO or its member
12 states to Ukraine.

13 (b) The report required by subsection (a) shall be
14 submitted in unclassified form but may contain a classi-
15 fied annex, if necessary.

16 (c) Every 90 days after the release of the first report
17 to the appropriate congressional committees, the Secretary
18 of State and the Secretary of Defense shall submit to the
19 appropriate congressional committees and congressional
20 Leadership a report that includes:

21 (1) a detailed description of defense articles
22 transferred or scheduled to be transferred by the
23 United States to the Government of Ukraine; and

24 (2) a detailed description of U.S. origin defense
25 articles transferred by NATO or its member states

1 under U.S. authorization to the Government of
2 Ukraine during the reporting period.

3 (d) For purposes of this section, the term “appro-
4 priate congressional committees” means the House Com-
5 mittees on Foreign Affairs, Armed Services, and Appro-
6 priations and the Senate Committees on Foreign Rela-
7 tions, Armed Services, and Appropriations.

8 SEC. 2705. Each amount provided by this division is
9 designated by the Congress as being for an emergency re-
10 quirement pursuant to section 4001(a)(1) and section
11 4001(b) of S. Con. Res. 14 (117th Congress), the concur-
12 rent resolution on the budget for fiscal year 2022.

13 This division may be cited as the “Ukraine Supple-
14 mental Appropriations Act, 2022”.

1 **DIVISION O—EXTENSIONS AND**
2 **TECHNICAL CORRECTIONS**
3 **TITLE I—FLOOD INSURANCE**

4 **SEC. 101. NATIONAL FLOOD INSURANCE PROGRAM EXTEN-**
5 **SION.**

6 (a) **FINANCING.**—Section 1309(a) of the National
7 Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is
8 amended by striking “September 30, 2021” and inserting
9 “September 30, 2022”.

10 (b) **PROGRAM EXPIRATION.**—Section 1319 of the Na-
11 tional Flood Insurance Act of 1968 (42 U.S.C. 4026) is
12 amended by striking “September 30, 2021” and inserting
13 “September 30, 2022”.

14 **TITLE II—IMMIGRATION**
15 **EXTENSIONS**

16 **SEC. 201. E-VERIFY.**

17 Section 401(b) of the Illegal Immigration Reform and
18 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
19 note) shall be applied by substituting “September 30,
20 2022” for “September 30, 2015”.

21 **SEC. 202. NON-MINISTER RELIGIOUS WORKERS.**

22 Subclauses (II) and (III) of section 101(a)(27)(C)(ii)
23 of the Immigration and Nationality Act (8 U.S.C.
24 1101(a)(27)(C)(ii)) shall be applied by substituting “Sep-
25 tember 30, 2022” for “September 30, 2015”.

1 **SEC. 203. RURAL HEALTHCARE WORKERS.**

2 Subclauses 220(c) of the Immigration and Nation-
3 ality Technical Corrections Act of 1994 (8 U.S.C. 1182
4 note) shall be applied by substituting “September 30,
5 2022” for “September 30, 2015”.

6 **SEC. 204. H-2B SUPPLEMENTAL VISAS EXEMPTION.**

7 Notwithstanding the numerical limitation set forth in
8 section 214(g)(1)(B) of the Immigration and Nationality
9 Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland
10 Security, after consultation with the Secretary of Labor,
11 and upon the determination that the needs of American
12 businesses cannot be satisfied in fiscal year 2022 with
13 United States workers who are willing, qualified, and able
14 to perform temporary nonagricultural labor, may increase
15 the total number of aliens who may receive a visa under
16 section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C.
17 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limi-
18 tation by not more than the highest number of H-2B non-
19 immigrants who participated in the H-2B returning work-
20 er program in any fiscal year in which returning workers
21 were exempt from such numerical limitation.

1 **TITLE III—LIVESTOCK**
2 **REPORTING EXTENSION**

3 **SEC. 301. LIVESTOCK MANDATORY REPORTING EXTENSION.**

4 (a) IN GENERAL.—Section 260 of the Agricultural
5 Marketing Act of 1946 (7 U.S.C. 1636i) is amended by
6 striking “2020” and inserting “2022”.

7 (b) CONFORMING AMENDMENT.—Section 942 of the
8 Livestock Mandatory Reporting Act of 1999 (7 U.S.C.
9 1635 note; Public Law 106–78) is amended by striking
10 “2020” and inserting “2022”.

11 **TITLE IV—TVPA EXTENSION**

12 **SEC. 401. EXTENSION OF ADDITIONAL SPECIAL ASSESS-**
13 **MENT.**

14 Section 3014(a) of title 18, United States Code, is
15 amended by striking “March 11, 2022” and inserting
16 “September 11, 2022”.

17 **TITLE V—BUDGETARY EFFECTS**

18 **SEC. 501. BUDGETARY EFFECTS.**

19 (a) STATUTORY PAYGO SCORECARDS.—The budg-
20 etary effects of this division and each succeeding division
21 shall not be entered on either PAYGO scorecard main-
22 tained pursuant to section 4(d) of the Statutory Pay-As-
23 You-Go Act of 2010.

24 (b) SENATE PAYGO SCORECARDS.—The budgetary
25 effects of this division and each succeeding division shall

1 not be entered on any PAYGO scorecard maintained for
2 purposes of section 4106 of H. Con. Res. 71 (115th Con-
3 gress).

4 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
5 Notwithstanding Rule 3 of the Budget Scorekeeping
6 Guidelines set forth in the joint explanatory statement of
7 the committee of conference accompanying Conference Re-
8 port 105–217 and section 250(c)(8) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985, the
10 budgetary effects of this division and each succeeding divi-
11 sion shall not be estimated—

12 (1) for purposes of section 251 of such Act;

13 (2) for purposes of an allocation to the Com-
14 mittee on Appropriations pursuant to section 302(a)
15 of the Congressional Budget Act of 1974; and

16 (3) for purposes of paragraph (4)(C) of section
17 3 of the Statutory Pay-As-You-Go Act of 2010 as
18 being included in an appropriation Act.

1 **DIVISION P—HEALTH**
2 **PROVISIONS**
3 **TITLE I—PUBLIC HEALTH**
4 **Subtitle A—National Disaster**
5 **Medical System**

6 **SEC. 101. EXTENSION OF AUTHORITY TO MAKE CERTAIN**
7 **APPOINTMENTS FOR NATIONAL DISASTER**
8 **MEDICAL SYSTEM.**

9 Section 2812(c)(4)(B) of the Public Health Service
10 Act (42 U.S.C. 300hh–11(c)(4)(B)) is amended by strik-
11 ing “March 11, 2022” and inserting “September 30,
12 2023”.

13 **Subtitle B—Synthetic Nicotine**

14 **SEC. 111. FDA AUTHORITY OVER PRODUCTS CONTAINING**
15 **NICOTINE.**

16 (a) **TOBACCO PRODUCT DEFINED.**—Section 201(rr)
17 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
18 321(rr)) is amended—

19 (1) in subparagraph (1), by inserting “, or con-
20 taining nicotine from any source,” after “from to-
21 bacco”; and

22 (2) by adding at the end the following:

23 “(5) The term ‘tobacco product’ does not mean an
24 article that is a food under paragraph (f), if such article

1 contains no nicotine, or no more than trace amounts of
2 naturally occurring nicotine.”.

3 (b) APPLICABILITY TO CERTAIN PRODUCTS.—Sec-
4 tion 901(b) of the Federal Food, Drug, and Cosmetic Act
5 (21 U.S.C. 387a(b)) is amended by adding at the end the
6 following: “This chapter shall also apply to any tobacco
7 product containing nicotine that is not made or derived
8 from tobacco.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 subsections (a) and (b) shall take effect 30 days after the
11 date of enactment of this Act.

12 (d) SUBMISSION OF APPLICATIONS FOR PREVIOUSLY
13 MARKETED PRODUCTS.—

14 (1) TRANSITION PERIOD FOR ALL PRODUCTS.—

15 With respect to a tobacco product that contains nic-
16 otine from any source other than tobacco and that
17 was being marketed in the United States within 30
18 days after the date of enactment of this Act, such
19 product shall not be considered to be in violation of
20 section 910 of the Federal Food, Drug, and Cos-
21 metic Act (21 U.S.C. 387j) (relating to applications
22 for review of certain tobacco products) during the
23 60-day period following the date of enactment of this
24 Act.

25 (2) SUBMISSION OF APPLICATIONS.—

1 (A) IN GENERAL.—As a condition for con-
2 tinuing to market a product described in para-
3 graph (1) after the 60-day period specified in
4 such paragraph, during the 30-day period be-
5 ginning on the effective date specified in sub-
6 section (c), the manufacturer shall submit a
7 new tobacco product application under section
8 910(b) of the Federal Food, Drug, and Cos-
9 metic Act (21 U.S.C. 387j(b)) with respect to
10 such product.

11 (B) TRANSITION PERIOD.—Except as pro-
12 vided in subparagraph (C), with respect to a to-
13 bacco product for which an application is sub-
14 mitted as described in subparagraph (A), the
15 manufacturer of such product may continue to
16 market such product during the 90-day period
17 beginning on the effective date specified in sub-
18 section (c).

19 (C) EXCEPTION.—If the Secretary of
20 Health and Human Services previously denied
21 an application under section 910(c)(2) of the
22 Federal Food, Drug, and Cosmetic Act (21
23 U.S.C. 387j(c)(2)), refused to file an applica-
24 tion under section 910(b) of such Act, or with-
25 drew an order under section 910(d) of such Act

1 for a previous version of a tobacco product that
2 used nicotine made or derived from tobacco,
3 such product is not eligible for continued mar-
4 keting under subparagraph (B).

5 (3) END OF TRANSITION PERIOD.—Beginning
6 on the date that is 90 days after the effective date
7 specified in subsection (c), a tobacco product de-
8 scribed in paragraph (1) (including such a tobacco
9 product that is the subject of a pending application
10 under section 910 of the Federal Food, Drug, and
11 Cosmetic Act (21 U.S.C. 387j)) is in violation of
12 such section 910 if such tobacco product does not
13 have an order in effect under subsection (c)(1)(A)(i)
14 of such section.

15 (e) APPLICABILITY OF EXISTING REQUIREMENTS
16 FOR TOBACCO PRODUCTS.—Effective 30 days after the
17 date of enactment of this Act, with respect to any regula-
18 tion promulgated or related guidance issued, in whole or
19 part, under the Federal Food, Drug, and Cosmetic Act
20 (21 U.S.C. 301 et seq.) before the date that is 30 days
21 after such date of enactment, the term “tobacco product”
22 shall have the meaning of, and shall be deemed amended
23 to reflect the meaning of, such term as defined in section
24 201(rr) of the Federal Food, Drug, and Cosmetic Act (21
25 U.S.C. 321(rr)), as amended by subsection (a). Products

1 that are tobacco products under such section 201(rr), as
2 so amended, shall be subject to all requirements of regula-
3 tions for tobacco products. The Secretary of Health and
4 Human Services shall publish a notice in the Federal Reg-
5 ister to update the Code of Federal Regulations to reflect
6 such deemed amendment to existing regulations and guid-
7 ance.

8 (f) **TECHNICAL ACHIEVABILITY.**—Section 907(b)(1)
9 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
10 387g(b)(1)) is amended by inserting before the period at
11 the end the following: “, including with regard to any dif-
12 ferences related to the technical achievability of compli-
13 ance with such standard for products in the same class
14 containing nicotine not made or derived from tobacco and
15 products containing nicotine made or derived from to-
16 bacco”.

17 **SEC. 112. REPORTING ON TOBACCO REGULATION ACTIVI-**
18 **TIES.**

19 (a) **IN GENERAL.**—For fiscal year 2022 and each
20 subsequent fiscal year for which fees are collected under
21 section 919 of the Federal Food, Drug, and Cosmetic Act
22 (21 U.S.C. 387s), the Secretary of Health and Human
23 Services shall, not later than 180 days after the end of
24 the fiscal year, prepare and submit to the Committee on
25 Energy and Commerce and the Committee on Appropria-

1 tions of the House of Representatives, and the Committee
2 on Health, Education, Labor, and Pensions and the Com-
3 mittee on Appropriations of the Senate, an annual report
4 that contains the information required under subsection
5 (b).

6 (b) **REQUIRED INFORMATION.**—Each report sub-
7 mitted under subsection (a) shall contain the following in-
8 formation for the previous fiscal year:

9 (1) Total annual user fee collections.

10 (2) Total amount of fees obligated.

11 (3) The amount of unobligated carryover bal-
12 ance from fees collected.

13 (4) The amount obligated by the Center for To-
14 bacco Products for each of the following activities:

15 (A) Compliance and enforcement.

16 (B) Public education campaigns.

17 (C) Scientific research and research infra-
18 structure.

19 (D) Communications.

20 (E) Leadership, management oversight,
21 and administrative services.

22 (F) Related overhead activities.

23 (5) The numbers of applications, categorized by
24 class of tobacco product and review pathway under
25 sections 905, 910, and 911 of the Federal Food,

1 Drug, and Cosmetic Act (21 U.S.C. 387e; 387j;
2 387k), that were—

3 (A) submitted;

4 (B) pending;

5 (C) accepted;

6 (D) refused to file;

7 (E) withdrawn;

8 (F) denied;

9 (G) authorized for marketing under an
10 order;

11 (H) issued a deficiency letter or environ-
12 mental information request letter; or

13 (I) referred to the Tobacco Products Sci-
14 entific Advisory Committee.

15 (6) The number and titles of draft and final
16 guidance documents and proposed and final regula-
17 tions issued on topics related to the process for the
18 review of tobacco product applications, whether such
19 regulations and guidance documents were issued as
20 required by statute or by other legal or regulatory
21 requirements, and whether the issuance met the
22 deadlines set forth by the applicable statute or other
23 requirements.

24 (7) The number and titles of public meetings
25 related to the review of tobacco product applications

1 by the Center for Tobacco Products or other offices
2 or centers within the Food and Drug Administra-
3 tion.

4 (8) The number of pre-submission meetings re-
5 lating to applications under section 910 of the Fed-
6 eral Food, Drug, and Cosmetic Act (21 U.S.C.
7 387j), including the number of meeting requests re-
8 ceived, the number of meetings held, and the median
9 amount of time between when such meeting requests
10 were made and when the requests were granted or
11 denied.

12 (9) The number of full-time equivalent employ-
13 ees funded pursuant to fees collected under section
14 919 of the Federal Food, Drug, and Cosmetic Act
15 (21 U.S.C. 387s), including identification of the cen-
16 ters and offices within the Food and Drug Adminis-
17 tration in which such positions are located.

18 (10) The number of inspections and investiga-
19 tions conducted at domestic and foreign establish-
20 ments required to register under section 905 of the
21 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
22 387e).

23 (11) The total number of compliance and en-
24 forcement actions issued or taken with respect to to-
25 bacco products, including warning letters, civil

1 money penalties, no-tobacco-sale orders, and other
2 enforcement actions (including seizures, injunctions,
3 and criminal prosecution).

4 (c) PUBLIC AVAILABILITY.—The Secretary of Health
5 and Human Services shall make the reports required
6 under this section available to the public on the website
7 of the Food and Drug Administration.

8 (d) LIMITATIONS.—Reporting under this section shall
9 include best estimates for any reporting category for which
10 the Food and Drug Administration does not have precise
11 calculations. Such best estimates shall be accompanied
12 with an explanatory statement for why the Food and Drug
13 Administration does not have access to, or cannot cal-
14 culate, the exact figure and a date by which the Food and
15 Drug Administration will update its internal accounting
16 procedures to allow for such reporting. If a category is
17 successfully reported by the Food and Drug Administra-
18 tion with regard to another type of user fee but is provided
19 a best estimate by the Center for Tobacco Products, the
20 explanatory statement shall include information regarding
21 how the Food and Drug Administration will align systems
22 and apply learning across the agency to allow for accurate
23 reporting.

1 **Subtitle C—Drug Discount**
2 **Program**

3 **SEC. 121. ELIGIBILITY EXCEPTION FOR THE DRUG DIS-**
4 **COUNT PROGRAM DUE TO THE COVID-19**
5 **PUBLIC HEALTH EMERGENCY.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, in the case of a hospital described in sub-
8 section (b) that, with respect to cost reporting periods that
9 begin during fiscal year 2020 or a subsequent fiscal year,
10 but do not end after December 31, 2022, does not meet
11 the applicable requirement for the disproportionate share
12 adjustment percentage described in subsection (c) by rea-
13 son of the COVID-19 public health emergency, but other-
14 wise meets the requirements for being a covered entity
15 under subparagraph (L), (M), or (O) of subsection (a)(4)
16 of section 340B of the Public Health Service Act (42
17 U.S.C. 256b) and is in compliance with all other require-
18 ments of the program under such section, shall be deemed
19 a covered entity for purposes of such section for the pe-
20 riod—

21 (1) beginning on the date of the enactment of
22 this Act (or, if later, with the first of such cost re-
23 porting periods for which the hospital does not so
24 meet such applicable requirement for the dispropor-
25 tionate share adjustment percentage, but otherwise

1 meets all other such requirements for being such a
2 covered entity and of such program); and

3 (2) ending with the last of such cost reporting
4 periods (ending not later than December 31, 2022)
5 for which the hospital does not so meet such applica-
6 ble requirement for the disproportionate share ad-
7 justment percentage, but otherwise meets all other
8 such requirements for being such a covered entity
9 and of such program.

10 (b) HOSPITALS.—A hospital described in this sub-
11 section is an entity that, on the day before the first day
12 of the COVID–19 public health emergency, was a covered
13 entity described in subparagraph (L), (M), or (O) of sub-
14 section (a)(4) of section 340B of the Public Health Service
15 Act participating in the drug discount program under such
16 section.

17 (c) APPLICABLE REQUIREMENT FOR DISPROPOR-
18 TIONATE SHARE ADJUSTMENT PERCENTAGE.—The appli-
19 cable requirement for the disproportionate share adjust-
20 ment percentage described in this subsection is—

21 (1) in the case of a hospital described in sub-
22 section (a) that otherwise meets the requirements
23 under subparagraph (L) or (M) of section
24 340B(a)(4) of the Public Health Service Act, the re-

1 requirement under subparagraph (L)(ii) of such sec-
2 tion; and

3 (2) in the case of a hospital described in sub-
4 section (a) that otherwise meets the requirements
5 under subparagraph (O) of such section 340B(a)(4),
6 the requirement with respect to the disproportionate
7 share adjustment percentage described in such sub-
8 paragraph (O).

9 (d) SELF-ATTESTATION.—

10 (1) IN GENERAL.—A hospital described in sub-
11 section (a) that fails to meet the applicable require-
12 ment for the disproportionate share adjustment per-
13 centage described in subsection (c) shall, within 30
14 days of such failure, or in the case of a hospital
15 where such failure occurred prior to the date of en-
16 actment of this Act but after the start of the
17 COVID-19 public health emergency, within 30 days
18 of the date of enactment, provide to the Secretary of
19 Health and Human Services an attestation that con-
20 tains information on any actions taken by or other
21 impact on such hospital in response to or as a result
22 of the COVID-19 public health emergency that may
23 have impacted the ability to meet the applicable re-
24 quirement for the disproportionate share adjustment
25 percentage described in subsection (c).

1 (2) PAPERWORK REDUCTION ACT.—Chapter 35
2 of title 44, United States Code, shall not apply to
3 the collection of information provided pursuant to
4 this subsection.

5 (e) DEFINITIONS.—In this section:

6 (1) COVERED ENTITY.—The term “covered en-
7 tity” has the meaning given such term in section
8 340B(a)(4) of the Public Health Service Act (42
9 U.S.C. 256b(a)(4)).

10 (2) COVID–19 PUBLIC HEALTH EMERGENCY.—
11 The term “COVID–19 public health emergency”
12 means the public health emergency declared by the
13 Secretary of Health and Human Services under sec-
14 tion 319 of the Public Health Service Act (42
15 U.S.C. 247d) on January 31, 2020, with respect to
16 COVID–19 (or any renewal of such declaration).

17 **Subtitle D—Maternal Health**

18 **Quality Improvement**

19 **CHAPTER 1—IMPROVEMENTS TO**

20 **MATERNAL HEALTH CARE**

21 **SEC. 131. INNOVATION FOR MATERNAL HEALTH.**

22 Title III of the Public Health Service Act (42 U.S.C.
23 241 et seq.) is amended by inserting after section 330N
24 of such Act, the following:

1 **“SEC. 3300. INNOVATION FOR MATERNAL HEALTH.**

2 “(a) IN GENERAL.—The Secretary, in consultation
3 with experts representing a variety of clinical specialties,
4 State, Tribal, or local public health officials, researchers,
5 epidemiologists, statisticians, and community organiza-
6 tions, shall establish or continue a program to award com-
7 petitive grants to eligible entities for the purpose of—

8 “(1) identifying, developing, or disseminating
9 best practices to improve maternal health care qual-
10 ity and outcomes, improve maternal and infant
11 health, and eliminate preventable maternal mortality
12 and severe maternal morbidity, which may include—

13 “(A) information on evidence-based prac-
14 tices to improve the quality and safety of ma-
15 ternal health care in hospitals and other health
16 care settings of a State or health care system
17 by addressing topics commonly associated with
18 health complications or risks related to prenatal
19 care, labor care, birthing, and postpartum care;

20 “(B) best practices for improving maternal
21 health care based on data findings and reviews
22 conducted by a State maternal mortality review
23 committee that address topics of relevance to
24 common complications or health risks related to
25 prenatal care, labor care, birthing, and
26 postpartum care; and

1 “(C) information on addressing deter-
2 minants of health that impact maternal health
3 outcomes for women before, during, and after
4 pregnancy;

5 “(2) collaborating with State maternal mor-
6 tality review committees to identify issues for the de-
7 velopment and implementation of evidence-based
8 practices to improve maternal health outcomes and
9 reduce preventable maternal mortality and severe
10 maternal morbidity, consistent with section 317K;

11 “(3) providing technical assistance and sup-
12 porting the implementation of best practices identi-
13 fied in paragraph (1) to entities providing health
14 care services to pregnant and postpartum women;
15 and

16 “(4) identifying, developing, and evaluating new
17 models of care that improve maternal and infant
18 health outcomes, which may include the integration
19 of community-based services and clinical care.

20 “(b) ELIGIBLE ENTITIES.—To be eligible for a grant
21 under subsection (a), an entity shall—

22 “(1) submit to the Secretary an application at
23 such time, in such manner, and containing such in-
24 formation as the Secretary may require; and

1 “(2) demonstrate in such application that the
2 entity is capable of carrying out data-driven mater-
3 nal safety and quality improvement initiatives in the
4 areas of obstetrics and gynecology or maternal
5 health.

6 “(c) REPORT.—Not later than September 30, 2025,
7 and every 2 years thereafter, the Secretary shall submit
8 a report to Congress on the practices described in para-
9 graphs (1) and (2) of subsection (a). Such report shall
10 include a description of the extent to which such practices
11 reduced preventable maternal mortality and severe mater-
12 nal morbidity, and whether such practices improved ma-
13 ternal and infant health. The Secretary shall disseminate
14 information on such practices, as appropriate.

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
16 carry out this section, there are authorized to be appro-
17 priated \$9,000,000 for each of fiscal years 2023 through
18 2027.”.

19 **SEC. 132. TRAINING FOR HEALTH CARE PROVIDERS.**

20 Title VII of the Public Health Service Act is amended
21 by striking section 763 (42 U.S.C. 294p) and inserting
22 the following:

23 **“SEC. 763. TRAINING FOR HEALTH CARE PROVIDERS.**

24 “(a) GRANT PROGRAM.—The Secretary shall estab-
25 lish a program to award grants to accredited schools of

1 allopathic medicine, osteopathic medicine, and nursing,
2 and other health professional training programs for the
3 training of health care professionals to improve the provi-
4 sion of prenatal care, labor care, birthing, and postpartum
5 care for racial and ethnic minority populations, including
6 with respect to perceptions and biases that may affect the
7 approach to, and provision of, care.

8 “(b) ELIGIBILITY.—To be eligible for a grant under
9 subsection (a), an entity described in such subsection shall
10 submit to the Secretary an application at such time, in
11 such manner, and containing such information as the Sec-
12 retary may require.

13 “(c) REPORTING REQUIREMENTS.—

14 “(1) PERIODIC GRANTEE REPORTS.—Each enti-
15 ty awarded a grant under this section shall periodi-
16 cally submit to the Secretary a report on the status
17 of activities conducted using the grant, including a
18 description of the impact of such training on patient
19 outcomes, as applicable.

20 “(2) REPORT TO CONGRESS.—Not later than
21 September 30, 2026, the Secretary shall submit a
22 report to Congress on the activities conducted using
23 grants under subsection (a) and any best practices
24 identified and disseminated under subsection (d).

1 “(d) BEST PRACTICES.—The Secretary may identify
2 and disseminate best practices for the training described
3 in subsection (a).

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
5 carry out this section, there are authorized to be appro-
6 priated \$5,000,000 for each of fiscal years 2023 through
7 2027.”.

8 **SEC. 133. STUDY ON IMPROVING TRAINING FOR HEALTH**
9 **CARE PROVIDERS.**

10 Not later than 2 years after date of enactment of this
11 Act, the Secretary of Health and Human Services shall,
12 through a contract with an independent research organiza-
13 tion, conduct a study and make recommendations for ac-
14 credited schools of allopathic medicine, osteopathic medi-
15 cine, and nursing, and other health professional training
16 programs on best practices related to training to improve
17 the provision of prenatal care, labor care, birthing, and
18 postpartum care for racial and ethnic minority popu-
19 lations, including with respect to perceptions and biases
20 that may affect the approach to, and provision of, care.

21 **SEC. 134. INTEGRATED SERVICES FOR PREGNANT AND**
22 **POSTPARTUM WOMEN.**

23 (a) GRANTS.—Title III of the Public Health Service
24 Act (42 U.S.C. 241 et seq.) is amended by inserting after

1 section 3300 of such Act, as added by section 131, the
2 following:

3 **“SEC. 330P. INTEGRATED SERVICES FOR PREGNANT AND**
4 **POSTPARTUM WOMEN.**

5 “(a) IN GENERAL.—The Secretary may award grants
6 for the purpose of establishing or operating evidence-based
7 or innovative, evidence-informed programs to deliver inte-
8 grated health care services to pregnant and postpartum
9 women to optimize the health of women and their infants,
10 including to reduce adverse maternal health outcomes,
11 pregnancy-related deaths, and related health disparities
12 (including such disparities associated with racial and eth-
13 nic minority populations), and, as appropriate, by address-
14 ing issues researched under subsection (b)(2) of section
15 317K.

16 “(b) INTEGRATED SERVICES FOR PREGNANT AND
17 POSTPARTUM WOMEN.—

18 “(1) ELIGIBILITY.—To be eligible to receive a
19 grant under subsection (a), a State, Indian Tribe, or
20 Tribal organization (as such terms are defined in
21 section 4 of the Indian Self-Determination and Edu-
22 cation Assistance Act) shall work with relevant
23 stakeholders that coordinate care to develop and
24 carry out the program, including—

1 “(A) State, Tribal, and local agencies re-
2 sponsible for Medicaid, public health, social
3 services, mental health, and substance use dis-
4 order treatment and services;

5 “(B) health care providers who serve preg-
6 nant and postpartum women; and

7 “(C) community-based health organiza-
8 tions and health workers, including providers of
9 home visiting services and individuals rep-
10 resenting communities with disproportionately
11 high rates of maternal mortality and severe ma-
12 ternal morbidity, and including those rep-
13 resenting racial and ethnic minority popu-
14 lations.

15 “(2) TERMS.—

16 “(A) PERIOD.—A grant awarded under
17 subsection (a) shall be made for a period of 5
18 years. Any supplemental award made to a
19 grantee under subsection (a) may be made for
20 a period of less than 5 years.

21 “(B) PRIORITIES.—In awarding grants
22 under subsection (a), the Secretary shall—

23 “(i) give priority to States, Indian
24 Tribes, and Tribal organizations that have
25 the highest rates of maternal mortality and

1 severe maternal morbidity relative to other
2 such States, Indian Tribes, or Tribal orga-
3 nizations, respectively; and

4 “(ii) shall consider health disparities
5 related to maternal mortality and severe
6 maternal morbidity, including such dispari-
7 ties associated with racial and ethnic mi-
8 nority populations.

9 “(C) EVALUATION.—The Secretary shall
10 require grantees to evaluate the outcomes of the
11 programs supported under the grant.

12 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$10,000,000 for each of fiscal years 2023 through 2027.”.

15 (b) REPORT ON GRANT OUTCOMES AND DISSEMINA-
16 TION OF BEST PRACTICES.—

17 (1) REPORT.—Not later than February 1,
18 2027, the Secretary of Health and Human Services
19 shall submit to the Committee on Health, Edu-
20 cation, Labor, and Pensions of the Senate and the
21 Committee on Energy and Commerce of the House
22 of Representatives a report that describes—

23 (A) the outcomes of the activities sup-
24 ported by the grants awarded under the amend-

1 ments made by this section on maternal and
2 child health;

3 (B) best practices and models of care used
4 by recipients of grants under such amendments;
5 and

6 (C) obstacles identified by recipients of
7 grants under such amendments, and strategies
8 used by such recipients to deliver care, improve
9 maternal and child health, and reduce health
10 disparities.

11 (2) DISSEMINATION OF BEST PRACTICES.—Not
12 later than August 1, 2027, the Secretary of Health
13 and Human Services shall disseminate information
14 on best practices and models of care used by recipi-
15 ents of grants under the amendments made by this
16 section (including best practices and models of care
17 relating to the reduction of health disparities, includ-
18 ing such disparities associated with racial and ethnic
19 minority populations, in rates of maternal mortality
20 and severe maternal morbidity) to relevant stake-
21 holders, which may include health providers, medical
22 schools, nursing schools, relevant State, Tribal, and
23 local agencies, and the general public.

1 **SEC. 135. MATERNAL VACCINATION AWARENESS.**

2 In carrying out the public awareness initiative related
3 to vaccinations pursuant to section 313 of the Public
4 Health Service Act (42 U.S.C. 245), the Secretary of
5 Health and Human Services shall take into consideration
6 the importance of increasing awareness and knowledge of
7 the safety and effectiveness of vaccines to prevent disease
8 in pregnant and postpartum women and in infants and
9 the need to improve vaccination rates in communities and
10 populations with low rates of vaccination.

11 **CHAPTER 2—RURAL MATERNAL AND OB-**
12 **STETRIC MODERNIZATION OF SERV-**
13 **ICES**

14 **SEC. 141. IMPROVING RURAL MATERNAL AND OBSTETRIC**
15 **CARE DATA.**

16 (a) **MATERNAL MORTALITY AND MORBIDITY ACTIVI-**
17 **TIES.**—Section 301(e) of the Public Health Service Act
18 (42 U.S.C. 241) is amended by inserting “, preventable
19 maternal mortality and severe maternal morbidity,” after
20 “delivery”.

21 (b) **OFFICE OF WOMEN’S HEALTH.**—Section
22 310A(b)(1) of the Public Health Service Act (42 U.S.C.
23 242s(b)(1)) is amended by striking “and sociocultural con-
24 texts,” and inserting “sociocultural (including among
25 American Indians, Native Hawaiians, and Alaska Na-
26 tives), and geographical contexts,”.

1 (c) SAFE MOTHERHOOD.—Section 317K of the Pub-
2 lie Health Service Act (42 U.S.C. 247b–12) is amended—

3 (1) in subsection (a)(2)(A), by inserting “, in-
4 cluding improving disaggregation of data (in a man-
5 ner consistent with applicable State and Federal pri-
6 vacy laws)” before the period; and

7 (2) in subsection (b)(2)—

8 (A) in subparagraph (L), by striking
9 “and” at the end;

10 (B) by redesignating subparagraph (M) as
11 subparagraph (N); and

12 (C) by inserting after subparagraph (L)
13 the following:

14 “(M) an examination of the relationship
15 between maternal health and obstetric services
16 in rural areas and outcomes in delivery and
17 postpartum care; and”.

18 (d) OFFICE OF RESEARCH ON WOMEN’S HEALTH.—

19 Section 486(d)(4)(A)(iv) of the Public Health Service Act
20 (42 U.S.C. 287d(d)(4)(A)(iv)) is amended by inserting “,

21 including preventable maternal mortality and severe ma-
22 ternal morbidity” before the semicolon.

1 **SEC. 142. RURAL OBSTETRIC NETWORK GRANTS.**

2 The Public Health Service Act is amended by insert-
3 ing after section 330A–1 of such Act (42 U.S.C. 254c–
4 1a) the following:

5 **“SEC. 330A–2. RURAL OBSTETRIC NETWORK GRANTS.**

6 “(a) PROGRAM ESTABLISHED.—The Secretary shall
7 award grants or cooperative agreements to eligible entities
8 to establish collaborative improvement and innovation net-
9 works (referred to in this section as ‘rural obstetric net-
10 works’) to improve maternal and infant health outcomes
11 and reduce preventable maternal mortality and severe ma-
12 ternal morbidity by improving maternity care and access
13 to care in rural areas, frontier areas, maternity care health
14 professional target areas, or jurisdictions of Indian Tribes
15 and Tribal organizations.

16 “(b) USE OF FUNDS.—Grants or cooperative agree-
17 ments awarded pursuant to this section shall be used for
18 the establishment or continuation of collaborative improve-
19 ment and innovation networks to improve maternal and
20 infant health outcomes and reduce preventable maternal
21 mortality and severe maternal morbidity by improving pre-
22 natal care, labor care, birthing, and postpartum care serv-
23 ices in rural areas. Rural obstetric networks established
24 in accordance with this section may—

25 “(1) develop a network to improve coordination
26 and increase access to maternal health care and as-

1 sist pregnant women in the areas described in sub-
2 section (a) with accessing and utilizing prenatal
3 care, labor care, birthing, and postpartum care serv-
4 ices to improve outcomes in birth and maternal mor-
5 tality and morbidity;

6 “(2) identify and implement evidence-based and
7 sustainable delivery models for providing prenatal
8 care, labor care, birthing, and postpartum care serv-
9 ices, including home visiting programs and culturally
10 appropriate care models that reduce health dispari-
11 ties;

12 “(3) develop a model for maternal health care
13 collaboration between health care settings to improve
14 access to care in areas described in subsection (a),
15 which may include the use of telehealth;

16 “(4) provide training for professionals in health
17 care settings that do not have specialty maternity
18 care;

19 “(5) collaborate with academic institutions that
20 can provide regional expertise and help identify bar-
21 riers to providing maternal health care, including
22 strategies for addressing such barriers; and

23 “(6) assess and address disparities in infant
24 and maternal health outcomes, including among ra-
25 cial and ethnic minority populations and underserved

1 populations in such areas described in subsection
2 (a).

3 “(c) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE ENTITIES.—The term ‘eligible
5 entities’ means entities providing prenatal care,
6 labor care, birthing, and postpartum care services in
7 rural areas, frontier areas, or medically underserved
8 areas, or to medically underserved populations or In-
9 dian Tribes or Tribal organizations.

10 “(2) FRONTIER AREA.—The term ‘frontier
11 area’ means a frontier county, as defined in section
12 1886(d)(3)(E)(iii)(III) of the Social Security Act.

13 “(3) INDIAN TRIBES; TRIBAL ORGANIZATION.—
14 The terms ‘Indian Tribe’ and ‘Tribal organization’
15 have the meanings given the terms ‘Indian tribe’ and
16 ‘tribal organization’ in section 4 of the Indian Self-
17 Determination and Education Assistance Act.

18 “(4) MATERNITY CARE HEALTH PROFESSIONAL
19 TARGET AREA.—The term ‘maternity care health
20 professional target area’ has the meaning described
21 in section 332(k)(2).

22 “(d) REPORT TO CONGRESS.—Not later than Sep-
23 tember 30, 2026, the Secretary shall submit to Congress
24 a report on activities supported by grants awarded under
25 this section, including—

1 “(1) a description of activities conducted pursu-
2 ant to paragraphs (1) through (6) of subsection (b);
3 and

4 “(2) an analysis of the effects of rural obstetric
5 networks on improving maternal and infant health
6 outcomes.

7 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 \$3,000,000 for each of fiscal years 2023 through 2027.”.

10 **SEC. 143. TELEHEALTH NETWORK AND TELEHEALTH RE-**
11 **SOURCE CENTERS GRANT PROGRAMS.**

12 Section 330I of the Public Health Service Act (42
13 U.S.C. 254c–14) is amended—

14 (1) in subsection (f)(3), by adding at the end
15 the following:

16 “(M) Providers of prenatal, labor care,
17 birthing, and postpartum care services, includ-
18 ing hospitals that operate obstetric care units.”;
19 and

20 (2) in subsection (h)(1)(B), by striking “or pre-
21 natal care for high-risk pregnancies” and inserting
22 “prenatal care, labor care, birthing care, or
23 postpartum care”.

1 **SEC. 144. RURAL MATERNAL AND OBSTETRIC CARE TRAIN-**
2 **ING DEMONSTRATION.**

3 Subpart 1 of part E of title VII of the Public Health
4 Service Act (42 U.S.C. 294n et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 764. RURAL MATERNAL AND OBSTETRIC CARE TRAIN-**
7 **ING DEMONSTRATION.**

8 “(a) IN GENERAL.—The Secretary shall award
9 grants to accredited schools of allopathic medicine, osteo-
10 pathic medicine, and nursing, and other appropriate
11 health professional training programs, to establish a train-
12 ing demonstration program to support—

13 “(1) training for physicians, medical residents,
14 fellows, nurse practitioners, physician assistants,
15 nurses, certified nurse midwives, relevant home vis-
16 iting workforce professionals and paraprofessionals,
17 or other professionals who meet relevant State train-
18 ing and licensing requirements, as applicable, to re-
19 duce preventable maternal mortality and severe ma-
20 ternal morbidity by improving prenatal care, labor
21 care, birthing, and postpartum care in rural commu-
22 nity-based settings; and

23 “(2) developing recommendations for such
24 training programs.

25 “(b) APPLICATION.—To be eligible to receive a grant
26 under subsection (a), an entity shall submit to the Sec-

1 retery an application at such time, in such manner, and
2 containing such information as the Secretary may require.

3 “(c) ACTIVITIES.—

4 “(1) TRAINING FOR HEALTH CARE PROFES-
5 SIONALS.— A recipient of a grant under subsection
6 (a)—

7 “(A) shall use the grant funds to plan, de-
8 velop, and operate a training program to pro-
9 vide prenatal care, labor care, birthing, and
10 postpartum care in rural areas; and

11 “(B) may use the grant funds to provide
12 additional support for the administration of the
13 program or to meet the costs of projects to es-
14 tablish, maintain, or improve faculty develop-
15 ment, or departments, divisions, or other units
16 necessary to implement such training.

17 “(2) TRAINING PROGRAM REQUIREMENTS.—
18 The recipient of a grant under subsection (a) shall
19 ensure that training programs carried out under the
20 grant are evidence-based and address improving pre-
21 natal care, labor care, birthing, and postpartum care
22 in rural areas, and such programs may include
23 training on topics such as—

24 “(A) maternal mental health, including
25 perinatal depression and anxiety;

1 “(B) substance use disorders;

2 “(C) social determinants of health that af-
3 fect individuals living in rural areas; and

4 “(D) improving the provision of prenatal
5 care, labor care, birthing, and postpartum care
6 for racial and ethnic minority populations, in-
7 cluding with respect to perceptions and biases
8 that may affect the approach to, and provision
9 of, care.

10 “(d) EVALUATION AND REPORT.—

11 “(1) EVALUATION.—

12 “(A) IN GENERAL.—The Secretary shall
13 evaluate the outcomes of the demonstration
14 program under this section.

15 “(B) DATA SUBMISSION.—Recipients of a
16 grant under subsection (a) shall submit to the
17 Secretary performance metrics and other re-
18 lated data in order to evaluate the program for
19 the report described in paragraph (2).

20 “(2) REPORT TO CONGRESS.—Not later than
21 January 1, 2026, the Secretary shall submit to Con-
22 gress a report that includes—

23 “(A) an analysis of the effects of the dem-
24 onstration program under this section on the
25 quality, quantity, and distribution of maternal

1 health care services, including prenatal care,
2 labor care, birthing, and postpartum care serv-
3 ices, and the demographics of the recipients of
4 those services;

5 “(B) an analysis of maternal and infant
6 health outcomes (including quality of care, mor-
7 bidity, and mortality) before and after imple-
8 mentation of the program in the communities
9 served by entities participating in the dem-
10 onstration; and

11 “(C) recommendations on whether the
12 demonstration program should be continued.

13 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$5,000,000 for each of fiscal years 2023 through 2027.”.

16 **Subtitle E—Fentanyl Scheduling** 17 **Extension**

18 **SEC. 151. EXTENSION OF TEMPORARY ORDER FOR** 19 **FENTANYL-RELATED SUBSTANCES.**

20 Effective as if included in the enactment of the Tem-
21 porary Reauthorization and Study of the Emergency
22 Scheduling of Fentanyl Analogues Act (Public Law 116–
23 114), section 2 of such Act (as amended by Public Law
24 117–86) is amended by striking “March 11, 2022” and
25 inserting “December 31, 2022”.

1 **Subtitle F—Drug-Free**
2 **Communities**

3 **SEC. 161. WAIVER OF FEDERAL FUND LIMITATION FOR THE**
4 **DRUG-FREE COMMUNITIES SUPPORT PRO-**
5 **GRAM.**

6 (a) IN GENERAL.—Subject to subsection (b), if the
7 Administrator of the Drug-Free Communities Support
8 Program determines that, as a result of the public health
9 emergency declared pursuant to section 319 of the Public
10 Health Service Act (42 U.S.C. 247d) with respect to
11 COVID–19, an eligible coalition is unable to raise the
12 amount of non-Federal funds, including in-kind contribu-
13 tions, agreed to be raised by the coalition for fiscal year
14 2020, 2021, or 2022 under an agreement entered into
15 with the Administrator pursuant to paragraph (1)(A) or
16 (3) of section 1032(b) of the Anti-Drug Abuse Act of 1988
17 (21 U.S.C. 1532(b)), the Administrator may, notwith-
18 standing such paragraphs, provide to the eligible coalition
19 the grant or renewal grant, as applicable, for that fiscal
20 year only in an amount—

21 (1) with respect to an initial grant or renewal
22 grant described under paragraph (1)(A) or (3)(A) of
23 such section, that exceeds the amount of non-Fed-
24 eral funds raised by the eligible coalition, including
25 in-kind contributions, for that fiscal year;

1 (2) in paragraph (3), by striking “March 11,
2 2022” and inserting “December 13, 2022”.

3 (b) EXTENDING ADDITIONAL INCREASE FOR PUER-
4 TO RICO.—Section 1108(g) of the Social Security Act (42
5 U.S.C. 1308(g)) is amended by adding at the end the fol-
6 lowing new paragraph:

7 “(10) ADDITIONAL INCREASE FOR PUERTO
8 RICO FOR FISCAL YEAR 2022.—

9 “(A) IN GENERAL.—Notwithstanding the
10 preceding provisions of this subsection, the total
11 amount certified for Puerto Rico for fiscal year
12 2022 under this subsection shall be increased
13 by \$200,000,000 if the Secretary certifies that,
14 with respect to such fiscal year, Puerto Rico’s
15 State plan under title XIX (or a waiver of such
16 plan) establishes a reimbursement floor, imple-
17 mented through a directed payment arrange-
18 ment plan, for physician services that are cov-
19 ered under the Medicare part B fee schedule in
20 the Puerto Rico locality established under sec-
21 tion 1848(b) that is not less than 70 percent of
22 the payment that would apply to such services
23 if they were furnished under part B of title
24 XVIII during such fiscal year.

1 “(B) APPLICATION TO MANAGED CARE.—

2 In certifying whether Puerto Rico has estab-
3 lished a reimbursement floor under a directed
4 payment arrangement plan that satisfies the re-
5 quirements of subparagraph (A) for fiscal year
6 2022, the Secretary shall—

7 “(i) disregard payments made under
8 sub-capitated arrangements for services
9 such as primary care case management;
10 and

11 “(ii) if the reimbursement floor for
12 physician services applicable under a man-
13 aged care contract satisfies the require-
14 ments of subparagraph (A) for the fiscal
15 year in which the contract is entered into
16 or renewed, such reimbursement floor shall
17 be deemed to satisfy such requirements for
18 the subsequent fiscal year.”.

19 (c) PUERTO RICO REPORT ON PROCUREMENT PROC-
20 ESSES AND STANDARDS USED FOR CONTRACTING UNDER
21 THE MEDICAID PROGRAM.—

22 (1) REPORT REQUIRED.—Not later than De-
23 cember 1, 2022, the agency responsible for admin-
24 istering Puerto Rico’s Medicaid program under title
25 XIX of the Social Security Act (42 U.S.C. 1396 et

1 seq.) shall submit to Congress a report on the pro-
2 curement processes and standards used for selecting
3 contracts under Puerto Rico's Medicaid program.

4 (2) INFORMATION IN REPORT.—The report re-
5 quired under paragraph (1) shall include the fol-
6 lowing:

7 (A) A detailed description of the procure-
8 ment processes and standards used for selecting
9 contracts under Puerto Rico's Medicaid pro-
10 gram under title XIX of the Social Security Act
11 (42 U.S.C. 1396 et seq.), for contracts in effect
12 as of the date of the enactment of this sub-
13 section.

14 (B) The number of contracts, and a de-
15 scription of such contracts, for an amount
16 greater than \$150,000 as of the date of the en-
17 actment of this subsection.

18 (C) Differences between the procurement
19 processes and standards for selecting contracts
20 in place as of the date of the enactment of this
21 subsection, and the Federal procurement stand-
22 ards (as described in sections 75.327, 75.328,
23 and 75.329 of title 45, Code of Federal Regula-
24 tions) as of such date.

1 **SEC. 202. INCREASING STATE FLEXIBILITY WITH RESPECT**
2 **TO THIRD PARTY LIABILITY.**

3 (a) IN GENERAL.—Section 1902(a)(25)(I) of the So-
4 cial Security Act (42 U.S.C. 1396a(a)(25)(I)) is amend-
5 ed—

6 (1) by amending clause (ii) to read as follows:

7 “(ii)(I) accept the State’s right of re-
8 covery and the assignment to the State of
9 any right of an individual or other entity
10 to payment from the party for an item or
11 service for which payment has been made
12 under the State plan (or under a waiver of
13 such plan); and

14 “(II) in the case of a responsible third
15 party (other than the original medicare
16 fee-for-service program under parts A and
17 B of title XVIII, a Medicare Advantage
18 plan offered by a Medicare Advantage or-
19 ganization under part C of such title, a
20 reasonable cost reimbursement plan under
21 section 1876, a health care prepayment
22 plan under section 1833, or a prescription
23 drug plan offered by a PDP sponsor under
24 part D of such title) that requires prior
25 authorization for an item or service fur-
26 nished to an individual eligible to receive

1 medical assistance under this title, accept
2 authorization provided by the State that
3 the item or service is covered under the
4 State plan (or waiver of such plan) for
5 such individual, as if such authorization
6 were the prior authorization made by the
7 third party for such item or service;”;

8 (2) in clause (iii)—

9 (A) by striking “respond to any inquiry”
10 and inserting “not later than 60 days after re-
11 ceiving any inquiry”; and

12 (B) by striking “; and” at the end and in-
13 serting “, respond to such inquiry; and”; and

14 (3) in clause (iv)—

15 (A) by striking “or a failure” and inserting
16 “a failure”; and

17 (B) by inserting after “the basis of the
18 claim” the following: “, or in the case of a re-
19 sponsible third party (other than the original
20 medicare fee-for-service program under parts A
21 and B of title XVIII, a Medicare Advantage
22 plan offered by a Medicare Advantage organiza-
23 tion under part C of such title, a reasonable
24 cost reimbursement plan under section 1876, a
25 health care prepayment plan under section

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1 1833, or a prescription drug plan offered by a
2 PDP sponsor under part D of such title) a fail-
3 ure to obtain a prior authorization for the item
4 or service for which the claim is being sub-
5 mitted”;

6 (b) EFFECTIVE DATE.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the amendments made by this section
9 shall apply beginning on January 1, 2024.

10 (2) EXCEPTION IF STATE LEGISLATION RE-
11 QUIRED.—In the case of a State plan for medical as-
12 sistance under title XIX of the Social Security Act
13 that the Secretary of Health and Human Services
14 determines requires State legislation (other than leg-
15 islation appropriating funds) in order for the plan to
16 meet the additional requirement imposed by the
17 amendments made under this section, the State plan
18 shall not be regarded as failing to comply with the
19 requirements of such title solely on the basis of its
20 failure to meet this additional requirement before
21 the first day of the first calendar quarter beginning
22 after the close of the first regular session of the
23 State legislature that begins after the date of the en-
24 actment of this Act. For purposes of the previous
25 sentence, in the case of a State that has a 2-year

1 legislative session, each year of such session shall be
2 deemed to be a separate regular session of the State
3 legislature.

4 **TITLE III—MEDICARE**
5 **Subtitle A—Telehealth Flexibility**
6 **Extensions**

7 **SEC. 301. REMOVING GEOGRAPHIC REQUIREMENTS AND**
8 **EXPANDING ORIGINATING SITES FOR TELE-**
9 **HEALTH SERVICES.**

10 (a) IN GENERAL.—Section 1834(m)(4)(C) of the So-
11 cial Security Act (42 U.S.C. 1395m(m)(4)(C)) is amend-
12 ed—

13 (1) in paragraph (4)(C)—

14 (A) in clause (i), in the matter preceding
15 subclause (I), by inserting “clause (iii) and”
16 after “Except as provided in”; and

17 (B) by adding at the end the following new
18 clause:

19 “(iii) EXPANDING ACCESS TO TELE-
20 HEALTH SERVICES.—With respect to tele-
21 health services identified in subparagraph
22 (F)(i) as of the date of the enactment of
23 this clause that are furnished during the
24 151-day period beginning on the first day
25 after the end of the emergency period de-

1 scribed in section 1135(g)(1)(B), the term
2 ‘originating site’ means any site in the
3 United States at which the eligible tele-
4 health individual is located at the time the
5 service is furnished via a telecommuni-
6 cations system, including the home of an
7 individual.”; and

8 (2) in paragraph (7)(A), by inserting “or, for
9 the period for which clause (iii) of paragraph (4)(C)
10 applies, at any site described in such clause” before
11 the period at the end.

12 (b) NO FACILITY FEE FOR NEW SITES.—Section
13 1834(m)(2)(B) of the Social Security Act (42 U.S.C.
14 1395m(m)(2)(B)) is amended—

15 (1) in clause (i), in the matter preceding sub-
16 clause (I), by striking “clause (ii)” and inserting
17 “clauses (ii) and (iii)”; and

18 (2) by adding at the end the following new
19 clause:

20 “(iii) NO FACILITY FEE FOR NEW
21 SITES.—With respect to telehealth services
22 identified in paragraph (4)(F)(i) as of the
23 date of the enactment of this clause that
24 are furnished during the 151-day period
25 beginning on the first day after the end of

1 the emergency period described in section
2 1135(g)(1)(B), a facility fee shall only be
3 paid under this subparagraph to an origi-
4 nating site that is described in paragraph
5 (4)(C)(ii) (other than subclause (X) of
6 such paragraph).”.

7 **SEC. 302. EXPANDING PRACTITIONERS ELIGIBLE TO FUR-**
8 **NISH TELEHEALTH SERVICES.**

9 Section 1834(m) of the Social Security Act (42
10 U.S.C. 1395m(m)) is amended—

11 (1) in paragraph (1), by striking “(described in
12 section 1842(b)(18)(C))” and inserting “(as defined
13 in paragraph (4)(E))”; and

14 (2) in paragraph (4)(E), by inserting “and, for
15 the 151-day period beginning on the first day after
16 the end of the emergency period described in section
17 1135(g)(1)(B), shall include a qualified occupational
18 therapist (as such term is used in section 1861(g)),
19 a qualified physical therapist (as such term is used
20 in section 1861(p)), a qualified speech-language pa-
21 thologist (as defined in section 1861(ll)(4)(A)), and
22 a qualified audiologist (as defined in section
23 1861(ll)(4)(B))” after “section 1842(b)(18)(C)”.

1 **SEC. 303. EXTENDING TELEHEALTH SERVICES FOR FEDER-**
2 **ALLY QUALIFIED HEALTH CENTERS AND**
3 **RURAL HEALTH CLINICS.**

4 Section 1834(m)(8) of the Social Security Act (42
5 U.S.C. 1395m(m)(8)) is amended—

6 (1) in the header, by striking “DURING EMER-
7 GENCY PERIOD”;

8 (2) in subparagraph (A), in the matter pre-
9 ceding clause (i), by inserting “and, during the 151-
10 day period beginning on the first day after the end
11 of such emergency period” after “During the emer-
12 gency period described in section 1135(g)(1)(B)”;
13 and

14 (3) in subparagraph (B)(i), by striking “such
15 emergency period” and inserting “the periods for
16 which subparagraph (A) applies”.

17 **SEC. 304. DELAYING THE IN-PERSON REQUIREMENTS**
18 **UNDER MEDICARE FOR MENTAL HEALTH**
19 **SERVICES FURNISHED THROUGH TELE-**
20 **HEALTH AND TELECOMMUNICATIONS TECH-**
21 **NOLOGY.**

22 (a) DELAY IN REQUIREMENTS FOR MENTAL
23 HEALTH SERVICES FURNISHED THROUGH TELE-
24 HEALTH.—Section 1834(m)(7)(B)(i) of the Social Secu-
25 rity Act (42 U.S.C. 1395m(m)(7)(B)(i)) is amended, in
26 the matter preceding subclause (I), by inserting “on or

1 after the day that is the 152nd day after the end of the
2 emergency period described in section 1135(g)(1)(B))”
3 after “telehealth services furnished”.

4 (b) MENTAL HEALTH VISITS FURNISHED BY RURAL
5 HEALTH CLINICS.—Section 1834(y) of the Social Security
6 Act (42 U.S.C. 1395m(y)) is amended—

7 (1) in the heading, by striking “ATTENDING
8 PHYSICIAN” and inserting “CERTAIN”;

9 (2) by striking “HOSPICE PATIENTS.—In the
10 case of” and inserting “HOSPICE PATIENTS.—

11 “(1) ATTENDING PHYSICIAN SERVICES FOR
12 HOSPICE PATIENTS.—In the case of”;

13 (3) by adding at the end the following new
14 paragraph:

15 “(2) MENTAL HEALTH VISITS FURNISHED VIA
16 TELECOMMUNICATIONS TECHNOLOGY.—In the case
17 of mental health visits furnished via interactive, real-
18 time, audio and video telecommunications technology
19 or audio-only interactions, the in-person mental
20 health visit requirements established under section
21 405.2463(b)(3) of title 42 of the Code of Federal
22 Regulations (or a successor regulation) shall not
23 apply prior to the day that is the 152nd day after
24 the end of the emergency period described in section
25 1135(g)(1)(B)).”.

1 (c) MENTAL HEALTH VISITS FURNISHED BY FEDER-
2 ALLY QUALIFIED HEALTH CENTERS.—Section
3 1834(o)(4) of the Social Security Act (42 U.S.C.
4 1395m(o)(4)) is amended—

5 (1) in the heading, by striking “ATTENDING
6 PHYSICIAN” and inserting “CERTAIN”;

7 (2) by striking “HOSPICE PATIENTS.—In the
8 case of” and inserting “HOSPICE PATIENTS.—

9 “(A) ATTENDING PHYSICIAN SERVICES
10 FOR HOSPICE PATIENTS.—In the case of”;

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(B) MENTAL HEALTH VISITS FURNISHED
14 VIA TELECOMMUNICATIONS TECHNOLOGY.—In
15 the case of mental health visits furnished via
16 interactive, real-time, audio and video tele-
17 communications technology or audio-only inter-
18 actions, the in-person mental health visit re-
19 quirements established under section
20 405.2463(b)(3) of title 42 of the Code of Fed-
21 eral Regulations (or a successor regulation)
22 shall not apply prior to the day that is the
23 152nd day after the end of the emergency pe-
24 riod described in section 1135(g)(1)(B)).”.

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1 **SEC. 305. ALLOWING FOR THE FURNISHING OF AUDIO-**
2 **ONLY TELEHEALTH SERVICES.**

3 Section 1834(m) of the Social Security Act (42
4 U.S.C. 1395m(m)) is amended—

5 (1) in paragraph (1), in the first sentence, by
6 striking “paragraph (8)” and inserting “paragraphs
7 (8) and (9)”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(9) TREATMENT OF TELEHEALTH SERVICES
11 FURNISHED USING AUDIO-ONLY TELECOMMUNI-
12 CATIONS TECHNOLOGY.—The Secretary shall con-
13 tinue to provide coverage and payment under this
14 part for telehealth services identified in paragraph
15 (4)(F)(i) as of the date of the enactment of this
16 paragraph that are furnished via an audio-only tele-
17 communications system during the 151-day period
18 beginning on the first day after the end of the emer-
19 gency period described in section 1135(g)(1)(B). For
20 purposes of the previous sentence, the term ‘tele-
21 health service’ means a telehealth service identified
22 as of the date of the enactment of this paragraph by
23 a HCPCS code (and any succeeding codes) for which
24 the Secretary has not applied the requirements of
25 paragraph (1) and the first sentence of section

1 410.78(a)(3) of title 42, Code of Federal Regula-
2 tions, during such emergency period.”.

3 **SEC. 306. USE OF TELEHEALTH TO CONDUCT FACE-TO-**
4 **FACE ENCOUNTER PRIOR TO RECERTIFI-**
5 **CATION OF ELIGIBILITY FOR HOSPICE CARE**
6 **DURING EMERGENCY PERIOD.**

7 Section 1814(a)(7)(D)(i)(II) of the Social Security
8 Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by in-
9 serting “, and during the 151-day period beginning on the
10 first day after the end of such emergency period” after
11 “section 1135(g)(1)(B)”.

12 **SEC. 307. EXTENSION OF EXEMPTION FOR TELEHEALTH**
13 **SERVICES.**

14 (a) IN GENERAL.—Subparagraph (E) of section
15 223(c)(2) of the Internal Revenue Code of 1986 is amend-
16 ed by inserting “or in the case of months beginning after
17 March 31, 2022, and before January 1, 2023,” after “De-
18 cember 31, 2021,”.

19 (b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)
20 of section 223(c)(1)(B) of the Internal Revenue Code of
21 1986 is amended by inserting “, or in the case of months
22 beginning after March 31, 2022, and before January 1,
23 2023,” after “December 31, 2021”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act.

4 **SEC. 308. REPORTS ON TELEHEALTH UTILIZATION.**

5 (a) MEDPAC REPORT.—

6 (1) STUDY.—

7 (A) IN GENERAL.—The Medicare Payment
8 Advisory Commission (in this subsection re-
9 ferred to as the “Commission”) shall conduct a
10 study on the expansions of telehealth services
11 (as defined in section 1834(m)(4)(F) of the So-
12 cial Security Act (42 U.S.C. 1395m(m)(4)(F))
13 under the Medicare program under title XVIII
14 of such Act as a result of the COVID-19 public
15 health emergency described in section
16 1135(g)(1)(B) of such Act (42 U.S.C. 1320b-
17 5(g)(1)(B)) and the amendments made by sec-
18 tions 301 through 306 of this title.

19 (B) ANALYSIS.—The study under subpara-
20 graph (A) shall include at least an analysis of
21 each of the following:

22 (i) The utilization of telehealth serv-
23 ices under the Medicare program, which
24 may include analysis by service, provider
25 type, geographic area (including analysis of

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1 the provision of telehealth services by clini-
2 cians located in different States than the
3 Medicare beneficiary receiving such serv-
4 ices to the extent that reliable data are
5 available), and beneficiary type (including
6 reason of entitlement and such bene-
7 ficiaries who are also enrolled under a
8 State plan under title XIX of the Social
9 Security Act).

10 (ii) Medicare program expenditures on
11 telehealth services.

12 (iii) Medicare payment policy for tele-
13 health services and alternative approaches
14 to such payment policy, including for fed-
15 erally qualified health centers and rural
16 health clinics.

17 (iv) The implications of expanded
18 Medicare coverage of telehealth services on
19 beneficiary access to care and the quality
20 of care, to the extent reliable data are
21 available.

22 (v) Other areas determined appro-
23 priate by the Commission.

24 (2) REPORT.—Not later than June 15, 2023,
25 the Commission shall submit to Congress a report

1 containing the results of the study conducted under
2 paragraph (1), together with recommendations for
3 legislative and administrative action as the Commis-
4 sion determines appropriate.

5 (b) PUBLICATION OF DATA.—Beginning July 1,
6 2022, the Secretary of Health and Human Services shall
7 post on the public website of the Centers for Medicare &
8 Medicaid Services on a quarterly basis data with respect
9 to Medicare claims for telemedicine services, including
10 data on utilization and beneficiary characteristics.

11 (c) OFFICE OF THE INSPECTOR GENERAL RE-
12 PORT.—Not later than June 15, 2023, the Inspector Gen-
13 eral of the Department of Health and Human Services
14 shall submit to Congress a report on program integrity
15 risks associated with Medicare telehealth services. Such
16 report shall include recommendations to prevent waste,
17 fraud, and abuse under the Medicare program as appro-
18 priate.

19 **SEC. 309. PROGRAM INSTRUCTION AUTHORITY.**

20 Notwithstanding any other provision of law, the Sec-
21 retary of Health and Human Services may implement the
22 provisions of, including amendments made by, sections
23 301 through 306 through program instruction or other-
24 wise.

1 **SEC. 313. MEDICARE IMPROVEMENT FUND.**

2 Section 1898(b)(1) of the Social Security Act (42
3 U.S.C. 1395iii(b)(1)) is amended by striking
4 “\$99,000,000” and inserting “\$5,000,000”.

5 **TITLE IV—HUMAN SERVICES**

6 **SEC. 401. EXTENSION OF TEMPORARY ASSISTANCE FOR**
7 **NEEDY FAMILIES AND RELATED PROGRAMS.**

8 Activities authorized by part A of title IV (other than
9 under section 403(c) or 418) and section 1108(b) of the
10 Social Security Act shall continue through September 30,
11 2022, in the manner authorized for fiscal year 2021, and
12 out of any money in the Treasury of the United States
13 not otherwise appropriated, there are hereby appropriated
14 such sums as may be necessary for such purpose.

15 **DIVISION Q—CONSUMER**

16 **PROTECTION**

17 **TITLE I—FRAUD AND SCAM**

18 **REDUCTION**

19 **SEC. 101. SHORT TITLE.**

20 This title may be cited as the “Fraud and Scam Re-
21 duction Act”.

22 **Subtitle A—Preventing Consumer**

23 **Scams Directed at Seniors**

24 **SEC. 111. SHORT TITLE.**

25 This subtitle may be cited as the “Stop Senior Scams
26 Act”.

1 **SEC. 112. SENIOR SCAMS PREVENTION ADVISORY GROUP.**

2 (a) ESTABLISHMENT.—There is established a Senior
3 Scams Prevention Advisory Group (in this subtitle re-
4 ferred to as the “Advisory Group”).

5 (b) MEMBERS.—The Advisory Group shall be com-
6 posed of stakeholders such as the following individuals or
7 the designees of those individuals:

8 (1) The Chairman of the Federal Trade Com-
9 mission.

10 (2) The Secretary of the Treasury.

11 (3) The Attorney General.

12 (4) The Director of the Bureau of Consumer
13 Financial Protection.

14 (5) Representatives from each of the following
15 sectors, including trade associations, to be selected
16 by the Federal Trade Commission:

17 (A) Retail.

18 (B) Gift cards.

19 (C) Telecommunications.

20 (D) Wire-transfer services.

21 (E) Senior peer advocates.

22 (F) Consumer advocacy organizations with
23 efforts focused on preventing seniors from be-
24 coming the victims of scams.

25 (G) Financial services, including institu-
26 tions that engage in digital currency.

1 (H) Prepaid cards.

2 (6) A member of the Board of Governors of the
3 Federal Reserve System.

4 (7) A prudential regulator, as defined in section
5 1002 of the Consumer Financial Protection Act of
6 2010 (12 U.S.C. 5481).

7 (8) The Director of the Financial Crimes En-
8 forcement Network.

9 (9) Any other Federal, State, or local agency,
10 industry representative, consumer advocate, or enti-
11 ty, as determined by the Federal Trade Commission.

12 (c) NO COMPENSATION FOR MEMBERS.—A member
13 of the Advisory Group shall serve without compensation
14 in addition to any compensation received for the service
15 of the member as an officer or employee of the United
16 States, if applicable.

17 (d) DUTIES.—

18 (1) IN GENERAL.—The Advisory Group shall—

19 (A) collect information on the existence,
20 use, and success of educational materials and
21 programs for retailers, financial services, and
22 wire-transfer companies, which—

23 (i) may be used as a guide to educate
24 employees on how to identify and prevent
25 scams that affect seniors; and

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1 (ii) includes—

2 (I) useful information for retail-
3 ers, financial services, and wire trans-
4 fer companies for the purpose de-
5 scribed in clause (i);

6 (II) training for employees on
7 ways to identify and prevent senior
8 scams;

9 (III) best practices for keeping
10 employees up to date on current
11 scams;

12 (IV) the most effective signage
13 and placement in retail locations to
14 warn seniors about scammers' use of
15 gift cards, prepaid cards, and wire
16 transfer services;

17 (V) suggestions on effective col-
18 laborative community education cam-
19 paigns;

20 (VI) available technology to as-
21 sist in identifying possible scams at
22 the point of sale; and

23 (VII) other information that
24 would be helpful to retailers, wire
25 transfer companies, financial institu-

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1 tions, and their employees as they
2 work to prevent fraud affecting sen-
3 iors; and

4 (B) based on the findings in subparagraph

5 (A)—

6 (i) identify inadequacies, omissions, or
7 deficiencies in those educational materials
8 and programs for the categories listed in
9 subparagraph (A) and their execution in
10 reaching employees to protect older adults;
11 and

12 (ii) create model materials, best prac-
13 tices guidance, or recommendations to fill
14 those inadequacies, omissions, or defi-
15 ciencies that may be used by industry and
16 others to help protect older adults from
17 scams.

18 (2) ENCOURAGED USE.—The Chairman of the
19 Federal Trade Commission shall—

20 (A) make the materials or guidance cre-
21 ated by the Federal Trade Commission de-
22 scribed in paragraph (1) publicly available; and

23 (B) encourage the use and distribution of
24 the materials created under this subsection to

1 prevent scams affecting seniors by govern-
2 mental agencies and the private sector.

3 (e) REPORTS.—Section 101(c)(2) of the Elder Abuse
4 Prevention and Prosecution Act (34 U.S.C. 21711(c)(2))
5 is amended—

6 (1) in subparagraph (A)(iv), by striking the pe-
7 riod at the end and inserting a semicolon;

8 (2) in subparagraph (B), by striking the period
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(C) with respect to the report by the Fed-
12 eral Trade Commission, in relevant years, in-
13 cluding information on—

14 “(i) the newly created materials, guid-
15 ance, or recommendations of the Senior
16 Scams Prevention Advisory Group estab-
17 lished under section 112 of the Stop Senior
18 Scams Act and any relevant views or con-
19 siderations made by members of the Advi-
20 sory Group that were not included in the
21 Advisory Group’s model materials or con-
22 sidered an official recommendation by the
23 Advisory Group;

24 “(ii) the Senior Scams Prevention Ad-
25 visory Group’s findings about senior scams

1 and industry educational materials and
2 programs; and

3 “(iii) any recommendations on ways
4 stakeholders can continue to work together
5 to reduce scams affecting seniors.”.

6 (f) TERMINATION.—This subtitle, and the amend-
7 ments made by this subtitle, ceases to be effective on the
8 date that is 5 years after the date of enactment of this
9 Act.

10 **Subtitle B—Senior Fraud Advisory** 11 **Office**

12 **SEC. 121. SHORT TITLE.**

13 This subtitle may be cited as the “Seniors Fraud Pre-
14 vention Act of 2022”.

15 **SEC. 122. OFFICE FOR THE PREVENTION OF FRAUD TAR-** 16 **GETING SENIORS.**

17 (a) ESTABLISHMENT OF ADVISORY OFFICE.—The
18 Federal Trade Commission (in this section referred to as
19 the “Commission”) shall establish an office within the Bu-
20 reau of Consumer Protection for the purpose of advising
21 the Commission on the prevention of fraud targeting sen-
22 iors and to assist the Commission with the following:

23 (1) OVERSIGHT.—The advisory office shall
24 monitor the market for mail, television, internet,
25 telemarketing, and recorded message telephone call

1 (in this section referred to as “robocall”) fraud tar-
2 geting seniors and shall coordinate with other rel-
3 evant agencies regarding the requirements of this
4 section.

5 (2) CONSUMER EDUCATION.—The Commission,
6 through the advisory office and in consultation with
7 the Attorney General, the Secretary of Health and
8 Human Services, the Postmaster General, the Chief
9 Postal Inspector for the United States Postal In-
10 spection Service, and other relevant agencies, shall—

11 (A) disseminate to seniors and families and
12 caregivers of seniors general information on
13 mail, television, internet, telemarketing, and
14 robocall fraud targeting seniors, including de-
15 scriptions of the most common fraud schemes;

16 (B) disseminate to seniors and families
17 and caregivers of seniors information on report-
18 ing complaints of fraud targeting seniors either
19 to the national toll-free telephone number estab-
20 lished by the Commission for reporting such
21 complaints, or to the Consumer Sentinel Net-
22 work, operated by the Commission, where such
23 complaints will become immediately available to
24 appropriate law enforcement agencies, including

1 the Federal Bureau of Investigation and the at-
2 torneys general of the States;

3 (C) in response to a specific request about
4 a particular entity or individual, provide pub-
5 licly available information of any enforcement
6 action taken by the Commission for mail, tele-
7 vision, internet, telemarketing, and robocall
8 fraud against such entity; and

9 (D) maintain a website to serve as a re-
10 source for information for seniors and families
11 and caregivers of seniors regarding mail, tele-
12 vision, internet, telemarketing, robocall, and
13 other identified fraud targeting seniors.

14 (3) COMPLAINTS.—The Commission, through
15 the advisory office and in consultation with the At-
16 torney General, shall establish procedures to—

17 (A) log and acknowledge the receipt of
18 complaints by individuals who believe they have
19 been a victim of mail, television, internet, tele-
20 marketing, and robocall fraud in the Consumer
21 Sentinel Network, and shall make those com-
22 plaints immediately available to Federal, State,
23 and local law enforcement authorities; and

24 (B) provide to individuals described in sub-
25 paragraph (A), and to any other persons, spe-

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1 cific and general information on mail, television,
2 internet, telemarketing, and robocall fraud, in-
3 cluding descriptions of the most common
4 schemes using such methods of communication.

5 (b) COMMENCEMENT.—The Commission shall com-
6 mence carrying out the requirements of this section not
7 later than 1 year after the date of enactment of this Act.

8 (c) USE OF EXISTING FUNDS.—No additional funds
9 are authorized to be appropriated to carry out this section
10 and the Commission shall carry out this section using
11 amounts otherwise made available to the Commission.

12 **TITLE II—NICHOLAS AND**
13 **ZACHARY BURT MEMORIAL**
14 **CARBON MONOXIDE POI-**
15 **SONING PREVENTION ACT OF**
16 **2022**

17 **SEC. 201. SHORT TITLE.**

18 This title may be cited as the “Nicholas and Zachary
19 Burt Memorial Carbon Monoxide Poisoning Prevention
20 Act of 2022”.

21 **SEC. 202. FINDINGS AND SENSE OF CONGRESS.**

22 (a) FINDINGS.—Congress finds the following:

23 (1) Carbon monoxide is a colorless, odorless gas
24 produced by burning any fuel. Exposure to
25 unhealthy levels of carbon monoxide can lead to car-

1 bon monoxide poisoning, a serious health condition
2 that could result in death.

3 (2) Unintentional carbon monoxide poisoning
4 from motor vehicles and improper operation of fuel-
5 burning appliances, such as furnaces, water heaters,
6 portable generators, and stoves, annually kills more
7 than 400 individuals and sends approximately
8 15,000 individuals to hospital emergency rooms for
9 treatment.

10 (3) Research shows that installing carbon mon-
11 oxide alarms close to the sleeping areas in residen-
12 tial homes and other dwelling units can help avoid
13 fatalities.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that Congress should promote the installation of car-
16 bon monoxide alarms in residential homes and dwelling
17 units across the United States in order to promote the
18 health and public safety of citizens throughout the United
19 States.

20 **SEC. 203. DEFINITIONS.**

21 In this title:

22 (1) CARBON MONOXIDE ALARM.—The term
23 “carbon monoxide alarm” means a device or system
24 that—

25 (A) detects carbon monoxide; and

1 (B) is intended to sound an alarm at a
2 carbon monoxide concentration below a con-
3 centration that could cause a loss of the ability
4 to react to the dangers of carbon monoxide ex-
5 posure.

6 (2) COMMISSION.—The term “Commission”
7 means the Consumer Product Safety Commission.

8 (3) COMPLIANT CARBON MONOXIDE ALARM.—
9 The term “compliant carbon monoxide alarm”
10 means a carbon monoxide alarm that complies with
11 the most current version of—

12 (A) the Standard for Single and Multiple
13 Station Carbon Monoxide Alarms of the Amer-
14 ican National Standards Institute and UL
15 (ANSI/UL 2034), or any successor standard;
16 and

17 (B) the Standard for Gas and Vapor De-
18 tectors and Sensors of the American National
19 Standards Institute and UL (ANSI/UL 2075),
20 or any successor standard.

21 (4) DWELLING UNIT.—The term “dwelling
22 unit”—

23 (A) means a room or suite of rooms used
24 for human habitation; and

25 (B) includes—

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- 1 (i) a single family residence;
- 2 (ii) each living unit of a multiple fam-
- 3 ily residence, including an apartment build-
- 4 ing; and
- 5 (iii) each living unit in a mixed use
- 6 building.

7 (5) FIRE CODE ENFORCEMENT OFFICIALS.—

8 The term “fire code enforcement officials” means of-

9 ficials of the fire safety code enforcement agency of

10 a State or local government or a Tribal organization.

11 (6) INTERNATIONAL FIRE CODE.—The term

12 “IFC” means—

13 (A) the 2015 or 2018 edition of the Inter-

14 national Fire Code published by the Inter-

15 national Code Council; or

16 (B) any amended or similar successor code

17 pertaining to the proper installation of carbon

18 monoxide alarms in dwelling units.

19 (7) INTERNATIONAL RESIDENTIAL CODE.—The

20 term “IRC” means—

21 (A) the 2015 or 2018 edition of the Inter-

22 national Residential Code published by the

23 International Code Council; or

1 (B) any amended or similar successor code
2 pertaining to the proper installation of carbon
3 monoxide alarms in dwelling units.

4 (8) NFPA 720.—The term “NFPA 720”
5 means—

6 (A) the Standard for the Installation of
7 Carbon Monoxide Detection and Warning
8 Equipment issued by the National Fire Protec-
9 tion Association in 2012; and

10 (B) any amended or similar successor
11 standard relating to the proper installation of
12 carbon monoxide alarms in dwelling units.

13 (9) STATE.—The term “State”—

14 (A) has the meaning given the term in sec-
15 tion 3(a) of the Consumer Product Safety Act
16 (15 U.S.C. 2052(a)); and

17 (B) includes—

18 (i) the Commonwealth of the North-
19 ern Mariana Islands; and

20 (ii) any political subdivision of a
21 State.

22 (10) TRIBAL ORGANIZATION.—The term “Trib-
23 al organization” has the meaning given the term in
24 section 4(l) of the Indian Self-Determination and
25 Education Assistance Act (25 U.S.C. 5304(l)).

1 **SEC. 204. GRANT PROGRAM FOR CARBON MONOXIDE POI-**
2 **SONING PREVENTION.**

3 (a) IN GENERAL.—Subject to the availability of ap-
4 propriations authorized under subsection (f), the Commis-
5 sion shall establish a grant program to provide assistance
6 to States and Tribal organizations that are eligible under
7 subsection (b) to carry out the carbon monoxide poisoning
8 prevention activities described in subsection (e).

9 (b) ELIGIBILITY.—For the purposes of this section,
10 an eligible State or Tribal organization is any State or
11 Tribal organization that—

12 (1) demonstrates to the satisfaction of the
13 Commission that the State or Tribal organization
14 has adopted a statute or a rule, regulation, or simi-
15 lar measure with the force and effect of law, requir-
16 ing compliant carbon monoxide alarms to be in-
17 stalled in dwelling units in accordance with NFPA
18 72, the IFC, or the IRC; and

19 (2) submits an application—

20 (A) to the Commission at such time, in
21 such form, and containing such additional in-
22 formation as the Commission may require; and

23 (B) that may be filed on behalf of the
24 State or Tribal organization by the fire safety
25 code enforcement agency of that State or Tribal
26 organization.

1 (c) GRANT AMOUNT.—The Commission shall deter-
2 mine the amount of each grant awarded under this sec-
3 tion.

4 (d) SELECTION OF GRANT RECIPIENTS.—In select-
5 ing eligible States and Tribal organizations for the award
6 of grants under this section, the Commission shall give
7 favorable consideration to an eligible State or Tribal orga-
8 nization that demonstrates a reasonable need for funding
9 under this section and that—

10 (1) requires the installation of one or more
11 compliant carbon monoxide alarms in a new or exist-
12 ing educational facility, childcare facility, health care
13 facility, adult dependent care facility, government
14 building, restaurant, theater, lodging establishment,
15 or dwelling unit—

16 (A) within which a fuel-burning appliance,
17 including a furnace, boiler, water heater, fire-
18 place, or any other apparatus, appliance, or de-
19 vice that burns fuel, is installed; or

20 (B) that has an attached garage; and

21 (2) has developed a strategy to protect vulner-
22 able populations, such as children, the elderly, or
23 low-income households, from exposure to unhealthy
24 levels of carbon monoxide.

25 (e) USE OF GRANT FUNDS.—

1 (1) IN GENERAL.—Subject to paragraph (2), an
2 eligible State or Tribal organization to which a grant
3 is awarded under this section may use the grant—

4 (A) to purchase and install compliant car-
5 bon monoxide alarms in the dwelling units of
6 low-income families or elderly individuals, facili-
7 ties that commonly serve children or the elderly
8 (including childcare facilities, public schools,
9 and senior centers);

10 (B) for the development and dissemination
11 of training materials, instructors, and any other
12 costs relating to the training sessions author-
13 ized under this subsection; or

14 (C) to educate the public about—

15 (i) the risk associated with carbon
16 monoxide as a poison; and

17 (ii) the importance of proper carbon
18 monoxide alarm use.

19 (2) LIMITATIONS.—

20 (A) ADMINISTRATIVE COSTS.—An eligible
21 State or Tribal organization to which a grant is
22 awarded under this section may use not more
23 than 5 percent of the grant amount to cover ad-
24 ministrative costs that are not directly related
25 to training described in paragraph (1)(B).

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1 (B) PUBLIC OUTREACH.—An eligible State
2 or Tribal organization to which a grant is
3 awarded under this section may use not more
4 than 25 percent of the grant amount to cover
5 the costs of activities described in paragraph
6 (1)(C).

7 (C) STATE CONTRIBUTIONS.—An eligible
8 State to which a grant is awarded under this
9 section shall, with respect to the costs incurred
10 by the State in carrying out activities under the
11 grant, provide non-Federal contributions in an
12 amount equal to not less than 25 percent of the
13 amount of Federal funds provided under the
14 grant to administer the program. This subpara-
15 graph shall not apply to Tribal organizations.

16 (f) FUNDING.—

17 (1) IN GENERAL.—The Commission shall carry
18 out this title using amounts appropriated to the
19 Commission for each of fiscal years 2022 through
20 2026, to extent such funds are available.

21 (2) LIMITATION ON ADMINISTRATIVE EX-
22 PENSES.—In a fiscal year, not more than 10 percent
23 of the amounts appropriated or otherwise made
24 available to carry out this title may be used for ad-
25 ministrative expenses.

1 (g) REPORT.—Not later than 1 year after the last
2 day of each fiscal year in which grants are awarded under
3 this section, the Commission shall submit to Congress a
4 report that evaluates the implementation of the grant pro-
5 gram required under this section.

6 **TITLE III—UNITED STATES ANTI-**
7 **DOPING AGENCY REAUTHOR-**
8 **IZATION**

9 **SEC. 301. SHORT TITLE.**

10 This title may be cited as the “United States Anti-
11 Doping Agency Reauthorization Act of 2022”.

12 **SEC. 302. FINDINGS.**

13 Congress makes the following findings:

14 (1) The United States Anti-Doping Agency—

15 (A) is the independent national anti-doping
16 organization of the United States; and

17 (B) manages the anti-doping program, re-
18 sults management processes, drug reference re-
19 sources, and athlete education for all United
20 States Olympic Committee-recognized national
21 governing bodies and the athletes and events of
22 such national governing bodies.

23 (2) The United States Anti-Doping Agency con-
24 tributes to the advancement of clean sport through
25 scientific research, anti-doping education, and out-

1 reach programs, and the mission of the United
2 States Anti-Doping Agency is to preserve the integ-
3 rity of competition and protect the rights of athletes.

4 (3) Participation in youth sports has the poten-
5 tial to equip young athletes with important skills
6 and values necessary for success in life, and it is es-
7 sential that the culture of youth sports emphasizes
8 such skills and values.

9 (4) The TrueSport program of the United
10 States Anti-Doping Agency partners with youth
11 sport organizations across the United States to pro-
12 mote sportsmanship, character building, and healthy
13 performance through the use of targeted educational
14 materials designed to promote a positive youth sport
15 experience.

16 (5) In modifying the authority of the United
17 States Anti-Doping Agency to include the promotion
18 of the positive values of youth sport, Congress sends
19 a strong signal that the goals of youth sport should
20 include instilling in young athletes the values of in-
21 tegrity, respect, teamwork, courage, and responsi-
22 bility.

23 (6) Due to the unique leadership position of the
24 United States in the global community, adequate
25 funding of the anti-doping and clean sport programs

1 of the United States Anti-Doping Agency is impera-
2 tive to the preparation for the 2028 Summer Olym-
3 pic Games, which will be held in Los Angeles, Cali-
4 fornia.

5 (7) Increased appropriations for fiscal years
6 2023 through 2031 would enable the United States
7 Anti-Doping Agency to directly affect the integrity
8 and well-being of sport, both domestically and inter-
9 nationally.

10 **SEC. 303. MODIFICATIONS OF AUTHORITY.**

11 Section 701 of the Office of National Drug Control
12 Policy Reauthorization Act of 2006 (21 U.S.C. 2001) is
13 amended—

14 (1) in subsection (b)—

15 (A) by amending paragraph (1) to read as
16 follows:

17 “(1)(A) serve as the independent anti-doping
18 organization for the amateur athletic competitions
19 recognized by the United States Olympic and
20 Paralympic Committee;

21 “(B) be responsible for certifying in advance
22 any testing conducted by international organizations
23 under the World Anti-Doping Code for international
24 amateur athletes and athletic competitions occurring
25 within the jurisdiction of the United States; and

1 “(C) be recognized worldwide as the inde-
2 pendent national anti-doping organization for the
3 United States;”;

4 (B) in paragraph (4), by striking the pe-
5 riod at the end and inserting “; and”; and

6 (C) by adding at the end the following:

7 “(5) promote a positive youth sport experience
8 by using a portion of the funding of the United
9 States Anti-Doping Agency to provide educational
10 materials on sportsmanship, character building, and
11 healthy performance for the athletes, parents, and
12 coaches who participate in youth sports.”; and

13 (2) by adding at the end the following:

14 “(c) DUE PROCESS IN ARBITRATION PRO-
15 CEEDINGS.—Any action taken by the United States Anti-
16 Doping Agency to enforce a policy, procedure, or require-
17 ment of the United States Anti-Doping Agency against a
18 person with respect to a violation of Federal law, including
19 an investigation, a disciplinary action, a sanction, or any
20 other administrative action, shall be carried out in a man-
21 ner that provides due process protection to the person.”.

22 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 703 of the Office of National Drug Control
24 Policy Reauthorization Act of 2006 (21 U.S.C. 2003) is
25 amended to read as follows:

1 **“SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to the
3 United States Anti-Doping Agency—

4 “(1) for fiscal year 2023, \$15,500,000;

5 “(2) for fiscal year 2024, \$16,200,000;

6 “(3) for fiscal year 2025, \$16,900,000;

7 “(4) for fiscal year 2026, \$17,700,000;

8 “(5) for fiscal year 2027, \$18,500,000;

9 “(6) for fiscal year 2028, \$19,800,000;

10 “(7) for fiscal year 2029, \$22,100,000;

11 “(8) for fiscal year 2030, \$24,900,000; and

12 “(9) for fiscal year 2031, \$23,700,000.”.

13 **SEC. 305. INFORMATION SHARING.**

14 Except as otherwise prohibited by law and except in
15 cases in which the integrity of a criminal investigation
16 would be affected, pursuant to the obligation of the United
17 States under Article 7 of the United Nations Educational,
18 Scientific, and Cultural Organization International Con-
19 vention Against Doping in Sport done at Paris October
20 19, 2005, and ratified by the United States in 2008, the
21 Attorney General, the Secretary of Homeland Security,
22 and the Commissioner of Food and Drugs shall provide
23 to the United States Anti-Doping Agency any relevant in-
24 formation relating to the prevention of the use of perform-
25 ance-enhancing drugs or the prohibition of performance-
26 enhancing methods.

1 **TITLE IV—PROTECTING INDIAN**
2 **TRIBES FROM SCAMS**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Protecting Indian
5 Tribes from Scams Act”.

6 **SEC. 402. PROTECTING INDIAN TRIBES FROM UNFAIR OR**
7 **DECEPTIVE ACTS OR PRACTICES.**

8 (a) **FTC REPORT ON UNFAIR OR DECEPTIVE ACTS**
9 **OR PRACTICES TARGETING INDIAN TRIBES.**—Not later
10 than 1 year after the date of enactment of this Act, and
11 after consultation with Indian Tribes, the Commission
12 shall make publicly available on the website of the Com-
13 mission and submit to the Committee on Energy and Com-
14 merce and the Committee on Natural Resources of the
15 House of Representatives and the Committee on Com-
16 merce, Science, and Transportation and the Committee on
17 Indian Affairs of the Senate a report on unfair or decep-
18 tive acts or practices targeted at Indian Tribes or mem-
19 bers of Indian Tribes, including—

20 (1) a description of the types of unfair or de-
21 ceptive acts or practices identified by the Commis-
22 sion as being targeted at Indian Tribes or members
23 of Indian Tribes;

1 (2) a description of the consumer education ac-
2 tivities of the Commission with respect to such acts
3 or practices;

4 (3) a description of the efforts of the Commis-
5 sion to collaborate with Indian Tribes to prevent
6 such acts or practices or to pursue persons using
7 such acts or practices;

8 (4) a summary of the enforcement actions
9 taken by the Commission related to such acts or
10 practices; and

11 (5) any recommendations for legislation to pre-
12 vent such acts or practices.

13 (b) INCREASING AWARENESS OF UNFAIR OR DECEP-
14 TIVE ACTS OR PRACTICES TARGETING INDIAN TRIBES.—
15 Not later than 6 months after the date of the submission
16 of the report required by subsection (a), the Commission
17 shall update the website of the Commission to include in-
18 formation for consumers and businesses on identifying
19 and avoiding unfair or deceptive acts or practices targeted
20 at Indian Tribes or members of Indian Tribes.

21 (c) DEFINITIONS.—In this section:

22 (1) COMMISSION.—The term “Commission”
23 means the Federal Trade Commission.

24 (2) INDIAN TRIBE.—The term “Indian Tribe”
25 has the meaning given that term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 **DIVISION R—FAFSA**
4 **SIMPLIFICATION**

5 **SEC. 101. SHORT TITLE.**

6 This division may be cited as the “FAFSA Sim-
7 plification Act Technical Corrections Act”.

8 **SEC. 102. EXTENDING THE IMPLEMENTATION TIMELINE OF**
9 **FAFSA SIMPLIFICATION ACT BY ONE YEAR.**

10 (a) AMENDMENTS TO THE FAFSA SIMPLIFICATION
11 ACT.—The FAFSA Simplification Act (title VII of divi-
12 sion FF of Public Law 116–260) is amended in section
13 701(b)—

14 (1) by striking “July 1, 2023” both places the
15 term appears and inserting “July 1, 2024”; and

16 (2) by striking “award year 2023–2024” and
17 inserting “award year 2024–2025”.

18 (b) AMENDMENTS TO THE HIGHER EDUCATION ACT
19 OF 1965.—The Higher Education Act of 1965 (20 U.S.C.
20 1001 et seq.), as amended by the FAFSA Simplification
21 Act (title VII of division FF of Public Law 116–260), is
22 amended—

23 (1) in section 401(b)—

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1 (A) in paragraph (5)(A), by striking
2 “award year 2023–2024” and inserting “award
3 year 2024–2025”;

4 (B) in paragraph (6)(A)—

5 (i) in clause (i), by striking “fiscal
6 year 2023” and inserting “fiscal year
7 2024”; and

8 (ii) in clause (ii), by striking “fiscal
9 years 2023 through 2033” and inserting
10 “fiscal years 2024 through 2034”;

11 (C) in paragraph (7)(B)(i), by striking “or
12 2022” and inserting “2022, or 2023”; and

13 (D) in paragraph (8)(A), by striking “fis-
14 cal year 2033” and inserting “fiscal year
15 2034”;

16 (2) in section 471, by striking “award year
17 2023–2024” and inserting “award year 2024–
18 2025”;

19 (3) in section 479(a), by striking “July 1,
20 2023” and inserting “July 1, 2024”;

21 (4) in section 483, by striking “award year
22 2023–2024” each place the term appears and insert-
23 ing “award year 2024–2025”; and

1 (5) in section 485E(b)(2)(B), by striking
2 “award year 2023–2024” and inserting “award year
3 2024–2025”.

4 (c) ON-TIME EFFECTIVE DATE PERMITTED.—

5 (1) IN GENERAL.—Notwithstanding section
6 701(b) of the FAFSA Simplification Act (title VII
7 of division FF of Public Law 116–260), as amended
8 by this division, the Secretary of Education—

9 (A) may implement on or after July 1,
10 2023, but not later than, July 1, 2024, the
11 amendments made by—

12 (i) section 702(b) of the FAFSA Sim-
13 plification Act regarding cost of attend-
14 ance;

15 (ii) section 702(i) of such Act regard-
16 ing discretion of student financial aid ad-
17 ministrators;

18 (iii) section 702(l) of such Act regard-
19 ing special rules for independent students
20 and definitions; and

21 (iv) section 703 of such Act regarding
22 only the period of eligibility for grants
23 under subsection (d) of section 401 of the
24 Higher Education Act of 1965, as amend-
25 ed by the FAFSA Simplification Act; and

1 (B) shall specify in a designation on what
2 date and for which award years the implemen-
3 tation of amendments described in subpara-
4 graph (A) are effective on or after July 1,
5 2023, and prior to July 1, 2024, and shall pub-
6 lish any designation under this paragraph in
7 the Federal Register not less than 60 days be-
8 fore implementation.

9 (2) STUDENT AID INDEX AS EXPECTED FAMILY
10 CONTRIBUTION.—For purposes of implementing the
11 amendments described in paragraph (1)(A) before
12 July 1, 2024, the term “student aid index” as it ap-
13 pears in such amendments to the Higher Education
14 Act of 1965 shall mean “expected family contribu-
15 tion”, as calculated under part F of title IV of the
16 Higher Education Act of 1965, as in effect on the
17 date of the implementation.

18 **SEC. 103. TECHNICAL CORRECTIONS TO THE FAFSA SIM-**
19 **PLIFICATION ACT.**

20 (a) COST OF ATTENDANCE.—Section 472(a)(13) of
21 the Higher Education Act of 1965, as amended by section
22 702(b) of the FAFSA Simplification Act (title VII of divi-
23 sion FF of Public Law 116–260), is amended by inserting
24 “, or the average cost of any such fee or premium, as ap-
25 plicable” after “on such loan”.

1 (b) SPECIAL RULES FOR INDEPENDENT STU-
2 DENTS.—Section 479D of the Higher Education Act of
3 1965, as added by section 702(l)(1) of the FAFSA Sim-
4 plification Act (title VII of division FF of Public Law
5 116–260), is amended—

6 (1) in subsection (a)(1)(D), by inserting “the
7 same or” before “a prior award”;

8 (2) in subsection (b)(5), by inserting “the same
9 or” before “a prior award”; and

10 (3) in subsection (d)(2)—

11 (A) by inserting “this section, or para-
12 graph (2), (8), or (9) of section 480(d),” after
13 “pursuant to section 479A(c),”; and

14 (B) by striking “under such paragraph in
15 the same award year” and inserting “under
16 such provisions in the same or a prior award
17 year”.

18 (c) IRAQ AND AFGHANISTAN SERVICE GRANT AND
19 CHILDREN OF FALLEN HEROES GRANT.—Part A of title
20 IV of the Higher Education Act of 1965 (20 U.S.C. 1070
21 et seq.), as amended by section 703 of the FAFSA Sim-
22 plification Act (title VII of division FF of Public Law
23 116–260), is amended—

24 (1) in section 401(c)—

25 (A) in paragraph (2)—

- 1 (i) by striking subparagraph (A); and
2 (ii) by redesignating subparagraphs
3 (B) and (C) as subparagraphs (A) and
4 (B), respectively;
5 (B) in paragraph (3)(A), by striking
6 “(2)(B)(i)” and inserting “(2)(A)(i)”;
7 (C) by redesignating paragraph (5) as
8 paragraph (7); and
9 (D) by inserting after paragraph (4) the
10 following:

11 “(5) PREVENTION OF DOUBLE BENEFITS.—No
12 eligible student described in paragraph (2) may con-
13 currently receive a grant under both this subsection
14 and subsection (b).

15 “(6) TERMS AND CONDITIONS.—The Secretary
16 shall award grants under this subsection in the same
17 manner and with the same terms and conditions, in-
18 cluding the length of the period of eligibility, as the
19 Secretary awards Federal Pell Grants under sub-
20 section (b), except that—

21 “(A) the award rules and determination of
22 need applicable to the calculation of Federal
23 Pell Grants under subsection (b)(1) shall not
24 apply to grants made under this subsection; and

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1 (iii) by redesignating clause (v) as
2 clause (iv); and

3 (B) in subparagraph (B)—

4 (i) in clause (ii), by adding “and”
5 after the semicolon;

6 (ii) in clause (iii), by striking “; and”
7 and inserting a semicolon; and

8 (iii) by striking clause (iv); and

9 (2) in section 722(b) of such Act (42 U.S.C.
10 292r(b))—

11 (A) in paragraph (1), by striking “; and”
12 and inserting a period;

13 (B) by striking paragraph (2); and

14 (C) by striking “to a student—” and all
15 that follows through “who is in need” and in-
16 serting “to a student who is in need”.

17 **DIVISION S—VETERANS**

18 **MATTERS**

19 **TITLE I—RAISE ACT**

20 **SEC. 101. SHORT TITLE.**

21 This title may be cited as the “Department of Vet-
22 erans Affairs Nurse and Physician Assistant Retention
23 and Income Security Enhancement Act” or the “VA
24 Nurse and Physician Assistant RAISE Act”.

1 **SEC. 102. PAY FOR NURSES AND CERTAIN OTHER MEDICAL**
2 **POSITIONS OF THE DEPARTMENT OF VET-**
3 **ERANS AFFAIRS.**

4 (a) MAXIMUM RATE OF BASIC PAY.—Section 7451
5 of title 38, United States Code, is amended—

6 (1) in subsection (a)(2)(C), by striking “and
7 physician assistant” and inserting “physician assist-
8 ant, and podiatrist”; and

9 (2) in subsection (c), by striking paragraph (2)
10 and inserting the following:

11 “(2)(A) The maximum rate of basic pay for any
12 grade for a covered position may not exceed—

13 “(i) in the case of an advanced practice nurse,
14 the maximum rate of basic pay established for posi-
15 tions in level I of the Executive Schedule under sec-
16 tion 5312 of title 5;

17 “(ii) in the case of a physician assistant, the
18 maximum rate of basic pay established for positions
19 in level I of the Executive Schedule under section
20 5312 of title 5;

21 “(iii) in the case of a registered nurse, the max-
22 imum rate of basic pay established for positions in
23 level II of the Executive Schedule under section
24 5313 of title 5; and

25 “(iv) in the case of any other covered position,
26 the maximum rate of basic pay established for posi-

1 tions in level IV of the Executive Schedule under
2 section 5315 of title 5.

3 “(B) The maximum rate of basic pay for a grade for
4 the position of certified registered nurse anesthetist pursu-
5 ant to an adjustment under subsection (d) may exceed the
6 maximum rate otherwise provided in subparagraph (A).”.

7 (b) REGISTERED NURSES AND PHYSICIAN ASSIST-
8 ANTS SERVING IN MANAGEMENT POSITIONS.—Section
9 7404 of such title is amended—

10 (1) in subsection (a)(2)—

11 (A) by striking “The pay of physicians”
12 and inserting “(A) The pay of physicians”; and

13 (B) by adding at the end the following new
14 subparagraph:

15 “(B) The basic pay of registered nurses and physi-
16 cian assistants serving in positions to which an Executive
17 order applies under paragraph (1) may be determined
18 under subchapter IV of this chapter instead of such Exec-
19 utive order. Such positions shall not otherwise be covered
20 by such subchapter, except with respect to bonuses under
21 section 7452 or 7458 or special pay under subsection (g)
22 of such section 7452.”; and

23 (2) in subsection (e)—

24 (A) by inserting “basic pay” after “paid”;

25 and

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1 (B) by striking “rate established for the
2 Senior Executive Service under section 5382 of
3 title 5” and inserting “rates established under
4 subchapter IV of this chapter”.

5 **TITLE II—OUTDOOR INDUSTRY**
6 **VETERANS CAREERS GAO STUDY**

7 **SEC. 201. OUTDOOR INDUSTRY VETERANS CAREERS GAO**
8 **STUDY.**

9 (a) **STUDY REQUIRED.**—The Comptroller General of
10 the United States shall conduct a study on the use by vet-
11 erans of educational assistance provided under laws ad-
12 ministered by the Secretary of Veterans Affairs to pursue
13 careers in outdoor recreation.

14 (b) **ELEMENTS.**—The study required by subsection
15 (a) shall include the following:

16 (1) Identification of opportunities for veterans
17 to use educational assistance provided under laws
18 administered by the Secretary of Veterans Affairs to
19 pursue careers in outdoor recreation in the private
20 sector and in the public sector.

21 (2) Identification of any difficulties with using
22 the educational assistance provided under laws ad-
23 ministered by the Secretary to veterans to pursue
24 careers in outdoor recreation in the private and pub-

1 lic sector, including trained, apprentice, assistant,
2 and certified guides.

3 (3) Assessment of the availability of opportuni-
4 ties for careers in outdoor recreation at the fol-
5 lowing:

6 (A) The Department of Agriculture.

7 (B) The Department of the Interior.

8 (C) The Army Corps of Engineers.

9 (D) The National Oceanic and Atmos-
10 pheric Administration.

11 (4) Identification of any challenges veterans
12 may have pursuing careers in outdoor recreation at
13 the agencies list under paragraph (3).

14 (5) Identification of options to increase oppor-
15 tunities for veterans to pursue careers in outdoor
16 recreation at the agencies listed under paragraph
17 (3).

18 (c) **STAKEHOLDER PERSPECTIVES.**—In conducting
19 the study required by subsection (a), the Comptroller Gen-
20 eral shall obtain the perspectives of the outdoor recreation
21 industry, veterans groups focusing on the outdoors, non-
22 governmental organizations, and other interested stake-
23 holders.

24 (d) **BRIEFING AND REPORT.**—

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1 (1) BRIEFING.—Not later than 240 days after
2 the date of the enactment of this Act, the Comp-
3 troller General shall provide the Committee on Vet-
4 erans’ Affairs of the Senate and the Committee on
5 Veterans’ Affairs of the House of Representatives a
6 briefing on the study required by subsection (a).

7 (2) REPORT.—After providing the briefing re-
8 quired by paragraph (1), the Comptroller General
9 shall submit to the committees described in such
10 paragraph a report on the findings of the Comp-
11 troller General with respect to the study completed
12 under subsection (a).

13 (e) OUTDOOR RECREATION DEFINED.—In this sec-
14 tion, the term “outdoor recreation” means recreational ac-
15 tivities undertaken for pleasure that—

16 (1) generally involve some level of intentional
17 physical exertion; and

18 (2) occur in nature-based environments out-
19 doors.

20 **DIVISION T—CREDIT UNION**
21 **GOVERNANCE MODERNIZA-**
22 **TION ACT**

23 **SEC. 101. SHORT TITLE.**

24 This division may be cited as the “Credit Union Gov-
25 ernance Modernization Act of 2022”.

1 **SEC. 102. EXPULSION OF FEDERAL CREDIT UNION MEM-**
2 **BERS FOR CAUSE.**

3 Section 118(a) of the Federal Credit Union Act (12
4 U.S.C. 1764(a)) is amended to read as follows:

5 “(a) **EXPULSION FOR CAUSE.**—

6 “(1) **IN GENERAL.**—Except as provided in sub-
7 section (b) of this section, a member may be expelled
8 for cause pursuant to a policy adopted by a majority
9 vote of a quorum of the directors of the Federal
10 credit union and provided in written or electronic
11 form to all members of the Federal credit union.

12 “(2) **PROCEDURES.**—

13 “(A) **NOTIFICATION OF PENDING EXPUL-**
14 **SION.**—If a member will, subject to the policy
15 adopted under paragraph (1), be subject to ex-
16 pulsion, the member shall be notified in advance
17 of the expulsion, along with the reason for such
18 expulsion. Such notice shall be provided in writ-
19 ten form or, if the member has elected to re-
20 ceive electronic communications from the Fed-
21 eral credit union, may be provided electroni-
22 cally.

23 “(B) **RIGHT TO A HEARING.**—

24 “(i) **IN GENERAL.**—A member shall
25 have 15 days from the date of receipt of a
26 notification under subparagraph (A) to re-

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1 quest a hearing from the board of directors
2 of the Federal credit union.

3 “(ii) EXPULSION IF NO HEARING.—If
4 a member does not request a hearing dur-
5 ing the 15-day period described under
6 clause (i), the member shall be expelled
7 after the end of the 15-day period.

8 “(C) HEARING; VOTE ON EXPULSION.—If
9 a member requests a hearing during the 15-day
10 period described under subparagraph (B)(i)—

11 “(i) the board of directors of the Fed-
12 eral credit union shall provide the member
13 with a hearing; and

14 “(ii) after such hearing, the board of
15 directors of the Federal credit union shall
16 hold a vote on expelling the member in a
17 timely manner.

18 “(D) NOTICE OF EXPULSION.—If a mem-
19 ber is expelled under subparagraph (B)(ii) or
20 (C)(ii), the member shall be provided with writ-
21 ten or electronic notice of the expulsion.

22 “(3) REINSTATEMENT.—

23 “(A) IN GENERAL.—A member expelled
24 under this subsection—

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1 “(i) shall be given an opportunity to
2 request reinstatement of membership; and

3 “(ii) may be reinstated by a two-
4 thirds vote of the members of the Federal
5 credit union present at a meeting.

6 “(B) RULE OF CONSTRUCTION.—Nothing
7 in this paragraph may be construed to require
8 that an expelled member be allowed to attend
9 the meeting described in subparagraph (A)(ii)
10 in person.

11 “(4) CAUSE DEFINED.—In this subsection, the
12 term ‘cause’ includes—

13 “(A) a material loss to the Federal credit
14 union;

15 “(B) a violation of the membership agree-
16 ment of the Federal credit union;

17 “(C) a substantial disruption to the oper-
18 ations of a Federal credit union; and

19 “(D) fraud, attempted fraud, other illegal
20 behavior, or dangerous or abusive behavior, as
21 defined by the policy described in paragraph
22 (1), such as physical or verbal abuse of Federal
23 credit union members or staff.”.

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1 **DIVISION U—ADJUSTABLE**
2 **INTEREST RATE (LIBOR) ACT**

3 **SEC. 101. SHORT TITLE.**

4 This division may be cited as the “Adjustable Interest
5 Rate (LIBOR) Act”.

6 **SEC. 102. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) LIBOR is used as a benchmark rate in
9 more than \$200,000,000,000,000 worth of contracts
10 worldwide;

11 (2) a significant number of existing contracts
12 that reference LIBOR do not provide for the use of
13 a clearly defined or practicable replacement bench-
14 mark rate when LIBOR is discontinued; and

15 (3) the cessation or nonrepresentativeness of
16 LIBOR could result in disruptive litigation related
17 to existing contracts that do not provide for the use
18 of a clearly defined or practicable replacement
19 benchmark rate.

20 (b) PURPOSE.—It is the purpose of this division—

21 (1) to establish a clear and uniform process, on
22 a nationwide basis, for replacing LIBOR in existing
23 contracts the terms of which do not provide for the
24 use of a clearly defined or practicable replacement
25 benchmark rate, without affecting the ability of par-

1 ties to use any appropriate benchmark rate in new
2 contracts;

3 (2) to preclude litigation related to existing con-
4 tracts the terms of which do not provide for the use
5 of a clearly defined or practicable replacement
6 benchmark rate;

7 (3) to allow existing contracts that reference
8 LIBOR but provide for the use of a clearly defined
9 and practicable replacement rate, to operate accord-
10 ing to their terms; and

11 (4) to address LIBOR references in Federal
12 law.

13 **SEC. 103. DEFINITIONS.**

14 In this division:

15 (1) BENCHMARK.—The term “benchmark”
16 means an index of interest rates or dividend rates
17 that is used, in whole or in part, as the basis of or
18 as a reference for calculating or determining any
19 valuation, payment, or other measurement.

20 (2) BENCHMARK ADMINISTRATOR.—The term
21 “benchmark administrator” means a person that
22 publishes a benchmark for use by third parties.

23 (3) BENCHMARK REPLACEMENT.—The term
24 “benchmark replacement” means a benchmark, or
25 an interest rate or dividend rate (which may or may

1 not be based in whole or in part on a prior setting
2 of LIBOR), to replace LIBOR or any interest rate
3 or dividend rate based on LIBOR, whether on a
4 temporary, permanent, or indefinite basis, under or
5 with respect to a LIBOR contract.

6 (4) BENCHMARK REPLACEMENT CONFORMING
7 CHANGES.—The term “benchmark replacement con-
8 forming changes” means any technical, administra-
9 tive, or operational changes, alterations, or modifica-
10 tions that—

11 (A) the Board determines, in its discretion,
12 would address 1 or more issues affecting the
13 implementation, administration, and calculation
14 of the Board-selected benchmark replacement in
15 LIBOR contracts; or

16 (B) solely with respect to a LIBOR con-
17 tract that is not a consumer loan, in the rea-
18 sonable judgment of a calculating person, are
19 otherwise necessary or appropriate to permit
20 the implementation, administration, and cal-
21 culation of the Board-selected benchmark re-
22 placement under or with respect to a LIBOR
23 contract after giving due consideration to any
24 benchmark replacement conforming changes
25 under subparagraph (A).

1 (5) BOARD.—The term “Board” means the
2 Board of Governors of the Federal Reserve System.

3 (6) BOARD-SELECTED BENCHMARK REPLACEMENT.—The term “Board-selected benchmark replacement” means a benchmark replacement identified by the Board that is based on SOFR, including any tenor spread adjustment pursuant to section 104(e).

9 (7) CALCULATING PERSON.—The term “calculating person” means, with respect to any LIBOR contract, any person, including the determining person, responsible for calculating or determining any valuation, payment, or other measurement based on a benchmark.

15 (8) CONSUMER; CREDIT.—The terms “consumer” and “credit” have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

19 (9) CONSUMER LOAN.—The term “consumer loan” means a consumer credit transaction.

21 (10) DETERMINING PERSON.—The term “determining person” means, with respect to any LIBOR contract, any person with the authority, right, or obligation, including on a temporary basis (as identified by the LIBOR contract or by the governing law

1 of the LIBOR contract, as appropriate) to determine
2 a benchmark replacement.

3 (11) FALLBACK PROVISIONS.—The term “fall-
4 back provisions” means terms in a LIBOR contract
5 for determining a benchmark replacement, including
6 any terms relating to the date on which the bench-
7 mark replacement becomes effective.

8 (12) IBOR.—The term “IBOR” means
9 LIBOR, any tenor of non-U.S. dollar currency rates
10 formerly known as the London interbank offered
11 rate as administered by ICE Benchmark Adminis-
12 tration Limited (or any predecessor or successor ad-
13 ministrator thereof), and any other interbank offered
14 rates that are expected to cease.

15 (13) IBOR BENCHMARK REPLACEMENT.—The
16 term “IBOR benchmark replacement” means a
17 benchmark, or an interest rate or dividend rate
18 (which may or may not be based in whole or in part
19 on a prior setting of an IBOR), to replace an IBOR
20 or any interest rate or dividend rate based on an
21 IBOR, whether on a temporary, permanent, or in-
22 definite basis, under or with respect to an IBOR
23 contract.

24 (14) IBOR CONTRACT.—The term “IBOR con-
25 tract” means any contract, agreement, indenture, or

1 organizational document, guarantee, mortgage, deed of
2 trust, lease, security (whether representing debt or
3 equity, including any interest in a corporation, a
4 partnership, or a limited liability company), instru-
5 ment, or other obligation or asset that, by its terms,
6 continues in any way to use an IBOR as a bench-
7 mark.

8 (15) LIBOR.—The term “LIBOR”—

9 (A) means the overnight and 1-, 3-, 6-,
10 and 12-month tenors of U.S. dollar LIBOR
11 (formerly known as the London interbank of-
12 fered rate) as administered by ICE Benchmark
13 Administration Limited (or any predecessor or
14 successor administrator thereof); and

15 (B) does not include the 1-week or 2-
16 month tenors of U.S. dollar LIBOR.

17 (16) LIBOR CONTRACT.—The term “LIBOR
18 contract” means any contract, agreement, indenture,
19 organizational document, guarantee, mortgage, deed
20 of trust, lease, security (whether representing debt
21 or equity, including any interest in a corporation, a
22 partnership, or a limited liability company), instru-
23 ment, or other obligation or asset that, by its terms,
24 uses LIBOR as a benchmark.

1 (17) LIBOR REPLACEMENT DATE.—The term
2 “LIBOR replacement date” means the first London
3 banking day after June 30, 2023, unless the Board
4 determines that any LIBOR tenor will cease to be
5 published or cease to be representative on a different
6 date.

7 (18) SECURITY.—The term “security” has the
8 meaning given the term in section 2(a) of the Secu-
9 rities Act of 1933 (15 U.S.C. 77b(a)).

10 (19) SOFR.—The term “SOFR” means the
11 Secured Overnight Financing Rate published by the
12 Federal Reserve Bank of New York (or a successor
13 administrator).

14 (20) TENOR SPREAD ADJUSTMENT.—The term
15 “tenor spread adjustment” means—

16 (A) 0.00644 percent for overnight LIBOR;

17 (B) 0.11448 percent for 1-month LIBOR;

18 (C) 0.26161 percent for 3-month LIBOR;

19 (D) 0.42826 percent for 6-month LIBOR;

20 and

21 (E) 0.71513 percent for 12-month LIBOR.

22 **SEC. 104. LIBOR CONTRACTS.**

23 (a) IN GENERAL.—On the LIBOR replacement date,
24 the Board-selected benchmark replacement shall be the

1 benchmark replacement for any LIBOR contract that,
2 after giving any effect to subsection (b)—

3 (1) contains no fallback provisions; or

4 (2) contains fallback provisions that identify
5 neither—

6 (A) a specific benchmark replacement; nor

7 (B) a determining person.

8 (b) FALLBACK PROVISIONS.—On the LIBOR re-
9 placement date, any reference in the fallback provisions
10 of a LIBOR contract to—

11 (1) a benchmark replacement that is based in
12 any way on any LIBOR value, except to account for
13 the difference between LIBOR and the benchmark
14 replacement; or

15 (2) a requirement that a person (other than a
16 benchmark administrator) conduct a poll, survey, or
17 inquiries for quotes or information concerning inter-
18 bank lending or deposit rates;

19 shall be disregarded as if not included in the fallback pro-
20 visions of such LIBOR contract and shall be deemed null
21 and void and without any force or effect.

22 (c) AUTHORITY OF DETERMINING PERSON.—

23 (1) IN GENERAL.—Subject to subsection (f)(2),
24 a determining person may select the Board-selected

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1 benchmark replacement as the benchmark replace-
2 ment.

3 (2) SELECTION.—Any selection by a deter-
4 mining person of the Board-selected benchmark re-
5 placement pursuant to paragraph (1) shall be—

6 (A) irrevocable;

7 (B) made by the earlier of the LIBOR re-
8 placement date and the latest date for selecting
9 a benchmark replacement according to the
10 terms of the LIBOR contract; and

11 (C) used in any determinations of the
12 benchmark under or with respect to the LIBOR
13 contract occurring on and after the LIBOR re-
14 placement date.

15 (3) NO SELECTION.—If a determining person
16 does not select a benchmark replacement by the date
17 specified in paragraph (2)(B), the Board-selected
18 benchmark replacement, on and after the LIBOR re-
19 placement date, shall be the benchmark replacement
20 for the LIBOR contract.

21 (d) CONFORMING CHANGES.—

22 (1) IN GENERAL.—If the Board-selected bench-
23 mark replacement becomes the benchmark replace-
24 ment for a LIBOR contract pursuant to subsection
25 (a) or (c), all benchmark replacement conforming

1 changes shall become an integral part of the LIBOR
2 contract.

3 (2) NO CONSENT REQUIRED.—A calculating
4 person shall not be required to obtain consent from
5 any other person prior to the adoption of benchmark
6 replacement conforming changes.

7 (e) ADJUSTMENT BY BOARD.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), on the LIBOR replacement date, the
10 Board shall adjust the Board-selected benchmark re-
11 placement for each category of LIBOR contract that
12 the Board may identify to include the relevant tenor
13 spread adjustment.

14 (2) CONSUMER LOANS.—For LIBOR contracts
15 that are consumer loans, the Board shall adjust the
16 Board-selected benchmark replacement as follows:

17 (A) During the 1-year period beginning on
18 the LIBOR replacement date, incorporate an
19 amount, to be determined for any business day
20 during that period, that transitions linearly
21 from the difference between the Board-selected
22 benchmark replacement and the corresponding
23 LIBOR tenor determined as of the day imme-
24 diately before the LIBOR replacement date to
25 the relevant tenor spread adjustment.

1 (B) On and after the date that is 1 year
2 after the LIBOR replacement date, incorporate
3 the relevant tenor spread adjustment.

4 (f) RULE OF CONSTRUCTION.—Nothing in this divi-
5 sion may be construed to alter or impair—

6 (1) any written agreement specifying that a
7 LIBOR contract shall not be subject to this division;

8 (2) except as provided in subsection (b), any
9 LIBOR contract that contains fallback provisions
10 that identify a benchmark replacement that is not
11 based in any way on any LIBOR value (including
12 the prime rate or the effective Federal funds rate);

13 (3) except as provided in subsection (b) or
14 (c)(3), any LIBOR contract subject to subsection
15 (c)(1) as to which a determining person does not
16 elect to use a Board-selected benchmark replacement
17 pursuant to that subsection;

18 (4) the application to a Board-selected bench-
19 mark replacement of any cap, floor, modifier, or
20 spread adjustment to which LIBOR had been sub-
21 ject pursuant to the terms of a LIBOR contract;

22 (5) any provision of Federal consumer financial
23 law that—

24 (A) requires creditors to notify borrowers
25 regarding a change-in-terms; or

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1 (B) governs the reevaluation of rate in-
2 creases on credit card accounts under open-
3 ended (not home-secured) consumer credit
4 plans; or

5 (6) except as provided in section 105(c), the
6 rights or obligations of any person, or the authori-
7 ties of any agency, under Federal consumer financial
8 law, as defined in section 1002 of the Consumer Fi-
9 nancial Protection Act of 2010 (12 U.S.C. 5481).

10 **SEC. 105. CONTINUITY OF CONTRACT AND SAFE HARBOR.**

11 (a) IN GENERAL.—A Board-selected benchmark re-
12 placement and the selection or use of a Board-selected
13 benchmark replacement as a benchmark replacement
14 under or with respect to a LIBOR contract, and any
15 benchmark replacement conforming changes, shall con-
16 stitute—

17 (1) a commercially reasonable replacement for
18 and a commercially substantial equivalent to
19 LIBOR;

20 (2) a reasonable, comparable, or analogous rate,
21 index, or term for LIBOR;

22 (3) a replacement that is based on a method-
23 ology or information that is similar or comparable to
24 LIBOR;

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1 (4) substantial performance by any person of
2 any right or obligation relating to or based on
3 LIBOR; and

4 (5) a replacement that has historical fluctua-
5 tions that are substantially similar to those of
6 LIBOR for purposes of the Truth in Lending Act
7 (15 U.S.C. 1601 note) and regulations promulgated
8 under that division.

9 (b) NO IMPAIRMENT.—Neither the selection or use
10 of a Board-selected benchmark replacement as a bench-
11 mark replacement nor the determination, implementation,
12 or performance of benchmark replacement conforming
13 changes under section 104 may—

14 (1) be deemed to impair or affect the right of
15 any person to receive a payment, or to affect the
16 amount or timing of such payment, under any
17 LIBOR contract; or

18 (2) have the effect of—

19 (A) discharging or excusing performance
20 under any LIBOR contract for any reason,
21 claim, or defense (including any force majeure
22 or other provision in any LIBOR contract);

23 (B) giving any person the right to unilater-
24 ally terminate or suspend performance under
25 any LIBOR contract;

1 (C) constituting a breach of any LIBOR
2 contract; or

3 (D) voiding or nullifying any LIBOR con-
4 tract.

5 (c) SAFE HARBOR.—No person shall be subject to
6 any claim or cause of action in law or equity or request
7 for equitable relief, or have liability for damages, arising
8 out of—

9 (1) the selection or use of a Board-selected
10 benchmark replacement;

11 (2) the implementation of benchmark replace-
12 ment conforming changes; or

13 (3) with respect to a LIBOR contract that is
14 not a consumer loan, the determination of bench-
15 mark replacement conforming changes,

16 in each case after giving effect to the provisions of section
17 104; provided, however, that in each case any person (in-
18 cluding a calculating person) shall remain subject to the
19 terms of a LIBOR contract that are not affected by this
20 division and any existing legal, regulatory, or contractual
21 obligations to correct servicing or other ministerial errors
22 under or with respect to a LIBOR contract.

23 (d) SELECTION.—The selection or use of a Board-
24 selected benchmark replacement or the determination, im-
25 plementation, or performance of benchmark replacement

1 conforming changes under section 104 shall not be deemed
2 to—

3 (1) be an amendment or modification of any
4 LIBOR contract; or

5 (2) prejudice, impair, or affect the rights, inter-
6 ests, or obligations of any person under or with re-
7 spect to any LIBOR contract.

8 (e) NO NEGATIVE INFERENCE.—Except as provided
9 in subsections (a), (b), or (c)(1) of section 104, nothing
10 in this division may be construed to create any negative
11 inference or negative presumption regarding the validity
12 or enforceability of—

13 (1) any benchmark replacement (including any
14 method for calculating, determining, or imple-
15 menting an adjustment to the benchmark replace-
16 ment to account for any historical differences be-
17 tween LIBOR and the benchmark replacement) that
18 is not a Board-selected benchmark replacement; or

19 (2) any changes, alterations, or modifications to
20 or with respect to a LIBOR contract that are not
21 benchmark replacement conforming changes.

22 **SEC. 106. BENCHMARK FOR LOANS.**

23 (a) DEFINITIONS.—In this section:

1 (1) BANK.—The term “bank” means an insti-
2 tution subject to examination by a Federal financial
3 institutions regulatory agency.

4 (2) COVERED ACTION.—The term “covered ac-
5 tion” means—

6 (A) the initiation by a Federal supervisory
7 agency of an enforcement action, including the
8 issuance of a cease-and-desist order; or

9 (B) the issuance by a Federal supervisory
10 agency of a matter requiring attention, a mat-
11 ter requiring immediate attention; or a matter
12 requiring board attention resulting from a su-
13 pervisory activity conducted by the Federal su-
14 pervisory agency.

15 (3) FEDERAL FINANCIAL INSTITUTIONS REGU-
16 LATORY AGENCY.—The term “Federal financial in-
17 stitutions regulatory agencies” has the meaning
18 given the term in section 1003 of the Federal Finan-
19 cial Institutions Examination Council Act of 1978
20 (12 U.S.C. 3302).

21 (4) FEDERAL SUPERVISORY AGENCY.—The
22 term “Federal supervisory agency” means an agency
23 listed in subparagraphs (A) through (H) of section
24 1101(7) of the Right to Financial Privacy Act of
25 1978 (12 U.S.C. 3401(7)).

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1 (5) NON-IBOR LOAN.—The term “non-IBOR
2 loan” means any loan that, by its terms, does not
3 use in any way LIBOR, any tenor of non-U.S. dollar
4 currency rates formerly known as the London inter-
5 bank offered rate as administered by ICE Bench-
6 mark Administration Limited (or any predecessor or
7 successor administrator thereof), and any other
8 interbank offered rates that are expected to cease, as
9 a benchmark.

10 (b) BENCHMARKS USED BY BANKS.—With respect to
11 a benchmark used by a bank—

12 (1) the bank, in any non-IBOR loan made be-
13 fore, on, or after the date of enactment of this Act,
14 may use any benchmark, including a benchmark
15 that is not SOFR, that the bank determines to be
16 appropriate for the funding model of the bank; the
17 needs of the customers of the bank; and the prod-
18 ucts, risk profile, risk management capabilities, and
19 operational capabilities of the bank; provided, how-
20 ever, that the use of any benchmark shall remain
21 subject to the terms of the non-IBOR loan, and ap-
22 plicable law; and

23 (2) no Federal supervisory agency may take
24 any covered action against the bank solely because
25 that benchmark is not SOFR.

1 **SEC. 107. PREEMPTION.**

2 This division, and regulations promulgated under this
3 division, shall supersede any provision of any State or local
4 law, statute, rule, regulation, or standard—

5 (1) relating to the selection or use of a bench-
6 mark replacement or related conforming changes; or

7 (2) expressly limiting the manner of calculating
8 interest, including the compounding of interest, as
9 that provision applies to the selection or use of a
10 Board-selected benchmark replacement or bench-
11 mark replacement conforming changes.

12 **SEC. 108. TRUST INDENTURE ACT OF 1939.**

13 Section 316(b) of the Trust Indenture Act of 1939
14 (15 U.S.C. 77ppp(b)) is amended—

15 (1) by striking “, except as” and inserting “,
16 except—

17 “(1) as”;

18 (2) in paragraph (1), as so designated, by strik-
19 ing “(a), and except that” and inserting “(a);

20 “(2) that”;

21 (3) in paragraph (2), as so designated, by strik-
22 ing the period at the end and inserting “; and”; and

23 (4) by adding at the end the following:

24 “(3) that the right of any holder of any inden-
25 ture security to receive payment of the principal of
26 and interest on such indenture security shall not be

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1 deemed to be impaired or affected by any change oc-
2 ccurring by the application of section 104 of the Ad-
3 justable Interest Rate (LIBOR) Act to any inden-
4 ture security.”.

5 **SEC. 109. AMENDMENT TO THE HIGHER EDUCATION ACT**
6 **OF 1965.**

7 Section 438(b)(2)(I) of the Higher Education Act of
8 1965 (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding
9 at the end the following:

10 “(viii) REVISED CALCULATION RULE
11 TO ADDRESS INSTANCES WHERE 1-MONTH
12 USD LIBOR CEASES OR IS NON-REP-
13 RESENTATIVE.—

14 “(I) SUBSTITUTE REFERENCE
15 INDEX.—The provisions of this clause
16 apply to loans for which the special al-
17 lowance payment would otherwise be
18 calculated pursuant to clause (vii).

19 “(II) CALCULATION BASED ON
20 SOFR.—For loans described in sub-
21 clause (III) or (IV), the special allow-
22 ance payment described in this sub-
23 clause shall be substituted for the
24 payment provided under clause (vii).
25 For each calendar quarter, the for-

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1 mula for computing the special allow-
2 ance that would otherwise apply under
3 clause (vii) shall be revised by sub-
4 stituting ‘of the quotes of the 30-day
5 Average Secured Overnight Financing
6 Rate (SOFR) in effect for each of the
7 days in such quarter as published by
8 the Federal Reserve Bank of New
9 York (or a successor administrator),
10 adjusted daily by adding the tenor
11 spread adjustment, as that term is de-
12 fined in the Adjustable Interest Rate
13 (LIBOR) Act, for 1-month LIBOR
14 contracts of 0.11448 percent’ for ‘of
15 the 1-month London Inter Bank Of-
16 fered Rate (LIBOR) for United
17 States dollars in effect for each of the
18 days in such quarter as compiled and
19 released by the British Bankers Asso-
20 ciation’. The special allowance calcula-
21 tion for loans subject to clause (vii)
22 shall otherwise remain in effect.

23 “(III) LOANS ELIGIBLE FOR
24 SOFR-BASED CALCULATION.—Except
25 as provided in subclause (IV), the spe-

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1 cial allowance payment calculated
2 under subclause (II) shall apply to all
3 loans for which the holder (or, if the
4 holder acts as an eligible lender trust-
5 ee for the beneficial owner of the loan,
6 the beneficial owner of the loan) at
7 any time after the effective date of
8 this clause notifies the Secretary that
9 the holder or beneficial owner affirma-
10 tively and permanently elects to waive
11 all contractual, statutory, or other
12 legal rights to a special allowance paid
13 under clause (vii) or to the special al-
14 lowance paid pursuant to any other
15 formula that was previously in effect
16 with respect to such loan, and accepts
17 the rate described in subclause (II).
18 Any such waiver shall apply to all
19 loans then held, or to be held from
20 time to time, by such holder or bene-
21 ficial owner; provided that, due to the
22 need to obtain the approval of, dem-
23 onstrated to the satisfaction of the
24 Secretary—

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1 “(aa) one or more third par-
2 ties with a legal or beneficial in-
3 terest in loans eligible for the
4 SOFR-based calculation; or

5 “(bb) a nationally recog-
6 nized rating organization assign-
7 ing a rating to a financing se-
8 cured by loans otherwise eligible
9 for the SOFR-based calculation,

10 the holder of the loan (or, if the hold-
11 er acts as an eligible lender trustee
12 for the beneficial owner of the loan,
13 the beneficial owner of the loan) may
14 elect to apply the rate described in
15 subclause (II) to specified loan port-
16 folios established for financing pur-
17 poses by separate notices with dif-
18 ferent effective dates. The special al-
19 lowance rate based on SOFR shall be
20 effective with respect to a portfolio as
21 of the first day of the calendar quar-
22 ter following the applicable effective
23 date of the waiver received by the Sec-
24 retary from the holder or beneficial
25 owner and shall permanently and ir-

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1 revocably continue for all subsequent
2 quarters.

3 “(IV) FALLBACK PROVISIONS.—

4 “(aa) In the event that a
5 holder or beneficial owner has
6 not elected to waive its rights to
7 a special allowance payment
8 under clause (vii) with respect to
9 a portfolio with an effective date
10 of the waiver prior to the first
11 of—

12 “(AA) the date on
13 which the ICE Benchmark
14 Administration (‘IBA’) has
15 permanently or indefinitely
16 stopped providing the 1-
17 month United States Dollar
18 LIBOR (‘1-month USD
19 LIBOR’) to the general pub-
20 lic;

21 “(BB) the effective
22 date of an official public
23 statement by the IBA or its
24 regulator that the 1-month
25 USD LIBOR is no longer

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1 reliable or no longer rep-
2 resentative; or

3 “(CC) the LIBOR re-
4 placement date, as defined
5 in section 103 of the Adjust-
6 able Interest Rate (LIBOR)
7 Act,

8 the special allowance rate calcula-
9 tion as described in subclause
10 (II) shall, by operation of law,
11 apply to all loans in such port-
12 folio.

13 “(bb) In such event—

14 “(AA) the last deter-
15 mined rate of special allow-
16 ance based on 1-month USD
17 LIBOR will continue to
18 apply until the end of the
19 then current calendar quar-
20 ter; and

21 “(BB) the special al-
22 lowance rate calculation as
23 described in subclause (II)
24 shall become effective as of
25 the first day of the following

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1 calendar quarter and remain
2 in effect for all subsequent
3 calendar quarters.”.

4 **SEC. 110. RULEMAKING.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Board shall promulgate regulations to
7 carry out this division.

8 **DIVISION V—HAITI DEVELOP-**
9 **MENT, ACCOUNTABILITY, AND**
10 **INSTITUTIONAL TRANSPARENCY**
11 **INITIATIVE ACT**

12 **SEC. 101. SHORT TITLE.**

13 This division may be cited as the “Haiti Develop-
14 ment, Accountability, and Institutional Transparency Ini-
15 tiative Act”.

16 **SEC. 102. STATEMENT OF POLICY.**

17 It is the policy of the United States to support the
18 sustainable rebuilding and development of Haiti in a man-
19 ner that—

20 (1) recognizes Haitian independence, self-reli-
21 ance, and sovereignty;

22 (2) promotes efforts that are led by and sup-
23 port the people and Government of Haiti at all levels
24 so that Haitians lead the course of reconstruction
25 and development of Haiti;

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1 (3) contributes to international efforts to facili-
2 tate conditions for broad, inclusive, and sustained
3 political dialogue among the different actors in Haiti
4 to restore democratic legitimacy and institutions in
5 Haiti;

6 (4) builds the long-term capacity of the Govern-
7 ment of Haiti, civil society, and the private sector to
8 foster economic opportunities in Haiti;

9 (5) fosters collaboration between the Haitian di-
10 spora in the United States, including dual citizens
11 of Haiti and the United States, and the Government
12 of Haiti and the business community in Haiti;

13 (6) supports anticorruption efforts, promotes
14 press freedom, and addresses human rights con-
15 cerns, including through the enforcement of sanc-
16 tions imposed in accordance with the Global
17 Magnitsky Human Rights Accountability Act (sub-
18 title F of title XII of Public Law 114–328; 22
19 U.S.C. 2656 note) on individuals implicated in
20 human rights violations and corruption;

21 (7) respects and helps restore the natural re-
22 sources of Haiti and strengthens community-level re-
23 silience to environmental and weather-related im-
24 pacts;

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1 (8) promotes political stability through the
2 holding of free, fair, transparent, and timely elec-
3 tions in accordance with democratic principles and
4 the Constitution of Haiti;

5 (9) provides timely and comprehensive reporting
6 on the goals and progress of the Government of
7 Haiti and the United States Government, and trans-
8 parent post-program evaluations and contracting
9 data; and

10 (10) promotes the participation of Haitian
11 women and youth in governmental and nongovern-
12 mental institutions and in economic development and
13 governance assistance programs funded by the
14 United States.

15 **SEC. 103. DEFINITION OF APPROPRIATE CONGRESSIONAL**
16 **COMMITTEES.**

17 In this division, the term “appropriate congressional
18 committees” means—

19 (1) the Committee on Foreign Relations and
20 the Committee on Appropriations of the Senate; and

21 (2) the Committee on Foreign Affairs and the
22 Committee on Appropriations of the House of Rep-
23 resentatives.

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1 **SEC. 104. STRENGTHENING HUMAN RIGHTS AND**
2 **ANTICORRUPTION EFFORTS IN HAITI AND**
3 **HOLDING PERPETRATORS OF THE LA SALINE**
4 **MASSACRE ACCOUNTABLE.**

5 (a) **PRIORITIZATION BY SECRETARY OF STATE.**—The
6 Secretary of State shall prioritize the protection of human
7 rights and anticorruption efforts in Haiti through the fol-
8 lowing methods:

9 (1) Fostering strong relationships with inde-
10 pendent civil society groups focused on monitoring
11 corruption and human rights abuses and promoting
12 democracy in Haiti.

13 (2) Supporting the efforts of the Government of
14 Haiti to identify persons involved in human rights
15 violations and significant acts of corruption in Haiti,
16 including public and private sector actors, and hold
17 them accountable for their actions.

18 (3) Addressing concerns of impunity for the al-
19 leged perpetrators of and the individuals who orga-
20 nized and planned the massacre in La Saline that
21 took place on November 13, 2018.

22 (4) Urging authorities to continue to investigate
23 attacks in the neighborhoods of La Saline and Bel
24 Air in 2018 and 2019 that left dozens dead in order
25 to bring the perpetrators to justice.

26 (b) **BRIEFING.**—

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1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary shall brief the appropriate congressional com-
4 mittees on the events that took place on November
5 13, 2018, in the neighborhood of La Saline, in Port-
6 au-Prince, Haiti, and the aftermath of those events.

7 (2) ELEMENTS.—The briefing required by
8 paragraph (1) shall include the following:

9 (A) An examination of any links between
10 the massacre in La Saline and mass protests
11 that occurred concurrently in Haiti.

12 (B) An analysis of the reports on the mas-
13 sacre in La Saline authored by the United Na-
14 tions, the European Union, and the Govern-
15 ment of Haiti.

16 (C) A detailed description of all known
17 perpetrators of and the individuals who orga-
18 nized and planned the massacre.

19 (D) An overview of efforts of the Govern-
20 ment of Haiti to bring the perpetrators of and
21 the individuals who organized and planned the
22 massacre in La Saline to justice and to prevent
23 other similar attacks.

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1 (E) An assessment of the ensuing treat-
2 ment and displacement of the survivors of the
3 massacre in La Saline.

4 (3) CONSULTATION.—In carrying out para-
5 graph (1), the Secretary shall consult with non-
6 governmental organizations in Haiti and the United
7 States.

8 **SEC. 105. PROMOTING FREEDOM OF THE PRESS AND AS-**
9 **SEMBLY IN HAITI.**

10 The Secretary of State shall prioritize the promotion
11 of freedom of the press and freedom of assembly and the
12 protection of journalists in Haiti through the following
13 methods:

14 (1) Advocating to Haitian authorities for in-
15 creased protection for journalists and the press and
16 for the freedom to peacefully assemble or protest in
17 Haiti.

18 (2) Collaborating with officials of the Govern-
19 ment of Haiti and representatives of civil society to
20 increase legal protections for journalists in Haiti.

21 (3) Supporting efforts to strengthen trans-
22 parency in the public and private sectors in Haiti
23 and access to information in Haiti.

24 (4) Using United States foreign assistance for
25 programs to strengthen capacity for independent

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1 journalists and increase support for investigative
2 journalism in Haiti.

3 **SEC. 106. SUPPORTING POST-EARTHQUAKE, POST-HURRI-**
4 **CANE, AND POST-COVID-19 RECOVERY AND**
5 **DEVELOPMENT IN HAITI.**

6 The Secretary of State, in coordination with the Ad-
7 ministrators of the United States Agency for International
8 Development, shall prioritize post-earthquake, post-hurri-
9 cane, and post-COVID-19 recovery and development ef-
10 forts in Haiti through the following methods:

11 (1) Collaborating with the Government of Haiti
12 on a detailed and transparent development plan that
13 includes clear objectives and benchmarks.

14 (2) Building the capacity of Haitian-led public,
15 private, and nongovernmental sector institutions in
16 Haiti through post-earthquake and post-hurricane
17 recovery and development planning.

18 (3) Assessing the impact of the recovery efforts
19 of the United States and the international commu-
20 nity in Haiti since January 2010.

21 (4) Supporting disaster resilience and recon-
22 struction efforts.

23 (5) Addressing the underlying causes of poverty
24 and inequality.

25 (6) Improving access to—

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1 (A) health resources;

2 (B) public health technical assistance; and

3 (C) clean water, food, and shelter.

4 (7) Assessing the impact of the COVID–19
5 pandemic on post-disaster recovery efforts and eval-
6 uating United States support needed to help with
7 the pandemic response in Haiti.

8 (8) Supporting—

9 (A) the export of additional United States-
10 produced COVID–19 vaccine doses to Haiti;
11 and

12 (B) the safe storage, transport, and end-
13 to-end distribution of United States-produced
14 COVID–19 vaccines throughout Haiti, in light
15 of ongoing humanitarian access challenges pre-
16 sented by Haiti’s security environment.

17 **SEC. 107. REPORT ON DEVELOPMENTS IN HAITI.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the Secretary of State,
20 in coordination with the Administrator of the United
21 States Agency for International Development (in this sec-
22 tion referred to as the “Administrator”) and other rel-
23 evant agencies and departments, shall submit to the ap-
24 propriate congressional committees a report on develop-
25 ments in Haiti.

1 (b) ELEMENTS.—The report required by subsection
2 (a) shall include the following:

3 (1) A strategy for carrying out sections 104(a),
4 105, and 106 of this division, including established
5 baselines, benchmarks, and indicators to measure
6 outcomes and impact.

7 (2) An assessment of major corruption com-
8 mitted among the public and private sectors in
9 Haiti, including identification of any individual or
10 entity that financed corruption activities, and all
11 corruption prosecutions investigated by the judiciary
12 of Haiti since January 2015.

13 (3) An overview of efforts of the Government of
14 Haiti to address corruption, including the
15 Petrocaribe scandal, and corrective measures to
16 strengthen and restore trust in the public institu-
17 tions of Haiti.

18 (4) A description of efforts of the United States
19 Government to consult and engage with officials of
20 the Government of Haiti and independent civil soci-
21 ety groups focused on monitoring corruption and
22 human rights abuses and promoting democracy and
23 press freedom in Haiti since January 2015.

24 (5) A description of the response by the Gov-
25 ernment of Haiti to civic protests that have taken

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1 place since July 2018 and any allegations of human
2 rights abuses, including attacks on journalists.

3 (6) An assessment of United States security as-
4 sistance to Haiti, including United States support to
5 the Haitian National Police and an assessment of
6 compliance with section 620M of the Foreign Assist-
7 ance Act of 1961 (22 U.S.C. 2378d) and section
8 362 of title 10, United States Code (commonly re-
9 ferred to as the “Leahy Laws”).

10 (7) A description of the efforts of the Govern-
11 ment of Haiti to support displaced survivors of
12 urban and gang violence.

13 (8) An assessment of United States interagency
14 efforts to counter kidnapping and armed violence in
15 Haiti.

16 (9) An assessment of the impact of presidential
17 decrees on the health of Haiti’s democratic institu-
18 tions and the safeguarding of human rights, includ-
19 ing decrees relating to—

20 (A) reducing the authority of the Superior
21 Court of Accounts and Administrative Litiga-
22 tion;

23 (B) promulgating an antiterrorism law;

24 (C) establishing the National Intelligence
25 Agency; and

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1 (D) retiring and subsequently appointing
2 judges to the Supreme Court of Haiti.

3 (10) A review of the alleged coup against Presi-
4 dent Moïse on February 7, 2021, and subsequent ar-
5 rest and jailings of alleged perpetrators.

6 (11) An analysis, conducted in collaboration
7 with the Government of Haiti, of efforts to support
8 development goals in Haiti since January 2015, in-
9 cluding steps taken—

10 (A) to strengthen institutions at the na-
11 tional and local levels; and

12 (B) to strengthen democratic governance
13 at the national and local levels.

14 (12) An analysis of the effectiveness and sus-
15 tainability of development projects financed by the
16 United States, including the Caracol Industrial Park
17 and supporting infrastructure.

18 (13) A description of procurement from Haitian
19 small- and medium-sized businesses and nongovern-
20 mental organizations by the Government of the
21 United States and the Government of Haiti for de-
22 velopment and humanitarian activities,
23 disaggregated by year since 2015, and a description
24 of efforts to increase local procurement, including
25 food aid.

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1 (14) A description of United States efforts
2 since January 2015 to assist the Haitian people in
3 their pursuits for free, fair, and timely democratic
4 elections.

5 (15) An overview of United States efforts to co-
6 operate with diplomatic partners in Latin America,
7 the Caribbean, Canada, and Europe to engage with
8 political leaders, civil society, the private sector, and
9 underrepresented populations in Haiti to support a
10 stable environment conducive to holding free and
11 fair elections.

12 (16) Quantitative and qualitative indicators to
13 assess progress and benchmarks for United States
14 initiatives focused on sustainable development in
15 Haiti, including democracy assistance, economic re-
16 vitalization, natural disaster recovery, pandemic re-
17 sponse, resilience, energy and infrastructure, health,
18 and food security.

19 (c) CONSULTATION.—In preparing the report re-
20 quired by subsection (a), the Secretary and the Adminis-
21 trator shall consult, as appropriate, with—

22 (1) nongovernmental organizations and civil so-
23 ciety groups in Haiti and the United States; and

24 (2) the Government of Haiti.

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1 (d) PUBLIC AVAILABILITY.—The Secretary shall
2 make the report required by subsection (a) publicly avail-
3 able on the website of the Department of State.

4 **SEC. 108. REPORT ON THE ASSASSINATION OF PRESIDENT**
5 **JOVENEL MOÏSE.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, the Secretary of State,
8 in coordination with the Attorney General, the Secretary
9 of Homeland Security, and the Director of the Central In-
10 telligence Agency, shall submit to the Committee on For-
11 eign Relations of the Senate and the Committee on For-
12 eign Affairs of the House of Representatives a report on
13 the July 7, 2021, assassination of former President of
14 Haiti Jovenel Moïse.

15 (b) UPDATED REPORT.—Not later than 180 days
16 after the submission of the report required by subsection
17 (a), the Secretary of State, in coordination with the Attor-
18 ney General, the Secretary of Homeland Security, and the
19 Director of the Central Intelligence Agency, shall submit
20 to the Committee on Foreign Relations of the Senate and
21 the Committee on Foreign Affairs of the House of Rep-
22 resentatives an updated version of the report that includes
23 any significant developments related to the assassination
24 of former President of Haiti Jovenel Moïse.

1 (c) ELEMENTS.—The report required by subsection
2 (a) and the report required by subsection (b) shall each
3 include the following elements:

4 (1) A detailed description of the events leading
5 up to the assassination of former President Jovenel
6 Moïse and the subsequent investigation of the assas-
7 sination, including a description and identification of
8 key dates and the names of foreign persons related
9 to the assassination and the investigation of the as-
10 sssination.

11 (2) A description of United States support for
12 the efforts of Haitian authorities to investigate the
13 assassination of former President Jovenel Moïse.

14 (3) An assessment of the independence and ca-
15 pacity of Haitian authorities to investigate the as-
16 sssination of former President Jovenel Moïse, in-
17 cluding analysis of significant advances and defi-
18 ciencies of the investigation.

19 (4) A description of any threats and acts of in-
20 timidation against Haitian law enforcement and ju-
21 dicial authorities involved in the investigation of the
22 assassination of former President Jovenel Moïse, in-
23 cluding the identification of foreign persons involved
24 in such threats and acts of intimidation.

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1 (5) A description of any efforts to interfere in
2 or undermine the independence and integrity of the
3 investigation of the assassination of former Presi-
4 dent Jovenel Moïse.

5 (6) A description of whether any foreign per-
6 sons previously employed by or who served as a con-
7 tractor or informant for the United States Govern-
8 ment were involved in the assassination of former
9 President Jovenel Moïse.

10 (7) A description and the identification of for-
11 eign persons involved in the execution and planning
12 of the assassination of former President Jovenel
13 Moïse and an assessment of the intentions of such
14 foreign persons.

15 (d) FORM OF REPORT.—The report required by sub-
16 section (a) and the updated report required by subsection
17 (b) shall each be submitted in an unclassified form, but
18 each may include a classified annex.

19 (e) PUBLICATION.—The Secretary of State shall post
20 on the public website of the Department of State—

21 (1) the unclassified version of the report re-
22 quired by subsection (a) not later than 15 days after
23 the date on which the report is submitted under
24 such subsection; and

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1 (2) the unclassified version of the report re-
2 quired by subsection (b) not later than 15 days after
3 the date on which the report is submitted under
4 such subsection.

5 (f) BRIEFING REQUIREMENT.—The Secretary of
6 State, in coordination with the Attorney General, the Sec-
7 retary of Homeland Security, and the Director of the Cen-
8 tral Intelligence Agency, shall brief the Committee on For-
9 eign Relations of the Senate and the Committee on For-
10 eign Affairs of the House of Representatives on—

11 (1) the contents of the report required by sub-
12 section (a) not later than 15 days after the date on
13 which the report is submitted under such subsection;
14 and

15 (2) the contents of the report required by sub-
16 section (b) not later than 15 days after the date on
17 which the report is submitted under such subsection.

18 **SEC. 109. REPEAL.**

19 The Assessing Progress in Haiti Act of 2014 (22
20 U.S.C. 2151 note; Public Law 113–162) is repealed.

21 **SEC. 110. TERMINATION.**

22 This division shall terminate on December 31, 2025.

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1 **DIVISION** **W—VIOLENCE**
2 **AGAINST WOMEN ACT REAU-**
3 **THORIZATION ACT OF 2022**

4 **SEC. 1. SHORT TITLE.**

5 This Act may be cited as the “Violence Against
6 Women Act Reauthorization Act of 2022”.

7 **SEC. 2. UNIVERSAL DEFINITIONS AND GRANT CONDITIONS.**

8 (a) IN GENERAL.—Section 40002 of the Violence
9 Against Women Act of 1994 (34 U.S.C. 12291) is amend-
10 ed—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph (1),
13 by striking “In this title” and inserting “In this
14 title, for the purpose of grants authorized under
15 this title”;

16 (B) by redesignating paragraphs (43)
17 through (45) as paragraphs (50) through (52),
18 respectively;

19 (C) by redesignating paragraphs (34)
20 through (42) as paragraphs (41) through (49),
21 respectively;

22 (D) by redesignating paragraphs (26)
23 through (33) as paragraphs (32) through (39),
24 respectively;

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1 (E) by redesignating paragraphs (18)
2 through (25) as paragraphs (23) through (30),
3 respectively;

4 (F) by redesignating paragraphs (16) and
5 (17) as paragraphs (22) and (21), respectively,
6 and transferring paragraph (22), as so redesign-
7 ated, so as to appear before paragraph (23),
8 as so redesignated;

9 (G) by redesignating paragraphs (12)
10 through (15) as paragraphs (17) through (20),
11 respectively;

12 (H) by redesignating paragraph (11) as
13 paragraph (14);

14 (I) by redesignating paragraphs (9) and
15 (10) as paragraphs (10) and (11), respectively;

16 (J) by redesignating paragraph (8) as
17 paragraph (12), and transferring it to appear
18 after paragraph (11), as so redesignated;

19 (K) by redesignating paragraphs (6) and
20 (7) as paragraphs (8) and (9), respectively;

21 (L) by redesignating paragraph (2) as
22 paragraph (7), and transferring it to appear be-
23 fore paragraph (8), as so redesignated;

24 (M) by redesignating paragraphs (4) and
25 (5) as paragraphs (5) and (4), respectively, and

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1 transferring paragraph (4), as so redesignated,
2 so as to appear after paragraph (3);

3 (N) by redesignating paragraph (1) as
4 paragraph (2);

5 (O) by inserting before paragraph (2), as
6 so redesignated, the following:

7 “(1) ABUSE IN LATER LIFE .—The term ‘abuse
8 in later life’—

9 “(A) means—

10 “(i) neglect, abandonment, economic
11 abuse, or willful harm of an adult aged 50
12 or older by an individual in an ongoing re-
13 lationship of trust with the victim; or

14 “(ii) domestic violence, dating vio-
15 lence, sexual assault, or stalking of an
16 adult aged 50 or older by any individual;
17 and

18 “(B) does not include self-neglect.”;

19 (P) by inserting after paragraph (5), as so
20 redesignated, the following:

21 “(6) COURT-BASED PERSONNEL; COURT-RE-
22 LATED PERSONNEL.—The terms ‘court-based per-
23 sonnel’ and ‘court-related personnel’ mean individ-
24 uals working in the court, whether paid or volunteer,
25 including—

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1 “(A) clerks, special masters, domestic rela-
2 tions officers, administrators, mediators, cus-
3 tody evaluators, guardians ad litem, lawyers,
4 negotiators, probation, parole, interpreters, vic-
5 tim assistants, victim advocates, and judicial,
6 administrative, or any other professionals or
7 personnel similarly involved in the legal process;

8 “(B) court security personnel;

9 “(C) personnel working in related supple-
10 mentary offices or programs (such as child sup-
11 port enforcement); and

12 “(D) any other court-based or community-
13 based personnel having responsibilities or au-
14 thority to address domestic violence, dating vio-
15 lence, sexual assault, or stalking in the court
16 system.”;

17 (Q) in paragraph (12), as so redesignated,
18 by striking “includes felony” and all that fol-
19 lows through “jurisdiction.” and inserting the
20 following: “includes felony or misdemeanor
21 crimes committed by a current or former spouse
22 or intimate partner of the victim under the
23 family or domestic violence laws of the jurisdic-
24 tion receiving grant funding and, in the case of
25 victim services, includes the use or attempted

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1 use of physical abuse or sexual abuse, or a pat-
2 tern of any other coercive behavior committed,
3 enabled, or solicited to gain or maintain power
4 and control over a victim, including verbal, psy-
5 chological, economic, or technological abuse that
6 may or may not constitute criminal behavior, by
7 a person who—

8 “(A) is a current or former spouse or inti-
9 mate partner of the victim, or person similarly
10 situated to a spouse of the victim;

11 “(B) is cohabitating, or has cohabitated,
12 with the victim as a spouse or intimate partner;

13 “(C) shares a child in common with the
14 victim; or

15 “(D) commits acts against a youth or
16 adult victim who is protected from those acts
17 under the family or domestic violence laws of
18 the jurisdiction.”;

19 (R) by inserting after paragraph (12), as
20 so redesignated, the following:

21 “(13) ECONOMIC ABUSE.—The term ‘economic
22 abuse’, in the context of domestic violence, dating vi-
23 olence, and abuse in later life, means behavior that
24 is coercive, deceptive, or unreasonably controls or re-
25 strains a person’s ability to acquire, use, or maintain

1999

1 economic resources to which they are entitled, in-
2 cluding using coercion, fraud, or manipulation to—

3 “(A) restrict a person’s access to money,
4 assets, credit, or financial information;

5 “(B) unfairly use a person’s personal eco-
6 nomic resources, including money, assets, and
7 credit, for one’s own advantage; or

8 “(C) exert undue influence over a person’s
9 financial and economic behavior or decisions,
10 including forcing default on joint or other fi-
11 nancial obligations, exploiting powers of attor-
12 ney, guardianship, or conservatorship, or failing
13 or neglecting to act in the best interests of a
14 person to whom one has a fiduciary duty.”;

15 (S) by inserting after paragraph (14), as
16 so redesignated, the following:

17 “(15) FEMALE GENITAL MUTILATION OR CUT-
18 TING.—The term ‘female genital mutilation or cut-
19 ting’ has the meaning given such term in section
20 116 of title 18, United States Code.

21 “(16) FORCED MARRIAGE.—The term ‘forced
22 marriage’ means a marriage to which 1 or both par-
23 ties do not or cannot consent, and in which 1 or
24 more elements of force, fraud, or coercion is present.
25 Forced marriage can be both a cause and a con-

2000

1 sequence of domestic violence, dating violence, sexual
2 assault or stalking.”;

3 (T) by striking paragraph (17), as so re-
4 designated, and inserting the following:

5 “(17) HOMELESS.— The term ‘homeless’ has
6 the meaning given such term in section 41403.”;

7 (U) in paragraph (22), as so redesign-
8 nated—

9 (i) in the heading, by inserting “; IN-
10 DIAN TRIBE” after “TRIBE”; and

11 (ii) by striking “term ‘Indian tribe’
12 means” and inserting “terms ‘Indian tribe’
13 and ‘Indian Tribe’ mean”;

14 (V) by striking paragraph (24), as so re-
15 designated, and inserting the following:

16 “(24) LEGAL ASSISTANCE.—

17 “(A) DEFINITION.—The term ‘legal assist-
18 ance’ means assistance provided by or under
19 the direct supervision of a person described in
20 subparagraph (B) to an adult, youth, or child
21 victim of domestic violence, dating violence, sex-
22 ual assault, or stalking relating to a matter de-
23 scribed in subparagraph (C).

24 “(B) PERSON DESCRIBED.—A person de-
25 scribed in this subparagraph is—

2001

1 “(i) a licensed attorney;

2 “(ii) in immigration proceedings, a
3 Board of Immigration Appeals accredited
4 representative;

5 “(iii) in claims of the Department of
6 Veterans Affairs, a representative author-
7 ized by the Secretary of Veterans Affairs;
8 or

9 “(iv) any person who functions as an
10 attorney or lay advocate in tribal court.

11 “(C) MATTER DESCRIBED.—A matter de-
12 scribed in this subparagraph is a matter relat-
13 ing to—

14 “(i) divorce, parental rights, child
15 support, Tribal, territorial, immigration,
16 employment, administrative agency, hous-
17 ing, campus, education, healthcare, pri-
18 vacy, contract, consumer, civil rights, pro-
19 tection or other injunctive proceedings, re-
20 lated enforcement proceedings, and other
21 similar matters;

22 “(ii) criminal justice investigations,
23 prosecutions, and post-conviction matters
24 (including sentencing, parole, and proba-

2002

1 tion) that impact the victim’s safety, pri-
2 vacy, or other interests as a victim;

3 “(iii) alternative dispute resolution,
4 restorative practices, or other processes in-
5 tended to promote victim safety, privacy,
6 and autonomy, and offender accountability,
7 regardless of court involvement; or

8 “(iv) with respect to a conviction of a
9 victim relating to or arising from domestic
10 violence, dating violence, sexual assault,
11 stalking, or sex trafficking victimization of
12 the victim, post-conviction relief pro-
13 ceedings in State, local, Tribal, or terri-
14 torial court.

15 “(D) INTAKE OR REFERRAL.—For pur-
16 poses of this paragraph, intake or referral, by
17 itself, does not constitute legal assistance.”;

18 (W) by inserting after paragraph (30), as
19 so redesignated, the following:

20 “(31) RESTORATIVE PRACTICE.—The term ‘re-
21 storative practice’ means a practice relating to a
22 specific harm that—

23 “(A) is community-based and unaffiliated
24 with any civil or criminal legal process;

25 “(B) is initiated by a victim of the harm;

2003

1 “(C) involves, on a voluntary basis and
2 without any evidence of coercion or intimidation
3 of any victim of the harm by any individual who
4 committed the harm or anyone associated with
5 any such individual—

6 “(i) 1 or more individuals who com-
7 mitted the harm;

8 “(ii) 1 or more victims of the harm;
9 and

10 “(iii) the community affected by the
11 harm through 1 or more representatives of
12 the community;

13 “(D) shall include and has the goal of—

14 “(i) collectively seeking accountability
15 from 1 or more individuals who committed
16 the harm;

17 “(ii) developing a written process
18 whereby 1 or more individuals who com-
19 mitted the harm will take responsibility for
20 the actions that caused harm to 1 or more
21 victims of the harm; and

22 “(iii) developing a written course of
23 action plan—

2004

1 “(I) that is responsive to the
2 needs of 1 or more victims of the
3 harm; and

4 “(II) upon which 1 or more vic-
5 tims, 1 or more individuals who com-
6 mitted the harm, and the community
7 can agree; and

8 “(E) is conducted in a victim services
9 framework that protects the safety and sup-
10 ports the autonomy of 1 or more victims of the
11 harm and the community.”;

12 (X) by inserting after paragraph (39), as
13 so redesignated, the following:

14 “(40) TECHNOLOGICAL ABUSE.—The term
15 ‘technological abuse’ means an act or pattern of be-
16 havior that occurs within domestic violence, sexual
17 assault, dating violence or stalking and is intended
18 to harm, threaten, intimidate, control, stalk, harass,
19 impersonate, exploit, extort, or monitor, except as
20 otherwise permitted by law, another person, that oc-
21 curs using any form of technology, including but not
22 limited to: internet enabled devices, online spaces
23 and platforms, computers, mobile devices, cameras
24 and imaging programs, apps, location tracking de-

2005

1 vices, or communication technologies, or any other
2 emerging technologies.”; and

3 (Y) in paragraph (51), as so redesignated,
4 by inserting “legal assistance and” before
5 “legal advocacy”; and

6 (2) in subsection (b)—

7 (A) in paragraph (2), by adding at the end
8 the following:

9 “(H) DEATH OF THE PARTY WHOSE PRI-
10 VACY HAD BEEN PROTECTED.—In the event of
11 the death of any victim whose confidentiality
12 and privacy is required to be protected under
13 this subsection, grantees and subgrantees may
14 share personally identifying information or indi-
15 vidual information that is collected about de-
16 ceased victims being sought for a fatality review
17 to the extent permitted by their jurisdiction’s
18 law and only if the following conditions are met:

19 “(i) The underlying objectives of the
20 fatality review are to prevent future
21 deaths, enhance victim safety, and increase
22 offender accountability.

23 “(ii) The fatality review includes poli-
24 cies and protocols to protect identifying in-
25 formation, including identifying informa-

2006

1 tion about the victim’s children, from fur-
2 ther release outside the fatality review
3 team.

4 “(iii) The grantee or subgrantee
5 makes a reasonable effort to get a release
6 from the victim’s personal representative
7 (if one has been appointed) and from any
8 surviving minor children or the guardian of
9 such children (but not if the guardian is
10 the abuser of the deceased parent), if the
11 children are not capable of knowingly con-
12 senting.

13 “(iv) The information released is lim-
14 ited to that which is necessary for the pur-
15 poses of the fatality review.”;

16 (B) in paragraph (3), by striking the pe-
17 riod at the end and inserting “if—

18 “(A) the confidentiality and privacy re-
19 quirements of this title are maintained; and

20 “(B) personally identifying information
21 about adult, youth, and child victims of domes-
22 tic violence, dating violence, sexual assault, and
23 stalking is not requested or included in any
24 such collaboration or information-sharing.”;

25 (C) in paragraph (11)—

2007

1 (i) by striking “Of the total” and in-
2 serting the following:

3 “(A) IN GENERAL.—Of the total”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(B) REQUIREMENT.—The Office on Vio-
7 lence Against Women shall make all technical
8 assistance available as broadly as possible to
9 any appropriate grantees, subgrantees, potential
10 grantees, or other entities without regard to
11 whether the entity has received funding from
12 the Office on Violence Against Women for a
13 particular program or project, with priority
14 given to recipients awarded a grant before the
15 date of enactment of the Violence Against
16 Women Act Reauthorization Act of 2022.”;

17 (D) in paragraph (14)—

18 (i) by striking “services and assist-
19 ance to victims” and inserting “services
20 and assistance to—

21 “(A) victims”;

22 (ii) by striking the period at the end
23 and inserting a semicolon; and

24 (iii) by adding at the end the fol-
25 lowing:

2008

1 “(B) adult survivors of child sexual abuse;
2 and

3 “(C) victims of domestic violence, dating
4 violence, sexual assault, or stalking who are also
5 victims of female genital mutilation or cutting,
6 or forced marriage.”;

7 (E) by striking paragraph (15);

8 (F) by redesignating paragraph (16) as
9 paragraph (15); and

10 (G) in paragraph (15), as so redesign-
11 nated—

12 (i) in subparagraph (A), by striking
13 clause (iii) and inserting the following:

14 “(iii) TECHNICAL ASSISTANCE.—A re-
15 cipient of grant funds under this Act that
16 is found to have an unresolved audit find-
17 ing shall be eligible to receive prompt, indi-
18 vidualized technical assistance to resolve
19 the audit finding and to prevent future
20 findings, for a period not to exceed the fol-
21 lowing 2 fiscal years.”; and

22 (ii) in subparagraph (C)(i), by strik-
23 ing “\$20,000” and inserting “\$100,000”
24 and by inserting “the Director or Principal
25 Deputy Director of the Office on Violence

2009

1 Against Women or” before “the Deputy
2 Attorney General”; and

3 (H) by adding at the end the following:

4 “(16) INNOVATION FUND.—Of the amounts ap-
5 propriated to carry out this title, not more than 1
6 percent shall be made available for pilot projects,
7 demonstration projects, and special initiatives de-
8 signed to improve Federal, State, local, Tribal, and
9 other community responses to gender-based vio-
10 lence.”.

11 (b) DEFINITIONS AND GRANT CONDITIONS.—Section
12 40002 of the Violence Against Women Act of 1994 (34
13 U.S.C. 12291) shall apply to this Act and any grant pro-
14 gram authorized under this Act.

15 **SEC. 3. AGENCY AND DEPARTMENT COORDINATION.**

16 Each head of an Executive department (as defined
17 in section 101 of title 5, United States Code) responsible
18 for carrying out a program under this Act, the Violence
19 Against Women Act of 1994 (title IV of Public Law 103–
20 322; 108 Stat. 1902), the Violence Against Women Act
21 of 2000 (division B of Public Law 106–386; 114 Stat.
22 1491), the Violence Against Women and Department of
23 Justice Reauthorization Act of 2005 (title IX of Public
24 Law 109–162; 119 Stat. 3080), or the Violence Against
25 Women Reauthorization Act of 2013 (Public Law 113–

2010

1 4; 127 Stat. 54) may coordinate and collaborate on the
2 prevention of domestic violence, dating violence, sexual as-
3 sault, and stalking, including sharing best practices and
4 efficient use of resources and technology for victims and
5 those seeking assistance from the Federal Government.

6 **SEC. 4. EFFECTIVE DATE.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), this Act and the amendments made by this Act shall
9 not take effect until October 1 of the first fiscal year be-
10 ginning after the date of enactment of this Act.

11 (b) EFFECTIVE ON DATE OF ENACTMENT.—Sections
12 106, 107, 304, 606, 803, and 1306 and any amendments
13 made by such sections shall take effect on the date of en-
14 actment of this Act.

15 **SEC. 5. SENSE OF CONGRESS.**

16 It is the sense of Congress—

17 (1) that sex trafficking victims experience sex-
18 ual violence and assault; and

19 (2) that Federal recognition of their recovery is
20 important.

21 **SEC. 6. SEVERABILITY.**

22 If any provision of this Act, an amendment made by
23 this Act, or the application of such provision or amend-
24 ment to any person or circumstance is held to be unconsti-
25 tutional, the remainder of this Act and the amendments

2011

1 made by this Act, and the application of the provisions
2 or amendment to any other person or circumstance, shall
3 not be affected.

4 **TITLE I—ENHANCING LEGAL**
5 **TOOLS TO COMBAT DOMES-**
6 **TIC VIOLENCE, DATING VIO-**
7 **LENCE, SEXUAL ASSAULT,**
8 **AND STALKING**

9 **SEC. 101. STOP GRANTS.**

10 (a) IN GENERAL.—Part T of title I of the Omnibus
11 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
12 10441 et seq.) is amended—

13 (1) in section 2001 (34 U.S.C. 10441)—

14 (A) in subsection (b)—

15 (i) in paragraph (3), by inserting be-
16 fore the semicolon at the end the following:
17 “, including implementation of the grant
18 conditions in section 40002(b) of the Vio-
19 lence Against Women Act of 1994 (34
20 U.S.C. 12291(b))”;

21 (ii) in paragraph (5), by inserting
22 “and legal assistance” after “improving
23 delivery of victim services”; and

24 (iii) in paragraph (9)—

2012

1 (I) by striking “older and dis-
2 abled women” and inserting “individ-
3 uals 50 years of age or over, individ-
4 uals with disabilities, and Deaf indi-
5 viduals”;

6 (II) by inserting “legal assist-
7 ance,” after “counseling,”; and

8 (III) by striking “older and dis-
9 abled individuals” and inserting “indi-
10 viduals”;

11 (iv) in paragraph (11), by inserting
12 before the semicolon at the end the fol-
13 lowing: “, including rehabilitative work
14 with offenders”;

15 (v) in paragraph (19), by striking
16 “and” at the end;

17 (vi) in paragraph (20)—

18 (I) by striking “or stalking” and
19 inserting “stalking, or female genital
20 mutilation or cutting”; and

21 (II) by striking the period at the
22 end and inserting a semicolon; and

23 (vii) by inserting after paragraph
24 (20), the following:

2013

1 “(21) developing, enhancing, or strengthening
2 programs and projects to improve evidence collection
3 methods for victims of domestic violence, dating vio-
4 lence, sexual assault, or stalking, including through
5 funding for technology that better detects bruising
6 and injuries across skin tones and related training;

7 “(22) developing, enlarging, or strengthening
8 culturally specific victim services programs to pro-
9 vide culturally specific victim services and responses
10 to female genital mutilation or cutting;

11 “(23) providing victim advocates in State or
12 local law enforcement agencies, prosecutors’ offices,
13 and courts to provide supportive services and advo-
14 cacy to Indian victims of domestic violence, dating
15 violence, sexual assault, and stalking; and

16 “(24) paying any fees charged by any govern-
17 mental authority for furnishing a victim or the child
18 of a victim with any of the following documents:

19 “(A) A birth certificate or passport of the
20 individual, as required by law.

21 “(B) An identification card issued to the
22 individual by a State or Tribe, that shows that
23 the individual is a resident of the State or a
24 member of the Tribe.”; and

2014

1 (B) in subsection (d)(3), in the matter pre-
2 ceding subparagraph (A), by striking “2014
3 through 2018” and inserting “2023 through
4 2027”;

5 (2) in section 2007 (34 U.S.C. 10446)—

6 (A) in subsection (d)—

7 (i) by redesignating paragraphs (5)
8 and (6) as paragraphs (7) and (8), respec-
9 tively; and

10 (ii) by inserting after paragraph (4)
11 the following:

12 “(5) proof of compliance with the requirements
13 regarding training for victim-centered prosecution
14 described in section 2017;

15 “(6) certification of compliance with the grant
16 conditions under section 40002(b) of the Violence
17 Against Women Act of 1994 (34 U.S.C. 12291(b)),
18 as applicable;”;

19 (B) in subsection (i)—

20 (i) in paragraph (1), by inserting be-
21 fore the semicolon at the end the following:

22 “and the requirements under section
23 40002(b) of the Violence Against Women
24 Act of 1994 (34 U.S.C. 12291(b)), as ap-
25 plicable”; and

2015

1 (ii) in paragraph (2)(C)(iv), by insert-
2 ing after “ethnicity,” the following: “sexual
3 orientation, gender identity,”; and

4 (C) in subsection (j)(2), by adding a period
5 at the end; and

6 (3) by adding at the end the following:

7 **“SEC. 2017. GRANT ELIGIBILITY REGARDING COMPELLING**
8 **VICTIM TESTIMONY.**

9 “In order for a prosecutor’s office to be eligible to
10 receive grant funds under this part, the head of the office
11 shall certify, to the State, Indian Tribal government, or
12 territorial government receiving the grant funding, that
13 the office will, during the 3-year period beginning on the
14 date on which the grant is awarded, engage in planning,
15 developing and implementing—

16 “(1) training developed by experts in the field
17 regarding victim-centered approaches in domestic vi-
18 olence, sexual assault, dating violence, and stalking
19 cases;

20 “(2) policies that support a victim-centered ap-
21 proach, informed by such training; and

22 “(3) a protocol outlining alternative practices
23 and procedures for material witness petitions and
24 bench warrants, consistent with best practices, that
25 shall be exhausted before employing material witness

2016

1 petitions and bench warrants to obtain victim-wit-
2 ness testimony in the investigation, prosecution, and
3 trial of a crime related to domestic violence, sexual
4 assault, dating violence, and stalking of the victim in
5 order to prevent further victimization and trauma to
6 the victim.”.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
8 1001(a)(18) of title I of the Omnibus Crime Control and
9 Safe Streets Act of 1968 (34 U.S.C. 10261(a)(18)) is
10 amended by striking “2014 through 2018” and inserting
11 “2023 through 2027”.

12 **SEC. 102. GRANTS TO IMPROVE THE CRIMINAL JUSTICE RE-**
13 **SPONSE.**

14 (a) HEADING.—Part U of title I of the Omnibus
15 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
16 10461 et seq.) is amended in the heading, by striking
17 “**GRANTS TO ENCOURAGE ARREST POLICIES**” and in-
18 serting “**GRANTS TO IMPROVE THE CRIMINAL JUS-**
19 **TICE RESPONSE**”.

20 (b) GRANTS.—Section 2101 of title I of the Omnibus
21 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
22 10461) is amended—

23 (1) by striking subsection (a) and inserting the
24 following:

2017

1 “(a) PURPOSE.—The purpose of this part is to assist
2 States, Indian Tribal governments, State and local courts
3 (including juvenile courts), Tribal courts, and units of
4 local government to improve the criminal justice response
5 to domestic violence, dating violence, sexual assault, and
6 stalking as serious violations of criminal law, and to seek
7 safety and autonomy for victims.”;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking
10 “proarrest” and inserting “offender account-
11 ability and homicide reduction”;

12 (B) in paragraph (5), by striking “legal
13 advocacy service programs” and inserting “legal
14 advocacy and legal assistance programs”;

15 (C) in paragraph (8), by striking “older in-
16 dividuals (as defined in section 102 of the Older
17 Americans Act of 1965 (42 U.S.C. 3002))” and
18 inserting “individuals 50 years of age or over,
19 Deaf individuals,”;

20 (D) in paragraph (19), by inserting before
21 the period at the end the following “, including
22 victims among underserved populations (as de-
23 fined in section 40002(a) of the Violence
24 Against Women Act of 1994 (34 U.S.C.
25 12291(a))”;

2018

1 (E) by adding at the end the following:

2 “(25) To develop Statewide databases with in-
3 formation on where sexual assault nurse examiners
4 are located.

5 “(26) To develop and implement alternative
6 methods of reducing crime in communities, to sup-
7 plant punitive programs or policies. For purposes of
8 this paragraph, a punitive program or policy is a
9 program or policy that—

10 “(A) imposes a penalty on a victim of do-
11 mestic violence, dating violence, sexual assault,
12 or stalking, on the basis of a request by the vic-
13 tim for law enforcement or emergency assist-
14 ance; or

15 “(B) imposes a penalty on such a victim
16 because of criminal activity at the property in
17 which the victim resides.”; and

18 (3) in subsection (c)(1)—

19 (A) in subparagraph (A)—

20 (i) in clause (i), by striking “encour-
21 age or mandate arrests of domestic vio-
22 lence offenders” and inserting “encourage
23 arrests of domestic violence, dating vio-
24 lence, sexual assault, and stalking offend-
25 ers”; and

2019

1 (ii) in clause (ii), by striking “encour-
2 age or mandate arrest of domestic violence
3 offenders” and inserting “encourage arrest
4 of offenders”;

5 (B) in subparagraph (E)(ii), by striking
6 “and” at the end; and

7 (C) by inserting after subparagraph (E)
8 the following:

9 “(F) except for a court, not later than 3
10 years after the date on which an eligible grant-
11 ee receives the first award under this part after
12 the date of enactment of the Violence Against
13 Women Act Reauthorization Act of 2022, cer-
14 tify that the laws, policies, and practices of the
15 State or the jurisdiction in which the eligible
16 grantee is located ensure that prosecutor’s of-
17 fices engage in planning, developing, and imple-
18 menting—

19 “(i) training developed by experts in
20 the field regarding victim-centered ap-
21 proaches in domestic violence, sexual as-
22 sault, dating violence, and stalking cases;

23 “(ii) policies that support a victim-
24 centered approach, informed by such train-
25 ing; and

2020

1 “(iii) a protocol outlining alternative
2 practices and procedures for material wit-
3 ness petitions and bench warrants, con-
4 sistent with best practices, that shall be ex-
5 hausted before employing material witness
6 petitions and bench warrants to obtain vic-
7 tim-witness testimony in the investigation,
8 prosecution, and trial of a crime related to
9 domestic violence, sexual assault, dating vi-
10 olence, and stalking of the victim in order
11 to prevent further victimization and trau-
12 ma to the victim; and

13 “(G) except for a court, certify that the
14 laws, policies, and practices of the State or the
15 jurisdiction in which the eligible grantee is lo-
16 cated prohibits the prosecution of a minor
17 under the age of 18 with respect to prostitu-
18 tion; and”.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
20 1001(a)(19) of title I of the Omnibus Crime Control and
21 Safe Streets Act of 1968 (34 U.S.C. 10261(a)(19)) is
22 amended by striking “2014 through 2018” and inserting
23 “2023 through 2027”.

2021

1 **SEC. 103. LEGAL ASSISTANCE FOR VICTIMS.**

2 Section 1201 of division B of the Victims of Traf-
3 ficking and Violence Protection Act of 2000 (34 U.S.C.
4 20121) is amended—

5 (1) in subsection (a), by inserting after “no cost
6 to the victims.” the following: “When legal assist-
7 ance to a dependent is necessary for the safety of a
8 victim, such assistance may be provided.”;

9 (2) in subsection (d)—

10 (A) by amending paragraph (1) to read as
11 follows:

12 “(1) any person providing legal assistance
13 through a program funded under this section—

14 “(A)(i) is a licensed attorney or is working
15 under the direct supervision of a licensed attor-
16 ney;

17 “(ii) in immigration proceedings, is a
18 Board of Immigration Appeals accredited rep-
19 resentative;

20 “(iii) in Veterans’ Administration claims,
21 is an accredited representative; or

22 “(iv) is any person who functions as an at-
23 torney or lay advocate in Tribal court; and

24 “(B)(i) has demonstrated expertise in pro-
25 viding legal assistance to victims of domestic vi-

2022

1 olence, dating violence, sexual assault, or stalk-
2 ing in the targeted population; or

3 “(ii)(I) is partnered with an entity or per-
4 son that has demonstrated expertise described
5 in clause (i); and

6 “(II) has completed, or will complete,
7 training in connection with domestic violence,
8 dating violence, stalking, or sexual assault and
9 related legal issues, including training on evi-
10 dence-based risk factors for domestic and dat-
11 ing violence homicide;”;

12 (B) in paragraph (2), by striking “or
13 local” and insert the following: “local, or cul-
14 turally specific”;

15 (C) in paragraph (4), after “dating vio-
16 lence,” by inserting “stalking;” and
17 (3) in subsection (f)(1)—

18 (A) by striking “\$57,000,000” and insert-
19 ing “\$60,000,000”; and

20 (B) by striking “2014 through 2018” and
21 inserting “2023 through 2027”.

2023

1 **SEC. 104. GRANTS TO SUPPORT FAMILIES IN THE JUSTICE**
2 **SYSTEM.**

3 Section 1301 of division B of the Victims of Traf-
4 ficking and Violence Protection Act of 2000 (34 U.S.C.
5 12464) is amended—

6 (1) in subsection (b)(8), by striking “to im-
7 prove” and inserting “improve”;

8 (2) in subsection (e), by striking “2014 through
9 2018” and inserting “2023 through 2027”; and

10 (3) by adding at the end the following:

11 “(g) CULTURAL RELEVANCE.—Any services provided
12 pursuant to a grant funded under this section shall be pro-
13 vided in a culturally relevant manner.”.

14 **SEC. 105. OUTREACH AND SERVICES TO UNDERSERVED**
15 **POPULATIONS GRANTS.**

16 Section 120 of the Violence Against Women and De-
17 partment of Justice Reauthorization Act of 2005 (34
18 U.S.C. 20123) is amended—

19 (1) in subsection (b)(3), by inserting “Native
20 Hawaiian,” before “or local organization”;

21 (2) in subsection (d)—

22 (A) in paragraph (4)—

23 (i) by striking “effectiveness” and in-
24 serting “response”;

25 (ii) by inserting “population-specific”
26 before “training”; and

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1 (iii) by striking “or” at the end;

2 (B) in paragraph (5), by striking the pe-
3 riod at the end and inserting a semicolon; and

4 (C) by adding at the end the following:

5 “(6) developing, enlarging, or strengthening
6 culturally specific programs and projects to provide
7 culturally specific services regarding responses to,
8 and prevention of, female genital mutilation and cut-
9 ting; or

10 “(7) strengthening the response of social and
11 human services by providing population-specific
12 training for service providers on domestic violence,
13 dating violence, sexual assault, or stalking in under-
14 served populations.”; and

15 (3) in subsection (g)—

16 (A) by striking “\$2,000,000” and inserting
17 “\$6,000,000”; and

18 (B) by striking “2014 through 2018” and
19 inserting “2023 through 2027”.

20 **SEC. 106. CRIMINAL PROVISIONS.**

21 Section 2265(d)(3) of title 18, United States Code,
22 is amended—

23 (1) by striking “restraining order or injunc-
24 tion,”; and

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1 (2) by adding at the end the following: “The
2 prohibition under this paragraph applies to all pro-
3 tection orders for the protection of a person residing
4 within a State, territorial, or Tribal jurisdiction,
5 whether or not the protection order was issued by
6 that State, territory, or Tribe.”.

7 **SEC. 107. RAPE SURVIVOR CHILD CUSTODY.**

8 Section 409 of the Justice for Victims of Trafficking
9 Act of 2015 (34 U.S.C. 21308) is amended by striking
10 “2015 through 2019” and inserting “2023 through
11 2027”.

12 **SEC. 108. ENHANCING CULTURALLY SPECIFIC SERVICES**
13 **FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-**
14 **ING VIOLENCE, SEXUAL ASSAULT, AND**
15 **STALKING.**

16 Section 121 of the Violence Against Women and De-
17 partment of Justice Reauthorization Act of 2005 (34
18 U.S.C. 20124) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1)—

21 (i) by striking “paragraph (a)(2) of
22 this subsection” and inserting “paragraph
23 (2)”; and

24 (ii) by striking “shall take 5 percent
25 of such appropriated amounts” and insert-

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1 ing “shall take 15 percent of such appro-
2 priated amounts for the program under
3 paragraph (2)(A) and 5 percent of such
4 appropriated amounts for the programs
5 under subparagraphs (B) through (E) of
6 paragraph (2)”; and

7 (B) by adding at the end the following:

8 “(3) ADDITIONAL AUTHORIZATION OF APPRO-
9 PRIATIONS.—In addition to the amounts made avail-
10 able under paragraph (1), there are authorized to be
11 appropriated to carry out this section \$25,000,000
12 for each of fiscal years 2023 through 2027.

13 “(4) DISTRIBUTION.—

14 “(A) IN GENERAL.—Of the total amount
15 available for grants under this section, not less
16 than 40 percent of such funds shall be allocated
17 for programs or projects that meaningfully ad-
18 dress non-intimate partner relationship sexual
19 assault.

20 “(B) ALTERNATIVE ALLOCATION.—Not-
21 withstanding 40002(b)(11) of the Violence
22 Against Women Act of 1994 (34 U.S.C.
23 12291(b)(11)), the Director may allocate a por-
24 tion of funds described in subparagraph (A) to
25 enhanced technical assistance relating to non-

1 intimate partner sexual assault if the Office on
2 Violence Against Women does not receive suffi-
3 cient qualified applications proposing to address
4 non-intimate partner relationship sexual as-
5 sault.”;

6 (2) in subsection (b)(3), by adding at the end
7 the following: “Not less than 1 such organization
8 shall have demonstrated expertise primarily in do-
9 mestic violence services, and not less than 1 such or-
10 ganization shall have demonstrated expertise pri-
11 marily in non-intimate partner sexual assault serv-
12 ices.”;

13 (3) by striking subsection (e); and

14 (4) by redesignating subsections (f) through (h)
15 as subsections (e) through (g), respectively.

16 **SEC. 109. PILOT PROGRAM ON RESTORATIVE PRACTICES.**

17 (a) IN GENERAL.—The Violence Against Women Act
18 of 1994 (title IV of Public Law 103–322), as amended
19 by section 205, is further amended by adding at the end
20 the following:

21 **“Subtitle R—Restorative Practices**

22 **“SEC. 41801. PILOT PROGRAM ON RESTORATIVE PRAC-**
23 **TICES.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) DIRECTOR.—The term ‘Director’ means
2 the Director of the Office on Violence Against
3 Women.

4 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’ means—

6 “(A) a State;

7 “(B) a unit of local government;

8 “(C) a tribal government;

9 “(D) a tribal organization;

10 “(E) a victim service provider;

11 “(F) an institution of higher education (as
12 defined in section 101(a) of the Higher Edu-
13 cation Act of 1965 (20 U.S.C. 1001(a)); and

14 “(G) a private or public nonprofit organi-
15 zation, including—

16 “(i) a tribal nonprofit organization;

17 and

18 “(ii) a faith-based nonprofit organiza-
19 tion.

20 “(3) RESTORATIVE PRACTICE.—The term ‘re-
21 storative practice’ means a practice relating to a
22 specific harm that—

23 “(A) is community-based and unaffiliated
24 with any civil or criminal legal process;

25 “(B) is initiated by a victim of the harm;

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1 “(C) involves, on a voluntary basis and
2 without any evidence of coercion or intimidation
3 of any victim of the harm by any individual who
4 committed the harm or anyone associated with
5 any such individual—

6 “(i) 1 or more individuals who com-
7 mitted the harm;

8 “(ii) 1 or more victims of the harm;
9 and

10 “(iii) the community affected by the
11 harm through 1 or more representatives of
12 the community;

13 “(D) shall include and has the goal of—

14 “(i) collectively seeking accountability
15 from 1 or more individuals who committed
16 the harm;

17 “(ii) developing a written process
18 whereby 1 or more individuals who com-
19 mitted the harm will take responsibility for
20 the actions that caused harm to 1 or more
21 victims of the harm; and

22 “(iii) developing a written course of
23 action plan—

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1 “(I) that is responsive to the
2 needs of 1 or more victims of the
3 harm; and

4 “(II) upon which 1 or more vic-
5 tims, 1 or more individuals who com-
6 mitted the harm, and the community
7 can agree; and

8 “(E) is conducted in a victim services
9 framework that protects the safety and sup-
10 ports the autonomy of 1 or more victims of the
11 harm and the community.

12 “(b) GRANTS AUTHORIZED.—The Director shall
13 award grants to eligible entities to develop and implement
14 a program, or to assess best practices, for—

15 “(1) restorative practices to prevent or address
16 domestic violence, dating violence, sexual assault, or
17 stalking;

18 “(2) training by eligible entities, or for eligible
19 entities, courts, or prosecutors, on restorative prac-
20 tices and program implementation; and

21 “(3) evaluations of a restorative practice de-
22 scribed in paragraph (1).

23 “(c) PRIORITY.—In awarding grants under sub-
24 section (b), the Director shall give priority to eligible enti-

1 ties that submit proposals that meaningfully address the
2 needs of culturally specific or underserved populations.

3 “(d) QUALIFICATIONS.—To be eligible to receive a
4 grant under this section, an eligible entity shall dem-
5 onstrate a history of comprehensive training and experi-
6 ence in working with victims of domestic violence, dating
7 violence, sexual assault, or stalking.

8 “(e) PROGRAM REQUIREMENTS.—

9 “(1) IN GENERAL.—An eligible entity or a sub-
10 grantee of an eligible entity that offers a restorative
11 practices program with funds awarded under this
12 section shall ensure that such program—

13 “(A) includes set practices and procedures
14 for screening the suitability of any individual
15 who committed a harm based on—

16 “(i) the history of civil and criminal
17 complaints against the individual involving
18 domestic violence, sexual assault, dating vi-
19 olence, or stalking;

20 “(ii) parole or probation violations of
21 the individual or whether active parole or
22 probation supervision of the individual is
23 being conducted for prior offenses involv-
24 ing domestic violence, sexual assault, dat-
25 ing violence, or stalking;

1 “(iii) the risk to the safety of any vic-
2 tim of the harm based on an evidence-
3 based risk assessment;

4 “(iv) the risk to public safety, includ-
5 ing an evidence-based risk assessment of
6 the danger to the public; and

7 “(v) past participation of any indi-
8 vidual who committed the harm in restora-
9 tive practice programing; and

10 “(B) denies eligibility to participate in the
11 program for any individual who committed a
12 harm against whom there is—

13 “(i) a pending felony or misdemeanor
14 prosecution for an offense against any vic-
15 tim of the harm or a dependent of any
16 such victim;

17 “(ii) a restraining order or a protec-
18 tion order (as defined in section 2266 of
19 title 18, United States Code) that protects
20 any victim of the harm or a dependent of
21 any such victim, unless there is an excep-
22 tion in the restraining order or protective
23 order allowing for participation in a restor-
24 ative practices program;

1 “(iii) a pending criminal charge in-
2 volving or relating to sexual assault, in-
3 cluding rape, human trafficking, or child
4 abuse, including child sexual abuse; or

5 “(iv) a conviction for child sexual
6 abuse against the victim or a sibling of the
7 victim if the victim or sibling of the victim
8 is currently a minor.

9 “(2) REFERRAL.—With respect to a risk as-
10 sessment described in paragraph (1)(A)(iii) for
11 which an eligible entity or a subgrantee of an eligible
12 entity determines that a victim or a dependent of a
13 victim are at significant risk of subsequent serious
14 injury, sexual assault, or death, the eligible entity or
15 subgrantee shall refer the victim or dependent to
16 other victim services, instead of restorative practices.

17 “(f) NONDISCLOSURE OF CONFIDENTIAL OR PRI-
18 VATE INFORMATION.—For the purpose of section
19 40002(b)(2), an individual described in subsection
20 (a)(3)(C) shall be considered a person receiving services.

21 “(g) RELATION TO CRIMINAL JUSTICE INTERVEN-
22 TION.—Restorative practices performed with funds award-
23 ed under this section are not intended to function as a
24 replacement for criminal justice intervention for a specific
25 harm.

1 “(h) REPORTS.—

2 “(1) REPORT TO DIRECTOR.—As a part of the
3 report required to be submitted under section
4 40002(b)(6), an eligible entity that receives a grant
5 under this section shall annually submit to the Di-
6 rector information relating to the effectiveness of the
7 restorative practices carried out with amounts from
8 the grant, including—

9 “(A) the number of individuals for whom
10 the eligible entity supported a restorative prac-
11 tice;

12 “(B) if applicable, the number of individ-
13 uals who—

14 “(i) sought restorative practices from
15 the eligible entity; and

16 “(ii) the eligible entity could not
17 serve;

18 “(C) if applicable, the number of individ-
19 uals—

20 “(i) who sought restorative practice
21 training;

22 “(ii) who received restorative practice
23 training;

24 “(iii) who provided restorative practice
25 training; and

1 “(iv) to whom the eligible entity could
2 not provide restorative practice training;

3 “(D) a victim evaluation component that is
4 documented through survey or interview, includ-
5 ing the satisfaction of victims of a harm with
6 the restorative practice services;

7 “(E) if applicable, the number of individ-
8 uals who committed a harm and—

9 “(i) successfully completed and exe-
10 cuted a written course of action plan;

11 “(ii) failed to successfully complete
12 and execute a written course of action
13 plan; and

14 “(iii) were involved in a criminal or
15 civil complaint involving domestic violence,
16 dating violence, sexual assault, or stalking
17 against the victims or victims during the
18 course of the restorative practice process;
19 and

20 “(F) any other qualitative or quantitative
21 information determined by the Director.

22 “(2) REPORT TO CONGRESS.—Not later than 2
23 years after the date of enactment of this section,
24 and biennially thereafter, the Director shall submit

1 to Congress a report that summarizes the reports re-
2 ceived by the Director under paragraph (1).

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Director such
5 sums as may be necessary for each of fiscal years 2023
6 through 2027 to carry out this section.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 2 of the Violent Crime Control and Law En-
9 forcement Act of 1994 (Public Law 103–322) is amended
10 by inserting after the item relating to section 41601 the
11 following:

“Subtitle R—Restorative Practices

“Sec. 41801. Pilot program on restorative practices.”.

12 **TITLE II—IMPROVING SERVICES**
13 **FOR VICTIMS**

14 **SEC. 201. SEXUAL ASSAULT SERVICES PROGRAM.**

15 Section 41601 of the Violent Crime Control and Law
16 Enforcement Act of 1994 (34 U.S.C. 12511) is amend-
17 ed—

18 (1) in subsection (b)—

19 (A) in paragraph (2)(C)(iii), by inserting
20 “direct payments,” before “and comprehen-
21 sive”; and

22 (B) in paragraph (4), by striking “0.25
23 percent” and inserting “0.5 percent”;

24 (2) in subsection (c)—

1 (A) in paragraph (4)—

2 (i) by striking “(4) DISTRIBUTION”

3 and all that follows through “The Attorney

4 General” and inserting the following:

5 “(4) DISTRIBUTION.—The Attorney General”;

6 and

7 (ii) by striking subparagraph (B);

8 (B) by redesignating paragraph (6) as

9 paragraph (7); and

10 (C) by inserting after paragraph (5) the

11 following:

12 “(6) TECHNICAL ASSISTANCE.—The Attorney

13 General shall provide technical assistance to recipi-

14 ents of grants under this subsection by entering into

15 a cooperative agreement or contract with a national,

16 nonprofit, nongovernmental organization or organi-

17 zations whose primary focus and expertise is in ad-

18 dressing sexual assault within culturally specific

19 communities.”; and

20 (3) in subsection (f)—

21 (A) in paragraph (1), by striking

22 “\$40,000,000 to remain available until ex-

23 pended for each of fiscal years 2014 through

24 2018” and inserting “\$100,000,000 to remain

1 available until expended for each of fiscal years
2 2023 through 2027”; and

3 (B) in paragraph (2)(B)—

4 (i) by striking “2.5” and inserting
5 “8”; and

6 (ii) by striking the semicolon at the
7 end and inserting “of which not less than
8 20 percent shall be available for technical
9 assistance to recipients and potential re-
10 cipients of grants under subsection (e);”.

11 **SEC. 202. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE,**
12 **SEXUAL ASSAULT, STALKING, AND CHILD**
13 **ABUSE ENFORCEMENT ASSISTANCE PRO-**
14 **GRAM.**

15 Section 40295 of the Violence Against Women Act
16 of 1994 (34 U.S.C. 12341) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (2), by striking “and” at
19 the end;

20 (B) in paragraph (3)(B), by striking the
21 period at the end and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(4) to develop, expand, implement, and im-
24 prove the quality of sexual assault forensic medical

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1 examination or sexual assault nurse examiner pro-
2 grams.”;

3 (2) in subsection (b)—

4 (A) in paragraph (4), by striking the pe-
5 riod at the end and inserting a semicolon; and

6 (B) in paragraph (5)—

7 (i) by inserting after “by the lack of
8 access to” the following: “quality forensic
9 sexual assault examinations by trained
10 health care providers,”; and

11 (ii) by striking “shelters and” and in-
12 serting “shelters, and”; and

13 (3) in subsection (e)(1), by striking
14 “\$50,000,000 for each of fiscal years 2014 through
15 2018” and inserting “\$100,000,000 for each of fis-
16 cal years 2023 through 2027”.

17 **SEC. 203. GRANTS FOR TRAINING AND SERVICES TO END**
18 **VIOLENCE AGAINST INDIVIDUALS WITH DIS-**
19 **ABILITIES AND DEAF PEOPLE.**

20 Section 1402 of division B of the Victims of Traf-
21 ficking and Violence Protection Act of 2000 (34 U.S.C.
22 20122) is amended—

23 (1) in the heading—

24 (A) by striking “**WOMEN**” and inserting
25 “**INDIVIDUALS**”; and

1 (B) by inserting after “**DISABILITIES**”
2 the following: “**AND DEAF PEOPLE**”;

3 (2) in subsection (a)(1)—

4 (A) by striking “and sexual assault” and
5 inserting “sexual assault, and abuse by care-
6 givers”; and

7 (B) by inserting after “with disabilities (as
8 defined in section 3 of the Americans with Dis-
9 abilities Act of 1990 (42 U.S.C. 12102))” the
10 following: “and Deaf people”;

11 (3) in subsection (b)—

12 (A) by striking “disabled individuals” each
13 place it appears and inserting “individuals with
14 disabilities and Deaf people”;

15 (B) in paragraph (3), by inserting after
16 “law enforcement” the following: “and other
17 first responders”; and

18 (C) in paragraph (8), by striking “pro-
19 viding advocacy and intervention services with-
20 in” and inserting “to enhance the capacity of”;

21 (4) in subsection (c)(1)(D), by striking “dis-
22 abled individuals” and inserting “individuals with
23 disabilities and Deaf people”; and

24 (5) in subsection (e)—

1 (A) by striking “\$9,000,000” and inserting
2 “\$15,000,000”; and

3 (B) by striking “2014 through 2018” and
4 inserting “2023 through 2027”.

5 **SEC. 204. TRAINING AND SERVICES TO END ABUSE IN**
6 **LATER LIFE.**

7 Subtitle H of the Violence Against Women Act of
8 1994 (34 U.S.C. 12421 et seq.) is amended—

9 (1) in the subtitle heading, by striking “**En-**
10 **hanced Training**” and inserting “**Training**”;
11 and

12 (2) in section 40801 (34 U.S.C. 12421)—

13 (A) in the section heading, by striking
14 “**ENHANCED TRAINING**” and inserting
15 “**TRAINING**”;

16 (B) by striking subsection (a); and

17 (C) in subsection (b)—

18 (i) by striking “(b) GRANT PRO-
19 GRAM.—” and all that follows through
20 paragraph (1) and inserting the following:
21 “The Attorney General shall make grants
22 to eligible entities in accordance with the
23 following.”;

1 (ii) by redesignating paragraphs (2)
2 through (5) as paragraphs (1) through (4),
3 respectively;

4 (iii) in paragraph (1), as so redesign-
5 nated—

6 (I) by striking “, including do-
7 mestic violence, dating violence, sexual
8 assault, stalking, exploitation, and ne-
9 glect” each place it appears;

10 (II) in subparagraph (A)—

11 (aa) in clause (i)—

12 (AA) by striking “elder
13 abuse” and inserting “abuse
14 in later life”; and

15 (BB) by striking “vic-
16 tim advocates, and” and in-
17 serting “victim advocates,
18 or”; and

19 (bb) in clause (iv), by strik-
20 ing “advocates, victim service
21 providers, and courts to better
22 serve victims of abuse in later
23 life” and inserting “leaders, vic-
24 tim advocates, victim service pro-
25 viders, courts, and first respond-

1 ers to better serve older victims”;
2 and
3 (III) in subparagraph (B)—
4 (aa) in clause (i), by striking
5 “or other community-based orga-
6 nizations in recognizing and ad-
7 dressing instances of abuse in
8 later life” and inserting “commu-
9 nity-based organizations, or other
10 professionals who may identify or
11 respond to abuse in later life”;
12 and
13 (bb) in clause (ii), by strik-
14 ing “elder abuse and”;
15 (iv) in paragraph (2), as so redesign-
16 nated—
17 (I) in subparagraph (A)—
18 (aa) in clause (iv), by strik-
19 ing “with demonstrated experi-
20 ence in assisting individuals over
21 50 years of age”; and
22 (bb) in clause (v), by strik-
23 ing “with demonstrated experi-
24 ence in addressing domestic vio-

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1 lence, dating violence, sexual as-
2 sult, and stalking”; and

3 (II) in subparagraph (B)(iv), by
4 striking “in later life;” and inserting
5 “50 years of age or over.”; and

6 (v) in paragraph (4), as so redesign-
7 nated—

8 (I) by striking “\$9,000,000” and
9 inserting “\$10,000,000”; and

10 (II) by striking “2014 through
11 2018” and inserting “2023 through
12 2027”.

13 **SEC. 205. ABBY HONOLD ACT.**

14 (a) **SHORT TITLE.**—This section may be cited as the
15 “Abby Honold Act”.

16 (b) **AMENDMENT.**—Title IV of the Violent Crime
17 Control and Law Enforcement Act of 1994 (34 U.S.C.
18 12291 et seq.) is amended by adding at the end the fol-
19 lowing:

1 **“Subtitle Q—Trauma-Informed,**
2 **Victim-Centered Training for**
3 **Law Enforcement**

4 **“SEC. 41701. DEMONSTRATION PROGRAM ON TRAUMA-IN-**
5 **FORMED, VICTIM-CENTERED TRAINING FOR**
6 **LAW ENFORCEMENT.**

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term ‘Attorney General’ means the At-
9 torney General, acting through the Director of the
10 Office on Violence Against Women;

11 “(2) the term ‘covered individual’ means an in-
12 dividual who interfaces with victims of domestic vio-
13 lence, dating violence, sexual assault, and stalking,
14 including—

15 “(A) an individual working for or on behalf
16 of an eligible entity;

17 “(B) an administrator or personnel of a
18 school, university, or other educational program
19 or activity (including a campus police officer or
20 a school resource officer); and

21 “(C) an emergency services or medical em-
22 ployee;

23 “(3) the term ‘demonstration site’, with respect
24 to an eligible entity that receives a grant under this

1 section, means the area over which the eligible entity
2 has jurisdiction;

3 “(4) the term ‘eligible entity’ means a State,
4 local, territorial, or Tribal law enforcement agency;
5 and

6 “(5) the term ‘mandatory partner’ means a na-
7 tional, regional, or local victim services organization
8 or agency working in collaboration with a law en-
9 forcement agency described in paragraph (4).

10 “(b) GRANTS AUTHORIZED.—

11 “(1) IN GENERAL.—The Attorney General shall
12 award grants on a competitive basis to eligible enti-
13 ties to collaborate with their mandatory partners to
14 carry out the demonstration program under this sec-
15 tion by implementing evidence-based or promising
16 investigative policies and practices to incorporate
17 trauma-informed, victim-centered techniques de-
18 signed to—

19 “(A) prevent re-traumatization of the vic-
20 tim;

21 “(B) ensure that covered individuals use
22 evidence-based practices to respond to and in-
23 vestigate cases of domestic violence, dating vio-
24 lence, sexual assault, and stalking;

1 “(C) improve communication between vic-
2 tims and law enforcement officers in an effort
3 to increase the likelihood of the successful in-
4 vestigation and prosecution of the reported
5 crime in a manner that protects the victim to
6 the greatest extent possible;

7 “(D) increase collaboration among stake-
8 holders who are part of the coordinated commu-
9 nity response to domestic violence, dating vio-
10 lence, sexual assault, and stalking; and

11 “(E) evaluate the effectiveness of the
12 training process and content.

13 “(2) AWARD BASIS.—The Attorney General
14 shall award grants under this section to multiple eli-
15 gible entities for use in a variety of settings and
16 communities, including—

17 “(A) urban, suburban, Tribal, remote, and
18 rural areas;

19 “(B) college campuses; or

20 “(C) traditionally underserved commu-
21 nities.

22 “(c) USE OF FUNDS.—An eligible entity that receives
23 a grant under this section shall use the grant to—

24 “(1) train covered individuals within the dem-
25 onstration site of the eligible entity to use evidence-

1 based, trauma-informed, and victim-centered tech-
2 niques and knowledge of crime victims' rights
3 throughout an investigation into domestic violence,
4 dating violence, sexual assault, or stalking, including
5 by—

6 “(A) conducting victim interviews in a
7 manner that—

8 “(i) elicits valuable information about
9 the domestic violence, dating violence, sex-
10 ual assault, or stalking; and

11 “(ii) avoids re-traumatization of the
12 victim;

13 “(B) conducting field investigations that
14 mirror best and promising practices available at
15 the time of the investigation;

16 “(C) customizing investigative approaches
17 to ensure a culturally and linguistically appro-
18 priate approach to the community being served;

19 “(D) becoming proficient in understanding
20 and responding to complex cases, including
21 cases of domestic violence, dating violence, sex-
22 ual assault, or stalking—

23 “(i) facilitated by alcohol or drugs;

24 “(ii) involving strangulation;

25 “(iii) committed by a non-stranger;

1 “(iv) committed by an individual of
2 the same sex as the victim;

3 “(v) involving a victim with a dis-
4 ability;

5 “(vi) involving a male victim; or

6 “(vii) involving a lesbian, gay, bisex-
7 ual, or transgender (commonly referred to
8 as ‘LGBT’) victim;

9 “(E) developing collaborative relationships
10 between—

11 “(i) law enforcement officers and
12 other members of the response team; and

13 “(ii) the community being served; and

14 “(F) developing an understanding of how
15 to define, identify, and correctly classify a re-
16 port of domestic violence, dating violence, sex-
17 ual assault, or stalking; and

18 “(2) promote the efforts of the eligible entity to
19 improve the response of covered individuals to do-
20 mestic violence, dating violence, sexual assault, and
21 stalking through various communication channels,
22 such as the website of the eligible entity, social
23 media, print materials, and community meetings, in
24 order to ensure that all covered individuals within
25 the demonstration site of the eligible entity are

1 aware of those efforts and included in trainings, to
2 the extent practicable.

3 “(d) DEMONSTRATION PROGRAM TRAININGS ON
4 TRAUMA-INFORMED, VICTIM-CENTERED APPROACHES.—

5 “(1) IDENTIFICATION OF EXISTING
6 TRAININGS.—

7 “(A) IN GENERAL.—The Attorney General
8 shall identify trainings for law enforcement offi-
9 cers, in existence as of the date on which the
10 Attorney General begins to solicit applications
11 for grants under this section, that—

12 “(i) employ a trauma-informed, vic-
13 tim-centered approach to domestic violence,
14 dating violence, sexual assault, and stalk-
15 ing; and

16 “(ii) focus on the fundamentals of—

17 “(I) trauma responses;

18 “(II) the impact of trauma on
19 victims of domestic violence, dating vi-
20 olence, sexual assault, and stalking;
21 and

22 “(III) techniques for effectively
23 investigating domestic violence, dating
24 violence, sexual assault, and stalking.

1 “(B) SELECTION.—An eligible entity that
2 receives a grant under this section shall select
3 one or more of the approaches employed by a
4 training identified under subparagraph (A) to
5 test within the demonstration site of the eligible
6 entity.

7 “(2) CONSULTATION.—In carrying out para-
8 graph (1), the Attorney General shall consult with
9 the Director of the Office for Victims of Crime in
10 order to seek input from and cultivate consensus
11 among outside practitioners and other stakeholders
12 through facilitated discussions and focus groups on
13 best practices in the field of trauma-informed, vic-
14 tim-centered care for victims of domestic violence,
15 dating violence, sexual assault, and stalking.

16 “(e) EVALUATION.—The Attorney General, in con-
17 sultation with the Director of the National Institute of
18 Justice, shall require each eligible entity that receives a
19 grant under this section to identify a research partner,
20 preferably a local research partner, to—

21 “(1) design a system for generating and col-
22 lecting the appropriate data to facilitate an inde-
23 pendent process or impact evaluation of the use of
24 the grant funds;

1 “(2) periodically conduct an evaluation de-
2 scribed in paragraph (1); and

3 “(3) periodically make publicly available, during
4 the grant period—

5 “(A) preliminary results of the evaluations
6 conducted under paragraph (2); and

7 “(B) recommendations for improving the
8 use of the grant funds.

9 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Attorney General
11 \$5,000,000 for each of fiscal years 2023 through 2027
12 to carry out this section.

13 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to interfere with the due process
15 rights of any individual.”.

16 **SEC. 206. LGBT SPECIFIC SERVICES PROGRAM.**

17 (a) ESTABLISHMENT.—The Attorney General, acting
18 through the Director of the Violence Against Women Of-
19 fice (referred to in this section as the “Director”), shall
20 make grants to eligible entities to enhance lesbian, gay,
21 bisexual, and transgender (referred to in this section as
22 “LGBT”) specific services for victims of domestic violence,
23 dating violence, sexual assault and stalking.

24 (b) PURPOSE OF PROGRAM AND GRANTS .—

1 (1) GENERAL PROGRAM PURPOSE.—The pur-
2 pose of the program required by this section is to
3 promote the following:

4 (A) The maintenance and replication of ex-
5 isting successful LGBT specific domestic vio-
6 lence, dating violence, sexual assault, and stalk-
7 ing community-based programs providing serv-
8 ices and resources for LGBT victims of domes-
9 tic violence, dating violence, sexual assault, and
10 stalking.

11 (B) The development of innovative LGBT
12 specific strategies and projects to enhance ac-
13 cess to services and resources for LGBT victims
14 of domestic violence, dating violence, sexual as-
15 sault, and stalking who face obstacles to using
16 more traditional services and resources.

17 (2) PURPOSES FOR WHICH GRANTS MAY BE
18 USED.—The Director shall make grants to commu-
19 nity-based programs for the purpose of enhancing
20 LGBT specific services for victims of domestic vio-
21 lence, dating violence, sexual assault, and stalking.
22 Grants under the program shall support community-
23 based efforts to address distinctive LGBT specific
24 responses to domestic violence, dating violence, sex-
25 ual assault, and stalking, including—

1 (A) providing or enhancing services for
2 LGBT victims of domestic violence, dating vio-
3 lence, sexual assault, or stalking, including
4 services that address the safety, emotional well-
5 being, economic, housing, legal and workplace
6 needs of LGBT victims;

7 (B) supporting programs that specifically
8 address underserved LGBT communities, in-
9 cluding culturally specific communities, to pro-
10 vide specific resources and support for LGBT
11 underserved victims of domestic violence, dating
12 violence, sexual assault, and stalking;

13 (C) working in cooperation with the com-
14 munity to develop education and prevention
15 strategies highlighting LGBT specific issues
16 and resources regarding victims of domestic vio-
17 lence, dating violence, sexual assault, and stalk-
18 ing;

19 (D) conducting outreach activities to en-
20 sure that LGBT people who are victims of do-
21 mestic violence, dating violence, stalking, or
22 sexual assault receive appropriate assistance;

23 (E) providing training for victim service
24 providers, governmental agencies, courts, law
25 enforcement and other first responders, and

1 nonprofit, nongovernmental organizations serv-
2 ing the LGBT community about risk reduction,
3 intervention, prevention, and the nature of do-
4 mestic violence, dating violence, stalking, and
5 sexual assault;

6 (F) developing and implementing LGBT
7 specific programming that focuses on victim au-
8 tonomy, agency, and safety in order to provide
9 resolution and restitution for the victim; and

10 (G) providing LGBT specific programs for
11 the non-offending LGBT parents of children ex-
12 posed to domestic violence, dating violence, sex-
13 ual assault, and stalking.

14 (3) TECHNICAL ASSISTANCE AND TRAINING.—

15 The Director shall provide technical assistance and
16 training to grantees of this and other programs
17 under this Act regarding the development and provi-
18 sion of effective LGBT specific community-based
19 services by entering into cooperative agreements or
20 contracts with an organization or organizations hav-
21 ing a demonstrated expertise in and whose primary
22 purpose is addressing the development and provision
23 of LGBT specific community-based services to vic-
24 tims of domestic violence, dating violence, sexual as-
25 sault, and stalking.

1 (c) ELIGIBLE ENTITIES.—Eligible entities for grants
2 under this section include—

3 (1) community-based organizations, the primary
4 purpose of which is providing LGBT specific services
5 to victims of domestic violence, dating violence, sex-
6 ual assault, and stalking; and

7 (2) community-based organizations, the primary
8 purpose of which is providing LGBT specific services
9 that can partner with a program having dem-
10 onstrated expertise in serving victims of domestic vi-
11 olence, dating violence, sexual assault, and stalking,
12 and that agrees to receive technical assistance from
13 a program with LGBT specific expertise.

14 (d) REPORTING.—The Director shall issue a biennial
15 report on the distribution of funding under this section,
16 the progress made in replicating and supporting increased
17 services to LGBT victims of domestic violence, dating vio-
18 lence, sexual assault, and stalking and the types of LGBT
19 specific programs, strategies, technical assistance, and
20 training developed or enhanced through this program.

21 (e) EVALUATION.—The Director shall award a con-
22 tract or cooperative agreement to evaluate programs under
23 this section to an entity with the demonstrated expertise
24 in and primary goal of providing enhanced access to serv-
25 ices and resources for victims of domestic violence, dating

1 violence, sexual assault, and stalking who face obstacles
2 to using more traditional services and resources.

3 (f) NON-EXCLUSIVITY.—Nothing in this section shall
4 be construed to exclude LGBT community-based organiza-
5 tions from applying to other grant programs authorized
6 under this Act.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 \$8,000,000 for each of fiscal years 2023 through 2027,
10 to remain available until expended.

11 **TITLE III—SERVICES, PROTEC-**
12 **TION, AND JUSTICE FOR**
13 **YOUNG VICTIMS**

14 **SEC. 301. RAPE PREVENTION AND EDUCATION GRANT.**

15 Section 393A of the Public Health Service Act (42
16 U.S.C. 280b–1b) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (2), by inserting before
19 the semicolon at the end the following “or utili-
20 zation of other communication technologies for
21 purposes related to such a hotline”;

22 (B) in paragraph (3), by striking “profes-
23 sionals” and inserting “professionals, including
24 school-based professionals, to identify and refer

1 students who may have experienced or are at
2 risk of experiencing sexual violence”; and

3 (C) in paragraph (7)—

4 (i) by striking “sexual assault” and
5 inserting “sexual violence, sexual assault,
6 and sexual harassment”; and

7 (ii) by inserting “and Deaf individ-
8 uals” before the period at the end;

9 (2) in subsection (b), by striking “Indian trib-
10 al” and inserting “Indian Tribal”;

11 (3) by redesignating subsection (c) and (d) as
12 subsections (d) and (e), respectively;

13 (4) by inserting the following new subsection
14 after subsection (b):

15 “(c) MEANINGFUL INVOLVEMENT OF STATE SEXUAL
16 ASSAULT COALITIONS, CULTURALLY SPECIFIC ORGANI-
17 ZATIONS, AND UNDERSERVED COMMUNITIES.—In award-
18 ing funds to States under this section, the Secretary shall
19 set forth procedures designed to ensure meaningful in-
20 volvement of sexual assault coalitions, culturally specific
21 organizations, and representatives from underserved com-
22 munities of the State or territory in the application for,
23 and implementation of, funding.”;

24 (5) in subsection (d) (as redesignated by para-
25 graph (3))—

1 (A) in paragraph (1), by striking
2 “\$50,000,000 for each of fiscal years 2014
3 through 2018” and inserting “\$100,000,000
4 for each of fiscal years 2023 through 2027”;

5 (B) in paragraph (3), by adding at the end
6 the following: “Not less than 80 percent of the
7 total amount made available under this sub-
8 section in each fiscal year shall be awarded in
9 accordance with this paragraph.”; and

10 (C) by adding at the end the following:

11 “(4) STATE, TERRITORIAL, AND TRIBAL SEX-
12 UAL ASSAULT COALITION ALLOTMENT.—

13 “(A) IN GENERAL.—Of the total amount
14 appropriated under this subsection for a fiscal
15 year, not less than 15 percent shall be allocated
16 to State, territorial, and Tribal sexual assault
17 coalitions for the purposes of coordinating and
18 providing prevention activities, providing assist-
19 ance to prevention programs, and collaborating
20 and coordinating with applicable Federal, State,
21 Tribal, and local entities engaged in sexual vio-
22 lence prevention, in accordance with this para-
23 graph.

24 “(B) ALLOCATIONS.—Of the total amount
25 appropriated under this subsection and allo-

1 cated to making awards to sexual assault coalitions, as described in subparagraph (A), for a
2 fiscal year—

3 “(i) not less than 10 percent shall be
4 made available to Tribal sexual assault
5 coalitions; and

6 “(ii) any remaining amounts shall be
7 made available, in equal amounts, to each
8 State coalition and each territorial coalition.
9
10

11 “(C) CLARIFICATION.—Receipt of an
12 award under this subsection by a sexual assault
13 coalition shall not preclude the coalition from
14 receiving additional grants or administering
15 funds to carry out the purposes described in
16 subsection (a).”; and

17 (6) by adding at the end the following:

18 “(f) REPORT.—Not later than 1 year after the date
19 of the enactment of the Violence Against Women Act Re-
20 authorization Act of 2022, the Secretary, acting through
21 the Director of the Centers for Disease Control and Pre-
22 vention, shall submit to the Committee on Appropriations,
23 the Committee on Energy and Commerce, and the Com-
24 mittee on the Judiciary of the House of Representatives
25 and the Committee on Appropriations, the Committee on

1 Health, Education, Labor, and Pensions, and the Com-
2 mittee on the Judiciary of the Senate a report on the ac-
3 tivities funded by grants awarded under this section and
4 best practices relating to rape prevention and education.”.

5 **SEC. 302. CREATING HOPE THROUGH OUTREACH, OPTIONS,**
6 **SERVICES, AND EDUCATION (CHOOSE) FOR**
7 **CHILDREN AND YOUTH.**

8 Section 41201 of the Violence Against Women Act
9 of 1994 (34 U.S.C. 12451) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1)—

12 (i) in the matter preceding subpara-
13 graph (A), in the first sentence, by striking
14 “target youth who are victims of domestic
15 violence, dating violence, sexual assault,
16 stalking, and sex trafficking” and inserting
17 “target youth, including youth in under-
18 served populations, who are victims of do-
19 mestic violence, dating violence, sexual as-
20 sult, stalking, and sex trafficking”;

21 (ii) in subparagraph (B), by striking
22 “or” at the end;

23 (iii) in subparagraph (C), by striking
24 the period at the end and inserting a semi-
25 colon; and

1 (iv) by inserting after subparagraph
2 (C) the following:

3 “(D) clarify State or local mandatory re-
4 porting policies and practices regarding peer-
5 on-peer dating violence, sexual assault, stalking,
6 and sex trafficking; or

7 “(E) develop, enlarge, or strengthen cul-
8 turally specific victim services and responses re-
9 lated to, and prevention of, female genital muti-
10 lation or cutting.”;

11 (B) in paragraph (2)—

12 (i) in subparagraph (A), by striking
13 “stalking, or sex trafficking” and inserting
14 “stalking, sex trafficking, or female genital
15 mutilation or cutting”;

16 (ii) in subparagraph (C), by inserting
17 “confidential” before “support services”;
18 and

19 (iii) in subparagraph (E), by inserting
20 after “programming for youth” the fol-
21 lowing: “, including youth in underserved
22 populations,”; and

23 (C) by adding at the end the following:

24 “(3) CHILDREN EXPOSED TO VIOLENCE AND
25 ABUSE.—To develop, maintain, or enhance programs

1 designed to prevent future incidents of domestic vio-
2 lence, dating violence, sexual assault, and stalking
3 by preventing, reducing and responding to children’s
4 exposure to violence in the home, including by—

5 “(A) providing services for children ex-
6 posed to domestic violence, dating violence, sex-
7 ual assault or stalking, including—

8 “(i) direct counseling or advocacy; and

9 “(ii) support for the non-abusing par-
10 ent; and

11 “(B) training and coordination for edu-
12 cational, after-school, and childcare programs
13 on how to—

14 “(i) safely and confidentially identify
15 children and families experiencing domestic
16 violence, dating violence, sexual assault, or
17 stalking; and

18 “(ii) properly refer children exposed
19 and their families to services and violence
20 prevention programs.

21 “(4) TEEN DATING VIOLENCE AWARENESS AND
22 PREVENTION.—To develop, maintain, or enhance
23 programs that change attitudes and behaviors
24 around the acceptability of domestic violence, dating
25 violence, sexual assault, and stalking and provide

1 education and skills training to young individuals
2 and individuals who influence young individuals,
3 which—

4 “(A) may include the use evidenced-based,
5 evidence-informed, or innovative strategies and
6 practices focused on youth; and

7 “(B) shall include—

8 “(i) age and developmentally-appro-
9 priate education on—

10 “(I) domestic violence;

11 “(II) dating violence;

12 “(III) sexual assault;

13 “(IV) stalking;

14 “(V) sexual coercion; and

15 “(VI) healthy relationship skills,
16 in school, in the community, or in
17 health care settings;

18 “(ii) community-based collaboration
19 and training for individuals with influence
20 on youth, such as parents, teachers, coach-
21 es, healthcare providers, faith leaders,
22 older teens, and mentors;

23 “(iii) education and outreach to
24 change environmental factors contributing

1 to domestic violence, dating violence, sex-
2 ual assault, and stalking; and

3 “(iv) policy development targeted to
4 prevention, including school-based policies
5 and protocols.”;

6 (2) in subsection (c)—

7 (A) in paragraph (1)(A)—

8 (i) by inserting “organization” after
9 “tribal nonprofit”; and

10 (ii) by inserting “Native Hawaiian or-
11 ganization, urban Indian organization,” be-
12 fore “or population-specific community-
13 based organization”; and

14 (B) in paragraph (2)(A), by striking
15 “paragraph (1)” and inserting “subparagraph
16 (A) or (B) of paragraph (1)”;

17 (3) in subsection (d)(3), by striking the period
18 at the end and inserting “, including training on
19 working with youth victims of domestic violence, dat-
20 ing violence, sexual assault, or sex trafficking in un-
21 derserved populations, if such youth are among
22 those being served.”; and

23 (4) in subsection (f), by striking “\$15,000,000
24 for each of fiscal years 2014 through 2018” and in-

1 serting “\$30,000,000 for each of fiscal years 2023
2 through 2027”.

3 **SEC. 303. GRANTS TO COMBAT VIOLENT CRIMES ON CAM-**
4 **PUSES.**

5 (a) IN GENERAL.—Section 304 of the Violence
6 Against Women and Department of Justice Reauthoriza-
7 tion Act of 2005 (34 U.S.C. 20125) is amended—

8 (1) in subsection (a)—

9 (A) by striking paragraph (2); and

10 (B) by redesignating paragraph (3) as
11 paragraph (2);

12 (2) in subsection (b)—

13 (A) by amending paragraph (2) to read as
14 follows:

15 “(2) To develop, strengthen, and implement
16 campus policies, protocols, and services that more ef-
17 fectively identify and respond to the crimes of do-
18 mestic violence, dating violence, sexual assault, and
19 stalking, including the use of technology to commit
20 these crimes, and to train campus administrators,
21 campus security personnel, and all participants in
22 the resolution process, including personnel from the
23 Title IX coordinator’s office, student conduct office,
24 and campus disciplinary or judicial boards on such

1 policies, protocols, and services that promote a
2 prompt, fair, and impartial investigation.”;

3 (B) by amending paragraph (3) to read as
4 follows:

5 “(3) To provide prevention and education pro-
6 gramming about domestic violence, dating violence,
7 sexual assault, and stalking, including technological
8 abuse and reproductive and sexual coercion, that is
9 age-appropriate, culturally relevant, ongoing, deliv-
10 ered in multiple venues on campus, accessible, pro-
11 motes respectful nonviolent behavior as a social
12 norm, and engages men and boys. Such program-
13 ming should be developed in partnership or collabo-
14 ratively with experts in intimate partner and sexual
15 violence prevention and intervention.”;

16 (C) in paragraph (9), by striking “and pro-
17 vide” and inserting “, provide, and dissemi-
18 nate”;

19 (D) in paragraph (10), by inserting after
20 “or adapt” the following: “and disseminate”;
21 and

22 (E) by inserting after paragraph (10) the
23 following:

24 “(11) To train campus health centers and ap-
25 propriate campus faculty, such as academic advisors

1 or professionals who deal with students on a daily
2 basis, on how to recognize and respond to domestic
3 violence, dating violence, sexual assault, and stalk-
4 ing, including training health providers on how to
5 provide universal education to all members of the
6 campus community on the impacts of violence on
7 health and unhealthy relationships and how pro-
8 viders can support ongoing outreach efforts.

9 “(12) To train campus personnel in how to use
10 a victim-centered, trauma-informed interview tech-
11 nique, which means asking questions of a student or
12 a campus employee who is reported to be a victim
13 of sexual assault, domestic violence, dating violence,
14 or stalking, in a manner that is focused on the expe-
15 rience of the reported victim, that does not judge or
16 blame the reported victim for the alleged crime, and
17 that is informed by evidence-based research on trau-
18 ma response. To the extent practicable, campus per-
19 sonnel shall allow the reported victim to participate
20 in a recorded interview and to receive a copy of the
21 recorded interview.

22 “(13) To develop and implement restorative
23 practices (as defined in section 40002(a) of the Vio-
24 lence Against Women Act of 1994 (34 U.S.C.
25 12291(a))).”;

1 (3) in subsection (c)(3), by striking “2014
2 through 2018” and inserting “2023 through 2027”;

3 (4) in subsection (d)—

4 (A) in paragraph (3)—

5 (i) in subparagraph (B), by striking
6 “for all incoming students” and inserting
7 “for all students”; and

8 (ii) by striking subparagraph (D) and
9 inserting the following:

10 “(D) The grantee shall train all partici-
11 pants in the resolution process, including the
12 campus disciplinary board, the title IX coordi-
13 nator’s office, and the student conduct office, to
14 respond effectively to situations involving do-
15 mestic violence, dating violence, sexual assault,
16 or stalking.”; and

17 (B) in paragraph (4)(C), by inserting after
18 “sex,” the following: “sexual orientation, gender
19 identity.”; and

20 (5) in subsection (e), by striking “\$12,000,000
21 for each of fiscal years 2014 through 2018” and in-
22 serting “\$15,000,000 for each of fiscal years 2023
23 through 2027, of which not less than 10 percent
24 shall be made available for grants to historically
25 Black colleges and universities”.

1 (b) REPORT ON BEST PRACTICES REGARDING DO-
2 MESTIC VIOLENCE, DATING VIOLENCE, SEXUAL AS-
3 SAULT, AND STALKING ON CAMPUSES.—Not later than 1
4 year after the date of enactment of this Act, the Secretary
5 of Education shall submit to Congress a report, which
6 shall include—

7 (1) an evaluation of programs, events, and edu-
8 cational materials related to domestic violence, dat-
9 ing violence, sexual assault, and stalking; and

10 (2) an assessment of best practices and guid-
11 ance from the evaluation described in paragraph (1),
12 which shall be made publicly available online to uni-
13 versities and college campuses to use as a resource.

14 **SEC. 304. STUDY ON STATE COVERAGE OF FORENSIC EX-**
15 **AMINATIONS AND RELATED COSTS FOL-**
16 **LOWING A SEXUAL ASSAULT.**

17 Not later than 270 days after the date of enactment
18 of this Act, the Comptroller General of the United States
19 shall issue a report to Congress on requirements and fund-
20 ing of States for forensic exams conducted after sexual
21 assaults and any related medical expenses, as applicable,
22 which shall include, with respect to each State—

23 (1) the total annual cost of conducting forensic
24 exams described in section 2010(b) of part T of title

1 I of the Omnibus Crime Control and Safe Streets
2 Act of 1968 (34 U.S.C. 10449(b));

3 (2) each funding source used to pay for the fo-
4 rensic exams described in section 2010(b) of part T
5 of title I of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (34 U.S.C. 10449(b));

7 (3) a description of any laws or policies of the
8 State to ensure that individuals do not receive bills
9 for all or part of the cost of forensic exams con-
10 ducted after sexual assaults, consistent with section
11 2010(b) of part T of title I of the Omnibus Crime
12 Control and Safe Streets Act of 1968 (34 U.S.C.
13 10449(b)), including any oversight to ensure those
14 individuals do not receive bills;

15 (4) an identification of any best practices imple-
16 mented by the State to ensure that individuals do
17 not receive bills for forensic exams conducted after
18 sexual assaults;

19 (5) any requirements under laws of the State
20 relating to payment for medical expenses and ancil-
21 lary costs relating to a sexual assault, which may in-
22 clude treatment of injuries associated with the as-
23 sault, imaging (including x-rays, MRIs, and CAT
24 scans), and other emergency medical care required

1 as a result of the sexual assault for which a victim
2 receives a forensic exam; and

3 (6) if a law of the State requires the State to
4 pay for the medical expenses described in paragraph
5 (5)—

6 (A) a detailed list of which medical ex-
7 penses require coverage;

8 (B) the total annual cost of medical ex-
9 penses relating to a sexual assault for which a
10 victim receives a forensic exam outside of the
11 cost of the forensic exam; and

12 (C) each funding source the State uses to
13 pay for medical expenses relating to a sexual
14 assault for which a victim receives a forensic
15 exam.

16 **TITLE IV—VIOLENCE**
17 **REDUCTION PRACTICES**

18 **SEC. 401. STUDY CONDUCTED BY THE CENTERS FOR DIS-**
19 **EASE CONTROL AND PREVENTION.**

20 Section 402 of the Violence Against Women and De-
21 partment of Justice Reauthorization Act of 2005 (42
22 U.S.C. 280b-4) is amended—

23 (1) in subsection (b), by striking “violence
24 against women” and inserting “violence against
25 adults, youth,”; and

1 (2) in subsection (c), by striking “the fiscal
2 years 2014 through 2018” and inserting “fiscal
3 years 2023 through 2027”.

4 **SEC. 402. SAVING MONEY AND REDUCING TRAGEDIES**
5 **THROUGH PREVENTION (SMART PREVEN-**
6 **TION) GRANTS.**

7 Section 41303 of the Violence Against Women Act
8 of 1994 (34 U.S.C. 12463) is amended—

9 (1) in subsection (a), by striking “taking a
10 comprehensive approach that focuses on youth, chil-
11 dren exposed to violence, and men” and inserting
12 “focusing on men and youth”;

13 (2) in subsection (b)—

14 (A) by striking “for the following pur-
15 poses:” and all that follows through “(3) EN-
16 GAGING MEN AS LEADERS AND MODELS.—To
17 develop” and inserting “to develop”; and

18 (B) by inserting “and youth” after “men”
19 the first 2 times it appears;

20 (3) in subsection (d)(3)—

21 (A) in subparagraph (A), by striking
22 “and” at the end;

23 (B) in subparagraph (B), by striking the
24 period at the end and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(C) include a focus on the unmet needs of
2 underserved populations.”;

3 (4) in subsection (f), by striking “\$15,000,000
4 for each of fiscal years 2014 through 2018” and in-
5 serting “\$20,000,000 for each of fiscal years 2023
6 through 2027”; and

7 (5) by striking subsection (g).

8 **TITLE V—STRENGTHENING THE**
9 **HEALTH CARE SYSTEM’S RE-**
10 **SPONSE**

11 **SEC. 501. GRANTS TO STRENGTHEN THE HEALTH CARE**
12 **SYSTEM’S RESPONSE TO DOMESTIC VIO-**
13 **LENCE, DATING VIOLENCE, SEXUAL ASSAULT,**
14 **AND STALKING.**

15 Section 399P of the Public Health Service Act (42
16 U.S.C. 280g–4) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1), by inserting “com-
19 munity health workers, violence prevention ad-
20 vocates working with health providers,” after
21 “health staff,”;

22 (B) in paragraph (2), by striking “for
23 medical” and all that follows through “stalking;
24 and” and inserting “for medical, psychology,
25 dental, social work, nursing, and other health

1 profession students, interns, residents, fellows,
2 or current health care providers (including mid-
3 wives and doulas);” and

4 (C) in paragraph (3)—

5 (i) by striking “response” and insert-
6 ing “capacity”;

7 (ii) by inserting “prevent and respond
8 to” after “(including behavioral and men-
9 tal health programs) to”; and

10 (iii) by striking the period at the end
11 and inserting a semicolon; and

12 (D) by adding at the end the following:

13 “(4) the development or enhancement and im-
14 plementation of training programs to improve the
15 capacity of early childhood programs to address do-
16 mestic violence, dating violence, sexual assault, and
17 stalking among families they serve; and

18 “(5) the development or enhancement and im-
19 plementation of comprehensive statewide strategies
20 for health and violence prevention programs to work
21 together to promote primary prevention of domestic
22 violence, dating violence, sexual assault, and stalk-
23 ing.”;

24 (2) in subsection (b)(1)—

25 (A) in subparagraph (A)(i)—

1 (i) by striking “to identify and pro-
2 vide” and inserting “to provide universal
3 education on healthy relationships and pro-
4 vide trauma-informed”; and

5 (ii) by striking “and” at the end;

6 (B) in subparagraph (A)(ii)—

7 (i) by striking “culturally competent
8 clinical training components” and inserting
9 “training components that center the expe-
10 riences of, and are developed in collabora-
11 tion with, culturally specific individuals
12 and American Indians and Alaska Natives,
13 and include community-defined practices
14 such as the use of doulas, midwives, and
15 traditional healers,”;

16 (ii) by inserting “(including labor and
17 sex trafficking)” after “other forms of vio-
18 lence and abuse”; and

19 (iii) by striking “disparities” and in-
20 serting “inequities”;

21 (C) in subparagraph (A), by inserting after
22 clause (ii) the following:

23 “(iii) are designed to be inclusive of
24 the experiences of all individuals, including
25 LGBT individuals, and include training on

1 improving equity and reducing disparities
2 in access to health care services and pre-
3 vention resources; and

4 “(iv) include training on the use of a
5 universal prevention education approach to
6 both prevent and respond to domestic vio-
7 lence, dating violence, sexual assault, or
8 stalking in health care settings;”;

9 (D) in subparagraph (B), in the matter
10 preceding clause (i), by striking “response of
11 the health care system” and inserting “capacity
12 of the health care system to prevent and re-
13 spond”;

14 (E) in subparagraph (B)(i)—

15 (i) by striking “identifying and re-
16 sponding to” inserting “identifying, re-
17 sponding to, and promoting prevention of”;

18 (ii) by inserting “during in-person or
19 virtual visits” after “and stalking”; and

20 (iii) by inserting “and to maximize
21 victim choice on the use and sharing of
22 their health information” before the semi-
23 colon at the end;

24 (F) in subparagraph (B)(ii)—

1 (i) by striking “on-site access to” and
2 all that follows through the semicolon at
3 the end and inserting the following: “serv-
4 ices to address the safety, medical, and
5 mental health needs of patients by—

6 “(I) increasing the capacity of
7 existing health care professionals (in-
8 cluding professionals who specialize in
9 trauma or in substance use disorders)
10 in behavioral and mental health care,
11 community health workers, and public
12 health staff to address domestic vio-
13 lence, dating violence, sexual assault,
14 stalking, and children exposed to vio-
15 lence;

16 “(II) contracting with or hiring
17 advocates for victims of domestic vio-
18 lence or sexual assault to provide such
19 services; or

20 “(III) providing funding to State
21 domestic and sexual violence coalitions
22 to improve the capacity of such coalitions to coordinate and support health
23 advocates and other health system
24 partnerships;”
25

1 (G) in subparagraph (B)(iii)—

2 (i) by striking “of identification” and
3 inserting “of prevention”;

4 (ii) by inserting “during in-person or
5 virtual visits” after “and stalking”; and

6 (iii) by striking “and” at the end;

7 (H) in subparagraph (B)(iv)—

8 (i) by inserting “and promote preven-
9 tion during in-person or virtual visits,”
10 after “or stalking,”; and

11 (ii) by striking the period at the end
12 and inserting a semicolon;

13 (I) in subparagraph (B), by adding at the
14 end the following:

15 “(v) the development, implementation,
16 dissemination, and evaluation of best prac-
17 tices, tools, and training materials, includ-
18 ing culturally relevant tools, for mental
19 health, behavioral health, and substance
20 use disorder professionals to identify and
21 respond to domestic violence, sexual vio-
22 lence, stalking, and dating violence; and

23 “(vi) the development and provision of
24 culturally relevant training and follow-up
25 technical assistance to health care profes-

1 sionals, and public health staff, and allied
2 health professionals to identify, assess,
3 treat, and refer clients who are victims of
4 domestic violence, dating violence, sexual
5 assault, or stalking from culturally specific
6 communities and promote prevention,
7 using tools and training materials, devel-
8 oped by and for culturally specific commu-
9 nities, with priority given to trainings pro-
10 vided by culturally specific organizations;
11 and”;

12 (J) by inserting after subparagraph (B)
13 the following:

14 “(C) design and implement comprehensive
15 strategies to prevent domestic or sexual violence
16 including through the use of universal education
17 in clinical and public health settings, hospitals,
18 clinics and other health settings.”;

19 (3) in subsection (b)(2)(A)—

20 (A) in the subparagraph heading, by strik-
21 ing “CHILD AND ELDER ABUSE” and inserting
22 “CHILD ABUSE AND ABUSE IN LATER LIFE”;
23 and

24 (B) by striking “child or elder abuse” and
25 inserting “child abuse or abuse in later life”;

1 (4) in subsection (b)(2)(C)(i), by striking “elder
2 abuse” and inserting “abuse in later life”;

3 (5) in subsection (b)(2)(C)(ii), by inserting
4 “programs that promote the prevention of sexual as-
5 sault as well as” after “implementation of”;

6 (6) in subsection (b)(2)(C)(iii)—

7 (A) by inserting “and exposure to violence
8 across generations” after “abuse”; and

9 (B) by striking “or” at the end;

10 (7) in subsection (b)(2)(C)(iv)—

11 (A) by inserting “mental health,” after
12 “dental,”; and

13 (B) by striking “exams.” and inserting
14 “exams and certifications,”;

15 (8) in subsection (b)(2)(C), by inserting after
16 clause (iv) the following:

17 “(v) providing funding to culturally
18 specific organizations to improve the ca-
19 pacity of such organizations to engage and
20 partner with health care providers to sup-
21 port victims and meet increased referrals
22 from health systems;

23 “(vi) developing a State-level pilot
24 program to—

1 “(I) improve the response of sub-
2 stance use disorder treatment pro-
3 grams, harm reduction programs for
4 people who use substances, and sys-
5 tems to domestic violence, dating vio-
6 lence, sexual assault, and stalking;

7 “(II) improve the capacity of
8 substance use disorder treatment pro-
9 grams, harm reduction programs for
10 people who use substances, and sys-
11 tems to serve survivors of domestic vi-
12 olence, dating violence, sexual assault,
13 and stalking dealing with substance
14 use disorder; and

15 “(III) improve the capacity of do-
16 mestic violence, dating violence, sexual
17 assault, and stalking programs to
18 serve survivors who have substance
19 use history; or

20 “(vii) developing and utilizing existing
21 technical assistance and training resources
22 to improve the capacity of substance use
23 disorder treatment programs and harm re-
24 duction programs for people who use sub-
25 stances to address domestic violence, dat-

1 ing violence, sexual assault, and stalking
2 among patients the programs serve.”;

3 (9) in subsection (c)(3)(A), by striking “given
4 to outcome based evaluations.” and inserting the fol-
5 lowing: “given to—

6 “(i) outcome based evaluations;

7 “(ii) culturally specific and population
8 specific organizations; and

9 “(iii) programs developing and imple-
10 menting community-driven solutions to ad-
11 dress domestic violence, dating violence,
12 sexual assault, or stalking.”;

13 (10) in subsection (c)(3)(B)(i)(III), by inserting
14 “, including a culturally specific organization or
15 community-based organization working to address
16 the social determinants of health,” after “nonprofit
17 entity”;

18 (11) in subsection (c)(3)(C)(ii)—

19 (A) by striking “strategies for” and insert-
20 ing the following: “strategies—

21 “(I) for”;

22 (B) by inserting “and generations” after
23 “lifespan”;

24 (C) by striking “settings;” and inserting
25 “settings; and”; and

1 (D) by adding at the end the following:

2 “(II) to address primary preven-
3 tion of domestic violence, dating vio-
4 lence, sexual assault, and stalking
5 over the lifespan and generations, in-
6 cluding strategies that address related
7 social determinants of health, eco-
8 nomic justice, and equity issues, and
9 that are inclusive of LGBT individ-
10 uals;”;

11 (12) in subsection (c)(3)(C)(iii), by striking
12 “State or tribal law enforcement task forces (where
13 appropriate)” and inserting “culturally specific orga-
14 nizations”;

15 (13) in subsection (c)(3)(C)(iv), by inserting
16 “(including culturally specific organizations)” after
17 “service providers”;

18 (14) in subsection (d)(2)(A)—

19 (A) by inserting “(including mental health
20 or substance abuse agencies)” after “of health”;

21 (B) by striking “or mental” and inserting
22 “or behavioral”; and

23 (C) by inserting “and substance use dis-
24 order prevention and treatment” before the
25 semicolon at the end;

1 (15) in subsection (d)(2)(B)—

2 (A) by inserting “behavioral health treat-
3 ment system,” after “hospital,”;

4 (B) by striking “or any other community-
5 based” and inserting “a community-based”; and

6 (C) by inserting “or substance use disorder
7 prevention and treatment, or a community-
8 based organization with a history of partnership
9 with programs in the field of domestic violence,
10 dating violence, sexual assault, or stalking and
11 health care, including physical or mental health
12 care or substance use disorder prevention and
13 treatment” after “mental health care”;

14 (16) in subsection (g)—

15 (A) by striking “\$10,000,000” and insert-
16 ing “\$20,000,000”; and

17 (B) by striking “2014 through 2018” and
18 inserting “2023 through 2027”; and

19 (17) in subsection (h)—

20 (A) by striking “herein”; and

21 (B) by striking “provided for”.

22 **SEC. 502. MATERNAL MORTALITY OR MORBIDITY STUDY.**

23 (a) STUDY.—The Secretary of Health and Human
24 Services, acting through the Director of the Centers for
25 Disease Control and Prevention and in consultation with

1 the Attorney General, the Director of the Indian Health
2 Service, and other stakeholders (including community
3 based organizations), shall conduct a study on the leading
4 causes of pregnancy-associated morbidity and mortality
5 and the extent which domestic violence, dating violence,
6 sexual assault, or stalking throughout the United States
7 contribute to the risk of maternal mortality or morbidity.

8 (b) REPORTS.—Not later than 3 years after the date
9 of enactment of this Act, the Secretary of Health and
10 Human Services, in consultation with the Attorney Gen-
11 eral, the Director of the Indian Health Service, and other
12 stakeholders (including community based organizations),
13 shall report to Congress on the study conducted under
14 subsection (a), which shall include the following:

15 (1) An analysis of the extent to which domestic
16 violence, dating violence, sexual assault, or stalking
17 contribute to pregnancy-associated morbidity and
18 mortality.

19 (2) An analysis of the impact of domestic vio-
20 lence, dating violence, sexual assault, or stalking on
21 access to health care.

22 (3) A breakdown of individuals particularly im-
23 pacted by domestic violence, dating violence, sexual
24 assault, or stalking, by race and ethnicity, disability
25 status, and sexual orientation and gender identity.

1 (4) An analysis of the impact of domestic vio-
2 lence, dating violence, sexual assault, or stalking on
3 Tribal communities and among Indians.

4 (5) An assessment of the factors that increase
5 risks for infant and maternal mortality or morbidity
6 among victims of domestic violence, dating violence,
7 sexual assault, or stalking.

8 (6) Recommendations for legislative or policy
9 changes to help reduce infant and maternal mor-
10 tality rates.

11 (7) Best practices to reduce pregnancy-related
12 deaths among survivors of domestic violence, dating
13 violence, sexual assault, or stalking.

14 (8) Any other information on maternal mor-
15 tality or morbidity the Secretary determines appro-
16 priate to include in the report.

17 **SEC. 503. UNDERSTANDING SEXUAL ASSAULT CARE IN**
18 **HEALTH SYSTEMS.**

19 (a) PURPOSE.—It is the purpose of this section to
20 identify areas for improvement in health care delivery sys-
21 tems providing forensic examinations to survivors of sex-
22 ual assault.

23 (b) GRANTS.—The Secretary of Health and Human
24 Services (referred to in this section as “the Secretary”)

1 shall award grants to States and Indian Tribes to develop
2 and implement State and Tribal surveys to identify—

3 (1) the availability of, and patient access to,
4 medical forensic examinations;

5 (2) the training level of the health care pro-
6 viders who perform medical forensic examinations;

7 (3) the hospitals or clinics that offer medical fo-
8 rensic examinations and whether each hospital or
9 clinic has full-time, part-time, or on-call coverage;

10 (4) barriers to medical forensic examinations
11 provided through sexual assault care and services;

12 (5) billing and reimbursement practices for
13 medical forensic examinations;

14 (6) State and Tribal requirements, minimum
15 standards, and protocols for training sexual assault
16 examiners for sexual assault forensic examiners and
17 for other personnel involved in medical forensic ex-
18 aminations;

19 (7) the availability of sexual assault forensic ex-
20 aminer training, the frequency of such training, the
21 providers of such training, the State's or Indian
22 Tribe's role in such training, and the processes or
23 procedures in place for continuing education of such
24 examiners; and

1 (8) the dedicated Federal and State funding
2 available to support sexual assault forensic examiner
3 training.

4 (c) ELIGIBILITY.—To be eligible to receive a grant
5 under this section, a State or Indian Tribe shall submit
6 to the Secretary an application through a competitive
7 process to be determined by the Secretary.

8 (d) PUBLIC DISSEMINATION AND CAMPAIGN.—

9 (1) PUBLIC AVAILABILITY.—The results of the
10 surveys conducted under grants awarded under this
11 section shall be published by the Secretary on the
12 website of the Department of Health and Human
13 Services on a biennial basis.

14 (2) CAMPAIGNS.—A State or Indian Tribe that
15 receives a grant under this section shall carry out
16 the following activities:

17 (A) Make the findings of the survey con-
18 ducted using amounts received under the grant
19 public, including a map showing health care
20 providers who perform medical forensic exami-
21 nations, based on the findings from the State
22 and Tribal surveys under subsection (b)(3).

23 (B) Use the findings to develop a strategic
24 action plan to increase the number of trained
25 medical forensic examiners available in the

1 State or Tribal community and create policies
2 to increase survivor access to trained exam-
3 iners.

4 (C) Use the findings to develop and imple-
5 ment a public awareness campaign that in-
6 cludes the following:

7 (i) An online toolkit describing how
8 and where sexual assault survivors can ob-
9 tain assistance and care, including medical
10 forensic examinations, in the State or
11 Tribal community.

12 (ii) A model standard response pro-
13 tocol for health care providers to imple-
14 ment upon arrival of a patient seeking care
15 for sexual assault.

16 (iii) A model sexual assault response
17 team protocol incorporating interdiscipli-
18 nary community coordination between hos-
19 pitals, emergency departments, hospital
20 administration, local rape crisis programs,
21 law enforcement, prosecuting attorneys,
22 and other health and human service agen-
23 cies and stakeholders with respect to deliv-
24 ering survivor-centered sexual assault care
25 and medical forensic examinations.

1 (iv) A notice of applicable laws pro-
2 hibiting charging or billing survivors of
3 sexual assault for care and services related
4 to sexual assault.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$7,000,000 for each of fiscal years 2023 through 2027.

8 **SEC. 504. NATIONAL REPORT ON SEXUAL ASSAULT SERV-**
9 **ICES IN OUR NATION'S HEALTH SYSTEM.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, and annually thereafter,
12 the Agency for Healthcare Research and Quality, in con-
13 sultation with the Centers for Medicare & Medicaid Serv-
14 ices, the Centers for Disease Control and Prevention, the
15 Health Resources and Services Administration, the Indian
16 Health Service, the Office for Victims of Crime of the De-
17 partment of Justice, the Office on Women's Health of the
18 Department of Health and Human Services, and the Of-
19 fice of Violence Against Women of the Department of Jus-
20 tice (collectively referred to in this section as the “Agen-
21 cies”), shall submit to the Secretary of Health and Human
22 Services (referred to in this section as “the Secretary”)
23 a report of existing Federal, Indian Tribe, and State prac-
24 tices relating to medical forensic examinations which may

1 include the findings of the surveys developed under section
2 503.

3 (b) CORE COMPETENCIES.—In conducting activities
4 under this section, the Agencies shall address sexual as-
5 sault forensic examination competencies, including—

6 (1) providing medical care to sexual assault pa-
7 tients;

8 (2) demonstrating the ability to conduct a med-
9 ical forensic examination, including an evaluation for
10 evidence collection;

11 (3) showing compassion and sensitivity towards
12 survivors of sexual assault;

13 (4) testifying in Federal, State, local, and Trib-
14 al courts; and

15 (5) other competencies, as the Agencies deter-
16 mine appropriate.

17 (c) PUBLICATION.—The Agency for Healthcare Re-
18 search and Quality shall establish, maintain, and publish
19 on the website of the Department of Health and Human
20 Services an online public map of availability of sexual as-
21 sault forensic examinations. Such maps shall clarify if
22 there is full-time, part-time, or on-call coverage.

23 (d) REPORT TO CONGRESS.—Not later than 60 days
24 after receiving the report described in subsection (a), the
25 Secretary shall submit to the Committee on Health, Edu-

1 cation, Labor, and Pensions of the Senate and the Com-
2 mittee on Energy and Commerce and the Committee on
3 Education and Labor of the House of Representatives rec-
4 ommendations for improving sexual assault forensic exam-
5 ination competencies based on the report described in sub-
6 section (a).

7 **SEC. 505. IMPROVING AND STRENGTHENING THE SEXUAL**
8 **ASSAULT EXAMINER WORKFORCE CLINICAL**
9 **AND CONTINUING EDUCATION PILOT PRO-**
10 **GRAM.**

11 (a) **PURPOSE.**—It is the purpose of this section to
12 establish a pilot program to develop, test, and implement
13 training and continuing education that expands and sup-
14 ports the availability of medical forensic examination serv-
15 ices for survivors of sexual assault.

16 (b) **ESTABLISHMENT.**—

17 (1) **IN GENERAL.**—Not later than 1 year after
18 the date of enactment of this Act, the Secretary of
19 Health and Human Services (referred to in this sec-
20 tion as “the Secretary”) shall establish a National
21 Continuing and Clinical Education Pilot Program
22 for sexual assault forensic examiners, sexual assault
23 nurse examiners, and other individuals who perform
24 medical forensic examinations.

1 (2) CONSULTATION.—In establishing such pro-
2 gram, the Secretary shall consult with the Centers
3 for Medicare & Medicaid Services, the Centers for
4 Disease Control and Prevention, the Health Re-
5 sources and Services Administration, the Indian
6 Health Service, the Office for Victims of Crime of
7 the Department of Justice, the Office on Violence
8 Against Women of the Department of Justice, and
9 the Office on Women’s Health of the Department of
10 Health and Human Services, and shall solicit input
11 from regional, national, and Tribal organizations
12 with expertise in forensic nursing, rape trauma or
13 crisis counseling, investigating rape and gender vio-
14 lence cases, survivors’ advocacy and support, sexual
15 assault prevention education, rural health, and re-
16 sponding to sexual violence in Tribal communities.

17 (c) FUNCTIONS.—The pilot program established
18 under subsection (b) shall develop, pilot, implement, and
19 update, as appropriate, continuing and clinical education
20 program modules, webinars, and programs for all hos-
21 pitals and providers to increase access to medical forensic
22 examination services and address ongoing competency
23 issues in medical forensic examination services, includ-
24 ing—

1 (1) training and continuing education to help
2 support sexual assault forensic examiners practicing
3 in rural or underserved areas;

4 (2) training to help connect sexual assault sur-
5 vivors who are Indian with sexual assault forensic
6 examiners, including through emergency first aid,
7 referrals, culturally competent support, and forensic
8 evidence collection in rural communities;

9 (3) replication of successful sexual assault fo-
10 rensic examination programs to help develop and im-
11 prove the evidence base for medical forensic exami-
12 nations; and

13 (4) training to increase the number of medical
14 professionals who are considered sexual assault fo-
15 rensic examiners based on the recommendations of
16 the National Sexual Assault Forensic Examination
17 Training Standards issued by the Office on Violence
18 Against Women of the Department of Justice.

19 (d) **ELIGIBILITY TO PARTICIPATE IN PILOT PRO-**
20 **GRAMS.**—The Secretary shall ensure that medical forensic
21 examination services provided under the pilot program es-
22 tablished under subsection (b), and other medical forensic
23 examiner services under the pilot program are provided
24 by health care providers who are also one of the following:

25 (1) A physician, including a resident physician.

1 (2) A nurse practitioner.

2 (3) A nurse midwife.

3 (4) A physician assistant.

4 (5) A certified nurse specialist.

5 (6) A registered nurse.

6 (7) A community health practitioner or a com-
7 munity health aide who has completed level III or
8 level IV certification and training requirements.

9 (e) NATURE OF TRAINING.—The continuing edu-
10 cation program established under this section shall incor-
11 porate and reflect current best practices and standards on
12 medical forensic examination services consistent with the
13 purpose of this section.

14 (f) AVAILABILITY.—After termination of the pilot
15 program established under subsection (b)(1), the training
16 and continuing education program established under such
17 program shall be available to all sexual assault forensic
18 examiners and other providers employed by, or any indi-
19 vidual providing services through, facilities that receive
20 Federal funding.

21 (g) EFFECTIVE DATE.—The pilot program estab-
22 lished under this section shall terminate on the date that
23 is 2 years after the date of such establishment.

1 (h) AUTHORIZATION.—There are authorized to be ap-
2 propriated to carry out this section \$5,000,000 for each
3 of fiscal years 2023 through 2025.

4 **SEC. 506. EXPANDING ACCESS TO UNIFIED CARE.**

5 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
6 of Health and Human Services (referred to in this section
7 as the “Secretary”) shall establish a program (referred to
8 in this section as the “program”) to award grants to eligi-
9 ble entities for the clinical training of sexual assault foren-
10 sic examiners (including registered nurses, nurse practi-
11 tioners, nurse midwives, clinical nurse specialists, physi-
12 cian assistants, and physicians) to administer medical fo-
13 rensic examinations and treatments to survivors of sexual
14 assault.

15 (b) PURPOSE.—The purpose of the program is to en-
16 able each grant recipient to expand access to medical fo-
17 rensic examination services by providing new providers
18 with the clinical training necessary to establish and main-
19 tain competency in such services and to test the provisions
20 of such services at new facilities in expanded health care
21 settings.

22 (c) GRANTS.—Under the program, the Secretary
23 shall award 3-year grants to eligible entities that meet the
24 requirements established by the Secretary.

1 (d) ELIGIBLE ENTITIES.—To be eligible to receive a
2 grant under this section, an entity shall—

3 (1) be—

4 (A) a safety net clinic acting in partner-
5 ship with a high-volume emergency services pro-
6 vider or a hospital currently providing sexual
7 assault medical forensic examinations per-
8 formed by sexual assault forensic examiners,
9 that will use grant funds to—

10 (i) assign rural health care service
11 providers to the high-volume hospitals for
12 clinical practicum hours to qualify such
13 providers as sexual assault forensic exam-
14 iners; or

15 (ii) assign practitioners at high-vol-
16 ume hospitals to rural health care services
17 providers to instruct, oversee, and approve
18 clinical practicum hours in the community
19 to be served;

20 (B) an organization described in section
21 501(c)(3) of the Internal Revenue Code of 1986
22 and exempt from taxation under 501(a) of such
23 Code, that provides legal training and technical
24 assistance to Tribal communities and to organi-
25 zations and agencies serving Indians; or

1 (C) an Indian Tribe (as defined in section
2 4 of the Indian Self-Determination and Edu-
3 cation Assistance Act (25 U.S.C. 5304)); and

4 (2) submit to the Secretary an application at
5 such time, in such manner, and containing such in-
6 formation as the Secretary may require, including a
7 description of whether the applicant will provide
8 services described in subparagraph (A) or (B) of
9 paragraph (1).

10 (e) GRANT AMOUNT.—Each grant awarded under
11 this section shall be in an amount not to exceed \$400,000
12 per year. A grant recipient may carry over funds from one
13 fiscal year to the next without obtaining approval from
14 the Secretary.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to carry out this section \$10,000,000
18 for each of fiscal years 2023 through 2027.

19 (2) SET-ASIDE.—Of the amount appropriated
20 under this subsection for a fiscal year, the Secretary
21 shall reserve 15 percent of such amount for purposes
22 of making grants to entities that are affiliated with
23 Indian Tribes or Tribal organizations (as defined in
24 section 4 of the Indian Self-Determination and Edu-
25 cation Assistance Act (25 U.S.C. 5304)), or Urban

1 Indian organizations (as defined in section 4 of the
2 Indian Health Care Improvement Act (25 U.S.C.
3 1603)). Amounts reserved may be used to support
4 referrals and the delivery of emergency first aid, cul-
5 turally competent support, and forensic evidence col-
6 lection training.

7 **SEC. 507. EXPANDING ACCESS TO FORENSICS FOR VICTIMS**
8 **OF INTERPERSONAL VIOLENCE.**

9 (a) DEFINITIONS.—In this section:

10 (1) COMMUNITY HEALTH AIDE; COMMUNITY
11 HEALTH PRACTITIONER.—The terms “community
12 health aide” and “community health practitioner”
13 have the meanings given such terms for purposes of
14 section 119 of the Indian Health Care Improvement
15 Act (25 U.S.C. 1616l).

16 (2) HEALTH CARE PROVIDER.—The term
17 “health care provider” has the meaning given such
18 term by the Secretary, and includes registered
19 nurses, nurse practitioners, nurse midwives, clinical
20 nurse specialists, physician assistants, and physi-
21 cians.

22 (3) INDIAN TRIBE; TRIBAL ORGANIZATION.—
23 The terms “Indian Tribe” and “Tribal organiza-
24 tion” shall have the meanings given such terms in

1 section 4 of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 5304).

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

7 (5) INTERPERSONAL VIOLENCE.—The term
8 “interpersonal violence” means any form of violence
9 that is emotional and trauma-inducing for victims,
10 families of victims, perpetrators, and communities.

11 (6) NATIVE HAWAIIAN ORGANIZATION.—The
12 term “Native Hawaiian organization” has the mean-
13 ing given such term in section 12 of the Native Ha-
14 waiian Health Care Improvement Act (42 U.S.C.
15 11711).

16 (7) SECRETARY.—The term “Secretary” means
17 the Secretary of Health and Human Services.

18 (8) TRAUMA-INFORMED CARE.—The term
19 “trauma-informed care” means care received by
20 trauma survivors that is culturally competent in ac-
21 cordance with professional standards of practice and
22 accounting for patients’ experiences and preferences
23 in order to eliminate or mitigate triggers that may
24 cause re-traumatization of the patient.

1 (9) URBAN INDIAN ORGANIZATION.—The term
2 “Urban Indian organization” has the meaning given
3 such term in section 4 of the Indian Health Care
4 Improvement Act (25 U.S.C. 1603).

5 (b) DEMONSTRATION GRANTS FOR COMPREHENSIVE
6 FORENSIC TRAINING.—

7 (1) ESTABLISHMENT OF PROGRAM.—The Sec-
8 retary shall establish a demonstration program to
9 award grants to eligible entities for the clinical
10 training of health care providers to provide gener-
11 alist forensic services and trauma-informed care to
12 survivors of interpersonal violence of all ages.

13 (2) PURPOSE.—The purpose of the demonstra-
14 tion program under this subsection is to develop
15 training and curriculum to provide health care pro-
16 viders with the skills to support the provision of fo-
17 rensic assessment and trauma-informed care to indi-
18 viduals, families, and communities that have experi-
19 enced violence or trauma and to be available to col-
20 laborate with members of an inter-professional fo-
21 rensic team.

22 (3) TERM.—Grants under this subsection shall
23 be for a term of 5 years.

24 (4) ELIGIBLE ENTITIES.—To be eligible to re-
25 ceive a grant under this subsection, an entity shall—

1 (A) be an institute of higher education, in-
2 cluding a minority serving institution as de-
3 scribed in section 371 of the Higher Education
4 Act of 1965 (20 U.S.C. 1067q); and

5 (B) submit to the Secretary an application
6 at such time, in such manner, and containing
7 such information as the Secretary may require.

8 (5) GRANT AMOUNT.—Each grant awarded
9 under this subsection shall be in an amount that
10 does not exceed \$400,000 per year. A grant recipi-
11 ent may carry over funds from one fiscal year to the
12 next without obtaining approval from the Secretary.

13 (6) AUTHORIZATION OF APPROPRIATIONS.—

14 (A) IN GENERAL.—There is authorized to
15 be appropriated to carry out this subsection
16 \$5,000,000 for each of fiscal years 2023
17 through 2027.

18 (B) SET-ASIDE.—Of the amount appro-
19 priated under this paragraph for a fiscal year,
20 the Secretary shall reserve 10 percent for pur-
21 poses of making grants to support training and
22 curricula that addresses the unique needs of In-
23 dian Tribes, Tribal organizations, Urban Indian
24 organizations, and Native Hawaiian organiza-
25 tions. Amounts so reserved may be used to sup-

1 port training, referrals, and the delivery of
2 emergency first aid, culturally competent sup-
3 port, and forensic evidence collection training.

4 (c) TECHNICAL ASSISTANCE GRANTS AND LEARNING
5 COLLECTIVES.—

6 (1) IN GENERAL.—The Secretary shall establish
7 a State and Tribal forensic provider technical re-
8 source center to provide technical assistance and
9 support collaboration and best practices for health
10 care providers, community health aides, and commu-
11 nity health practitioners to improve the quality of,
12 and increase access to, forensic services for all sur-
13 vivors of interpersonal violence. The Secretary may
14 enter into contracts with national experts for pur-
15 poses of carrying out this subsection.

16 (2) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated to carry out
18 this subsection, \$2,000,000 for each of fiscal years
19 2023 through 2027.

20 (d) NATIONAL REPORT.—Not later than 1 year after
21 the date of enactment of this Act, and annually thereafter,
22 the Office for Victims of Crime of the Department of Jus-
23 tice, the Centers for Disease Control and Prevention, the
24 Health Resources and Services Administration, the Indian
25 Health Service, the Office on Women’s Health of the De-

1 partment of Health and Human Services, and the Office
2 on Violence Against Women of the Department of Justice
3 shall jointly submit to the Secretary a report on the need
4 for, throughout the States, Indian Tribes, and terri-
5 tories—

6 (1) access to generalist medical forensic serv-
7 ices, evidence collection, and documentation that
8 aids in meeting the needs of health care patients and
9 improves future law enforcement investigation and
10 prosecution; and

11 (2) data for research to support the response to
12 and prevention of interpersonal violence, improved
13 ability of health care providers to adequately re-
14 spond to patients who exhibit signs of victimization,
15 and address the unique needs of Tribal communities.

16 **TITLE VI—SAFE HOMES FOR**
17 **VICTIMS**

18 **SEC. 601. HOUSING PROTECTIONS FOR VICTIMS OF DOMES-**
19 **TIC VIOLENCE, DATING VIOLENCE, SEXUAL**
20 **ASSAULT, AND STALKING.**

21 Section 41411(a) of the Violence Against Women Act
22 of 1994 (34 U.S.C. 12491(a)) is amended—

23 (1) in paragraph (1)(A), by striking “brother,
24 sister,” and inserting “sibling,”; and

25 (2) in paragraph (3)—

1 (A) in subparagraph (A), by inserting be-
2 fore the semicolon at the end the following: “,
3 including the direct loan program under such
4 section”;

5 (B) in subparagraph (D), by striking “the
6 program under subtitle A of” and inserting
7 “the programs under”;

8 (C) in subparagraph (I)—

9 (i) by striking “sections 514, 515,
10 516, 533, and 538 of the Housing Act of
11 1949 (42 U.S.C. 1484, 1485, 1486,
12 1490m, and 1490p-2)” and inserting “sec-
13 tions 514, 515, 516, 533, 538, and 542 of
14 the Housing Act of 1949 (42 U.S.C. 1484,
15 1485, 1486, 1490m, 1490p-2, 1490r)”;
16 and

17 (ii) by striking “and” at the end;

18 (D) in subparagraph (J), by striking the
19 period at the end and inserting a semicolon;
20 and

21 (E) by adding at the end the following:

22 “(K) the provision of assistance from the
23 Housing Trust Fund established under section
24 1338 of the Federal Housing Enterprises Fi-

1 nancial Safety and Soundness Act of 1992 (12
2 U.S.C. 4501);

3 “(L) the provision of assistance for hous-
4 ing under the Comprehensive Service Programs
5 for Homeless Veterans program under sub-
6 chapter II of chapter 20 of title 38, United
7 States Code;

8 “(M) the provision of assistance for hous-
9 ing and facilities under the grant program for
10 homeless veterans with special needs under sec-
11 tion 2061 of title 38, United States Code;

12 “(N) the provision of assistance for perma-
13 nent housing under the program for financial
14 assistance for supportive services for very low-
15 income veteran families in permanent housing
16 under section 2044 of title 38, United States
17 Code;

18 “(O) the provision of transitional housing
19 assistance for victims of domestic violence, dat-
20 ing violence, sexual assault, or stalking under
21 the grant program under chapter 11 of subtitle
22 B; and

23 “(P) any other Federal housing programs
24 providing affordable housing to low- and mod-
25 erate-income persons by means of restricted

1 rents or rental assistance, or more generally
2 providing affordable housing opportunities, as
3 identified by the appropriate agency through
4 regulations, notices, or any other means.”.

5 **SEC. 602. ENSURING COMPLIANCE AND IMPLEMENTATION;**
6 **PROHIBITING RETALIATION AGAINST VIC-**
7 **TIMS.**

8 Chapter 2 of subtitle N of title IV of the Violence
9 Against Women Act of 1994 (34 U.S.C. 12491 et seq.)
10 is amended by inserting after section 41411 the following:

11 **“SEC. 41412. COMPLIANCE REVIEWS.**

12 “(a) **REGULAR COMPLIANCE REVIEWS.**—

13 “(1) **IN GENERAL.**—Each appropriate agency
14 shall establish a process by which to review compli-
15 ance with the requirements of this subtitle, which
16 shall—

17 “(A) where possible, be incorporated into
18 other existing compliance review processes of
19 the appropriate agency, in consultation with the
20 Gender-based Violence Prevention Office and
21 Violence Against Women Act Director described
22 in section 41413 and any other relevant offi-
23 cials of the appropriate agency; and

24 “(B) examine—

1 “(i) compliance with requirements
2 prohibiting the denial of assistance, ten-
3 ancy, or occupancy rights on the basis of
4 domestic violence, dating violence, sexual
5 assault, or stalking;

6 “(ii) compliance with confidentiality
7 provisions set forth in section 41411(c)(4);

8 “(iii) compliance with the notification
9 requirements set forth in section
10 41411(d)(2);

11 “(iv) compliance with the provisions
12 for accepting documentation set forth in
13 section 41411(c);

14 “(v) compliance with emergency trans-
15 fer requirements set forth in section
16 41411(e); and

17 “(vi) compliance with the prohibition
18 on retaliation set forth in section 41414.

19 “(2) FREQUENCY.—Each appropriate agency
20 shall conduct the review described in paragraph (1)
21 on a regular basis, as determined by the appropriate
22 agency.

23 “(b) REGULATIONS.—

24 “(1) IN GENERAL.—Not later than 2 years
25 after the date of enactment of the Violence Against

1 Women Act Reauthorization Act of 2022, each ap-
2 propriate agency shall issue regulations in accord-
3 ance with section 553 of title 5, United States Code,
4 to implement subsection (a) of this section, which
5 shall—

6 “(A) define standards of compliance under
7 covered housing programs;

8 “(B) include detailed reporting require-
9 ments, including the number of emergency
10 transfers requested and granted, as well as the
11 length of time needed to process emergency
12 transfers; and

13 “(C) include standards for corrective ac-
14 tion plans where compliance standards have not
15 been met.

16 “(2) CONSULTATION.—In developing the regu-
17 lations under paragraph (1), an appropriate agency
18 shall engage in additional consultation with appro-
19 priate stakeholders including, as appropriate—

20 “(A) individuals and organizations with ex-
21 pertise in the housing needs and experiences of
22 victims of domestic violence, dating violence,
23 sexual assault and stalking; and

24 “(B) individuals and organizations with ex-
25 pertise in the administration or management of

1 covered housing programs, including industry
2 stakeholders and public housing agencies.

3 “(c) PUBLIC DISCLOSURE.—Each appropriate agen-
4 cy shall ensure that an agency-level assessment of the in-
5 formation collected during the compliance review process
6 completed pursuant to this subsection—

7 “(1) includes an evaluation of each topic identi-
8 fied in subsection (a); and

9 “(2) is made publicly available.

10 **“SEC. 41413. DEPARTMENT OF HOUSING AND URBAN DE-**
11 **VELOPMENT GENDER-BASED VIOLENCE PRE-**
12 **VENTION OFFICE AND VIOLENCE AGAINST**
13 **WOMEN ACT DIRECTOR.**

14 “(a) ESTABLISHMENT.—The Secretary of Housing
15 and Urban Development shall establish a Gender-based
16 Violence Prevention Office with a Violence Against
17 Women Act Director (in this section referred to as the
18 ‘Director’).

19 “(b) DUTIES.—The Director shall, among other du-
20 ties—

21 “(1) support implementation of this chapter;

22 “(2) coordinate with Federal agencies on legis-
23 lation, implementation, and other issues affecting
24 the housing provisions under this subtitle, as well as
25 other issues related to advancing housing protections

1 for victims of domestic violence, dating violence, sexual
2 assault, and stalking;

3 “(3) coordinate with State and local govern-
4 ments and agencies, including State housing finance
5 agencies, regarding advancing housing protections
6 and access to housing for victims of domestic vio-
7 lence, dating violence, sexual assault, and stalking;

8 “(4) ensure that technical assistance and sup-
9 port are provided to each appropriate agency and
10 housing providers regarding implementation of this
11 subtitle, as well as other issues related to advancing
12 housing protections for victims of domestic violence,
13 dating violence, sexual assault, and stalking, includ-
14 ing compliance with this subtitle;

15 “(5) implement internal systems to track, mon-
16 itor, and address compliance failures; and

17 “(6) address the housing needs and barriers
18 faced by victims of sexual assault, as well as sexual
19 coercion and sexual harassment by a public housing
20 agency or owner or manager of housing assisted
21 under a covered housing program.

22 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this section
24 such sums as may be necessary for fiscal years 2023
25 through 2027.

1 **“SEC. 41414. PROHIBITION ON RETALIATION.**

2 “(a) NON-RETALIATION REQUIREMENT.—No public
3 housing agency or owner or manager of housing assisted
4 under a covered housing program shall discriminate
5 against any person because that person has opposed any
6 act or practice made unlawful by this subtitle, or because
7 that person testified, assisted, or participated in any mat-
8 ter related to this chapter.

9 “(b) PROHIBITION ON COERCION.—No public hous-
10 ing agency or owner or manager of housing assisted under
11 a covered housing program shall coerce, intimidate, threat-
12 en, or interfere with, or retaliate against, any person in
13 the exercise or enjoyment of, on account of the person hav-
14 ing exercised or enjoyed, or on account of the person hav-
15 ing aided or encouraged any other person in the exercise
16 or enjoyment of, any rights or protections under this chap-
17 ter, including—

18 “(1) intimidating or threatening any person be-
19 cause that person is assisting or encouraging a per-
20 son entitled to claim the rights or protections under
21 this chapter; and

22 “(2) retaliating against any person because that
23 person has participated in any investigation or ac-
24 tion to enforce this chapter.

25 “(c) IMPLEMENTATION.—The Secretary of Housing
26 and Urban Development and the Attorney General shall

1 implement and enforce this chapter consistent with, and
2 in a manner that provides, the rights and remedies pro-
3 vided for in title VIII of the Civil Rights Act of 1968 (42
4 U.S.C. 3601 et seq.).”.

5 **SEC. 603. PROTECTING THE RIGHT TO REPORT CRIME**
6 **FROM ONE’S HOME.**

7 Chapter 2 of subtitle N of title IV of the Violence
8 Against Women Act of 1994 (34 U.S.C. 12491 et seq.),
9 as amended by this Act, is further amended by inserting
10 after section 41414 the following:

11 **“SEC. 41415. RIGHT TO REPORT CRIME AND EMERGENCIES**
12 **FROM ONE’S HOME.**

13 “(a) DEFINITION.—In this section, the term ‘covered
14 governmental entity’ means any municipal, county, or
15 State government that receives funding under section 106
16 of the Housing and Community Development Act of 1974
17 (42 U.S.C. 5306).

18 “(b) RIGHT TO REPORT.—

19 “(1) IN GENERAL.—Landlords, homeowners,
20 tenants, residents, occupants, and guests of, and ap-
21 plicants for, housing—

22 “(A) shall have the right to seek law en-
23 forcement or emergency assistance on their own
24 behalf or on behalf of another person in need
25 of assistance; and

1 “(B) shall not be penalized based on their
2 requests for assistance or based on criminal ac-
3 tivity of which they are a victim or otherwise
4 not at fault under statutes, ordinances, regula-
5 tions, or policies adopted or enforced by covered
6 governmental entities.

7 “(2) PROHIBITED PENALTIES.—Penalties that
8 are prohibited under paragraph (1) include—

9 “(A) actual or threatened assessment of
10 monetary or criminal penalties, fines, or fees;

11 “(B) actual or threatened eviction;

12 “(C) actual or threatened refusal to rent
13 or renew tenancy;

14 “(D) actual or threatened refusal to issue
15 an occupancy permit or landlord permit; and

16 “(E) actual or threatened closure of the
17 property, or designation of the property as a
18 nuisance or a similarly negative designation.

19 “(c) REPORTING.—Consistent with the process de-
20 scribed in section 104(b) of the Housing and Community
21 Development Act of 1974 (42 U.S.C. 5304(b)), covered
22 governmental entities shall—

23 “(1) report any of their laws or policies, or, as
24 applicable, the laws or policies adopted by sub-
25 grantees, that impose penalties on landlords, home-

1 owners, tenants, residents, occupants, guests, or
2 housing applicants based on requests for law en-
3 forcement or emergency assistance or based on
4 criminal activity that occurred at a property; and

5 “(2) certify that they are in compliance with
6 the protections under this subtitle or describe the
7 steps the covered governmental entities will take
8 within 180 days to come into compliance, or to en-
9 sure compliance among subgrantees.

10 “(d) IMPLEMENTATION.—The Secretary of Housing
11 and Urban Development and the Attorney General shall
12 implement and enforce this chapter consistent with, and
13 in a manner that provides, the same rights and remedies
14 as those provided for in title VIII of the Civil Rights Act
15 of 1968 (42 U.S.C. 3601 et seq.).

16 “(e) SUBGRANTEES.—For those covered govern-
17 mental entities that distribute funds to subgrantees, com-
18 pliance with subsection (c)(1) includes inquiring about the
19 existence of laws and policies adopted by subgrantees that
20 impose penalties on landlords, homeowners, tenants, resi-
21 dents, occupants, guests, or housing applicants based on
22 requests for law enforcement or emergency assistance or
23 based on criminal activity that occurred at a property.”.

1 **SEC. 604. TRANSITIONAL HOUSING ASSISTANCE GRANTS**
2 **FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-**
3 **ING VIOLENCE, SEXUAL ASSAULT, OR STALK-**
4 **ING.**

5 Section 40299 of the Violence Against Women Act
6 of 1994 (34 U.S.C. 12351) is amended—

7 (1) in subsection (a), in the matter preceding
8 paragraph (1)—

9 (A) by striking “the Director of the Vio-
10 lence Against Women Office” and inserting
11 “the Director of the Office on Violence Against
12 Women”; and

13 (B) by inserting after “, other nonprofit,
14 nongovernmental organizations” the following:
15 “, population-specific organizations”; and

16 (2) in subsection (g)—

17 (A) in paragraph (1), by striking “2014
18 through 2018” and inserting “2023 through
19 2027”;

20 (B) by striking paragraph (2);

21 (C) by redesignating paragraph (3) as
22 paragraph (2); and

23 (D) in paragraph (2)(B), as so redesi-
24 gnated, by striking “0.25 percent” and inserting
25 “0.5 percent”.

1 **SEC. 605. ADDRESSING THE HOUSING NEEDS OF VICTIMS**
2 **OF DOMESTIC VIOLENCE, DATING VIOLENCE,**
3 **SEXUAL ASSAULT, AND STALKING.**

4 (a) MCKINNEY-VENTO HOMELESS ASSISTANCE
5 GRANTS.—The McKinney-Vento Homeless Assistance Act
6 (42 U.S.C. 11301 et seq.) is amended—

7 (1) in section 103 (42 U.S.C. 11302), by
8 amending subsection (b) to read as follows:

9 “(b) DOMESTIC VIOLENCE, DATING VIOLENCE, SEX-
10 UAL ASSAULT, STALKING, AND OTHER DANGEROUS,
11 TRAUMATIC, OR LIFE-THREATENING CONDITIONS RELAT-
12 ING TO SUCH VIOLENCE.—Notwithstanding any other
13 provision of this section, the Secretary shall consider to
14 be homeless any individual or family who—

15 “(1) is experiencing trauma or a lack of safety
16 related to, or fleeing or attempting to flee, domestic
17 violence, dating violence, sexual assault, stalking, or
18 other dangerous, traumatic, or life-threatening con-
19 ditions related to the violence against the individual
20 or a family member in the individual’s or family’s
21 current housing situation, including where the health
22 and safety of children are jeopardized;

23 “(2) has no other safe residence; and

24 “(3) lacks the resources to obtain other safe
25 permanent housing.”; and

1 (2) in section 423(a) (42 U.S.C. 11383(a)), by
2 adding at the end the following:

3 “(13) Facilitating and coordinating activities to
4 ensure compliance with subsection (e) of section
5 41411 of the Violence Against Women Act of 1994
6 (34 U.S.C. 12491) and monitoring compliance with
7 the confidentiality protections of subsection (c)(4) of
8 such section.”.

9 (b) COLLABORATIVE GRANTS TO INCREASE THE
10 LONG-TERM STABILITY OF VICTIMS.—Section 41404(i) of
11 the Violence Against Women Act of 1994 (34 U.S.C.
12 12474(i)) is amended by striking “2014 through 2018”
13 and inserting “2023 through 2027”.

14 (c) GRANTS TO COMBAT VIOLENCE AGAINST WOMEN
15 IN PUBLIC AND ASSISTED HOUSING.—Section 41405 of
16 the Violence Against Women Act of 1994 (34 U.S.C.
17 12475) is amended—

18 (1) in subsection (b)(1), by striking “the Direc-
19 tor of the Violence Against Women Office” and in-
20 serting “the Director of the Office on Violence
21 Against Women”;

22 (2) in subsection (c)(2)(D), by inserting after
23 “linguistically and culturally specific service pro-
24 viders,” the following: “population-specific organiza-
25 tions,”; and

1 trafficking” has the meaning given the term “victim
2 of a severe form of trafficking” in section 103 of the
3 Trafficking Victims Protection Act of 2000 (22
4 U.S.C. 7102).

5 (2) SURVIVOR OF TRAFFICKING.—The term
6 “survivor of trafficking” has the meaning given the
7 term “victim of trafficking” in section 103 of the
8 Trafficking Victims Protection Act of 2000 (22
9 U.S.C. 7102).

10 (b) STUDY.—

11 (1) IN GENERAL.—The Secretary of Housing
12 and Urban Development shall conduct a study as-
13 sessing the availability and accessibility of housing
14 and services for individuals experiencing homeless-
15 ness or housing instability who are—

16 (A) survivors of trafficking, including sur-
17 vivors of a severe form of trafficking; or

18 (B) at risk of being trafficked.

19 (2) COORDINATION AND CONSULTATION.—In
20 conducting the study required under paragraph (1),
21 the Secretary shall—

22 (A) coordinate with—

23 (i) the Interagency Task Force to
24 Monitor and Combat Trafficking estab-
25 lished under section 105 of the Trafficking

1 Victims Protection Act of 2000 (22 U.S.C.
2 7103);

3 (ii) the United States Advisory Coun-
4 cil on Human Trafficking;

5 (iii) the Secretary of Health and
6 Human Services; and

7 (iv) the Attorney General; and

8 (B) consult with—

9 (i) the National Advisory Committee
10 on the Sex Trafficking of Children and
11 Youth in the United States;

12 (ii) survivors of trafficking;

13 (iii) direct service providers, includ-
14 ing—

15 (I) organizations serving runaway
16 and homeless youth;

17 (II) organizations serving sur-
18 vivors of trafficking through commu-
19 nity-based programs; and

20 (III) organizations providing
21 housing services to survivors of traf-
22 ficking; and

23 (iv) housing and homelessness assist-
24 ance providers, including recipients of
25 grants under—

1 (I) the Continuum of Care pro-
2 gram authorized under subtitle C of
3 title IV of the McKinney-Vento Home-
4 less Assistance Act (42 U.S.C. 11381
5 et seq.); and

6 (II) the Emergency Solutions
7 Grants program authorized under
8 subtitle B of title IV of the McKin-
9 ney-Vento Homeless Assistance Act
10 (42 U.S.C. 11371 et seq.).

11 (3) CONTENTS.—The study conducted pursuant
12 to paragraph (1) shall include—

13 (A) with respect to the individuals de-
14 scribed in such paragraph—

15 (i) an evaluation of formal assess-
16 ments and outreach methods used to iden-
17 tify and assess the housing and service
18 needs of such individuals, including out-
19 reach methods—

20 (I) to ensure effective commu-
21 nication with individuals with disabil-
22 ities; and

23 (II) to reach individuals with lim-
24 ited English proficiency;

1 (ii) a review of the availability and ac-
2 cessibility of homelessness or housing serv-
3 ices for such individuals, including the
4 family members of such individuals who
5 are minors involved in foster care systems,
6 that identifies the disability-related needs
7 of such individuals, including the need for
8 housing with accessibility features;

9 (iii) an analysis of the effect of any
10 policies and procedures of mainstream
11 homelessness or housing services that fa-
12 cilitate or limit the availability of such
13 services and accessibility for such individ-
14 uals, including those such individuals who
15 are involved in the legal system, as such
16 services are in effect as of the date on
17 which the study is conducted;

18 (iv) a determination of the best prac-
19 tices in meeting the housing and service
20 needs of such individuals; and

21 (v) an assessment of barriers to fair
22 housing and housing discrimination against
23 survivors of trafficking who are members
24 of a protected class under the Fair Hous-
25 ing Act (42 U.S.C. 3601 et seq.);

1 (B) an assessment of the ability of main-
2 stream homelessness or housing services to
3 meet the specialized needs of survivors of traf-
4 ficking, including trauma responsive approaches
5 specific to labor and sex trafficking survivors;
6 and

7 (C) an evaluation of the effectiveness of,
8 and infrastructure considerations for, housing
9 and service-delivery models that are specific to
10 survivors of trafficking, including survivors of
11 severe forms of trafficking, including emergency
12 rental assistance models.

13 (c) REPORT.—Not later than 18 months after the
14 date of the enactment of this Act, the Secretary of Hous-
15 ing and Urban Development shall—

16 (1) submit a report to the Committee on Bank-
17 ing, Housing, and Urban Affairs of the Senate and
18 the Committee on Financial Services of the House of
19 Representatives that contains the information de-
20 scribed in subparagraphs (A) through (C) of sub-
21 section (b)(3); and

22 (2) make the report submitted pursuant to
23 paragraph (1) available to the public.

1 **TITLE VII—ECONOMIC SECURITY**
2 **FOR VICTIMS**

3 **SEC. 701. FINDINGS.**

4 Congress finds the following:

5 (1) Over 1 in 3 women experience sexual vio-
6 lence, and 1 in 5 women have survived completed or
7 attempted rape. Such violence has a devastating im-
8 pact on women’s physical and emotional health, fi-
9 nancial security, and ability to maintain their jobs,
10 and thus impacts interstate commerce and economic
11 security.

12 (2) Homicide is one of the leading causes of
13 death for women on the job. Domestic partners or
14 relatives commit 43 percent of workplace homicides
15 against women. One study found that intimate part-
16 ner violence resulted in 142 homicides among women
17 at work in the United States from 2003 to 2008, a
18 figure which represents 22 percent of the 648 work-
19 place homicides among women during the period. In
20 fact, in 2010, homicides against women at work in-
21 creased by 13 percent despite continuous declines in
22 overall workplace homicides in recent years.

23 (3) Violence can have a dramatic impact on the
24 survivor of such violence. Studies indicate that 44
25 percent of surveyed employed adults experienced the

1 effect of domestic violence in the workplace, and 64
2 percent indicated their workplace performance was
3 affected by such violence. Another recent survey
4 found that 78 percent of offenders used workplace
5 resources to express anger, check up on, pressure, or
6 threaten a survivor. Sexual assault, whether occur-
7 ring in or out of the workplace, can impair an em-
8 ployee's work performance, require time away from
9 work, and undermine the employee's ability to main-
10 tain a job. Nearly 50 percent of sexual assault sur-
11 vivors lose their jobs or are forced to quit in the
12 aftermath of the assaults.

13 (4) Studies find that 60 percent of single
14 women lack economic security and 81 percent of
15 households with single mothers live in economic inse-
16 curity. Significant barriers that survivors confront
17 include access to housing, transportation, and child
18 care. Ninety-two percent of homeless women have
19 experienced domestic violence, and more than 50
20 percent of such women cite domestic violence as the
21 direct cause for homelessness. Survivors are deprived
22 of their autonomy, liberty, and security, and face
23 tremendous threats to their health and safety.

24 (5) The Centers for Disease Control and Pre-
25 vention report that survivors of severe intimate part-

1 ner violence lose nearly 8,000,000 days of paid work,
2 which is the equivalent of more than 32,000 full-
3 time jobs and almost 5,600,000 days of household
4 productivity each year. Therefore, women dispropor-
5 tionately need time off to care for their health or to
6 find safety solutions, such as obtaining a restraining
7 order or finding housing, to avoid or prevent further
8 violence.

9 (6) Annual costs of intimate partner violence
10 are estimated to be more than \$8,300,000,000. Ac-
11 cording to the Centers for Disease Control and Pre-
12 vention, the costs of intimate partner violence
13 against women in 1995 exceeded an estimated
14 \$5,800,000,000. These costs included nearly
15 \$4,100,000,000 in the direct costs of medical and
16 mental health care and nearly \$1,800,000,000 in the
17 indirect costs of lost productivity. These statistics
18 are generally considered to be underestimated be-
19 cause the costs associated with the criminal justice
20 system are not included.

21 (7) Fifty-five percent of senior executives re-
22 cently surveyed said domestic violence has a harmful
23 effect on their company's productivity, and more
24 than 70 percent said domestic violence negatively af-
25 fects attendance. Seventy-eight percent of human re-

1 sources professionals consider partner violence a
2 workplace issue. However, more than 70 percent of
3 United States workplaces have no formal program or
4 policy that addresses workplace violence, let alone
5 domestic violence. In fact, only 4 percent of employ-
6 ers provided training on domestic violence.

7 (8) Harassment is a persistent and significant
8 problem in the workplace in the United States, and
9 the Equal Employment Opportunity Commission
10 found that not less than 25 percent, and as many
11 as 85 percent, of women surveyed report having ex-
12perienced sexual harassment at work.

13 (9) For decades, survivors of sexual violence
14 have come forward to seek justice and demand their
15 right to be free from violence, harassment, and other
16 forms of discrimination. These calls for change
17 reached a tipping point after October 2017 as a re-
18 sult of Tarana Burke's work and #MeToo going
19 viral. Thousands of courageous individuals, from
20 Hollywood to the halls of Congress and the military,
21 to restaurants, agricultural fields, and factory floors,
22 shined a light on the pervasive and insidious nature
23 of workplace harassment and sexual assault.

1 (10) Working people can be subjected to mul-
2 tiple forms of harassment in the workplace at the
3 same time.

4 (11) According to the Equal Employment Op-
5 portunity Commission, approximately 3 out of 4 in-
6 dividuals who experience harassment never talked to
7 a supervisor, manager, or union representative about
8 the harassing conduct.

9 (12) The impact of domestic violence, dating vi-
10 olence, sexual assault, and stalking on the workplace
11 is a part of the challenge of workplace harassment.

12 (13) Studies indicate that one of the best pre-
13 dictors of whether a survivor will be able to stay
14 away from his or her abuser is the degree of his or
15 her economic independence. However, domestic vio-
16 lence, dating violence, sexual assault, and stalking
17 often negatively impact a survivor's ability to main-
18 tain employment.

19 (14) Abusers frequently seek to exert financial
20 control over their partners by actively interfering
21 with their ability to work, including preventing their
22 partners from going to work, harassing their part-
23 ners at work, limiting their partners' access to cash
24 or transportation, and sabotaging their partners'
25 child care arrangements.

1 (15) Economic abuse refers to behaviors that
2 control an intimate partner’s ability to acquire, use,
3 and maintain access to money, credit, ownership of
4 assets, or governmental or private financial benefits,
5 including defaulting on joint obligations (such as
6 school loans, credit card debt, mortgages, or rent).
7 Other forms of such abuse may include preventing
8 someone from attending school, threatening to or ac-
9 tually terminating employment, controlling or with-
10 holding access to cash, checking, or credit accounts,
11 and attempting to damage or sabotage the credit-
12 worthiness of an intimate partner, including forcing
13 an intimate partner to write bad checks, forcing an
14 intimate partner to default on payments related to
15 household needs, such as housing, or forcing an inti-
16 mate partner into bankruptcy.

17 (16) This title aims to empower survivors of do-
18 mestic violence, dating violence, sexual assault, or
19 stalking to be free from violence, hardship, and con-
20 trol, which restrains basic human rights to freedom
21 and safety in the United States.

1 **SEC. 702. NATIONAL RESOURCE CENTER ON WORKPLACE**
2 **RESPONSES TO ASSIST VICTIMS OF DOMES-**
3 **TIC AND SEXUAL VIOLENCE.**

4 Section 41501 of the Violence Against Women Act
5 of 1994 (34 U.S.C. 12501) is amended—

6 (1) in subsection (a)—

7 (A) by inserting “and sexual harassment”
8 after “domestic and sexual violence”; and

9 (B) by striking “employers and labor orga-
10 nizations” and inserting “employers, labor or-
11 ganizations, and victim service providers”; and

12 (2) in subsection (b)(3), by striking “and stalk-
13 ing” and inserting “stalking, and sexual harass-
14 ment”;

15 (3) in subsection (c)(1), by inserting “or sexual
16 harassment” before the period at the end;

17 (4) in subsection (c)(2)(A), by inserting “or
18 sexual harassment” after “sexual violence”;

19 (5) by redesignating subsections (e) and (f) as
20 subsections (f) and (g), respectively;

21 (6) by inserting after subsection (d) the fol-
22 lowing:

23 “(e) **PATHWAYS TO OPPORTUNITY PILOT**
24 **PROJECT.**—An eligible nonprofit nongovernmental entity
25 or tribal organization that receives a grant under this sec-
26 tion may develop a plan to enhance the capacity of sur-

1 survivors to obtain and maintain employment, including
2 through the implementation of a demonstration pilot pro-
3 gram to be known as ‘Pathways to Opportunity’, which
4 shall—

5 “(1) build collaborations between and among
6 victim service providers, workforce development pro-
7 grams, and educational and vocational institutions to
8 provide trauma informed programming to support
9 survivors seeking employment; and

10 “(2) be centered around culturally specific orga-
11 nizations or organizations that primarily serve popu-
12 lations traditionally marginalized in the workplace.”;

13 (7) in subsection (f), as so redesignated, by
14 striking “\$1,000,000 for each of fiscal years 2014
15 through 2018” and inserting “\$2,000,000 for each
16 of fiscal years 2023 through 2027”.

17 **SEC. 703. PROVISIONS RELATED TO THE TEMPORARY AS-**
18 **SISTANCE FOR NEEDY FAMILIES PROGRAM.**

19 (a) TANF PERSONNEL TRAINING.—

20 (1) IN GENERAL.—Section 402(a) of the Social
21 Security Act (42 U.S.C. 602(a)) is amended by add-
22 ing at the end the following new paragraph:

23 “(8) CERTIFICATION THAT THE STATE WILL
24 PROVIDE INFORMATION TO VICTIMS OF SEXUAL

1 HARASSMENT OR SURVIVORS OF DOMESTIC VIO-
2 LENCE, SEXUAL ASSAULT, OR STALKING.—

3 “(A) IN GENERAL.—A certification by the
4 chief executive officer of the State that the
5 State has established and is enforcing stand-
6 ards and procedures to—

7 “(i) ensure that applicants and poten-
8 tial applicants for assistance under the
9 State program funded under this part are
10 notified of assistance made available by the
11 State to victims of sexual harassment and
12 survivors of domestic violence, sexual as-
13 sault, or stalking;

14 “(ii) ensure that case workers and
15 other agency personnel responsible for ad-
16 ministering the State program funded
17 under this part are trained in—

18 “(I) the nature and dynamics of
19 sexual harassment and domestic vio-
20 lence, sexual assault, and stalking;

21 “(II) State standards and proce-
22 dures relating to the prevention of,
23 and assistance for, individuals who
24 are victims of sexual harassment or

1 survivors of domestic violence, sexual
2 assault, or stalking; and

3 “(III) methods of ascertaining
4 and ensuring the confidentiality of
5 personal information and documenta-
6 tion related to applicants for assist-
7 ance and their children who have pro-
8 vided notice about their experiences of
9 sexual harassment, domestic violence,
10 sexual assault, or stalking; and

11 “(iii) ensure that, if a State has elect-
12 ed to establish and enforce standards and
13 procedures regarding the screening for,
14 and identification of, domestic violence,
15 sexual assault, or stalking pursuant to
16 paragraph (7)—

17 “(I) the State program funded
18 under this part provides information
19 about the options under this part to
20 current and potential beneficiaries;
21 and

22 “(II) case workers and other
23 agency personnel responsible for ad-
24 ministering the State program funded
25 under this part are provided with

1 training regarding State standards
2 and procedures pursuant to paragraph
3 (7).

4 “(B) DEFINITIONS.—For purposes of this
5 paragraph—

6 “(i) the term ‘sexual harassment’
7 means hostile, intimidating, or oppressive
8 behavior based on sex that creates an of-
9 fensive work environment;

10 “(ii) the term ‘domestic violence’ has
11 the meaning given such term in paragraph
12 (7); and

13 “(iii) the terms ‘sexual assault’ and
14 ‘stalking’ have the meanings given such
15 terms in section 40002 of the Violence
16 Against Women Act of 1994 (34 U.S.C.
17 12291).”.

18 (2) IMPLEMENTATION.—Not later than 1 year
19 after the date of enactment of this Act, each State
20 shall submit the certification required under para-
21 graph (8) of subsection (a) of section 402 of the So-
22 cial Security Act (42 U.S.C. 602), as added by para-
23 graph (1), in the form of an amendment to the
24 State’s plan submitted under such section. A State
25 shall not be regarded as failing to comply with the

1 requirement of such paragraph (8) before the date
2 that is 1 year after the date of enactment of this
3 Act.

4 (b) NATIONAL GRANT PROGRAM FOR DEVELOPING
5 A MODEL TRAINING PROGRAM FOR TANF PERSONNEL
6 TRAINING.—

7 (1) GRANTS AUTHORIZED.—

8 (A) MODEL TRAINING PROGRAM.—The
9 Secretary of Health and Human Services (in
10 this subsection referred to as the “Secretary”)
11 shall—

12 (i) develop and disseminate a model
13 training program (and related materials)
14 for the training required under section
15 402(a)(8) of the Social Security Act, and
16 if the State so elects, section 402(a)(7) of
17 such Act; and

18 (ii) provide technical assistance with
19 respect to such model training program to
20 eligible States (as defined in section 402 of
21 the Social Security Act).

22 (B) GRANTS.—In developing the model
23 training program under subparagraph (A)(i),
24 the Secretary may award grants and contracts

1 and may develop such program in cooperation
2 with an eligible partner.

3 (2) ELIGIBLE PARTNER DEFINED.—For pur-
4 poses of paragraph (1), the term “eligible partner”
5 means an entity that is—

6 (A) a State or tribal domestic violence coa-
7 lition or sexual assault coalition; or

8 (B) a State or local victim service provider
9 with recognized expertise in the dynamics of do-
10 mestic violence, sexual assault, or stalking
11 whose primary mission is to provide services to
12 survivors of domestic violence, sexual assault, or
13 stalking, including a rape crisis center or do-
14 mestic violence program.

15 (3) REPORT.—

16 (A) REPORT TO CONGRESS.—Not later
17 than 5 years after the date of the enactment of
18 this Act, the Secretary shall submit to the Com-
19 mittee on Ways and Means of the House of
20 Representatives and the Committee on Finance
21 of the Senate a report on the program estab-
22 lished under this subsection.

23 (B) REPORT AVAILABLE TO PUBLIC.—The
24 Secretary shall establish procedures for the dis-
25 semination to the public of the report submitted

1 under subparagraph (A) not later than 10 days
2 after the submission of such report to Congress
3 under such subparagraph. Such procedures
4 shall include the use of the internet to dissemi-
5 nate such report.

6 (4) AUTHORIZATION OF APPROPRIATIONS.—

7 There are authorized to be appropriated \$3,000,000
8 to carry out this section for each of fiscal years
9 2023 through 2027.

10 **SEC. 704. STUDY AND REPORTS ON BARRIERS TO SUR-**
11 **VIVORS' ECONOMIC SECURITY ACCESS.**

12 (a) STUDY.—The Secretary of Health and Human
13 Services, in consultation with the Secretary of Labor, shall
14 conduct a study on the barriers that survivors of domestic
15 violence, dating violence, sexual assault, or stalking
16 throughout the United States experience in maintaining
17 economic security, including the impact of the COVID–
18 19 pandemic on such victims' ability to maintain economic
19 security, as a result of issues related to domestic violence,
20 dating violence, sexual assault, or stalking.

21 (b) REPORTS.—Not later than 1 year after the date
22 of enactment of this Act, and every 5 years thereafter,
23 the Secretary of Health and Human Services, in consulta-
24 tion with the Secretary of Labor, shall submit a report
25 to Congress on the study conducted under subsection (a).

1 (c) CONTENTS.—The study and reports under this
2 section shall include—

3 (1) identification of geographic areas in which
4 State laws, regulations, and practices have a strong
5 impact on the ability of survivors of domestic vio-
6 lence, dating violence, sexual assault, or stalking to
7 exercise—

8 (A) any rights under this title (including
9 any amendments made by this title) without
10 compromising personal safety or the safety of
11 others, including family members and excluding
12 the abuser; and

13 (B) other components of economic security,
14 including financial empowerment, affordable
15 housing, transportation, health care access,
16 credit history, and quality education and train-
17 ing opportunities;

18 (2) identification of geographic areas with
19 shortages in resources for such survivors, with an
20 accompanying analysis of the extent and impact of
21 such shortage;

22 (3) analysis of the unique barriers faced by
23 such survivors living in rural communities;

24 (4) analysis of factors related to industries,
25 workplace settings, employer practices, trends, and

1 other elements that impact the ability of such sur-
2 vivors to exercise any rights under this Act (includ-
3 ing any amendments made by this Act) without com-
4 promising personal safety or the safety of others, in-
5 cluding family members;

6 (5) the recommendations of the Secretary of
7 Health and Human Services and the Secretary of
8 Labor with respect to resources, oversight, and en-
9 forcement tools to ensure successful implementation
10 of the provisions of this Act in order to support the
11 economic security and safety of survivors of domestic
12 violence, dating violence, sexual assault, or stalking;

13 (6) best practices for States, employers, health
14 carriers, insurers, and other private entities in ad-
15 dressing issues related to domestic violence, dating
16 violence, sexual assault, or stalking; and

17 (7) barriers that impede victims' ability to pur-
18 sue legal action, including legal costs and filing fees,
19 and complexities of the jurisdiction of law enforce-
20 ment agencies.

21 **SEC. 705. GAO STUDY.**

22 Not later than 18 months after the date of enactment
23 of this Act, the Comptroller General of the United States
24 shall submit to the Committee on Education and Labor
25 of the House of Representatives and the Committee on

1 Health, Education, Labor, and Pensions of the Senate a
2 report that examines, with respect to survivors of domestic
3 violence, dating violence, sexual assault, or stalking who
4 are, or were, enrolled at institutions of higher education
5 and borrowed a loan made, insured, or guaranteed under
6 title IV of the Higher Education Act of 1965 (20 U.S.C.
7 1070 et seq.) for which the survivors have not repaid the
8 total interest and principal due, each of the following:

9 (1) The implications of domestic violence, dat-
10 ing violence, sexual assault, or stalking on a bor-
11 rower's ability to repay their Federal student loans.

12 (2) The adequacy of policies and procedures re-
13 garding Federal student loan deferment, forbear-
14 ance, and grace periods when a survivor has to sus-
15 pend or terminate the survivor's enrollment at an in-
16 stitution of higher education due to domestic vio-
17 lence, dating violence, sexual assault, or stalking.

18 (3) The adequacy of institutional policies and
19 practices regarding retention or transfer of credits
20 when a survivor has to suspend or terminate the
21 survivor's enrollment at an institution of higher edu-
22 cation due to domestic violence, dating violence, sex-
23 ual assault, or stalking.

24 (4) The availability or any options for a sur-
25 vivor of domestic violence, dating violence, sexual as-

1 sault, or stalking who attended an institution of
2 higher education that committed unfair, deceptive,
3 or abusive acts or practices, or otherwise substan-
4 tially misrepresented information to students, to be
5 able to seek a defense to repayment of the survivor’s
6 Federal student loan.

7 (5) The limitations faced by a survivor of do-
8 mestic violence, dating violence, sexual assault, or
9 stalking to obtain any relief or restitution on the
10 survivor’s Federal student loan debt due to the use
11 of forced arbitration, gag orders, or bans on class
12 actions.

13 **TITLE VIII—SAFETY FOR INDIAN**
14 **WOMEN**

15 **Subtitle A—Tools to Enhance**
16 **Public Safety for Indian Tribes**

17 **SEC. 801. FINDINGS AND PURPOSES.**

18 (a) FINDINGS.—Congress finds that—

19 (1) American Indians and Alaska Natives are—

20 (A) 2.5 times as likely to experience violent
21 crimes; and

22 (B) at least 2 times more likely to experi-
23 ence rape or sexual assault crimes;

1 (2) more than 4 in 5 American Indian and
2 Alaska Native women have experienced violence in
3 their lifetime;

4 (3) the vast majority of American Indian and
5 Alaska Native victims of violence—96 percent of
6 women victims and 89 percent of male victims—have
7 experienced sexual violence by a non-Indian perpe-
8 trator at least once in their lifetime;

9 (4) Indian Tribes exercising special domestic vi-
10 olence criminal jurisdiction over non-Indians pursu-
11 ant to section 204 of Public Law 90–284 (25 U.S.C.
12 1304) (commonly known as the “Indian Civil Rights
13 Act of 1968”), restored by section 904 of the Vio-
14 lence Against Women Reauthorization Act of 2013
15 (Public Law 113–4; 127 Stat. 120), have reported
16 significant success holding violent offenders account-
17 able for crimes of domestic violence, dating violence,
18 and civil protection order violations;

19 (5) Tribal prosecutors for Indian Tribes exer-
20 cising special domestic violence criminal jurisdiction
21 report that the majority of domestic violence cases
22 involve children either as witnesses or victims, and
23 the Department of Justice reports that American In-
24 dian and Alaska Native children suffer exposure to

1 violence at one of the highest rates in the United
2 States;

3 (6) childhood exposure to violence can have im-
4 mediate and long-term effects, including increased
5 rates of altered neurological development, poor phys-
6 ical and mental health, poor school performance,
7 substance abuse, and overrepresentation in the juve-
8 nile justice system;

9 (7) according to the Centers for Disease Con-
10 trol and Prevention, homicide is—

11 (A) the third leading cause of death among
12 American Indian and Alaska Native women be-
13 tween 10 and 24 years of age; and

14 (B) the fifth leading cause of death for
15 American Indian and Alaska Native women be-
16 tween 25 and 34 years of age;

17 (8) in some areas of the United States, Native
18 American women are murdered at rates more than
19 10 times the national average;

20 (9) according to a 2017 report by the Depart-
21 ment of Justice, 66 percent of criminal prosecutions
22 for crimes in Indian country that United States At-
23 torneys declined to prosecute involved assault, mur-
24 der, or sexual assault;

1 (10) investigation into cases of missing or mur-
2 dered Indigenous women is made difficult for Tribal
3 law enforcement agencies due to a lack of resources,
4 including a lack of—

5 (A) necessary personnel, training, equip-
6 ment, or funding;

7 (B) interagency cooperation;

8 (C) appropriate laws in place; and

9 (D) access to Federal law enforcement
10 databases;

11 (11) domestic violence calls are among the most
12 dangerous calls that law enforcement receives;

13 (12) the complicated jurisdictional scheme that
14 exists in Indian country—

15 (A) has a significant impact on public safe-
16 ty in Indian communities;

17 (B) according to Tribal justice officials,
18 has been increasingly exploited by criminals;
19 and

20 (C) requires a high degree of commitment
21 and cooperation among Tribal, Federal, and
22 State law enforcement officials;

23 (13) restoring and enhancing Tribal capacity to
24 address violence against women provides for greater

1 local control, safety, accountability, and trans-
2 parency;

3 (14) Indian Tribes with restrictive settlement
4 Acts, such as Indian Tribes in the State of Maine,
5 and Indian Tribes located in States with concurrent
6 authority to prosecute crimes in Indian country
7 under the amendments made by the Act of August
8 15, 1953 (67 Stat. 590, chapter 506), face unique
9 public safety challenges; and

10 (15) Native Hawaiians experience a dispro-
11 tionately high rate of human trafficking, with 64
12 percent of human trafficking victims in the State of
13 Hawai'i identifying as at least part Native Hawai-
14 ian.

15 (b) PURPOSES.—The purposes of this subtitle are—

16 (1) to clarify the responsibilities of Federal,
17 State, Tribal, and local law enforcement agencies
18 with respect to responding to cases of domestic vio-
19 lence, dating violence, stalking, sex trafficking, sex-
20 ual violence, crimes against children, and assault
21 against Tribal law enforcement officers;

22 (2) to increase coordination and communication
23 among Federal, State, Tribal, and local law enforce-
24 ment agencies;

1 (3) to empower Tribal governments and Native
2 American communities, including urban Indian com-
3 munities and Native Hawaiian communities, with
4 the resources and information necessary to effec-
5 tively respond to cases of domestic violence, dating
6 violence, stalking, sex trafficking, sexual violence,
7 and missing or murdered Native Americans; and

8 (4) to increase the collection of data related to
9 missing or murdered Native Americans and the
10 sharing of information among Federal, State, Tribal,
11 and local officials responsible for responding to and
12 investigating crimes impacting Indian Tribes and
13 Native American communities, including urban In-
14 dian communities and Native Hawaiian commu-
15 nities, especially crimes relating to cases of missing
16 or murdered Native Americans.

17 **SEC. 802. TRIBAL ACCESS PROGRAM.**

18 (a) ACCESS TO NATIONAL CRIME INFORMATION
19 DATABASES BY INDIAN TRIBES.—Section 233(b) of the
20 Tribal Law and Order Act of 2010 (34 U.S.C. 41107)
21 is amended—

22 (1) by striking paragraph (1) and inserting the
23 following:

24 “(1) IN GENERAL.—The Attorney General shall
25 ensure that—

1 “(A) tribal law enforcement officials that
2 meet applicable Federal or State requirements
3 shall be permitted access to national crime in-
4 formation databases; and

5 “(B) technical assistance and training is
6 provided to Bureau of Indian Affairs and tribal
7 law enforcement agencies to gain access to, and
8 the ability to use and input information into,
9 the National Crime Information Center and
10 other national crime information databases pur-
11 suant to section 534 of title 28, United States
12 Code.”; and

13 (2) in paragraph (3), by striking “with criminal
14 jurisdiction over Indian country”.

15 (b) ACQUISITION, PRESERVATION, AND EXCHANGE
16 OF IDENTIFICATION RECORDS AND INFORMATION.—Sec-
17 tion 534(d) of title 28, United States Code, is amended—

18 (1) by redesignating paragraphs (1) and (2) as
19 subparagraphs (A) and (B), respectively, and indent-
20 ing appropriately;

21 (2) in the matter preceding subparagraph (A)
22 (as so redesignated) by striking “The Attorney Gen-
23 eral” and inserting the following:

24 “(1) IN GENERAL.—The Attorney General”;
25 and

1 (3) by adding at the end the following:

2 “(2) TRIBAL ACCESS PROGRAM.—

3 “(A) IN GENERAL.—The Attorney General
4 shall establish a program, to be known as the
5 ‘Tribal Access Program’, to enhance the ability
6 of tribal governments and their authorized
7 agencies to access, enter information into, and
8 obtain information from national criminal infor-
9 mation databases under this section.

10 “(B) AUTHORIZATION OF APPROPRIA-
11 TIONS.—There is authorized to be appropriated
12 to carry out the Tribal Access Program under
13 subparagraph (A) \$6,000,000 for each of fiscal
14 years 2023 through 2027, to remain available
15 until expended.

16 “(3) INFORMATION SHARING.—To the extent
17 otherwise permitted by law, any report issued as a
18 result of the analysis of information entered into na-
19 tional criminal information databases or obtained
20 from Federal criminal databases shall be shared
21 with each Indian tribe of jurisdiction, including In-
22 dian tribes located in the State of Maine.”.

23 (c) IDENTIFICATION RECORDS.—The second para-
24 graph of the matter under the heading “SALARIES AND
25 EXPENSES” under the heading “FEDERAL BUREAU OF IN-

1 VESTIGATION” of the Department of Justice Appropria-
2 tion Act, 1973 (34 U.S.C. 41101) is amended—

3 (1) by inserting “or Tribal” after “if authorized
4 by State”; and

5 (2) by inserting “, Tribal,” before “and local
6 governments”.

7 **SEC. 803. BUREAU OF PRISONS TRIBAL PRISONER PRO-**
8 **GRAM.**

9 Section 234(c) of the Tribal Law and Order Act of
10 2010 (25 U.S.C. 1302 note; Public Law 111–211) is
11 amended—

12 (1) in the subsection heading, by striking
13 “PILOT”;

14 (2) by striking “pilot” each place it appears;

15 (3) in paragraph (1), by striking “Not later
16 than 120 days after the date of enactment of this
17 title” and inserting “Not later than 120 days after
18 the date of enactment of the Violence Against
19 Women Act Reauthorization Act of 2022”;

20 (4) in paragraph (2)(B), by striking “2 or more
21 years” and inserting “1 or more years”; and

22 (5) by striking paragraphs (5) and (6).

1 **SEC. 804. TRIBAL JURISDICTION OVER COVERED CRIMES.**

2 Section 204 of Public Law 90–284 (25 U.S.C. 1304)
3 (commonly known as the “Indian Civil Rights Act of
4 1968”) is amended—

5 (1) in the section heading, by striking
6 “**CRIMES OF DOMESTIC VIOLENCE**” and insert-
7 ing “**COVERED CRIMES**”;

8 (2) by striking “special domestic violence crimi-
9 nal jurisdiction” each place it appears and inserting
10 “special Tribal criminal jurisdiction”;

11 (3) in subsection (a)—

12 (A) by redesignating paragraphs (1), (2),
13 (3), (4), (5), (6), and (7) as paragraphs (6),
14 (7), (8), (10), (11), (14), and (15), respectively;

15 (B) by inserting before paragraph (6) (as
16 so redesignated) the following:

17 “(1) **ASSAULT OF TRIBAL JUSTICE PER-**
18 **SONNEL.**—The term ‘assault of Tribal justice per-
19 **sonnel’** means any violation of the criminal law of
20 the Indian tribe that has jurisdiction over the Indian
21 country where the violation occurs that involves the
22 use, attempted use, or threatened use of physical
23 force against an individual authorized to act for, or
24 on behalf of, that Indian tribe or serving that Indian
25 tribe during, or because of, the performance or du-
26 ties of that individual in—

1 “(A) preventing, detecting, investigating,
2 making arrests relating to, making apprehen-
3 sions for, or prosecuting a covered crime;

4 “(B) adjudicating, participating in the ad-
5 judication of, or supporting the adjudication of
6 a covered crime;

7 “(C) detaining, providing supervision for,
8 or providing services for persons charged with
9 a covered crime; or

10 “(D) incarcerating, supervising, providing
11 treatment for, providing rehabilitation services
12 for, or providing reentry services for persons
13 convicted of a covered crime.

14 “(2) CHILD.—The term ‘child’ means a person
15 who has not attained the lesser of—

16 “(A) the age of 18; and

17 “(B) except in the case of sexual abuse,
18 the age specified by the criminal law of the In-
19 dian tribe that has jurisdiction over the Indian
20 country where the violation occurs.

21 “(3) CHILD VIOLENCE.—The term ‘child vio-
22 lence’ means the use, threatened use, or attempted
23 use of violence against a child proscribed by the
24 criminal law of the Indian tribe that has jurisdiction
25 over the Indian country where the violation occurs.

1 “(4) COERCION; COMMERCIAL SEX ACT.—The
2 terms ‘coercion’ and ‘commercial sex act’ have the
3 meanings given the terms in section 1591(e) of title
4 18, United States Code.

5 “(5) COVERED CRIME.—The term ‘covered
6 crime’ means—

7 “(A) assault of Tribal justice personnel;

8 “(B) child violence;

9 “(C) dating violence;

10 “(D) domestic violence;

11 “(E) obstruction of justice;

12 “(F) sexual violence;

13 “(G) sex trafficking;

14 “(H) stalking; and

15 “(I) a violation of a protection order.”;

16 (C) in paragraph (6) (as so redesignated),
17 by striking “violence committed” and inserting
18 “any violation of the criminal law of the Indian
19 tribe that has jurisdiction over the Indian coun-
20 try where the violation occurs that is com-
21 mitted”;

22 (D) by striking paragraph (7) (as so redesi-
23 gnated) and inserting the following:

24 “(7) DOMESTIC VIOLENCE.—The term ‘domes-
25 tic violence’ means any violation of the criminal law

1 of the Indian tribe that has jurisdiction over the In-
2 dian country where the violation occurs that is com-
3 mitted by—

4 “(A) a current or former spouse or inti-
5 mate partner of the victim;

6 “(B) a person with whom the victim shares
7 a child in common;

8 “(C) a person who is cohabitating with or
9 who has cohabitated with the victim as a spouse
10 or intimate partner; or

11 “(D) a person similarly situated to a
12 spouse of the victim under the domestic- or
13 family-violence laws of the Indian tribe that has
14 jurisdiction over the Indian country where the
15 violation occurs.”;

16 (E) by inserting after paragraph (8) (as so
17 redesignated) the following:

18 “(9) OBSTRUCTION OF JUSTICE.—The term
19 ‘obstruction of justice’ means any violation of the
20 criminal law of the Indian tribe that has jurisdiction
21 over the Indian country where the violation occurs
22 that involves interfering with the administration or
23 due process of the laws of the Indian tribe, including
24 any Tribal criminal proceeding or investigation of a
25 crime.”;

1 (F) by inserting after paragraph (11) (as
2 so redesignated) the following:

3 “(12) SEX TRAFFICKING.—The term ‘sex traf-
4 ficking’ means conduct within the meaning of sec-
5 tion 1591(a) of title 18, United States Code.

6 “(13) SEXUAL VIOLENCE.—The term ‘sexual vi-
7 olence’ means any nonconsensual sexual act or con-
8 tact proscribed by the criminal law of the Indian
9 tribe that has jurisdiction over the Indian country
10 where the violation occurs, including in any case in
11 which the victim lacks the capacity to consent to the
12 act.”;

13 (G) in paragraph (14) (as so redesign-
14 ated), in the paragraph heading, by striking
15 “SPECIAL DOMESTIC VIOLENCE CRIMINAL JU-
16 RISDICTION” and inserting “SPECIAL TRIBAL
17 CRIMINAL JURISDICTION”; and

18 (H) by adding at the end the following:

19 “(16) STALKING.—The term ‘stalking’ means
20 engaging in a course of conduct directed at a spe-
21 cific person proscribed by the criminal law of the In-
22 dian tribe that has jurisdiction over the Indian coun-
23 try where the violation occurs that would cause a
24 reasonable person—

1 “(A) to fear for the person’s safety or the
2 safety of others; or

3 “(B) to suffer substantial emotional dis-
4 tress.

5 “(17) VIOLATION OF A PROTECTION ORDER.—
6 The term ‘violation of a protection order’ means an
7 act that—

8 “(A) occurs in the Indian country of a par-
9 ticipating tribe; and

10 “(B) violates a provision of a protection
11 order that—

12 “(i) prohibits or provides protection
13 against violent or threatening acts or har-
14 assment against, sexual violence against,
15 contact or communication with, or physical
16 proximity to, another person;

17 “(ii) was issued against the defend-
18 ant;

19 “(iii) is enforceable by the partici-
20 pating tribe; and

21 “(iv) is consistent with section
22 2265(b) of title 18, United States Code.”;

23 (4) in subsection (b)(1), by inserting after “the
24 powers of self-government of a participating tribe”

1 the following: “, including any participating tribes in
2 the State of Maine,”;

3 (5) in subsection (b)(4)—

4 (A) in the paragraph heading, by striking
5 “EXCEPTIONS” and inserting “EXCEPTION IF
6 VICTIM AND DEFENDANT ARE BOTH NON-INDI-
7 ANS”;

8 (B) in subparagraph (A)(i), by inserting “,
9 other than obstruction of justice or assault of
10 Tribal justice personnel,” after “over an alleged
11 offense”;

12 (C) by striking subparagraph (B);

13 (D) in subparagraph (A)—

14 (i) by striking the subparagraph des-
15 ignation and heading and all that follows
16 through “A participating” in clause (i) and
17 inserting the following:

18 “(A) IN GENERAL.—A participating”; and

19 (ii) by redesignating clause (ii) as
20 subparagraph (B) and indenting appro-
21 priately; and

22 (E) in subparagraph (B) (as so redesign-
23 ated), by striking “subparagraph” and insert-
24 ing “paragraph”;

1 (6) by striking subsection (e) and inserting the
2 following:

3 “(c) CRIMINAL CONDUCT.—A participating tribe may
4 exercise special Tribal criminal jurisdiction over a defend-
5 ant for a covered crime that occurs in the Indian country
6 of the participating tribe.”;

7 (7) in subsection (e), by striking paragraph (3);
8 and

9 (8) by striking subsections (f), (g), and (h) and
10 inserting the following:

11 “(f) PETITIONS FOR WRITS OF HABEAS CORPUS.—

12 “(1) IN GENERAL.—After a defendant has been
13 sentenced by a participating tribe, the defendant
14 may file a petition for a writ of habeas corpus in a
15 court of the United States under section 203.

16 “(2) REQUIREMENT.—An application for a writ
17 of habeas corpus on behalf of a person in custody
18 pursuant to an order of a Tribal court shall not be
19 granted unless —

20 “(A) the applicant has exhausted the rem-
21 edies available in the Tribal court system;

22 “(B) there is an absence of an available
23 Tribal corrective process; or

1 “(C) circumstances exist that render the
2 Tribal corrective process ineffective to protect
3 the rights of the applicant.

4 “(g) NOTICE; HABEAS CORPUS PETITIONS.—A par-
5 ticipating tribe that has ordered the detention of any per-
6 son has a duty to timely notify in writing such person of
7 their rights and privileges under this section and under
8 section 203.

9 “(h) REIMBURSEMENT AND GRANTS TO TRIBAL
10 GOVERNMENTS.—

11 “(1) REIMBURSEMENT.—

12 “(A) IN GENERAL.—The Attorney General
13 may reimburse Tribal government authorities
14 (or an authorized designee of a Tribal govern-
15 ment) for expenses incurred in exercising spe-
16 cial Tribal criminal jurisdiction.

17 “(B) ELIGIBLE EXPENSES.—Eligible ex-
18 penses for reimbursement under subparagraph
19 (A) shall include expenses and costs incurred
20 in, relating to, or associated with—

21 “(i) investigating, making arrests re-
22 lating to, making apprehensions for, or
23 prosecuting covered crimes (including costs
24 involving the purchasing, collecting, and

1 processing of sexual assault forensic mate-
2 rials);

3 “(ii) detaining, providing supervision
4 of, or providing services for persons
5 charged with covered crimes (including
6 costs associated with providing health
7 care);

8 “(iii) providing indigent defense serv-
9 ices for 1 or more persons charged with 1
10 or more covered crimes; and

11 “(iv) incarcerating, supervising, or
12 providing treatment, rehabilitation, or re-
13 entry services for 1 or more persons
14 charged with 1 or more covered crimes.

15 “(C) PROCEDURE.—

16 “(i) IN GENERAL.—Reimbursements
17 authorized under subparagraph (A) shall
18 be in accordance with rules promulgated by
19 the Attorney General, after consultation
20 with Indian tribes, and within 1 year after
21 the date of enactment of the Violence
22 Against Women Act Reauthorization Act
23 of 2022.

1 “(ii) MAXIMUM REIMBURSEMENT.—

2 The rules promulgated by the Attorney
3 General under clause (i)—

4 “(I) shall set a maximum allow-
5 able reimbursement to any Tribal gov-
6 ernment (or an authorized designee of
7 any Tribal government) in a 1-year
8 period; and

9 “(II) may allow the Attorney
10 General—

11 “(aa) to establish conditions
12 under which a Tribal government
13 (or an authorized designee of a
14 Tribal government) may seek a
15 waiver to the maximum allowable
16 reimbursement requirement es-
17 tablished under subclause (I);
18 and

19 “(bb) to waive the maximum
20 allowable reimbursement require-
21 ments established under sub-
22 clause (I) for a Tribal govern-
23 ment (or an authorized designee
24 of a Tribal government) if the
25 conditions established by the At-

1 torney General under item (aa)
2 are met by that Tribal govern-
3 ment (or authorized designee).

4 “(iii) TIMELINESS OF REIMBURSE-
5 MENTS.—To the maximum extent prac-
6 ticable, the Attorney General shall—

7 “(I) not later than 90 days after
8 the date on which the Attorney Gen-
9 eral receives a qualifying reimburse-
10 ment request from a Tribal govern-
11 ment (or an authorized designee of a
12 Tribal government)—

13 “(aa) reimburse the Tribal
14 government (or authorized des-
15 ignee); or

16 “(bb) notify the Tribal gov-
17 ernment (or authorized designee)
18 of the reason by which the Attor-
19 ney General was unable to issue
20 the reimbursement; and

21 “(II) not later than 30 days after
22 the date on which a Tribal govern-
23 ment (or an authorized designee of a
24 Tribal government) reaches the an-
25 nual maximum allowable reimburse-

1 ment for the Tribal government (or
2 an authorized designee) established by
3 the Attorney General under clause
4 (ii)(I), notify the Tribal government
5 (or authorized designee) that the
6 Tribal government has reached its an-
7 nual maximum allowable reimburse-
8 ment.

9 “(D) ELIGIBILITY FOR PARTICIPATING
10 TRIBES IN ALASKA.—A Tribal government (or
11 an authorized designee of a Tribal Government)
12 of an Indian tribe designated as a participating
13 Tribe under subtitle B of title VIII of the Vio-
14 lence Against Women Act Reauthorization Act
15 of 2022 shall be eligible for reimbursement, in
16 accordance with this paragraph, of expenses in-
17 curred in exercising special Tribal criminal ju-
18 risdiction under that subtitle.

19 “(2) GRANTS.—The Attorney General may
20 award grants to Tribal governments (or authorized
21 designees of Tribal governments), including a Tribal
22 government (or an authorized designee of a Tribal
23 government) of an Indian tribe designated as a par-
24 ticipating Tribe under subtitle B of title VIII of the

1 Violence Against Women Act Reauthorization Act of
2 2022—

3 “(A) to strengthen Tribal criminal justice
4 systems to assist Indian tribes in exercising
5 special Tribal criminal jurisdiction, including
6 for—

7 “(i) law enforcement (including the
8 capacity of law enforcement, court per-
9 sonnel, or other non-law enforcement enti-
10 ties that have no Federal or State arrest
11 authority agencies but have been des-
12 ignated by an Indian tribe as responsible
13 for maintaining public safety within the
14 territorial jurisdiction of the Indian tribe,
15 to enter information into and obtain infor-
16 mation from national crime information
17 databases);

18 “(ii) prosecution;

19 “(iii) trial and appellate courts (in-
20 cluding facilities maintenance, renovation,
21 and rehabilitation);

22 “(iv) supervision systems;

23 “(v) detention and corrections (includ-
24 ing facilities maintenance, renovation, and
25 rehabilitation);

1 “(vi) treatment, rehabilitation, and re-
2 entry programs and services;

3 “(vii) culturally appropriate services
4 and assistance for victims and their fami-
5 lies; and

6 “(viii) criminal codes and rules of
7 criminal procedure, appellate procedure,
8 and evidence;

9 “(B) to provide indigent criminal defend-
10 ants with licensed defense counsel, at no cost to
11 the defendant, in criminal proceedings in which
12 a participating tribe prosecutes covered crimes;

13 “(C) to ensure that, in criminal pro-
14 ceedings in which a participating tribe exercises
15 special Tribal criminal jurisdiction, jurors are
16 summoned, selected, and instructed in a man-
17 ner consistent with all applicable requirements;
18 and

19 “(D) to accord victims of covered crimes
20 rights that are similar to the rights of a crime
21 victim described in section 3771(a) of title 18,
22 United States Code, consistent with Tribal law
23 and custom.

24 “(i) SUPPLEMENT, NOT SUPPLANT.—Amounts made
25 available under this section shall supplement and not sup-

1 plant any other Federal, State, or local government
2 amounts made available to carry out activities described
3 in this section.

4 “(j) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) IN GENERAL.—There is authorized to be
6 appropriated \$25,000,000 for each of fiscal years
7 2023 through 2027—

8 “(A) to carry out subsection (h); and

9 “(B) to provide training, technical assist-
10 ance, data collection, and evaluation of the
11 criminal justice systems of participating tribes.

12 “(2) LIMITATIONS.—Of the total amount made
13 available under paragraph (1) for each fiscal year,
14 not more than 40 percent shall be used for reim-
15 bursements under subsection (h)(1).”.

16 **Subtitle B—Alaska Tribal Public**
17 **Safety Empowerment**

18 **SEC. 811. FINDINGS; PURPOSES.**

19 (a) FINDINGS.—Congress finds that—

20 (1) according to the report of the Indian Law
21 and Order Commission established by section 15 of
22 the Indian Law Enforcement Reform Act (25 U.S.C.
23 2812), Alaska Native women—

24 (A) are overrepresented in the domestic vi-
25 olence victim population by 250 percent;

1 (B) in the State of Alaska, comprise—

2 (i) 19 percent of the population of the
3 State; but

4 (ii) 47 percent of reported rape vic-
5 tims in the State; and

6 (C) as compared to the populations of
7 other Indian Tribes, suffer the highest rates of
8 domestic and sexual violence;

9 (2) most Alaska Native villages are located in
10 remote areas that—

11 (A) are often inaccessible by road; and

12 (B) have no local law enforcement pres-
13 ence;

14 (3) the Commission referred to in paragraph
15 (1)—

16 (A) determined that the Alaska Depart-
17 ment of Public Safety—

18 (i) has primary responsibility for law
19 enforcement in rural Alaska; but

20 (ii) provides only 1 to 1.4 field officers
21 per 1,000,000 acres; and

22 (B) recommended that “devolving author-
23 ity to Alaska Native communities is essential
24 for addressing local crime. Their governments
25 are best positioned to effectively arrest, pros-

1 ecute, and punish, and they should have the au-
2 thority to do so-or to work out voluntary agree-
3 ments with each other, and with local govern-
4 ments and the State on mutually beneficial
5 terms”; and

6 (4) the unique legal relationship of the United
7 States to Indian Tribes creates a Federal trust re-
8 sponsibility to assist Tribal governments in safe-
9 guarding the lives of Indian women.

10 (b) PURPOSES.—The purposes of this subtitle are—

11 (1) to increase coordination and communication
12 among Federal, State, Tribal, and local law enforce-
13 ment agencies; and

14 (2) to empower Indian Tribes to effectively re-
15 spond to cases of domestic violence, dating violence,
16 stalking, sex trafficking, sexual violence, and missing
17 or murdered Alaska Natives through the exercise of
18 special Tribal criminal jurisdiction.

19 **SEC. 812. DEFINITIONS.**

20 In this subtitle:

21 (1) ASSAULT OF TRIBAL JUSTICE PERSONNEL;
22 COVERED CRIME; OBSTRUCTION OF JUSTICE; PRO-
23 TECTION ORDER; VIOLATION OF A PROTECTION
24 ORDER.—

1 (A) IN GENERAL.—The terms “assault of
2 Tribal justice personnel”, “covered crime”, “ob-
3 struction of justice”, “protection order”, and
4 “violation of a protection order” have the mean-
5 ings given the terms in section 204(a) of Public
6 Law 90–284 (25 U.S.C. 1304(a)) (commonly
7 known as the “Indian Civil Rights Act of
8 1968”).

9 (B) APPLICATION.—For purposes of the
10 application of the definitions of “assault of
11 Tribal justice personnel”, “obstruction of jus-
12 tice”, and “violation of a protection order”, and
13 for purposes of the application of the defined
14 terms contained in the definition of “covered
15 crime”, under section 204(a) of Public Law 90–
16 284 (25 U.S.C. 1304(a)) (commonly known as
17 the “Indian Civil Rights Act of 1968”) to the
18 pilot program, the Attorney General shall mod-
19 ify any reference to “Indian country” to mean
20 the Village of a participating Tribe.

21 (2) INDIAN; INDIAN COURT; INDIAN TRIBE;
22 POWERS OF SELF-GOVERNMENT.—The terms “In-
23 dian”, “Indian court”, “Indian tribe”, and “powers
24 of self-government” have the meanings given the
25 terms in section 201 of Public Law 90–284 (25

1 U.S.C. 1301) (commonly known as the “Indian Civil
2 Rights Act of 1968”).

3 (3) PARTICIPATING TRIBE.— The term “par-
4 ticipating Tribe” means an Indian tribe that is des-
5 ignated under section 813(d)(1) as a participating
6 Tribe to exercise special Tribal criminal jurisdiction.

7 (4) PILOT PROGRAM.—The term “pilot pro-
8 gram” means the pilot program established by sec-
9 tion 813(d)(1).

10 (5) SPECIAL TRIBAL CRIMINAL JURISDIC-
11 TION.—The term “special Tribal criminal jurisdic-
12 tion” means the criminal jurisdiction that a partici-
13 pating Tribe may exercise under this subtitle but
14 could not otherwise exercise.

15 (6) STATE.—The term “State” means the State
16 of Alaska.

17 (7) VILLAGE.—The term “Village” means the
18 Alaska Native Village Statistical Area covering all or
19 any portion of a Native village (as defined in section
20 3 of the Alaska Native Claims Settlement Act (43
21 U.S.C. 1602)), as depicted on the applicable Tribal
22 Statistical Area Program Verification map of the
23 Bureau of the Census.

1 **SEC. 813. TRIBAL JURISDICTION IN ALASKA.**

2 (a) IN GENERAL.—Subject to title II of Public Law
3 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the
4 “Indian Civil Rights Act of 1968”), Congress recognizes
5 and affirms the inherent authority of any Indian tribe oc-
6 cupying a Village in the State to exercise criminal and civil
7 jurisdiction over all Indians present in the Village.

8 (b) TRIBAL CIVIL JURISDICTION TO ENFORCE PRO-
9 TECTION ORDERS.—

10 (1) IN GENERAL.—A court of any Indian tribe
11 in the State shall have full civil jurisdiction to issue
12 and enforce protection orders involving any person
13 in matters—

14 (A) arising within the Village of the Indian
15 tribe; or

16 (B) otherwise within the authority of the
17 Indian tribe.

18 (2) INCLUSIONS.—The full civil jurisdiction to
19 issue and enforce protection orders under paragraph
20 (1) includes the authority to enforce protection or-
21 ders through—

22 (A) civil contempt proceedings;

23 (B) exclusion of violators from the Village
24 of the Indian tribe; and

25 (C) other appropriate mechanisms.

26 (c) SPECIAL TRIBAL CRIMINAL JURISDICTION.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, in addition to all powers of self-gov-
3 ernment recognized and affirmed under subsection
4 (a), the powers of self-government of a participating
5 Tribe include the inherent power of the participating
6 Tribe, which is hereby recognized and affirmed, to
7 exercise special Tribal criminal jurisdiction over a
8 defendant for a covered crime that occurs in the Vil-
9 lage of the participating Tribe.

10 (2) CONCURRENT JURISDICTION.—The exercise
11 of special Tribal criminal jurisdiction by a partici-
12 pating Tribe shall be concurrent with the jurisdic-
13 tion of the United States, the State, or both.

14 (3) EXCEPTION IF VICTIM AND DEFENDANT
15 ARE BOTH NON-INDIANS.—

16 (A) IN GENERAL.—A participating Tribe
17 may not exercise special Tribal criminal jurisdic-
18 tion over an alleged offense of a covered
19 crime, other than obstruction of justice or as-
20 sault of Tribal justice personnel, if neither the
21 defendant nor the alleged victim is an Indian.

22 (B) DEFINITION OF VICTIM.—In this para-
23 graph and with respect to a criminal proceeding
24 in which a participating Tribe exercises special
25 Tribal criminal jurisdiction based on a violation

1 of a protection order, the term “victim” means
2 a person specifically protected by the protection
3 order that the defendant allegedly violated.

4 (d) PILOT PROGRAM FOR SPECIAL TRIBAL CRIMINAL
5 JURISDICTION OVER PERSONS WHO ARE NOT INDI-
6 ANS.—

7 (1) ESTABLISHMENT.—Subject to title II of
8 Public Law 90–284 (25 U.S.C. 1301 et seq.) (com-
9 monly known as the “Indian Civil Rights Act of
10 1968”), there is established a pilot program under
11 which the Attorney General, subject to paragraph
12 (5), shall designate not more than 5 Indian tribes
13 per calendar year as participating Tribes to exercise
14 the special Tribal criminal jurisdiction described in
15 paragraph (6) over all persons present in the Village
16 of the Indian tribe.

17 (2) PROCEDURE.—At any time during the 1-
18 year period beginning on the date of enactment of
19 this Act, and annually thereafter, an Indian tribe
20 may request the Attorney General to designate the
21 Indian tribe as a participating Tribe under para-
22 graph (1).

23 (3) DESIGNATION OF PARTICIPATING TRIBES.—

24 (A) IN GENERAL.—The Attorney General,
25 in consultation with the Secretary of the Inte-

1 rior and affected Indian tribes, shall establish a
2 process to designate Indian tribes to participate
3 in the pilot program, which process shall—

4 (i) require that preference shall be
5 given to Indian tribes occupying Villages—

6 (I) the populations of which are
7 predominantly Indian; and

8 (II) that lack a permanent State
9 law enforcement physical presence;

10 (ii) require that for each Indian tribe
11 requesting to be designated as a partici-
12 pating Tribe, the Attorney General makes
13 a determination that the criminal justice
14 system of the Indian tribe has adequate
15 safeguards in place to protect defendants'
16 rights, consistent with section 204(d) of
17 Public Law 90–284 (25 U.S.C. 1304(d))
18 (commonly known as the “Indian Civil
19 Rights Act of 1968”); and

20 (iii) be subject to such other criteria
21 as the Attorney General considers to be
22 appropriate to achieve the purposes of this
23 subtitle.

24 (B) DESIGNATION.—The Attorney General
25 shall designate Indian tribes to participate in

1 the pilot program under paragraph (1) using
2 the process established under subparagraph
3 (A).

4 (4) INTERTRIBAL PARTICIPATION.—

5 (A) IN GENERAL.—2 or more participating
6 Tribes (or the Tribal organization (as defined
7 in section 4 of the Indian Self-Determination
8 and Education Assistance Act (25 U.S.C.
9 5304)) of the participating Tribe, if the Tribal
10 organization is exercising delegated authority
11 from the participating Tribe)—

12 (i) may elect to participate jointly in
13 the pilot program by providing shared re-
14 sources to carry out the purposes of the
15 pilot program; and

16 (ii) on making an election pursuant to
17 clause (i), shall be considered to be a single
18 participating Tribe for purposes of the
19 maximum number of participating Tribes
20 under paragraphs (1) and (5).

21 (B) ADDITIONAL PARTICIPATING
22 TRIBES.—

23 (i) IN GENERAL.—Additional partici-
24 pating Tribes may elect to join an estab-
25 lished intertribal partnership under sub-

1 paragraph (A) at any time after the inter-
2 tribal partnership is established.

3 (ii) APPLICATION.—An intertribal
4 partnership that additional participating
5 Tribes elect to join pursuant to clause (i)
6 shall be considered to be a single partici-
7 pating Tribe for purposes of the maximum
8 number of participating Tribes under para-
9 graphs (1) and (5).

10 (5) MAXIMUM NUMBER OF PARTICIPATING
11 TRIBES.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), the Attorney General may
14 designate not more than 30 Indian tribes to
15 participate in the pilot program.

16 (B) EXCEPTION.—The limitation under
17 subparagraph (A) shall not apply if the Attor-
18 ney General submits to the Committee on In-
19 dian Affairs of the Senate and the Committee
20 on Natural Resources of the House of Rep-
21 resentatives, and publishes in the Federal Reg-
22 ister, a written notice of the intention to des-
23 ignate additional Indian tribes as participating
24 Tribes, including the rationale for the designa-

1 tion, by not later than the date that is 180 days
2 before the date of designation.

3 (6) DESCRIPTION OF JURISDICTION.—Congress
4 recognizes and affirms that an Indian tribe selected
5 to participate in the pilot program as a participating
6 Tribe may exercise, subject to paragraph (7), special
7 Tribal criminal jurisdiction with respect to covered
8 crimes.

9 (7) RIGHTS OF DEFENDANTS.—In exercising
10 special Tribal criminal jurisdiction under the pilot
11 program, a participating Tribe shall provide to each
12 defendant all rights described in section 204(d) of
13 Public Law 90–284 (25 U.S.C. 1304(d)) (commonly
14 known as the “Indian Civil Rights Act of 1968”).

15 (e) SENTENCES.—In a criminal proceeding in which
16 an Indian court of a participating Tribe, in exercising spe-
17 cial Tribal criminal jurisdiction with respect to a covered
18 crime, imposes a sentence of imprisonment of more than
19 1 year on a defendant pursuant to section 202(b) of Public
20 Law 90–284 (25 U.S.C. 1302(b)) (commonly known as
21 the “Indian Civil Rights Act of 1968”), the Indian court
22 may require the defendant—

23 (1) to serve a sentence—

24 (A) in a Tribal correctional center that has
25 been approved by the Bureau of Indian Affairs

1 for long-term incarceration, in accordance with
2 guidelines set by the Bureau of Indian Affairs;

3 (B) at the expense of the United States, in
4 the nearest appropriate Federal facility pursu-
5 ant to the Bureau of Prisons Tribal Prisoner
6 Program established under section 234(e)(1) of
7 the Tribal Law and Order Act of 2010 (25
8 U.S.C. 1302 note; Public Law 111–211); or

9 (C) at the expense of the participating
10 Tribe and, subject to section 204(f)(1) of Public
11 Law 90–284 (25 U.S.C. 1304(f)(1)) (commonly
12 known as the “Indian Civil Rights Act of
13 1968”), reimbursable by the Attorney General,
14 in a detention or correctional center approved
15 by the State or a local government of the State
16 pursuant to a memorandum of agreement be-
17 tween the participating Tribe and the State or
18 local government of the State; or

19 (2) to serve another alternative form of punish-
20 ment, as determined by the Indian court pursuant to
21 Tribal law.

22 (f) MEMORANDA OF AGREEMENT.—The Attorney
23 General and the Secretary of the Interior may enter into
24 such memoranda of agreement with participating Tribes
25 and the State as are necessary and appropriate—

1 (1) to coordinate respective law enforcement ac-
2 tivities;

3 (2) to share equipment and other resources;

4 (3) to establish cross-deputization arrange-
5 ments;

6 (4) to coordinate appropriate training activities;

7 and

8 (5) to address any other matters that will facili-
9 tate the successful implementation of the pilot pro-
10 gram, including intergovernmental agreements re-
11 garding—

12 (A) the incarceration of convicted persons;

13 and

14 (B) cooperation in the investigation and
15 prosecution of crimes.

16 (g) ALASKA TRIBAL PUBLIC SAFETY ADVISORY COM-
17 MITTEE.—

18 (1) ESTABLISHMENT.—Not later than 1 year
19 after the date of enactment of this Act, the Attorney
20 General, in consultation with the Secretary of the
21 Interior, affected Indian tribes, and the State, shall
22 establish a committee, to be known as the “Alaska
23 Tribal Public Safety Advisory Committee” (referred
24 to in this subsection as the “Committee”).

1 (2) MEMBERSHIP.—The Committee shall con-
2 sist of 1 or more representatives from—

3 (A) participating Tribes and Indian tribes
4 aspiring to participate in the pilot program;

5 (B) Federal, Tribal, State, and local law
6 enforcement; and

7 (C) Tribal nonprofit organizations pro-
8 viding victim services.

9 (3) DUTIES.—The Committee shall focus on—

10 (A) improving the justice systems, crime
11 prevention, and victim services of Indian tribes
12 and the State; and

13 (B) increasing coordination and commu-
14 nication among Federal, Tribal, State, and local
15 law enforcement agencies.

16 (4) TRAVEL EXPENSES.—A member of the
17 Committee shall be allowed travel expenses, includ-
18 ing per diem in lieu of subsistence, at rates author-
19 ized for employees of agencies under subchapter I of
20 chapter 57 of title 5, United States Code, while
21 away from their homes or regular places of business
22 in the performance of services for the Committee.

23 (5) NONAPPLICABILITY OF FACA.—The Federal
24 Advisory Committee Act (5 U.S.C. App.) shall not
25 apply to the Committee.

1 (6) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
3 this subsection such sums as may be necessary for
4 the period of fiscal years 2023 through 2027, to re-
5 main available until expended.

6 (h) REPORT TO CONGRESS.—Not later than 5 years
7 after the date of enactment of this Act, the Attorney Gen-
8 eral, in consultation with the Secretary of the Interior and
9 affected Indian tribes, shall submit to Congress a report
10 describing the results of the pilot program, including an
11 explanation of any modifications to law necessary to facili-
12 tate improved law enforcement in Villages.

13 (i) APPLICABILITY.—Nothing in this subtitle—

14 (1) limits, alters, expands, or diminishes the
15 civil or criminal jurisdiction of the United States,
16 the State, any subdivision of the State, or any In-
17 dian tribe in the State;

18 (2) creates or eliminates any Federal or State
19 criminal jurisdiction over a Village; or

20 (3) affects the authority of the United States or
21 any authority delegated by the United States to the
22 State to investigate and prosecute a criminal viola-
23 tion in a Village.

1 **TITLE IX—OFFICE ON VIOLENCE**
2 **AGAINST WOMEN**

3 **SEC. 901. ESTABLISHMENT OF OFFICE ON VIOLENCE**
4 **AGAINST WOMEN.**

5 (a) ESTABLISHMENT OF OFFICE ON VIOLENCE
6 AGAINST WOMEN.—Section 2002 of title I of the Omnibus
7 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
8 10442) is amended—

9 (1) in the section heading, by striking “**VIO-**
10 **LENCE AGAINST WOMEN OFFICE**” and inserting
11 “**OFFICE ON VIOLENCE AGAINST WOMEN**”;

12 (2) in subsection (a), by striking “a Violence
13 Against Women Office” and inserting “an Office on
14 Violence Against Women”;

15 (3) in subsection (b), by inserting “, not sub-
16 sumed by any other office” after “within the De-
17 partment of Justice”; and

18 (4) in subsection (c)(2), by striking “authorized
19 or undertaken under the” and all that follows and
20 inserting “authorized or undertaken under—

21 “(A) the Violence Against Women Act of
22 1994 (title IV of Public Law 103–322);

23 “(B) the Violence Against Women Act of
24 2000 (division B of Public Law 106–386);

1 “(C) the Violence Against Women and De-
2 partment of Justice Reauthorization Act of
3 2005 (Public Law 109–162; 119 Stat. 2960);

4 “(D) the Violence Against Women Reau-
5 thorization Act of 2013 (Public Law 113–4;
6 127 Stat. 54); and

7 “(E) the Violence Against Women Act Re-
8 authorization Act of 2022.”.

9 (b) DIRECTOR OF THE OFFICE ON VIOLENCE
10 AGAINST WOMEN.—Section 2003 of title I of the Omnibus
11 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
12 10443) is amended—

13 (1) in the section heading, by striking “**VIO-**
14 **LENCE AGAINST WOMEN OFFICE**” and inserting
15 “**OFFICE ON VIOLENCE AGAINST WOMEN**”;

16 (2) in subsection (a)—

17 (A) by striking “the Violence Against
18 Women Office” and inserting “the Office on Vi-
19 olence Against Women”; and

20 (B) by striking “in this title referred to”
21 and inserting “in this part referred to”;

22 (3) in subsection (b)(2)—

23 (A) by striking “or the Violence” and in-
24 serting “, the Violence”; and

1 (B) by striking the period at the end and
2 inserting “, the Violence Against Women and
3 Department of Justice Reauthorization Act of
4 2005 (Public Law 109–162; 119 Stat. 2960),
5 the Violence Against Women Reauthorization
6 Act of 2013 (Public Law 113–4; 127 Stat. 54),
7 or the Violence Against Women Act Reauthor-
8 ization Act of 2022.”.

9 (c) DUTIES AND FUNCTIONS OF DIRECTOR OF THE
10 OFFICE ON VIOLENCE AGAINST WOMEN.—Section 2004
11 of title I of the Omnibus Crime Control and Safe Streets
12 Act of 1968 (34 U.S.C. 10444) is amended—

13 (1) in the section heading, by striking “**VIO-**
14 **LENCE AGAINST WOMEN OFFICE**” and inserting
15 “**OFFICE ON VIOLENCE AGAINST WOMEN**”;

16 (2) in paragraph (5), in the matter preceding
17 subparagraph (A)—

18 (A) by striking “and the Violence” and in-
19 serting “, the Violence”; and

20 (B) by striking “, including with” and in-
21 serting “, the Violence Against Women and De-
22 partment of Justice Reauthorization Act of
23 2005 (Public Law 109–162; 119 Stat. 2960),
24 the Violence Against Women Reauthorization
25 Act of 2013 (Public Law 113–4; 127 Stat. 54),

1 and the Violence Against Women Act Reauthor-
2 ization Act of 2022, including with”; and

3 (3) in paragraph (6)(B), by inserting “syn-
4 chronize Federal definitions and protocols,” before
5 “and improve coordination”.

6 (d) STAFF OF OFFICE ON VIOLENCE AGAINST
7 WOMEN.—Section 2005 of title I of the Omnibus Crime
8 Control and Safe Streets Act of 1968 (34 U.S.C. 10445)
9 is amended in the section heading, by striking “**VIO-**
10 **LENCE AGAINST WOMEN OFFICE**” and inserting “**OF-**
11 **FICE ON VIOLENCE AGAINST WOMEN**”.

12 (e) CONFORMING AMENDMENT.—Section 121(a)(1)
13 of the Violence Against Women and Department of Jus-
14 tice Reauthorization Act of 2005 (34 U.S.C. 20124(a)(1))
15 is amended by striking “the Violence Against Women Of-
16 fice” and inserting “the Office on Violence Against
17 Women”.

18 **SEC. 902. SENIOR POLICY ADVISOR FOR CULTURALLY SPE-**
19 **CIFIC COMMUNITIES OF THE OFFICE ON VIO-**
20 **LENCE AGAINST WOMEN.**

21 Part T of the Omnibus Crime Control and Safe
22 Streets Act (34 U.S.C. 10441 et seq.), as amended by sec-
23 tion 101, is further amended by adding at the end the
24 following:

1 **“SEC. 2018. SENIOR POLICY ADVISOR FOR CULTURALLY**
2 **SPECIFIC COMMUNITIES.**

3 “(a) ESTABLISHMENT.—There is established in the
4 Office on Violence Against Women a Senior Policy Advisor
5 for Culturally Specific Communities.

6 “(b) DUTIES.—The Senior Policy Advisor for Cul-
7 turally Specific Communities, under the guidance and au-
8 thority of the Director, shall—

9 “(1) advise on the administration of grants re-
10 lated to culturally specific services and contracts
11 with culturally specific organizations;

12 “(2) coordinate development of Federal policy,
13 protocols, and guidelines on matters relating to do-
14 mestic violence, dating violence, sexual assault, and
15 stalking in culturally specific communities;

16 “(3) advise the Director on policies, legislation,
17 implementation of laws, and other issues relating to
18 domestic violence, dating violence, sexual assault,
19 and stalking in culturally specific communities;

20 “(4) provide technical assistance, coordination,
21 and support to other offices and bureaus in the De-
22 partment of Justice to develop policy and to enforce
23 Federal laws relating to domestic violence, dating vi-
24 olence, sexual assault, and stalking in culturally spe-
25 cific communities;

1 “(5) ensure that appropriate technical assist-
2 ance, developed and provided by entities with exper-
3 tise in culturally specific communities, is made avail-
4 able to grantees and potential grantees proposing to
5 serve culturally specific communities;

6 “(6) ensure access to grants and technical as-
7 sistance for culturally specific organizations; and

8 “(7) analyze the distribution of grant funding
9 in order to identify barriers for culturally specific or-
10 ganizations.

11 “(c) **QUALIFICATIONS.**—Not later than 120 days
12 after the date of enactment of this section, the Director
13 shall hire for the position established under subsection (a)
14 an individual with personal, lived, and work experience
15 from a culturally specific community, and a demonstrated
16 history and expertise addressing domestic violence or sex-
17 ual assault in a nongovernmental agency.”.

1 **TITLE X—IMPROVING CONDI-**
2 **TIONS FOR WOMEN IN FED-**
3 **ERAL CUSTODY**

4 **SEC. 1001. IMPROVING THE TREATMENT OF PRIMARY**
5 **CARETAKER PARENTS AND OTHER INDIVID-**
6 **UALS IN FEDERAL PRISONS.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “Ramona Brant Improvement of Conditions for Women
9 in Federal Custody Act”.

10 (b) **AMENDMENT.**—Chapter 303 of title 18, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 4051. Treatment of primary caretaker parents and**
14 **other individuals**

15 “(a) **DEFINITIONS.**—In this section—

16 “(1) the term ‘correctional officer’ means a cor-
17 rectional officer of the Bureau of Prisons;

18 “(2) the term ‘covered institution’ means a
19 Federal penal or correctional institution;

20 “(3) the term ‘Director’ means the Director of
21 the Bureau of Prisons;

22 “(4) the term ‘post-partum recovery’ means the
23 first 12-week period of post-partum recovery after
24 giving birth;

1 “(5) the term ‘primary caretaker parent’ has
2 the meaning given the term in section 31903 of the
3 Family Unity Demonstration Project Act (34 U.S.C.
4 12242);

5 “(6) the term ‘prisoner’ means an individual
6 who is incarcerated in a Federal penal or correc-
7 tional institution, including a vulnerable person; and

8 “(7) the term ‘vulnerable person’ means an in-
9 dividual who—

10 “(A) is under 21 years of age or over 60
11 years of age;

12 “(B) is pregnant;

13 “(C) is victim or witness of a crime;

14 “(D) has filed a nonfrivolous civil rights
15 claim in Federal or State court; or

16 “(E) during the period of incarceration,
17 has been determined to have experienced or to
18 be experiencing severe trauma or to be the vic-
19 tim of gender-based violence—

20 “(i) by any court or administrative ju-
21 dicial proceeding;

22 “(ii) by any corrections official;

23 “(iii) by the individual’s attorney or
24 legal service provider; or

25 “(iv) by the individual.

1 “(b) GEOGRAPHIC PLACEMENT.—

2 “(1) ESTABLISHMENT OF OFFICE.—The Direc-
3 tor shall establish within the Bureau of Prisons an
4 office that determines the placement of prisoners.

5 “(2) PLACEMENT OF PRISONERS.—In deter-
6 mining the placement of a prisoner, the office estab-
7 lished under paragraph (1) shall—

8 “(A) if the prisoner has children, consider
9 placing the prisoner as close to the children as
10 possible; and

11 “(B) consider any other factor that the of-
12 fice determines to be appropriate.

13 “(c) PROHIBITION ON PLACEMENT OF PREGNANT
14 PRISONERS OR PRISONERS IN POST-PARTUM RECOVERY
15 IN SEGREGATED HOUSING UNITS.—

16 “(1) PLACEMENT IN SEGREGATED HOUSING
17 UNITS.—A covered institution may not place a pris-
18 oner who is pregnant or in post-partum recovery in
19 a segregated housing unit unless the prisoner pre-
20 sents an immediate risk of harm to the prisoner or
21 others.

22 “(2) RESTRICTIONS.—Any placement of a pris-
23 oner described in paragraph (1) in a segregated
24 housing unit shall be limited and temporary.

1 “(d) INTAKE AND ASSESSMENTS.—The Director
2 shall assess the need for family-focused programming at
3 intake, such as questions about children, gauge interest
4 in parenting resources, and concerns about their child or
5 caregiving, and administer ongoing assessment to better
6 inform, identify, and make recommendations about the
7 mother’s parental role and familial needs.

8 “(e) PARENTING CLASSES.—The Director shall pro-
9 vide voluntary parenting classes to each prisoner who is
10 a primary caretaker parent, and such classes shall be
11 made available to prisoners with limited English pro-
12 ficiency in compliance with title VI of the Civil Rights Act
13 of 1964 (42 U.S.C. 2000d et seq.).

14 “(f) TRAUMA SCREENING.—The Director shall pro-
15 vide training, including cultural competency training, to
16 each correctional officer and each employee of the Bureau
17 of Prisons who regularly interacts with prisoners, includ-
18 ing each instructor and health care professional, to enable
19 those correctional officers and employees to—

20 “(1) identify a prisoner who may have a mental
21 or physical health need relating to trauma the pris-
22 oner has experienced; and

23 “(2) refer a prisoner described in paragraph (1)
24 to the proper health care professional for diagnosis
25 and treatment.

1 “(g) FAMILY NEEDS TRAINING.—The Director shall
2 provide training to correctional officers and employees of
3 the Bureau of Prisons who engage with prisoners’ families
4 on—

5 “(1) how to interact with children in an age-ap-
6 propriate manner, and the children’s caregivers;

7 “(2) basic childhood and adolescent develop-
8 ment information; and

9 “(3) basic customer service skills.

10 “(h) INMATE HEALTH.—

11 “(1) HEALTH CARE ACCESS.—The Director
12 shall ensure that all prisoners receive adequate
13 health care.

14 “(2) HYGIENIC PRODUCTS.—The Director shall
15 make essential hygienic products, including sham-
16 poo, toothpaste, toothbrushes, and any other hygien-
17 ic product that the Director determines appropriate,
18 available without charge to prisoners. The Director
19 shall make rules—

20 “(A) on the distribution and accessibility
21 of sanitary products to prisoners, to ensure
22 each prisoner who requires these products re-
23 ceives a quantity the prisoner deems sufficient;
24 and

1 “(B) providing that no visitor is prohibited
2 from visiting a prisoner due to the visitor’s use
3 of sanitary products.

4 “(3) GYNECOLOGIST ACCESS.—The Director
5 shall ensure that all prisoners have access to a gynecologist as appropriate.

7 “(4) RELATION TO OTHER LAWS.—Nothing in
8 paragraph (1) shall be construed to affect the requirements under the Prison Rape Elimination Act
9 of 2003 (34 U.S.C. 30301 et seq.).”

11 (c) SUBSTANCE ABUSE TREATMENT.—Section
12 3621(e) of title 18, United States Code, is amended by
13 adding at the end the following:

14 “(7) ELIGIBILITY OF PRIMARY CARETAKER
15 PARENTS AND PREGNANT WOMEN.—The Director of
16 the Bureau of Prisons may not prohibit an eligible
17 prisoner who is a primary caretaker parent (as defined in section 4051) or pregnant from participating in a program of residential substance abuse
18 treatment provided under paragraph (1) on the basis
19 of a failure by the eligible prisoner, before being
20 committed to the custody of the Bureau of Prisons,
21 to disclose to any official of the Bureau of Prisons
22 that the prisoner had a substance abuse problem on
23 or before the date on which the eligible prisoner was
24 or before the date on which the eligible prisoner was
25

1 committed to the custody of the Bureau of Pris-
2 ons.”.

3 (d) IMPLEMENTATION DATE.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of enactment of this Act, the Director of
6 the Bureau of Prisons shall implement this section
7 and the amendments made by this section.

8 (2) REPORT.—Not later than 1 year after the
9 date of enactment of this Act, the Director of the
10 Bureau of Prisons shall submit to the Committee on
11 the Judiciary of the Senate and the Committee on
12 the Judiciary of the House of Representatives a
13 progress report on the implementation of this section
14 and the amendments made by this section.

15 (e) TECHNICAL AND CONFORMING AMENDMENT.—
16 The table of sections for chapter 303 of title 18, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

“4051. Treatment of primary caretaker parents and other individuals.”.

19 **SEC. 1002. HEALTH AND SAFETY OF PREGNANT WOMEN**
20 **AND MOTHERS.**

21 (a) SHORT TITLE.—This section may be cited as the
22 “Stop Infant Mortality and Recidivism Reduction Act” or
23 the “SIMARRA Act”.

24 (b) ESTABLISHMENT.—Not later than 270 days after
25 the date of enactment of this Act, the Director of the Bu-

1 reau of Prisons (in this section referred to as the “Direc-
2 tor”) shall establish a pilot program (in this section re-
3 ferred to as the “Program”) in accordance with this sec-
4 tion to permit women incarcerated in Federal prisons and
5 the children born to such women during incarceration to
6 reside together while the inmate serves a term of imprison-
7 ment.

8 (c) PURPOSES.—The purposes of this section are
9 to—

10 (1) prevent infant mortality among infants born
11 to incarcerated mothers and greatly reduce the trau-
12 ma and stress experienced by pregnant inmates;

13 (2) reduce the recidivism rates of federally in-
14 carcerated women and mothers, and enhance public
15 safety by improving the effectiveness of the Federal
16 prison system for women as a population with spe-
17 cial needs;

18 (3) utilize a female offender risk and needs as-
19 sessment to encourage a more effective and efficient
20 Federal prison system;

21 (4) utilize a validated post-sentencing risk and
22 needs assessment system that relies on dynamic fac-
23 tors to provide Federal prison officials with informa-
24 tion regarding needs of Federal pregnant offenders
25 and enhance public safety;

1 (5) perform regular outcome evaluations of the
2 effectiveness of programs and interventions for fed-
3 erally incarcerated pregnant women and mothers to
4 assure that such programs and interventions are evi-
5 dence-based and to suggest changes, deletions, and
6 expansions based on the results of such evaluations;
7 and

8 (6) assist the Department of Justice to address
9 the underlying cost structure of the Federal prison
10 system and ensure that the Department can con-
11 tinue to run parenting programming safely and se-
12 curely without compromising the scope or quality of
13 the Department's critical health, safety and law en-
14 forcement missions.

15 (d) DUTIES OF THE DIRECTOR OF BUREAU OF PRIS-
16 ONS.—

17 (1) IN GENERAL.—The Director shall carry out
18 this section in consultation with—

19 (A) the Director of the Administrative Of-
20 fice of the United States Courts;

21 (B) the Director of the Office of Probation
22 and Pretrial Services; and

23 (C) the Director of the National Institute
24 of Justice.

1 (2) DUTIES.—The Director shall, in accordance
2 with paragraph (3), and in addition to the mandates
3 under section 3631 of title 18, United States Code—

4 (A) evaluate the female offender risk and
5 needs assessment for its ability to address the
6 particular health and sensitivities of federally
7 incarcerated pregnant women and mothers in
8 accordance with this subsection;

9 (B) develop recommendations regarding re-
10 cidivism reduction programs and productive ac-
11 tivities in accordance with subsection (c);

12 (C) conduct ongoing research and data
13 analysis on—

14 (i) the best practices relating to the
15 use of offender risk and needs assessment
16 tools for female offenders with a particular
17 emphasis on how those tools address the
18 health and sensitivities of federally incar-
19 cerated pregnant women and mothers;

20 (ii) potential improvements to risk
21 and needs assessment tools for female of-
22 fenders to address the health and sensitivi-
23 ties of federally incarcerated pregnant
24 women and mothers; and

1 (iii) which recidivism reduction pro-
2 grams are the most effective—

3 (I) for federally incarcerated
4 pregnant women and mothers classi-
5 fied at different recidivism risk levels;
6 and

7 (II) for addressing the specific
8 needs of federally incarcerated preg-
9 nant women and mothers;

10 (D) on a biennial basis, review any find-
11 ings related to evaluations conducted under
12 subparagraph (A) and the recommendations de-
13 veloped under subparagraph (B), using the re-
14 search conducted under subparagraph (C), to
15 determine whether any revisions or updates
16 should be made to female offender risk and
17 needs assessment systems, and if so, make such
18 revisions or updates;

19 (E) hold periodic meetings with the indi-
20 viduals listed in paragraph (1) at intervals to be
21 determined by the Director;

22 (F) develop tools to communicate par-
23 enting program availability and eligibility cri-
24 teria to each employee of the Bureau of Prisons
25 and each pregnant inmate to ensure that each

1 pregnant inmate in the custody of a Bureau of
2 Prisons facility understands the resources avail-
3 able to such inmate; and

4 (G) report to Congress in accordance with
5 subsection (h).

6 (3) METHODS.—In carrying out the duties
7 under paragraph (2), the Director shall—

8 (A) consult relevant stakeholders; and

9 (B) make decisions using data that is
10 based on available statistical and empirical evi-
11 dence.

12 (e) ELIGIBILITY.—An inmate may apply to partici-
13 pate in the Program if the inmate—

14 (1) is pregnant at the beginning of or during
15 the term of imprisonment; and

16 (2) is in the custody or control of the Bureau
17 of Prisons.

18 (f) PROGRAM TERMS.—

19 (1) TERM OF PARTICIPATION.—To correspond
20 with the purposes and goals of the Program to pro-
21 mote bonding during the critical stages of child de-
22 velopment, an eligible inmate selected for the Pro-
23 gram may participate in the Program, subject to
24 subsection (g), until the earliest of—

1 (A) the date that the inmate's term of im-
2 prisonment terminates; or

3 (B) the date the infant fails to meet any
4 medical criteria established by the Director.

5 (2) INMATE REQUIREMENTS.—For the duration
6 of an inmate's participation in the Program, the in-
7 mate shall agree to—

8 (A) take substantive steps towards acting
9 in the role of a parent or guardian to any child
10 of that inmate;

11 (B) participate in any recommended edu-
12 cational or counseling opportunities, including
13 topics such as child development, parenting
14 skills, domestic violence, vocational training, or
15 substance abuse, as appropriate;

16 (C) abide by any court decision regarding
17 the legal or physical custody of the child; and

18 (D) specify a person who has agreed to
19 take at least temporary custody of the child if
20 the inmate's participation in the Program ter-
21 minates before the inmate's release.

22 (g) CONTINUITY OF CARE.—The Director shall take
23 appropriate actions to prevent detachment or disruption
24 of either an inmate's or infant's health and bonding-based
25 well-being due to termination of the Program.

1 (h) REPORTING.—

2 (1) IN GENERAL.—Not later than 6 months
3 after the date of enactment of this Act, and once
4 each year thereafter for 5 years, the Director shall
5 submit a progress report to the Congress with re-
6 gards to implementing the Program.

7 (2) FINAL REPORT.—Not later than 6 months
8 after the termination of the Program, the Director
9 shall issue a final report to the Congress that con-
10 tains a detailed statement of the Director’s findings
11 and conclusions, including recommendations for leg-
12 islation, administrative actions, and regulations the
13 Director considers appropriate.

14 **SEC. 1003. RESEARCH AND REPORT ON WOMEN IN FED-**
15 **ERAL INCARCERATION.**

16 Not later than 18 months after the date of enactment
17 of this Act, and thereafter, every other year, the National
18 Institute of Justice, in consultation with the Bureau of
19 Justice Statistics and the Bureau of Prisons (including
20 the Women and Special Population Branch) shall prepare
21 a report on the status of women in Federal incarceration.
22 Depending on the topic to be addressed, and the facility,
23 data shall be collected from Bureau of Prisons personnel
24 and a sample that is representative of the population of
25 incarcerated women. The report shall include—

1 (1) with regard to Federal facilities wherein
2 women are incarcerated—

3 (A) responses by such women to questions
4 from the Adverse Childhood Experience
5 (ACES) questionnaire;

6 (B) demographic data of such women;

7 (C) data on the number of women who are
8 incarcerated and placed in Federal and private
9 facilities more than 200 miles from their place
10 of residence;

11 (D) responses by such women to questions
12 about the extent of exposure to sexual victim-
13 ization, sexual violence and domestic violence
14 (both inside and outside of incarceration);

15 (E) the number of such women pregnant
16 at the time that they entered incarceration;

17 (F) the number of such women who have
18 children age 18 or under, and if so, how many;
19 and

20 (G) the crimes for which such women are
21 incarcerated and the length of their sentence
22 and to the extent practicable, any information
23 on the connection between the crime of which
24 they were convicted and their experience of do-

1 mestic violence, dating violence, sexual assault,
2 or stalking; and

3 (2) with regard to all Federal facilities where
4 persons are incarcerated—

5 (A) a list of best practices with respect to
6 women’s incarceration and transition, including
7 staff led programs, services, and management
8 practices (including making sanitary products
9 readily available and easily accessible, and ac-
10 cess to and provision of healthcare);

11 (B) the availability of trauma treatment at
12 each facility (including number of beds, and
13 number of trained staff);

14 (C) rates of serious mental illness broken
15 down by gender and security level and a list of
16 residential programs available by site; and

17 (D) the availability of vocational education
18 and a list of vocational programs provided by
19 each facility.

20 **SEC. 1004. REENTRY PLANNING AND SERVICES FOR INCAR-**
21 **CERATED WOMEN.**

22 (a) IN GENERAL.—The Attorney General, in coordi-
23 nation with the Director of the Office of Probation and
24 Pretrial Services and the Director of the Bureau of Pris-
25 ons (including the Women and Special Population

1 Branch), shall collaborate on a model of gender responsive
2 transition for incarcerated women, including the develop-
3 ment of a national standard on prevention with respect
4 to domestic and sexual violence.

5 (b) REQUIRED CONSULTATION.—In developing the
6 model required under subsection (a), the Attorney General
7 shall consult with such experts within the Federal govern-
8 ment (including the Office on Violence Against Women of
9 the Department of Justice), within Indian Tribes (as de-
10 fined in section 4 of the Indian Self-Determination and
11 Education Assistance Act (25 U.S.C. 5304)), within Na-
12 tive Hawaiian organizations (as defined in section 6207
13 of the Elementary and Secondary Education Act of 1965
14 (20 U.S.C. 7517)), and in the victim service provider com-
15 munity (including sexual and domestic violence and home-
16 lessness, job training and job placement service providers)
17 as are necessary to the completion of a comprehensive
18 plan.

19 (c) CONTENTS.—The model required under sub-
20 section (a) shall address, at a minimum—

- 21 (1) the development by the Bureau of Prisons
22 of a contract for gender collaborative services; and
- 23 (2) identification by re-entry affairs coordina-
24 tors and responsive planning for the needs of re-en-
25 tering women with respect to—

1 (A) housing, including risk of homeless-
2 ness;

3 (B) previous exposure to and risk for do-
4 mestic and sexual violence;

5 (C) the need for parenting classes, assist-
6 ance securing childcare, or assistance in seeking
7 or securing jobs that afford flexibility (as might
8 be necessary in the re-entry, parenting or other
9 contexts);

10 (D) other support tailored to the needs of
11 Indigenous women, including American Indian,
12 Alaska Native, and Native Hawaiian women;
13 and

14 (E) the need to ensure a family-focused re-
15 entry, by—

16 (i) including incarcerated mothers,
17 their children, and their caregivers to cre-
18 ate family reentry planning and program-
19 ming; and

20 (ii) informing reentry information to
21 visiting families.

22 **SEC. 1005. AUTHORIZATION OF APPROPRIATIONS.**

23 To carry out this title, there are authorized to be ap-
24 propriated \$8,000,000 for each of fiscal years 2023
25 through 2027.

1 **TITLE XI—LAW ENFORCEMENT**
2 **TOOLS TO ENHANCE PUBLIC**
3 **SAFETY**

4 **SEC. 1101. NICS DENIAL NOTIFICATION ACT OF 2022.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “NICS Denial Notification Act of 2022”.

7 (b) LOCAL LAW ENFORCEMENT AUTHORITY DE-
8 FINED.—Section 921(a) of title 18, United States Code,
9 is amended by adding at the end the following:

10 “(36) The term ‘local law enforcement author-
11 ity’ means a bureau, office, department or other au-
12 thority of a State or local government or Tribe that
13 has jurisdiction to investigate a violation or potential
14 violation of, or enforce, a State, local, or Tribal
15 law.”.

16 (c) AMENDMENT.—Chapter 44 of title 18, United
17 States Code, is amended by inserting after section 925A
18 the following:

19 **“§ 925B. Reporting of background check denials to**
20 **State authorities**

21 “(a) IN GENERAL.—If the national instant criminal
22 background check system established under section 103
23 of the Brady Handgun Violence Prevention Act (34 U.S.C.
24 40901) (referred to in this section as ‘NICS’) provides a
25 notice pursuant to section 922(t) that the receipt of a fire-

1 arm by a person would violate subsection (g) or (n) of
2 section 922 or State, local, or Tribal law, the Attorney
3 General shall, in accordance with subsection (b) of this
4 section—

5 “(1) report to the local law enforcement author-
6 ity of the State or Tribe where the person sought to
7 acquire the firearm and, if different, the local law
8 enforcement authorities of the State or Tribe of resi-
9 dence of the person—

10 “(A) that the notice was provided;

11 “(B) the Federal, State, local or Tribal
12 prohibition;

13 “(C) the date and time the notice was pro-
14 vided;

15 “(D) the location of the licensee where the
16 firearm was sought to be transferred; and

17 “(E) the identity of the person; and

18 “(2) where practicable, report the incident to
19 State and local prosecutors or Tribal prosecutors in
20 the jurisdiction where the firearm transfer was
21 sought.

22 “(b) REQUIREMENTS FOR REPORT.—A report is
23 made in accordance with this subsection if the report is
24 made under subsection (a) within 24 hours after the NICS
25 denies a firearm transfer in accordance with section 922(t)

1 of title 18, United States Code, except that the making
2 of the report may be delayed for so long as is necessary
3 to avoid compromising an ongoing investigation.

4 “(c) AMENDMENT OF REPORT.—If a report is made
5 in accordance with subsection (b) and, after such report
6 is made, the Federal Bureau of Investigation determines
7 that the receipt of a firearm by a person for whom the
8 report was made would not violate subsection (g) or (n)
9 of section 922 or State, local, or Tribal law, the Attorney
10 General shall notify any law enforcement authority and
11 any prosecutor to whom the report was made of that de-
12 termination.

13 “(d) RULE OF CONSTRUCTION.—Nothing in sub-
14 section (a) shall be construed to require a report with re-
15 spect to a person to be made to the same State authorities
16 that made the original denial determination with respect
17 to the transfer of the firearm.”.

18 (d) CLERICAL AMENDMENT.—The table of sections
19 for chapter 44 of title 18, United States Code, is amended
20 by inserting after the item relating to section 925A the
21 following:

“925B. Reporting of background check denials to State authorities.”.

22 **SEC. 1102. ANNUAL REPORT TO CONGRESS.**

23 (a) IN GENERAL.—Chapter 44 of title 18, United
24 States Code, as amended by section 1101, is amended by
25 inserting after section 925B the following:

1 **“§ 925C. Annual report to Congress**

2 “Not later than 1 year after the date of enactment
3 of this section, and annually thereafter, the Attorney Gen-
4 eral shall submit to Congress a report detailing the fol-
5 lowing, broken down by Federal judicial district:

6 “(1) With respect to each category of persons
7 prohibited by subsection (g) or (n) of section 922 or
8 State law from receiving or possessing a firearm who
9 are so denied a firearm—

10 “(A) the number of denials;

11 “(B) the number of denials referred to the
12 Bureau of Alcohol, Tobacco, Firearms, and Ex-
13 plosives;

14 “(C) the number of denials for which the
15 Bureau of Alcohol, Tobacco, Firearms, and Ex-
16 plosives determines that the person denied was
17 not prohibited by subsection (g) or (n) of sec-
18 tion 922 or State law from receiving or pos-
19 sessed a firearm;

20 “(D) the number of denials overturned
21 through the appeals process of the national in-
22 stant criminal background check system estab-
23 lished under section 103 of the Brady Handgun
24 Violence Prevention Act (34 U.S.C. 40901);

25 “(E) the number of denials with respect to
26 which an investigation was opened by a field di-

1 vision of the Bureau of Alcohol, Tobacco, Fire-
2 arms, and Explosives;

3 “(F) the number of persons charged with
4 a Federal criminal offense in connection with a
5 denial; and

6 “(G) the number of convictions obtained
7 by Federal authorities in connection with a de-
8 nial.

9 “(2) The number of background check notices
10 reported pursuant to section 925B (including the
11 number of the notices that would have been so re-
12 ported but for section 925B(e)).”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for chapter 44 of title 18, United States Code, as amended
15 by section 1101, is amended by inserting after the item
16 relating to section 925B the following:

“925C. Annual report to Congress.”.

17 **SEC. 1103. SPECIAL ASSISTANT U.S. ATTORNEYS AND**
18 **CROSS-DEPUTIZED ATTORNEYS.**

19 (a) IN GENERAL.—Chapter 44 of title 18, United
20 States Code, as amended by section 1102, is further
21 amended by inserting after section 925C the following:

1 **“§ 925D. Special assistant U.S. attorneys and cross-**
2 **deputized attorneys**

3 “(a) IN GENERAL.—In order to improve the enforce-
4 ment of paragraphs (8) and (9) of section 922(g), the At-
5 torney General may—

6 “(1) appoint, in accordance with section 543 of
7 title 28, qualified State, Tribal, territorial and local
8 prosecutors and qualified attorneys working for the
9 United States government to serve as special assist-
10 ant United States attorneys for the purpose of pros-
11 ecuting violations of such paragraphs; and

12 “(2) deputize State, Tribal, territorial and local
13 law enforcement officers for the purpose of enhanc-
14 ing the capacity of the agents of the Bureau of Alco-
15 hol, Tobacco, Firearms, and Explosives in respond-
16 ing to and investigating violations of such para-
17 graphs.

18 “(b) IMPROVE INTIMATE PARTNER AND PUBLIC
19 SAFETY.—The Attorney General shall—

20 “(1) identify not fewer than 75 jurisdictions
21 among States, territories and Tribes where there are
22 high rates of firearms violence and threats of fire-
23 arms violence against intimate partners and other
24 persons protected under paragraphs (8) and (9) of
25 section 922(g) and where local authorities lack the
26 resources to address such violence;

1 “(2) make such appointments as described in
2 subsection (a) in jurisdictions where enhanced en-
3 forcement of such paragraphs is necessary to reduce
4 firearms homicide and injury rates; and

5 “(3) establish, in order to receive and expedite
6 requests for assistance from State, Tribal, terri-
7 torial, and local law enforcement agencies respond-
8 ing to intimate partner violence cases where such
9 agencies have probable cause to believe that the of-
10 fenders may be in violation of such paragraphs,
11 points of contact within—

12 “(A) each Field Division of the Bureau of
13 Alcohol, Tobacco, Firearms, and Explosives;
14 and

15 “(B) each District Office of the United
16 States Attorneys.

17 “(c) QUALIFIED DEFINED.—For purposes of this
18 section, the term ‘qualified’ means, with respect to an at-
19 torney, that the attorney is a licensed attorney in good
20 standing with any relevant licensing authority.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for chapter 44 of title 18, United States Code, as amended
23 by this Act, is further amended by inserting after the item
24 relating to section 925C the following:

 “925D. Special assistant U.S. attorneys and cross-deputized attorneys.”.

1 **SEC. 1104. UNLAWFUL ACTS.**

2 (a) MISDEMEANOR CRIME OF DOMESTIC VIOLENCE
3 DEFINED.—Section 921(a)(33)(A)(i) of title 18, United
4 States Code, is amended by striking “or Tribal law” and
5 inserting “, Tribal, or local law”.

6 (b) TRANSFERS.— Section 922(t) of title 18, United
7 States Code, is amended-

8 (1) in paragraph (1)(B)(ii), by inserting “, or
9 State, local, or Tribal law” after “subsection (g) or
10 (n) of this section”;

11 (2) in paragraph (2), in the matter preceding
12 subparagraph (A), by inserting “, local or Tribal”
13 after “State”;

14 (3) in paragraph (4), by inserting “local, or
15 Tribal” after “State”; and

16 (4) in paragraph (5), by inserting “local, or
17 Tribal” after “State”.

18 **SEC. 1105. REVIEW ON CRIMINAL OFFENSES AFFECTING**
19 **NATIVE HAWAIIANS.**

20 (a) NATIVE HAWAIIAN DEFINED.—In this section,
21 the term “Native Hawaiian” has the meaning given the
22 term in section 801 of the Native American Housing As-
23 sistance and Self-Determination Act (25 U.S.C. 4221).

24 (b) REVIEW OF RELEVANT FEDERAL CRIME PRE-
25 VENTION, VICTIM SERVICE, AND CRIMINAL JUSTICE PRO-
26 GRAMS SERVING NATIVE HAWAIIANS.—

1 (1) REPORT.—Not later than 18 months after
2 the date of enactment of this Act, the Attorney Gen-
3 eral shall submit a report to Congress containing the
4 following:

5 (A) The results and findings of the com-
6 prehensive review required to be conducted
7 under paragraph (2).

8 (B) The amount of Federal funding re-
9 ceived by Native Hawaiian-serving organiza-
10 tions from relevant Federal programs, including
11 the percentage of each such amount of funding
12 received by Native Hawaiian-serving organiza-
13 tions relative to the total amount of funding
14 dispersed for each relevant Federal program.

15 (C) Recommendations and legislative pro-
16 posals to—

17 (i) improve how relevant Federal pro-
18 grams address the needs of Native Hawai-
19 ians;

20 (ii) improve responses to and inves-
21 tigation of incidences of missing or mur-
22 dered Native Hawaiians;

23 (iii) reduce the likelihood that a Na-
24 tive Hawaiian may become involved in the
25 criminal justice system; and

1 (iv) address any other relevant mat-
2 ters deemed necessary by the Attorney
3 General.

4 (2) COMPREHENSIVE REVIEW.—The Attorney
5 General shall conduct a comprehensive review of rel-
6 evant Federal programs.

7 (3) RELEVANT FEDERAL PROGRAM.—In this
8 subsection, the term “relevant Federal program”
9 means any—

10 (A) law enforcement or other crime preven-
11 tion program targeting criminal offenses that
12 affect Native Hawaiians, including child sexual
13 exploitation, child abuse, intimate partner vio-
14 lence, human trafficking, missing or murdered
15 individuals, and substance abuse;

16 (B) any program that provide services to
17 victims of criminal offenses affecting Native
18 Hawaiians, including child sexual exploitation,
19 child abuse, intimate partner violence, human
20 trafficking, and substance abuse; and

21 (C) any criminal justice system program or
22 service available to and used by Native Hawai-
23 ians in various jurisdictions, including diversion
24 programs, in-prison education programs, and
25 reentry services.

1 (c) REPORT ON NATIVE HAWAIIANS IN THE CRIMI-
2 NAL JUSTICE SYSTEM.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this Act, the Attorney
5 General, acting through the National Institute of
6 Justice, in coordination with the Bureau of Justice
7 Statistics, shall prepare a report on the interaction
8 of Native Hawaiians with the criminal justice sys-
9 tem.

10 (2) CONTENTS OF REPORT.—The report re-
11 quired under this subsection shall include—

12 (A) known statistics related to the percent-
13 age of persons who are Native Hawaiians out of
14 the total of—

15 (i) all persons arrested;

16 (ii) all persons detained in Federal,
17 State, and local jails;

18 (iii) all persons subject to pretrial su-
19 pervision;

20 (iv) all persons subject to post-convie-
21 tion supervision;

22 (v) all persons incarcerated in Federal
23 and State prisons; and

24 (vi) all persons subject to post-release
25 supervision;

1 (B) an explanation of why the statistics de-
2 scribed in subparagraph (A) may not be com-
3 prehensive;

4 (C) recommendations on how data collec-
5 tion related to the statistics described in sub-
6 paragraph (A) could be improved;

7 (D) a description of any culturally relevant
8 programs available to Native Hawaiians who
9 interact with the Federal criminal justice sys-
10 tem; and

11 (E) a summary of any available data on
12 the number of Native Hawaiians who are incar-
13 cerated and placed in Federal and private cor-
14 rectional facilities more than 200 miles from
15 their place of residence.

16 **TITLE XII—CLOSING THE LAW**
17 **ENFORCEMENT CONSENT**
18 **LOOPHOLE**

19 **SEC. 1201. SHORT TITLE.**

20 This title may be cited as the “Closing the Law En-
21 forcement Consent Loophole Act of 2022”.

22 **SEC. 1202. PENALTIES FOR CIVIL RIGHTS OFFENSES IN-**
23 **VOLVING SEXUAL MISCONDUCT.**

24 (a) AMENDMENT.—

1 (1) IN GENERAL.—Chapter 13 of title 18,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 250. Penalties for civil rights offenses involving**
5 **sexual misconduct**

6 “(a) OFFENSE.—It shall be unlawful for any person
7 to, in the course of committing an offense under this chap-
8 ter or under section 901 of the Fair Housing Act (42
9 U.S.C. 3631), engage in, or cause another to engage in,
10 sexual misconduct.

11 “(b) PENALTIES.—Any person who violates sub-
12 section (a) shall be—

13 “(1) in the case of an offense involving aggra-
14 vated sexual abuse, as defined in section 2241, or if
15 the offense involved sexual abuse, as defined in sec-
16 tion 2242, or if the offense involved an attempt to
17 commit such aggravated sexual abuse or sexual
18 abuse, fined under this title and imprisoned for any
19 term of years or for life;

20 “(2) in the case of an offense involving abusive
21 sexual contact of a child who has not attained the
22 age of 16, of the type prohibited by section
23 2244(a)(5), fined under this title and imprisoned for
24 any term of years or for life;

1 “(3) in the case of an offense involving a sexual
2 act, as defined in section 2246, with another person
3 without the other person’s permission, and it does
4 not amount to sexual abuse or aggravated sexual
5 abuse, be fined under this title and imprisoned for
6 not more than 40 years;

7 “(4) in the case of an offense involving abusive
8 sexual contact of the type prohibited by subsection
9 (a)(1) or (b) of section 2244, but excluding abusive
10 sexual contact through the clothing—

11 “(A) fined under this title and imprisoned
12 for not more than 10 years; and

13 “(B) if the offense involves a child who has
14 not attained the age of 12 years, imprisoned for
15 not more than 30 years;

16 “(5) in the case of an offense involving abusive
17 sexual contact of the type prohibited by section
18 2244(a)(2)—

19 “(A) fined under this title and imprisoned
20 for not more than 3 years; and

21 “(B) if the offense involves a child under
22 the age of 12, imprisoned for not more than 20
23 years; and

24 “(6) in the case of an offense involving abusive
25 sexual contact through the clothing of the type pro-

1 hibited by subsection (a)(3), (a)(4), or (b) of section
2 2244—

3 “(A) fined under this title and imprisoned
4 for not more than 2 years; and

5 “(B) if the offense involves a child under
6 the age of 12, imprisoned for not more than 10
7 years.”.

8 (2) TECHNICAL AND CONFORMING AMEND-
9 MENT.—The table of sections for chapter 13 of title
10 18, United States Code, is amended by inserting
11 after the item relating to section 249 the following:

 “250. Penalties for civil rights offenses involving sexual misconduct.”.

12 (b) SEXUAL ABUSE.—Section 2242 of title 18,
13 United States Code, is amended—

14 (1) in paragraph (1), by striking “or” at the
15 end;

16 (2) in paragraph (2)(B), by inserting “or” after
17 the semicolon; and

18 (3) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) engages in a sexual act with another per-
21 son without that other person’s consent, to include
22 doing so through coercion;”.

23 (c) SEXUAL ABUSE OF A MINOR, A WARD, OR AN
24 INDIVIDUAL IN FEDERAL CUSTODY.—

1 (1) IN GENERAL.—Section 2243 of title 18,
2 United States Code, is amended—

3 (A) by striking the section heading and in-
4 serting “**Sexual abuse of a minor, a**
5 **ward, or an individual in Federal cus-**
6 **tody**”;

7 (B) by redesignating subsections (e) and
8 (d) as subsections (d) and (e), respectively; and

9 (C) by adding after subsection (b) the fol-
10 lowing:

11 “(c) OF AN INDIVIDUAL IN FEDERAL CUSTODY.—
12 Whoever, while acting in their capacity as a Federal law
13 enforcement officer, knowingly engages in a sexual act
14 with an individual who is under arrest, under supervision,
15 in detention, or in Federal custody, shall be fined under
16 this title, imprisoned not more than 15 years, or both.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions for chapter 109A of title 18, United States
19 Code, is amended by striking the item relating to
20 section 2243 and inserting the following:

 “2243. Sexual abuse of a minor, a ward, or an individual in Federal custody.”.

21 (d) ABUSIVE SEXUAL CONTACT.—Section 2244(a) of
22 title 18, United States Code, is amended—

23 (1) in paragraph (4), by striking “or” at the
24 end;

1 (2) in paragraph (5), by striking the period at
2 the end and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(6) subsection (c) of section 2243 of this title
5 had the sexual contact been a sexual act, shall be
6 fined under this title, imprisoned not more than two
7 years, or both;”;

8 (e) DEFINITION.—Section 2246 of title 18, United
9 States Code, is amended—

10 (1) in paragraph (5), by striking “and” at the
11 end;

12 (2) in paragraph (6), by striking the period at
13 the end and inserting “; and”; and

14 (3) by inserting after paragraph (6) the fol-
15 lowing:

16 “(7) the term ‘Federal law enforcement officer’
17 has the meaning given the term in section 115.”.

18 **SEC. 1203. INCENTIVES FOR STATES.**

19 (a) AUTHORITY TO MAKE GRANTS.—The Attorney
20 General is authorized to make grants to States that have
21 in effect a law that—

22 (1) makes it a criminal offense for any person
23 acting under color of law of the State to knowingly
24 engage in a sexual act with an individual who is

1 under arrest, in detention, or otherwise in the actual
2 custody of any law enforcement officer; and

3 (2) prohibits a person charged with an offense
4 described in paragraph (1) from asserting the con-
5 sent of the other individual as a defense.

6 (b) REPORTING REQUIREMENT.—A State that re-
7 ceives a grant under this section shall submit to the Attor-
8 ney General, on an annual basis, information on—

9 (1) the number of reports made to law enforce-
10 ment agencies in that State regarding persons en-
11 gaging in a sexual act while acting under color of
12 law during the previous year; and

13 (2) the disposition of each case in which sexual
14 misconduct by a person acting under color of law
15 was reported during the previous year.

16 (c) APPLICATION.—A State seeking a grant under
17 this section shall submit an application to the Attorney
18 General at such time, in such manner, and containing
19 such information as the Attorney General may reasonably
20 require, including information about the law described in
21 subsection (a).

22 (d) GRANT AMOUNT.—The amount of a grant to a
23 State under this section shall be in an amount that is not
24 greater than 10 percent of the average of the total amount

1 of funding of the 3 most recent awards that the State re-
2 ceived under the following grant programs:

3 (1) Part T of title I of the Omnibus Crime Con-
4 trol and Safe Streets Act of 1968 (34 U.S.C. 10441
5 et seq.) (commonly referred to as the “STOP Vio-
6 lence Against Women Formula Grant Program”).

7 (2) Section 41601 of the Violence Against
8 Women Act of 1994 (34 U.S.C. 12511) (commonly
9 referred to as the “Sexual Assault Services Pro-
10 gram”).

11 (e) GRANT TERM.—

12 (1) IN GENERAL.—The Attorney General shall
13 provide an increase in the amount provided to a
14 State under the grant programs described in sub-
15 section (d) for a 2-year period.

16 (2) RENEWAL.—A State that receives a grant
17 under this section may submit an application for a
18 renewal of such grant at such time, in such manner,
19 and containing such information as the Attorney
20 General may reasonably require.

21 (3) LIMIT.—A State may not receive a grant
22 under this section for more than 4 years.

23 (f) USES OF FUNDS.—A State that receives a grant
24 under this section shall use—

1 (1) 25 percent of such funds for any of the per-
2 missible uses of funds under the grant program de-
3 scribed in paragraph (1) of subsection (d); and

4 (2) 75 percent of such funds for any of the per-
5 missible uses of funds under the grant program de-
6 scribed in paragraph (2) of subsection (d).

7 (g) **AUTHORIZATION OF APPROPRIATIONS.**—There
8 are authorized to be appropriated to carry out this section
9 \$5,000,000 for each of fiscal years 2023 through 2027.

10 (h) **DEFINITION.**—For purposes of this section, the
11 term “State” means each of the several States and the
12 District of Columbia, Indian Tribes, and the Common-
13 wealth of Puerto Rico, Guam, American Samoa, the Vir-
14 gin Islands, and the Northern Mariana Islands.

15 **SEC. 1204. REPORTS TO CONGRESS.**

16 (a) **REPORT BY ATTORNEY GENERAL.**—Not later
17 than 1 year after the date of enactment of this Act, and
18 each year thereafter, the Attorney General shall submit
19 to Congress and make publicly available on the Depart-
20 ment of Justice website a report containing—

21 (1) the information required to be reported to
22 the Attorney General under section 1203(b); and

23 (2) information on—

24 (A) the number of reports made, during
25 the previous year, to Federal law enforcement

1 agencies regarding persons engaging in a sexual
2 act while acting under color of law; and

3 (B) the disposition of each case in which
4 sexual misconduct by a person acting under
5 color of law was reported.

6 (b) REPORT BY GAO.—Not later than 1 year after
7 the date of enactment of this Act, and each year there-
8 after, the Comptroller General of the United States shall
9 submit to Congress a report on any violations of section
10 2243(c) of title 18, United States Code, as amended by
11 section 1302, committed during the 1-year period covered
12 by the report.

13 (c) REPORT BY ATTORNEY GENERAL ON CONFLICTS
14 BETWEEN STATE’S MARRIAGE-AGE AND AGE-BASED SEX
15 OFFENSES.—Not later than 1 year after the date of enact-
16 ment of this Act, and each year thereafter, the Attorney
17 General shall submit to Congress a report that examines
18 inconsistencies between State laws on marriage-age and
19 State laws on age-based sex offenses and, in particular,
20 States with laws that—

21 (1) provide an exception to definitions of age-
22 based sex offenses (including statutory rape), or a
23 defense to prosecution for such offenses, based on
24 the marriage of the perpetrator to the victim; or

1 (2) allow marriages between parties at ages, or
2 with age differences between them, such that sexual
3 acts between those parties outside of marriage would
4 constitute an age-based sex offense (including statu-
5 tory rape).

6 **SEC. 1205. DEFINITION.**

7 In this title, the term “sexual act” has the meaning
8 given the term in section 2246 of title 18, United States
9 Code.

10 **TITLE XIII—OTHER MATTERS**

11 **SEC. 1301. NATIONAL STALKER AND DOMESTIC VIOLENCE**

12 **REDUCTION.**

13 Section 40603 of the Violence Against Women Act
14 of 1994 (34 U.S.C. 12402) is amended by striking “2014
15 through 2018” and inserting “2023 through 2027”.

16 **SEC. 1302. FEDERAL VICTIM AND WITNESS COORDINATORS**

17 **REAUTHORIZATION.**

18 Section 40114 of the Violence Against Women Act
19 of 1994 (Public Law 103–322; 108 Stat. 1910) is amend-
20 ed to read as follows:

21 **“SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM AND**

22 **WITNESS COORDINATORS.**

23 “There are authorized to be appropriated for the
24 United States attorneys for the purpose of appointing vic-
25 tim and witness coordinators for the prosecution of sex

1 crimes and domestic violence crimes where applicable
2 (such as the District of Columbia), \$1,000,000 for each
3 of fiscal years 2023 through 2027.”.

4 **SEC. 1303. CHILD ABUSE TRAINING PROGRAMS FOR JUDI-**
5 **CIAL PERSONNEL AND PRACTITIONERS RE-**
6 **AUTHORIZATION.**

7 Section 224(a) of the Crime Control Act of 1990 (34
8 U.S.C. 20334(a)) is amended by striking “subtitle” and
9 all that follows and inserting “subtitle \$2,300,000 for each
10 of fiscal years 2023 through 2027”.

11 **SEC. 1304. SEX OFFENDER MANAGEMENT.**

12 Section 40152(e) of the Violent Crime Control and
13 Law Enforcement Act of 1994 (34 U.S.C. 12311(c)) is
14 amended to read as follows:

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 \$5,000,000 for each of fiscal years 2023 through 2027.”.

18 **SEC. 1305. COURT-APPOINTED SPECIAL ADVOCATE PRO-**
19 **GRAM.**

20 Section 219(a) of the Crime Control Act of 1990 (34
21 U.S.C. 20324(a)) is amended by striking “2014 through
22 2018” and inserting “2023 through 2027”.

1 **SEC. 1306. REVIEW OF LINK BETWEEN SUBSTANCE USE**
2 **AND VICTIMS OF DOMESTIC VIOLENCE DAT-**
3 **ING VIOLENCE, SEXUAL ASSAULT, OR STALK-**
4 **ING.**

5 Not later than 2 years after the date of enactment
6 of this Act, the Secretary of Health and Human Services
7 shall complete a review and submit to Congress a report
8 on whether being a victim of domestic violence, dating vio-
9 lence, sexual assault, or stalking increases the likelihood
10 of having a substance use disorder.

11 **SEC. 1307. INTERAGENCY WORKING GROUP TO STUDY FED-**
12 **ERAL EFFORTS TO COLLECT DATA ON SEX-**
13 **UAL VIOLENCE.**

14 (a) **ESTABLISHMENT.**—Not later than 180 days after
15 the date of enactment of this Act, the Attorney General
16 shall establish an interagency working group to study Fed-
17 eral efforts to collect data on sexual violence and to make
18 recommendations on the harmonization of such efforts.

19 (b) **COMPOSITION.**—The Working Group shall be
20 comprised of at least one representative from each of the
21 following agencies, who shall be selected by the head of
22 that agency:

23 (1) The Centers for Disease Control and Pre-
24 vention.

25 (2) The Department of Education.

1 (3) The Department of Health and Human
2 Services.

3 (4) The Department of Justice.

4 (5) The Equal Employment Opportunity Com-
5 mission.

6 (c) DUTIES.—The Working Group shall consider the
7 following:

8 (1) What activity constitutes different acts of
9 sexual violence.

10 (2) Whether reports that use the same terms
11 for acts of sexual violence are collecting the same
12 data on these acts.

13 (3) Whether the context which led to an act of
14 sexual violence should impact how that act is ac-
15 counted for in reports.

16 (4) Whether the data collected is presented in
17 a way that allows the general public to understand
18 what acts of sexual violence are included in each
19 measurement.

20 (5) Steps that agencies that compile reports re-
21 lating to sexual violence can take to avoid double
22 counting incidents of sexual violence.

23 (d) REPORT REQUIRED.—Not later than 2 years
24 after the date of enactment of this Act, the Working

1 Group shall publish and submit to Congress a report on
2 the following:

3 (1) The activities of the Working Group.

4 (2) Recommendations to harmonize Federal ef-
5 forts to collect data on sexual violence.

6 (3) Actions Federal agencies can take to imple-
7 ment the recommendations described in paragraph
8 (2).

9 (4) Recommendations, if any, for congressional
10 action to implement the recommendations described
11 in paragraph (2).

12 (e) TERMINATION.—The Working Group shall termi-
13 nate 30 days after the date on which the report is sub-
14 mitted pursuant to subsection (d).

15 (f) DEFINITIONS.—In this section:

16 (1) HARMONIZE.—The term “harmonize” in-
17 cludes efforts to coordinate sexual violence data col-
18 lection to produce complementary information, as
19 appropriate, without compromising programmatic
20 needs.

21 (2) SEXUAL VIOLENCE.—The term “sexual vio-
22 lence” includes an unwanted sexual act (including
23 both contact and non-contact) about which the Fed-
24 eral Government collects information.

1 (3) WORKING GROUP.—The term “Working
2 Group” means the interagency working group estab-
3 lished under subsection (a).

4 **SEC. 1308. NATIONAL RESOURCE CENTER ON WORKPLACE**
5 **RESPONSES TO ASSIST VICTIMS OF DOMES-**
6 **TIC AND SEXUAL VIOLENCE; ASSISTANCE**
7 **FOR MICROBUSINESSES.**

8 Section 41501(b) of the Violence Against Women Act
9 of 1994 (34 U.S.C. 12501(b)) is amended—

10 (1) in paragraph (2)—

11 (A) by striking “companies and public en-
12 tities” and inserting “companies, public enti-
13 ties”; and

14 (B) by inserting “, and employers with
15 fewer than 20 employees” after “State and
16 local governments”; and

17 (2) in paragraph (3), by inserting before the pe-
18 riod at the end the following: “, which materials
19 shall include a website with resources for employers
20 with fewer than 20 employees, including live training
21 materials”.

22 **SEC. 1309. CIVIL ACTION RELATING TO DISCLOSURE OF IN-**
23 **TIMATE IMAGES.**

24 (a) DEFINITIONS.—In this section:

1 (1) COMMERCIAL PORNOGRAPHIC CONTENT.—

2 The term “commercial pornographic content” means
3 any material that is subject to the record keeping re-
4 quirements under section 2257 of title 18, United
5 States Code.

6 (2) CONSENT.—The term “consent” means an
7 affirmative, conscious, and voluntary authorization
8 made by the individual free from force, fraud, mis-
9 representation, or coercion.

10 (3) DEPICTED INDIVIDUAL.—The term “de-
11 picted individual” means an individual whose body
12 appears in whole or in part in an intimate visual de-
13 piction and who is identifiable by virtue of the per-
14 son’s face, likeness, or other distinguishing char-
15 acteristic, such as a unique birthmark or other rec-
16 ognizable feature, or from information displayed in
17 connection with the visual depiction.

18 (4) DISCLOSE.—The term “disclose” means to
19 transfer, publish, distribute, or make accessible.

20 (5) INTIMATE VISUAL DEPICTION.—The term
21 “intimate visual depiction”—

22 (A) means a visual depiction, as that term
23 is defined in section 2256(5) of title 18, United
24 States Code, that depicts—

1 (i) the uncovered genitals, pubic area,
2 anus, or post-pubescent female nipple of an
3 identifiable individual; or

4 (ii) the display or transfer of bodily
5 sexual fluids—

6 (I) on to any part of the body of
7 an identifiable individual;

8 (II) from the body of an identifi-
9 able individual; or

10 (III) an identifiable individual
11 engaging in sexually explicit conduct
12 and

13 (B) includes any visual depictions de-
14 scribed in subparagraph (A) produced while the
15 identifiable individual was in a public place only
16 if the individual did not—

17 (i) voluntarily display the content de-
18 picted; or

19 (ii) consent to the sexual conduct de-
20 picted.

21 (6) SEXUALLY EXPLICIT CONDUCT.—The term
22 “sexually explicit conduct” has the meaning given
23 the term in subparagraphs (A) and (B) of section
24 2256(2) of title 18, United States Code.

25 (b) CIVIL ACTION.—

1 (1) RIGHT OF ACTION.—

2 (A) IN GENERAL.—Except as provided in
3 paragraph (4), an individual whose intimate vis-
4 ual depiction is disclosed, in or affecting inter-
5 state or foreign commerce or using any means
6 or facility of interstate or foreign commerce,
7 without the consent of the individual, where
8 such disclosure was made by a person who
9 knows that, or recklessly disregards whether,
10 the individual has not consented to such disclo-
11 sure, may bring a civil action against that per-
12 son in an appropriate district court of the
13 United States for relief as set forth in para-
14 graph (3).

15 (B) RIGHTS ON BEHALF OF CERTAIN INDI-
16 VIDUALS.—In the case of an individual who is
17 under 18 years of age, incompetent, incapaci-
18 tated, or deceased, the legal guardian of the in-
19 dividual or representative of the identifiable in-
20 dividual's estate, another family member, or
21 any other person appointed as suitable by the
22 court, may assume the identifiable individual's'
23 rights under this section, but in no event shall
24 the defendant be named as such representative
25 or guardian.

1 (2) CONSENT.—For purposes of an action
2 under paragraph (1)—

3 (A) the fact that the individual consented
4 to the creation of the depiction shall not estab-
5 lish that the person consented to its distribu-
6 tion; and

7 (B) the fact that the individual disclosed
8 the intimate visual depiction to someone else
9 shall not establish that the person consented to
10 the further disclosure of the intimate visual de-
11 piction by the person alleged to have violated
12 paragraph (1).

13 (3) RELIEF.—

14 (A) IN GENERAL.—In a civil action filed
15 under this section—

16 (i) an individual may recover the ac-
17 tual damages sustained by the individual
18 or liquidated damages in the amount of
19 \$150,000, and the cost of the action, in-
20 cluding reasonable attorney’s fees and
21 other litigation costs reasonably incurred;
22 and

23 (ii) the court may, in addition to any
24 other relief available at law, order equi-
25 table relief, including a temporary restrain-

1 ing order, a preliminary injunction, or a
2 permanent injunction ordering the defend-
3 ant to cease display or disclosure of the
4 visual depiction.

5 (B) PRESERVATION OF ANONYMITY.—In
6 ordering relief under subparagraph (A), the
7 court may grant injunctive relief maintaining
8 the confidentiality of a plaintiff using a pseu-
9 donym.

10 (4) EXCEPTIONS.—An identifiable individual
11 may not bring an action for relief under this section
12 relating to—

13 (A) an intimate image that is commercial
14 pornographic content, unless that content was
15 produced by force, fraud, misrepresentation, or
16 coercion of the depicted individual;

17 (B) a disclosure made in good faith—

18 (i) to a law enforcement officer or
19 agency;

20 (ii) as part of a legal proceeding;

21 (iii) as part of medical education, di-
22 agnosis, or treatment; or

23 (iv) in the reporting or investigation
24 of—

25 (I) unlawful content; or

1 (II) unsolicited or unwelcome
2 conduct;

3 (C) a matter of public concern or public in-
4 terest; or

5 (D) a disclosure reasonably intended to as-
6 sist the identifiable individual.

7 **SEC. 1310. CHOOSE RESPECT ACT.**

8 (a) **SHORT TITLE.**—This section may be cited as the
9 “Choose Respect Act”.

10 (b) **DESIGNATION.**—

11 (1) **IN GENERAL.**—Chapter 1 of title 36, United
12 States Code, is amended by adding at the end the
13 following:

14 **“§ 146. Choose Respect Day**

15 “(a) **DESIGNATION.**—October 1 is Choose Respect
16 Day.

17 “(b) **RECOGNITION.**—All private citizens, organiza-
18 tions, and Federal, State, and local governmental and leg-
19 islative entities are encouraged to recognize Choose Re-
20 spect Day through proclamations, activities, and edu-
21 cational efforts in furtherance of changing the culture
22 around the tolerance of violence against women.”.

23 (2) **TECHNICAL AND CONFORMING AMEND-**
24 **MENT.**—The table of sections for chapter 1 of title

1 36, United States Code, is amended by adding at
2 the end the following:

“146. Choose Respect Day.”.

3 (c) MEDIA CAMPAIGN.—

4 (1) DEFINITIONS.—In this subsection:

5 (A) DIRECTOR.—The term “Director”
6 means the Director of the Office on Violence
7 Against Women.

8 (B) NATIONAL MEDIA CAMPAIGN.—The
9 term “national media campaign” means the na-
10 tional “Choose Respect” media campaign de-
11 scribed in paragraph (2).

12 (2) MEDIA CAMPAIGN.—The Director shall, to
13 the extent feasible and appropriate, conduct a na-
14 tional “Choose Respect” media campaign in accord-
15 ance with this section for the purposes of—

16 (A) preventing and discouraging violence
17 against women, including domestic violence,
18 dating violence, sexual assault, and stalking by
19 targeting the attitudes, perceptions, and beliefs
20 of individuals who have or are likely to commit
21 such crimes;

22 (B) encouraging victims of the crimes de-
23 scribed in subparagraph (A) to seek help
24 through the means determined to be most effec-

1 tive by the most current evidence available, in-
2 cluding seeking legal representation; and

3 (C) informing the public about the help
4 available to victims of the crimes described in
5 subparagraph (A).

6 (3) USE OF FUNDS.—

7 (A) IN GENERAL.—Amounts made avail-
8 able to carry out this section for the national
9 media campaign may only be used for the fol-
10 lowing:

11 (i) The purchase of media time and
12 space, including the strategic planning for,
13 tracking, and accounting of, such pur-
14 chases.

15 (ii) Creative and talent costs, con-
16 sistent with subparagraph (B).

17 (iii) Advertising production costs,
18 which may include television, radio, inter-
19 net, social media, and other commercial
20 marketing venues.

21 (iv) Testing and evaluation of adver-
22 tising.

23 (v) Evaluation of the effectiveness of
24 the national media campaign.

1 (vi) Costs of contracts to carry out ac-
2 tivities authorized by this subsection.

3 (vii) Partnerships with professional
4 and civic groups, community-based organi-
5 zations, including faith-based organizations
6 and culturally specific organizations, and
7 government organizations related to the
8 national media campaign.

9 (viii) Entertainment industry out-
10 reach, interactive outreach, media projects
11 and activities, public information, news
12 media outreach, corporate sponsorship and
13 participation, and professional sports asso-
14 ciations and military branch participation.

15 (ix) Operational and management ex-
16 penses.

17 (B) SPECIFIC REQUIREMENTS.—

18 (i) CREATIVE SERVICES.—In using
19 amounts for creative and talent costs
20 under subparagraph (A), the Director shall
21 use creative services donated at no cost to
22 the Government wherever feasible and may
23 only procure creative services for adver-
24 tising—

1 (I) responding to high-priority or
2 emergent campaign needs that cannot
3 timely be obtained at no cost; or

4 (II) intended to reach a minority,
5 ethnic, or other special audience that
6 cannot reasonably be obtained at no
7 cost.

8 (ii) TESTING AND EVALUATION OF
9 ADVERTISING.—In using amounts for test-
10 ing and evaluation of advertising under
11 subparagraph (A)(iv), the Director shall
12 test all advertisements prior to use in the
13 national media campaign to ensure that
14 the advertisements are effective with the
15 target audience and meet industry-accept-
16 ed standards. The Director may waive this
17 requirement for advertisements using not
18 more than 10 percent of the purchase of
19 advertising time purchased under this sec-
20 tion in a fiscal year and not more than 10
21 percent of the advertising space purchased
22 under this section in a fiscal year, if the
23 advertisements respond to emergent and
24 time-sensitive campaign needs or the ad-

1 vertisements will not be widely utilized in
2 the national media campaign.

3 (iii) CONSULTATION.—For the plan-
4 ning of the campaign under paragraph (2),
5 the Director may consult with—

6 (I) the Office for Victims of
7 Crime, the Administration on Chil-
8 dren, Youth and Families, and other
9 related Federal Government entities;

10 (II) State, local, and Indian Trib-
11 al governments;

12 (III) the prevention of domestic
13 violence, dating violence, sexual as-
14 sault, or stalking, including national
15 and local non-profits; and

16 (IV) communications profes-
17 sionals.

18 (iv) EVALUATION OF EFFECTIVENESS
19 OF NATIONAL MEDIA CAMPAIGN.—In using
20 amounts for the evaluation of the effective-
21 ness of the national media campaign under
22 subparagraph (A)(v), the Attorney General
23 shall—

24 (I) designate an independent en-
25 tity to evaluate by April 20 of each

1 year the effectiveness of the national
2 media campaign based on data from
3 any relevant studies or publications,
4 as determined by the Attorney Gen-
5 eral, including tracking and evaluation
6 data collected according to marketing
7 and advertising industry standards;
8 and

9 (II) ensure that the effectiveness
10 of the national media campaign is
11 evaluated in a manner that enables
12 consideration of whether the national
13 media campaign has contributed to
14 changes in attitude or behaviors
15 among the target audience with re-
16 spect to violence against women and
17 such other measures of evaluation as
18 the Attorney General determines are
19 appropriate.

20 (4) ADVERTISING.—In carrying out this sub-
21 section, the Director shall ensure that sufficient
22 funds are allocated to meet the stated goals of the
23 national media campaign.

24 (5) RESPONSIBILITIES AND FUNCTIONS UNDER
25 THE PROGRAM.—

1 (A) IN GENERAL.—The Director shall de-
2 termine the overall purposes and strategy of the
3 national media campaign.

4 (B) DIRECTOR.—

5 (i) IN GENERAL.—The Director shall
6 approve—

7 (I) the strategy of the national
8 media campaign;

9 (II) all advertising and pro-
10 motional material used in the national
11 media campaign; and

12 (III) the plan for the purchase of
13 advertising time and space for the na-
14 tional media campaign.

15 (ii) IMPLEMENTATION.—The Director
16 shall be responsible for implementing a fo-
17 cused national media campaign to meet the
18 purposes described in paragraph (2) and
19 shall ensure—

20 (I) information disseminated
21 through the campaign is accurate and
22 scientifically valid; and

23 (II) the campaign is designed
24 using strategies demonstrated to be
25 the most effective at achieving the

1 goals and requirements of paragraph
2 (2), which may include—

3 (aa) a media campaign, as
4 described in paragraph (3);

5 (bb) local, regional, or popu-
6 lation specific messaging;

7 (cc) the development of
8 websites to publicize and dissemi-
9 nate information;

10 (dd) conducting outreach
11 and providing educational re-
12 sources for women;

13 (ee) collaborating with law
14 enforcement agencies; and

15 (ff) providing support for
16 school-based public health edu-
17 cation classes to improve teen
18 knowledge about the effects of vi-
19 olence against women.

20 (6) PROHIBITIONS.—None of the amounts
21 made available under paragraph (3) may be obli-
22 gated or expended for any of the following:

23 (A) To supplant current antiviolence
24 against women campaigns by community-based
25 coalitions.

1 (B) To supplant pro bono public service
2 time donated by national and local broadcasting
3 networks for other public service campaigns.

4 (C) For partisan political purposes, or to
5 express advocacy in support of or to defeat any
6 clearly identified candidate, clearly identified
7 ballot initiative, or clearly identified legislative
8 or regulatory proposal.

9 (D) To fund advertising that features any
10 elected officials, persons seeking elected office,
11 cabinet level officials, or other Federal officials
12 employed pursuant to schedule C of subpart C
13 of title 5, Code of Federal Regulations.

14 (E) To fund advertising that does not con-
15 tain a primary message intended to reduce or
16 prevent violence against women.

17 (F) To fund advertising containing a pri-
18 mary message intended to promote support for
19 the national media campaign or private sector
20 contributions to the national media campaign.

21 (7) FINANCIAL AND PERFORMANCE ACCOUNT-
22 ABILITY.—The Director shall cause to be per-
23 formed—

1 (A) audits and reviews of costs of the na-
2 tional media campaign pursuant to section
3 4706 of title 41, United States Code; and

4 (B) an audit to determine whether the
5 costs of the national media campaign are allow-
6 able under chapter 43 of title 41, United States
7 Code.

8 (8) REPORT TO CONGRESS.—The Director shall
9 submit on an annual basis a report to Congress that
10 describes—

11 (A) the strategy of the national media
12 campaign and whether specific objectives of the
13 national media campaign were accomplished;

14 (B) steps taken to ensure that the national
15 media campaign operates in an effective and ef-
16 ficient manner consistent with the overall strat-
17 egy and focus of the national media campaign;

18 (C) plans to purchase advertising time and
19 space;

20 (D) policies and practices implemented to
21 ensure that Federal funds are used responsibly
22 to purchase advertising time and space and
23 eliminate the potential for waste, fraud, and
24 abuse;

1 (E) all contracts entered into with a cor-
2 poration, partnership, or individual working on
3 behalf of the national media campaign;

4 (F) the results of any financial audit of the
5 national media campaign;

6 (G) a description of any evidence used to
7 develop the national media campaign;

8 (H) specific policies and steps implemented
9 to ensure compliance with this subsection;

10 (I) a detailed accounting of the amount of
11 funds obligated during the previous fiscal year
12 for carrying out the national media campaign,
13 including each recipient of funds, the purpose
14 of each expenditure, the amount of each ex-
15 penditure, any available outcome information,
16 and any other information necessary to provide
17 a complete accounting of the funds expended;
18 and

19 (J) a review and evaluation of the effec-
20 tiveness of the national media campaign strat-
21 egy for the previous year.

22 (9) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to the Di-
24 rector to carry out this section \$5,000,000 for each

1 of fiscal years 2023 through 2027, to remain avail-
2 able until expended.

3 **SEC. 1311. TECHNICAL CORRECTION TO VICTIMS OF CRIME**
4 **ACT.**

5 Section 1403(a)(1) of the Victims of Crime Act of
6 1984 (34 U.S.C. 20102(a)(1)) is amended by striking
7 “paragraph (3)” and inserting “paragraph (4)”.

8 **SEC. 1312. ELIMINATING THE MARRIAGE DEFENSE TO**
9 **STATUTORY RAPE.**

10 Section 2243(c) of title 18, United States Code, is
11 amended—

12 (1) in paragraph (1), by striking “(1) In a”
13 and inserting “In a”; and

14 (2) by striking paragraph (2).

15 **SEC. 1313. SENIOR POLICY ADVISOR ON CULTURALLY SPE-**
16 **CIFIC COMMUNITIES WITHIN THE OFFICE OF**
17 **JUSTICE PROGRAMS.**

18 (a) ESTABLISHMENT; DUTIES.—There shall be a
19 Senior Policy Advisor on Culturally Specific Communities
20 within the Office of Justice Programs who shall, under
21 the guidance and authority of the Assistant Attorney Gen-
22 eral of the Office of Justice Programs—

23 (1) advise on the administration of grants re-
24 lated to culturally specific (as defined in section
25 40002(a) of the Violence Against Women Act of

1 1994 (34 U.S.C. 12291(a))) services and contracts
2 with culturally specific organizations;

3 (2) coordinate development of Federal policy,
4 protocols, and guidelines on matters relating to do-
5 mestic violence, dating violence, sexual assault, and
6 stalking (as those terms are defined in section
7 40002(a) of the Violence Against Women Act of
8 1994 (34 U.S.C. 12291(a)), in culturally specific
9 communities;

10 (3) advise the Assistant Attorney General for
11 the Office of Justice Programs concerning policies,
12 legislation, implementation of laws, and other issues
13 relating to domestic violence, dating violence, sexual
14 assault, and stalking in culturally specific commu-
15 nities;

16 (4) provide technical assistance, coordination,
17 and support to other offices and bureaus in the De-
18 partment of Justice to develop policy and to enforce
19 Federal laws relating to domestic violence, dating vi-
20 olence, sexual assault, and stalking in culturally spe-
21 cific communities;

22 (5) ensure that appropriate technical assistance,
23 developed and provided by entities having expertise
24 in culturally specific communities, is made available

1 to grantees and potential grantees proposing to serve
2 culturally specific communities; and

3 (6) ensure access to grants and technical assist-
4 ance for culturally specific organizations and analyze
5 the distribution of funding in order to identify bar-
6 riers for culturally specific organizations.

7 (b) QUALIFICATIONS.—The Senior Policy Advisor on
8 Culturally Specific Communities shall be an individual
9 with—

10 (1) personal, lived, and work experience from a
11 culturally specific community; and

12 (2) a demonstrated history of and expertise in
13 addressing domestic violence or sexual assault in a
14 nongovernmental agency.

15 (c) INITIAL APPOINTMENT.—Not later than 120 days
16 after the date of enactment of this Act, the Assistant At-
17 torney General of the Office of Justice Programs shall ap-
18 point an individual as Senior Policy Advisor on Culturally
19 Specific Communities.

20 **SEC. 1314. TASK FORCE ON SEXUAL VIOLENCE IN EDU-**
21 **CATION.**

22 (a) TASK FORCE ON SEXUAL VIOLENCE IN EDU-
23 CATION.—Not later than September 1, 2022, the Sec-
24 retary of Education, the Secretary of Health and Human
25 Services, and the Attorney General shall establish a joint

1 interagency task force to be known as the “Task Force
2 on Sexual Violence in Education” that shall—

3 (1) provide pertinent information to the Sec-
4 retary of Education, the Attorney General, Congress,
5 and the public with respect to campus sexual vio-
6 lence prevention, investigations, and responses, in-
7 cluding the creation of consistent, public complaint
8 processes for violations of title IX of the Education
9 Amendments of 1972 (20 U.S.C. 1681 et seq.) and
10 section 485(f) of the Higher Education Act of 1965
11 (20 U.S.C. 1092(f));

12 (2) provide recommendations to educational in-
13 stitutions for establishing sexual assault prevention
14 and response teams;

15 (3) develop recommendations for educational in-
16 stitutions on providing survivor resources, including
17 health care, sexual assault kits, sexual assault nurse
18 examiners, culturally responsive and inclusive stand-
19 ards of care, trauma-informed services, and access to
20 confidential advocacy and support services;

21 (4) develop recommendations in conjunction
22 with student groups for best practices for responses
23 to and prevention of sexual violence and dating vio-
24 lence for educational institutions, taking into consid-
25 eration an institution’s size and resources;

1 (5) develop recommendations for educational in-
2 stitutions on sex education, as appropriate, training
3 for school staff, and various equitable discipline
4 models;

5 (6) develop recommendations on culturally re-
6 sponsive and inclusive approaches to supporting sur-
7 vivors, which include consideration of race, ethnicity,
8 national origin, religion, immigrant status, lesbian,
9 gay, bisexual, or transgender (commonly referred to
10 as “LGBT”) status, ability, disability, socio-eco-
11 nomic status, exposure to trauma, and other
12 compounding factors;

13 (7) solicit periodic input from a diverse group
14 of survivors, trauma specialists, advocates from na-
15 tional, State, and local anti-sexual violence advocacy
16 organizations, institutions of higher education, and
17 other public stakeholders;

18 (8) assess the Department of Education’s abil-
19 ity under section 902 of the Education Amendments
20 of 1972 (20 U.S.C. 1682) to levy intermediate fines
21 for noncompliance with title IX of the Education
22 Amendments of 1972 (20 U.S.C. 1681 et seq.) and
23 the advisability of additional remedies for such non-
24 compliance, in addition to the remedies already
25 available under Federal law; and

1 (9) create a plan described in subsection (c).

2 (b) PERSONNEL DETAILS.—

3 (1) AUTHORITY TO DETAIL.—Notwithstanding
4 any other provision of law, the head of a component
5 of any Federal agency for which appropriations are
6 authorized under the Violence Against Women Act
7 of 1994 (34 U.S.C. 13925 et seq.), or any amend-
8 ments made by that Act, may detail an officer or
9 employee of such component to the Task Force on
10 Sexual Violence in Education or to the Secretary of
11 Education to assist the Task Force with the duties
12 described in subsection (a), as jointly agreed to by
13 the head of such component and the Task Force.

14 (2) TERMS OF DETAIL.—A personnel detail
15 made under paragraph (1) may be made—

16 (A) for a period of not more than 3 years;

17 and

18 (B) on a reimbursable or nonreimbursable
19 basis.

20 (c) ADDITIONAL PLAN.—Not later than 90 days after
21 the date on which the Task Force on Sexual Violence in
22 Education is established under subsection (a), the Task
23 Force shall submit to Congress recommendations for re-
24 cruiting, retaining, and training a highly-qualified work-
25 force employed by the Department of Education to carry

1 out investigation of complaints alleging a violation of title
2 IX of the Education Amendments of 1972 (20 U.S.C.
3 1681 et seq.) or section 485(f) of the Higher Education
4 Act of 1965 (20 U.S.C. 1092(f)), and enforcement of such
5 title IX (20 U.S.C. 1681 et seq.) or such section 485(f)
6 (20 U.S.C. 1092(f)), with respect to sexual violence in
7 education, which shall include—

8 (1) an assessment to identify gaps or challenges
9 in carrying out such investigation and enforcement,
10 which may include surveying the current investiga-
11 tive workforce to solicit feedback on areas in need of
12 improvement;

13 (2) an examination of issues of recruiting, re-
14 tention, and the professional development of the cur-
15 rent investigative workforce, including the possibility
16 of providing retention bonuses or other forms of
17 compensation for the purpose of ensuring the De-
18 partment of Education has the capacity, in both per-
19 sonnel and skills, needed to properly perform its
20 mission and provide adequate oversight of edu-
21 cational institutions;

22 (3) an assessment of the benefits of outreach
23 and training with both law enforcement agencies and
24 educational institutions with respect to such work-
25 force;

1 (4) an examination of best practices for making
2 educational institutions aware of the most effective
3 campus sexual violence prevention, investigation, and
4 response practices and identifying areas where more
5 research should be conducted; and

6 (5) strategies for addressing such other matters
7 as the Secretary of Education considers necessary to
8 sexual violence prevention, investigation, and re-
9 sponses.

10 (d) ANNUAL REPORTING.—The Task Force on Sex-
11 ual Violence in Education shall submit to Congress, and
12 make publicly available, an annual report of its activities
13 and any update of the plan required under subsection (c),
14 including—

15 (1) the number of complaints received regard-
16 ing sexual violence at educational institutions;

17 (2) the number of open investigations of sexual
18 violence at educational institutions;

19 (3) the number of such complaints that contin-
20 ued to resolution;

21 (4) the number of such complaints resolved
22 using informal resolution;

23 (5) the average time to complete such an inves-
24 tigation;

1 (6) the number of such investigations initiated
2 based on complaints; and

3 (7) the number of such investigations initiated
4 by the Department of Education.

5 (e) DEFINITIONS.—In this section:

6 (1) EDUCATIONAL INSTITUTION.—The term
7 “educational institution” includes an institution of
8 higher education, an elementary school, or a sec-
9 ondary school.

10 (2) ELEMENTARY SCHOOL; SECONDARY
11 SCHOOL.—The terms “elementary school” and “sec-
12 ondary school” have the meanings given the terms
13 in section 9101 of the Elementary and Secondary
14 Education Act of 1965 (20 U.S.C. 7801).

15 (3) INSTITUTION OF HIGHER EDUCATION.—The
16 term “institution of higher education” has the
17 meaning given the term in section 102 of the Higher
18 Education Act of 1965 (20 U.S.C. 1002).

19 **SEC. 1315. BREE’S LAW.**

20 (a) SHORT TITLE.—This section may be cited as
21 “Bree’s Law”.

22 (b) TEEN DATING VIOLENCE PREVENTION.—Section
23 1708 of the Public Health Service Act (42 U.S.C. 300u-
24 7) is amended—

1 (1) by striking subsection (c) and inserting the
2 following:

3 “(c) CERTAIN DEMONSTRATION PROJECTS.—

4 “(1) IN GENERAL.—In carrying out subsection
5 (b)(3), the Secretary may make grants to carry out
6 demonstration projects for the purpose of improving
7 adolescent health, including—

8 “(A) projects to train health care providers
9 in providing services to adolescents; and

10 “(B) projects to reduce the incidence of vi-
11 olence among adolescents, particularly violence
12 related to teen dating, which shall include
13 projects to develop and implement educational
14 program to increase abuse awareness and pre-
15 vention.

16 “(2) AUTHORIZATION OF APPROPRIATIONS.—
17 For the purpose of carrying out paragraph (1), there
18 are authorized to be appropriated \$8,000,000 for
19 each of fiscal years 2023 through 2027.”; and

20 (2) by adding at the end the following:

21 “(g) INTERAGENCY WORK GROUP.—

22 “(1) ESTABLISHMENT.—The Secretary shall es-
23 tablish the Federal Interagency Work Group on
24 Teen Dating Violence (referred to in this section as
25 the ‘Work Group’).

1 “(2) IN GENERAL.—

2 “(A) COMPOSITION.—Not later than 120
3 days after the date of enactment of Bree’s Law,
4 the Secretary shall appoint representatives to
5 the Work Group from the Administration for
6 Children and Families, the Centers for Disease
7 Control and Prevention, the Health Resources
8 and Services Administration, the Department of
9 Education, the Department of Justice, and
10 other Federal agencies as determined appro-
11 priate by the Secretary.

12 “(B) CONSULTATION.—The Work Group
13 shall consult with—

14 “(i) experts at the State, Tribal, and
15 local levels with relevant backgrounds in
16 reducing and preventing the incidence of
17 teen dating violence;

18 “(ii) victims of teen dating violence;
19 and

20 “(iii) family members of teens who
21 were killed by a dating partner.

22 “(3) DUTIES.—The Work Group shall—

23 “(A) examine all Federal efforts directed
24 towards reducing and preventing teen dating vi-
25 olence;

1 “(B) identify strategies, resources, and
2 supports to improve State, Tribal, and local re-
3 sponses to the incidence of teen dating violence;

4 “(C) make recommendations to Congress
5 for improving Federal programs and efforts and
6 coordination across such programs and efforts
7 to reduce and prevent teen dating violence; and

8 “(D) make recommendations for educating
9 middle and high school students on teen dating
10 violence.

11 “(4) ANNUAL REPORT TO SECRETARY.—The
12 Work Group shall annually prepare and submit to
13 the Secretary, the Committee on Health, Education,
14 Labor, and Pensions of the Senate, and the Com-
15 mittee on Education and Labor of the House of
16 Representatives, a report on the activities carried
17 out by the Work Group under subsection (c), includ-
18 ing recommendations to reduce and prevent teen
19 dating violence.”.

20 **SEC. 1316. FAIRNESS FOR RAPE KIT BACKLOG SURVIVORS**
21 **ACT OF 2022.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Fairness for Rape Kit Backlog Survivors Act of 2022”.

1 (b) CRIME VICTIM COMPENSATION.—Section
2 1403(b) of the Victims of Crime Act of 1984 (34 U.S.C.
3 20102(b)) is amended—

4 (1) in paragraph (8), by striking “and” at the
5 end;

6 (2) by redesignating paragraph (9) as para-
7 graph (10); and

8 (3) by inserting after paragraph (8) the fol-
9 lowing:

10 “(9) beginning not later than 3 years after the
11 date of enactment of this paragraph, such pro-
12 gram—

13 “(A) provides a waiver for any application
14 filing deadline imposed by the program for a
15 crime victim if—

16 “(i) the crime victim is otherwise eligi-
17 ble for compensation; and

18 “(ii) the delay in filing the application
19 was a result of a delay in the testing of,
20 or a delay in the DNA profile matching
21 from, a sexual assault forensic examination
22 kit or biological material collected as evi-
23 dence related to a sexual offense; and

24 “(B) does not require the crime victim to
25 undergo an appeals process to have the applica-

1 tion of the crime victim considered for a filing
2 deadline waiver under subparagraph (A); and”.

3 **SEC. 1317. STUDY RELATING TO STATE ACTIONS TO PRO-**
4 **HIBIT AIDING AND ABETTING SEXUAL MIS-**
5 **CONDUCT IN SCHOOLS.**

6 Not later than 30 days after the date of enactment
7 of this Act, the Secretary of Education shall publish in
8 the Federal Register the findings of the Department of
9 Education’s study, as described in the notice published in
10 the Federal Register entitled “Agency Information Collec-
11 tion Activities; Comment Request; Study of State Policies
12 to Prohibit Aiding and Abetting Sexual Misconduct in
13 Schools” (84 Fed. Reg. 57708 (October 28, 2019)), re-
14 viewing State actions to prohibit, in accordance with sec-
15 tion 8546 of the Elementary and Secondary Education
16 Act of 1965 (20 U.S.C. 7926), the aiding and abetting
17 of sexual misconduct in schools.

18 **SEC. 1318. SUPPORTING ACCESS TO NURSE EXAMS ACT.**

19 (a) **SHORT TITLE.**—This section may be cited as the
20 “Supporting Access to Nurse Exams Act” or the “SANE
21 Act”.

22 (b) **DEFINITIONS.**—Section 304 of the DNA Sexual
23 Assault Justice Act of 2004 (34 U.S.C. 40723) is amend-
24 ed by striking subsections (a), (b), and (c) and inserting
25 the following:

1 “(a) DEFINITIONS.—In this section:

2 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
3 tity’ includes—

4 “(A) a State, Tribal, or local government
5 or hospital;

6 “(B) a sexual assault examination pro-
7 gram, including—

8 “(i) a SANE program;

9 “(ii) a SAFE program;

10 “(iii) a SART program;

11 “(iv) medical personnel, including a
12 doctor or nurse, involved in treating vic-
13 tims of sexual assault; and

14 “(v) a victim service provider involved
15 in treating victims of sexual assault;

16 “(C) a State sexual assault coalition;

17 “(D) a health care facility, including a hos-
18 pital that provides sexual assault forensic ex-
19 aminations by a qualified or certified SANE or
20 SAFE;

21 “(E) a sexual assault examination program
22 that provides SANE or SAFE training; and

23 “(F) a community-based program that pro-
24 vides sexual assault forensic examinations, in-
25 cluding pediatric forensic exams in a multidisci-

1 plinary setting, by a qualified or certified
2 SANE or SAFE outside of a traditional health
3 care setting.

4 “(2) HEALTH CARE FACILITY.—The term
5 ‘health care facility’ means any State, local, Tribal,
6 community, free, nonprofit, academic, or private
7 medical facility, including a hospital, that provides
8 emergency medical care to patients.

9 “(3) MEDICAL FORENSIC EXAMINATION;
10 MFE.—The term ‘medical forensic examination’ or
11 ‘MFE’ means an examination of a sexual assault pa-
12 tient by a health care provider, who has specialized
13 education and clinical experience in the collection of
14 forensic evidence and treatment of these patients,
15 which includes—

16 “(A) gathering information from the pa-
17 tient for the medical forensic history;

18 “(B) an examination;

19 “(C) coordinating treatment of injuries,
20 documentation of biological and physical find-
21 ings, and collection of evidence from the pa-
22 tient;

23 “(D) documentation of findings;

24 “(E) providing information, treatment, and
25 referrals for sexually transmitted infections,

1 pregnancy, suicidal ideation, alcohol and sub-
2 stance abuse, and other non-acute medical con-
3 cerns; and

4 “(F) providing follow-up as needed to pro-
5 vide additional healing, treatment, or collection
6 of evidence.

7 “(4) PEDIATRIC SANE AND SAFE.—The term
8 ‘pediatric SANE and SAFE’ means a SANE or
9 SAFE who is trained to conduct sexual assault fo-
10 rensic examinations on children and youth between
11 the ages of 0 and 18.

12 “(5) QUALIFIED PERSONNEL.—The term
13 ‘qualified personnel’ includes a registered or ad-
14 vanced practice nurse, physician, doctor of osteop-
15 athy, or physician assistant who has specialized
16 training conducting medical forensic examinations.

17 “(6) QUALIFIED SANE AND SAFE TRAINING
18 PROGRAM.—The term ‘qualified SANE and SAFE
19 training program’ means a program that—

20 “(A) is qualified to prepare current and fu-
21 ture sexual assault nurse examiners to be pro-
22 fession-ready and meet the applicable State and
23 National certification and licensure require-
24 ments, through didactic, clinical, preceptor, or

1 capstone programs that include longer-term
2 training;

3 “(B) provides that preparation under a
4 health care model that uses trauma-informed
5 techniques; and

6 “(C) is approved as meeting the most re-
7 cent National Training Standards for Sexual
8 Assault Medical Forensic Examiners.

9 “(7) RURAL AREA.—The term ‘rural area’ has
10 the meaning given the term in section 40002 of the
11 Violence Against Women Act of 1994 (34 U.S.C.
12 12291).

13 “(8) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of Health and Human Services.

15 “(9) SEXUAL ASSAULT.—The term ‘sexual as-
16 sault’ means any nonconsensual sexual act or sexual
17 contact proscribed by Federal, Tribal, or State law,
18 including when the individual lacks capacity to con-
19 sent.

20 “(10) SEXUAL ASSAULT FORENSIC EXAMINER;
21 SAFE.—The term ‘sexual assault forensic examiner’
22 or ‘SAFE’ means an individual who has specialized
23 forensic training in treating sexual assault survivors
24 and conducting medical forensic examinations.

1 “(11) SEXUAL ASSAULT FORENSIC EXAMINA-
2 TION.—The term ‘sexual assault forensic examina-
3 tion’ means an examination of a sexual assault pa-
4 tient by a health care provider, who has specialized
5 education and clinical experience in the collection of
6 forensic evidence and treatment of these patients,
7 which includes—

8 “(A) gathering information from the pa-
9 tient for the medical forensic history;

10 “(B) an examination;

11 “(C) coordinating treatment of injuries,
12 documentation of biological and physical find-
13 ings, and collection of evidence from the pa-
14 tient;

15 “(D) documentation of findings;

16 “(E) providing information, treatment, and
17 referrals for sexually transmitted infections,
18 pregnancy, suicidal ideation, alcohol and sub-
19 stance abuse, and other non-acute medical con-
20 cerns; and

21 “(F) providing follow-up as needed to pro-
22 vide additional healing, treatment, or collection
23 of evidence.

24 “(12) SEXUAL ASSAULT NURSE EXAMINER;
25 SANE.—The term ‘sexual assault nurse examiner’ or

1 ‘SANE’ means a registered or advanced practice
2 nurse who has specialized training conducting med-
3 ical forensic examinations.

4 “(13) SEXUAL ASSAULT RESPONSE TEAM;
5 SART.—The term ‘sexual assault response team’ or
6 ‘SART’ means a multidisciplinary team that—

7 “(A) provides a specialized and immediate
8 response to survivors of sexual assault; and

9 “(B) may include health care personnel,
10 law enforcement representatives, community-
11 based survivor advocates, prosecutors, and fo-
12 rensic scientists.

13 “(14) STATE.—The term ‘State’ means any
14 State of the United States, the District of Columbia,
15 and any territory or possession of the United States.

16 “(15) TRAUMA-INFORMED.—The term ‘trauma-
17 informed’ means, with respect to services or train-
18 ing, services or training that—

19 “(A) use a patient-centered approach to
20 providing services or care;

21 “(B) promote the dignity, strength, and
22 empowerment of patients who have experienced
23 trauma; and

1 “(C) incorporate evidence-based practices
2 based on knowledge about the impact of trauma
3 on patients’ lives.

4 “(16) UNDERSERVED POPULATIONS.—The
5 term ‘underserved populations’ has the meaning
6 given the term in section 40002 of the Violence
7 Against Women Act of 1994 (34 U.S.C. 12291).”.

8 (c) SEXUAL ASSAULT NURSE EXAMINER GRANTS.—
9 Section 304 of the DNA Sexual Assault Justice Act of
10 2004 (34 U.S.C. 40723) is amended by inserting after
11 subsection (a), as amended by subsection (b) of this sec-
12 tion, the following:

13 “(b) SEXUAL ASSAULT NURSE EXAMINER TRAINING
14 PROGRAM GRANTS.—

15 “(1) AUTHORIZATION FOR GRANTS.—The At-
16 torney General, in consultation with the Secretary,
17 shall make grants to eligible entities for the fol-
18 lowing purposes:

19 “(A) To establish qualified regional SANE
20 training programs—

21 “(i) to provide clinical education for
22 SANE students;

23 “(ii) to provide salaries for full and
24 part-time SANE instructors, including
25 those specializing in pediatrics and work-

1 ing in a multidisciplinary team setting, to
2 help with the clinical training of SANEs;
3 and

4 “(iii) to provide access to simulation
5 laboratories and other resources necessary
6 for clinical education.

7 “(B) To provide full and part time salaries
8 for SANEs and SAFEs, including pediatric
9 SANEs and SAFEs.

10 “(C) To increase access to SANEs and
11 SAFEs by otherwise providing training, edu-
12 cation, or technical assistance relating to the
13 collection, preservation, analysis, and use of
14 DNA samples and DNA evidence by SANEs,
15 SAFEs, and other qualified personnel.

16 “(2) PREFERENCE FOR GRANTS.—In reviewing
17 applications for grants under this section, the Attor-
18 ney General shall give preference to any eligible enti-
19 ty that certifies in the grant application that the en-
20 tity will coordinate with a rape crisis center or the
21 State sexual assault coalition to facilitate sexual as-
22 sault advocacy to support sexual assault survivors
23 and use the grant funds to—

24 “(A) establish qualified SANE training
25 programs in localities with a high volume of fo-

1 rensic trauma cases, including adult and child
2 sexual assault, domestic violence, elder abuse,
3 sex trafficking, and strangulation cases;

4 “(B) increase the local and regional avail-
5 ability of full and part time sexual assault
6 nurse examiners in a rural area, Tribal area, an
7 area with a health professional shortage, or for
8 an underserved population, including efforts to
9 provide culturally competent services; or

10 “(C) establish or sustain sexual assault
11 mobile teams or units or otherwise enhance
12 SANE and SAFE access through telehealth.”.

13 (d) DIRECTIVE.—Section 304 of the DNA Sexual As-
14 sault Justice Act of 2004 (34 U.S.C. 40723) is amend-
15 ed—

16 (1) by redesignating subsection (d) as sub-
17 section (e); and

18 (2) by inserting after subsection (b), as added
19 by subsection (c) of this section, the following:

20 “(c) DIRECTIVE TO THE ATTORNEY GENERAL.—

21 “(1) IN GENERAL.—Not later than the begin-
22 ning of fiscal year 2022, the Attorney General shall
23 coordinate with the Secretary to inform health care
24 facilities, including Federally qualified health centers

1 and hospitals, colleges and universities, and other
2 appropriate health-related entities about—

3 “(A) the availability of grant funding
4 under this section; and

5 “(B) the role of sexual assault nurse exam-
6 iners, both adult and pediatric, and available
7 resources of the Department of Justice and the
8 Department of Health and Human Services to
9 train or employ sexual assault nurses examiners
10 to address the needs of communities dealing
11 with sexual assault, domestic violence, sex traf-
12 ficking, elder abuse, strangulation, and, in par-
13 ticular, the need for pediatric SANEs, including
14 such nurse examiners working in the multidisci-
15 plinary setting, in responding to abuse of both
16 children and adolescents.

17 “(2) REQUIREMENT.—In carrying out para-
18 graph (1), the Attorney General shall collaborate
19 with nongovernmental organizations representing
20 SANEs.

21 “(d) PUBLIC INFORMATION ON ACCESS TO SEXUAL
22 ASSAULT FORENSIC EXAMINATIONS.—

23 “(1) IN GENERAL.—Not later than 2 years
24 after the date of enactment of the Supporting Access
25 to Nurse Exams Act, the Attorney General, in con-

1 sultation with the Secretary, shall establish, and up-
2 date annually, a public website on the access to fo-
3 rensic nurse examiners.

4 “(2) CONTENTS.—The website required under
5 paragraph (1) shall with specificity describe, by
6 State—

7 “(A) funding opportunities for SANE
8 training and continuing education; and

9 “(B) the availability of sexual assault ad-
10 vocates at locations providing sexual assault fo-
11 rensic exams.

12 “(3) REPORT TO CONGRESS.—Not later than 4
13 years after the date of enactment of the Supporting
14 Access to Nurse Exams Act, the Attorney General,
15 in consultation with the Secretary, shall submit to
16 the Committee on the Judiciary of the Senate, the
17 Committee on Health, Education, Labor, and Pen-
18 sions of the Senate, the Committee on the Judiciary
19 of the House of Representatives, and the Committee
20 on Energy and Commerce of the House of Rep-
21 resentatives a report on—

22 “(A) the availability of, and patient access
23 to, trained SANEs and other providers who
24 perform MFEs or sexual assault forensic exami-
25 nations;

1 “(B) the health care facilities, including
2 hospitals or clinics, that offer SANEs and sex-
3 ual assault forensic examinations and whether
4 each health care facility, including a hospital or
5 clinic, has full-time, part-time, or on-call cov-
6 erage;

7 “(C) regional, provider, or other barriers
8 to access for SANE care and services, including
9 MFEs and sexual assault forensic examinations;

10 “(D) State requirements, minimum stand-
11 ards, and protocols for training SANEs, includ-
12 ing trauma-informed and culturally competent
13 training standards;

14 “(E) State requirements, minimum stand-
15 ards, and protocols for training emergency serv-
16 ices personnel involved in MFEs and sexual as-
17 sault forensic examinations;

18 “(F) the availability of sexual assault
19 nurse examiner training, frequency of when
20 training is convened, the providers of such
21 training, the State’s role in such training, and
22 what process or procedures are in place for con-
23 tinuing education of such examiners;

24 “(G) the dedicated Federal and State
25 funding to support SANE training;

1 “(H) funding opportunities for SANE
2 training and continuing education;

3 “(I) the availability of sexual assault advo-
4 cates at locations providing MFEs and sexual
5 assault forensic exams; and

6 “(J) the total annual cost of conducting
7 sexual assault forensic exams described in sec-
8 tion 2010(b) of title I of the Omnibus Crime
9 Control and Safe Streets Act of 1968 (34
10 U.S.C. 10449(b)).”.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—Sub-
12 section (e) of section 304 of the DNA Sexual Assault Jus-
13 tice Act of 2004 (34 U.S.C. 40723), as redesignated by
14 subsection (d) of this section, is amended to read as fol-
15 lows:

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated \$30,000,000 for each
18 of fiscal years 2023 through 2027 to carry out this sec-
19 tion.”.

20 **TITLE XIV—CYBERCRIME**
21 **ENFORCEMENT**

22 **SEC. 1401. LOCAL LAW ENFORCEMENT GRANTS FOR EN-**
23 **FORCEMENT OF CYBERCRIMES.**

24 (a) DEFINITIONS.—In this section:

1 (1) COMPUTER.—The term “computer” in-
2 cludes a computer network and an interactive elec-
3 tronic device.

4 (2) CYBERCRIME AGAINST INDIVIDUALS.—The
5 term “cybercrime against individuals”—

6 (A) means a criminal offense applicable in
7 the area under the jurisdiction of the relevant
8 State, Indian Tribe, or unit of local government
9 that involves the use of a computer to harass,
10 threaten, stalk, extort, coerce, cause fear to, or
11 intimidate an individual, or without consent dis-
12 tribute intimate images of an adult, except that
13 use of a computer need not be an element of
14 such an offense; and

15 (B) does not include the use of a computer
16 to cause harm to a commercial entity, govern-
17 ment agency, or non-natural person.

18 (3) INDIAN TRIBE; STATE; TRIBAL GOVERN-
19 MENT; UNIT OF LOCAL GOVERNMENT.—The terms
20 “Indian Tribe”, “State”, “Tribal government”, and
21 “unit of local government” have the meanings given
22 such terms in section 40002(a) of the Violence
23 Against Women Act of 1994 (34 U.S.C. 12291(a)),
24 as amended by this Act.

1 (b) AUTHORIZATION OF GRANT PROGRAM.—Subject
2 to the availability of appropriations, the Attorney General
3 shall award grants under this section to States, Indian
4 Tribes, and units of local government for the prevention,
5 enforcement, and prosecution of cybercrimes against indi-
6 viduals.

7 (c) APPLICATION.—

8 (1) IN GENERAL.—To request a grant under
9 this section, the chief executive officer of a State,
10 Tribal government, or unit of local government shall
11 submit an application to the Attorney General not
12 later than 90 days after the date on which funds to
13 carry out this section are appropriated for a fiscal
14 year, in such form as the Attorney General may re-
15 quire.

16 (2) CONTENTS.—An application submitted
17 under paragraph (1) shall include the following:

18 (A) A certification that Federal funds
19 made available under this section will not be
20 used to supplant State, Tribal, or local funds,
21 but will be used to increase the amounts of
22 such funds that would, in the absence of Fed-
23 eral funds, be made available for law enforce-
24 ment activities.

1 (B) An assurance that, not later than 30
2 days before the application (or any amendment
3 to the application) was submitted to the Attor-
4 ney General, the application (or amendment)
5 was submitted for review to the governing body
6 of the State, Tribe, or unit of local government
7 (or to an organization designated by that gov-
8 erning body).

9 (C) An assurance that, before the applica-
10 tion (or any amendment to the application) was
11 submitted to the Attorney General—

12 (i) the application (or amendment)
13 was made public; and

14 (ii) an opportunity to comment on the
15 application (or amendment) was provided
16 to citizens, to neighborhood or community-
17 based organizations, and to victim service
18 providers, to the extent applicable law or
19 established procedure makes such an op-
20 portunity available;

21 (D) An assurance that, for each fiscal year
22 covered by an application, the applicant shall
23 maintain and report such data, records, and in-
24 formation (programmatic and financial) as the
25 Attorney General may reasonably require.

1 (E) A certification, made in a form accept-
2 able to the Attorney General and executed by
3 the chief executive officer of the applicant (or
4 by another officer of the applicant, if qualified
5 under regulations promulgated by the Attorney
6 General), that—

7 (i) the programs to be funded by the
8 grant meet all the requirements of this sec-
9 tion;

10 (ii) all the information contained in
11 the application is correct;

12 (iii) there has been appropriate co-
13 ordination with affected agencies; and

14 (iv) the applicant will comply with all
15 provisions of this section and all other ap-
16 plicable Federal laws.

17 (F) A certification that the State, Tribe, or
18 in the case of a unit of local government, the
19 State in which the unit of local government is
20 located, has in effect criminal laws which pro-
21 hibit cybercrimes against individuals.

22 (G) A certification that any equipment de-
23 scribed in subsection (d)(8) purchased using
24 grant funds awarded under this section will be
25 used primarily for investigations and forensic

1 analysis of evidence in matters involving
2 cybercrimes against individuals.

3 (d) USE OF FUNDS.—Grants awarded under this sec-
4 tion may be used only for programs that provide—

5 (1) training for State, Tribal, or local law en-
6 forcement personnel relating to cybercrimes against
7 individuals, including—

8 (A) training such personnel to identify and
9 protect victims of cybercrimes against individ-
10 uals, provided that the training is developed in
11 collaboration with victim service providers;

12 (B) training such personnel to utilize Fed-
13 eral, State, Tribal, local, and other resources to
14 assist victims of cybercrimes against individ-
15 uals;

16 (C) training such personnel to identify and
17 investigate cybercrimes against individuals;

18 (D) training such personnel to enforce and
19 utilize the laws that prohibit cybercrimes
20 against individuals;

21 (E) training such personnel to utilize tech-
22 nology to assist in the investigation of
23 cybercrimes against individuals and enforce-
24 ment of laws that prohibit such crimes; and

1 (F) the payment of overtime incurred as a
2 result of such training;

3 (2) training for State, Tribal, or local prosecu-
4 tors, judges, and judicial personnel relating to
5 cybercrimes against individuals, including—

6 (A) training such personnel to identify, in-
7 vestigate, prosecute, or adjudicate cybercrimes
8 against individuals;

9 (B) training such personnel to utilize laws
10 that prohibit cybercrimes against individuals;

11 (C) training such personnel to utilize Fed-
12 eral, State, Tribal, local, and other resources to
13 assist victims of cybercrimes against individ-
14 uals; and

15 (D) training such personnel to utilize tech-
16 nology to assist in the prosecution or adjudica-
17 tion of acts of cybercrimes against individuals,
18 including the use of technology to protect vic-
19 tims of such crimes;

20 (3) training for State, Tribal, or local emer-
21 gency dispatch personnel relating to cybercrimes
22 against individuals, including—

23 (A) training such personnel to identify and
24 protect victims of cybercrimes against individ-
25 uals;

1 (B) training such personnel to utilize Fed-
2 eral, State, Tribal, local, and other resources to
3 assist victims of cybercrimes against individ-
4 uals;

5 (C) training such personnel to utilize tech-
6 nology to assist in the identification of and re-
7 sponse to cybercrimes against individuals; and

8 (D) the payment of overtime incurred as a
9 result of such training;

10 (4) assistance to State, Tribal, or local law en-
11 forcement agencies in enforcing laws that prohibit
12 cybercrimes against individuals, including expenses
13 incurred in performing enforcement operations, such
14 as overtime payments;

15 (5) assistance to State, Tribal, or local law en-
16 forcement agencies in educating the public in order
17 to prevent, deter, and identify violations of laws that
18 prohibit cybercrimes against individuals;

19 (6) assistance to State, Tribal, or local law en-
20 forcement agencies to support the placement of vic-
21 tim assistants to serve as liaisons between victims of
22 cybercrimes against individuals and personnel of law
23 enforcement agencies;

24 (7) assistance to State, Tribal, or local law en-
25 forcement agencies to establish task forces that op-

1 erate solely to conduct investigations, forensic anal-
2 yses of evidence, and prosecutions in matters involv-
3 ing cybercrimes against individuals;

4 (8) assistance to State, Tribal, or local law en-
5 forcement agencies and prosecutors in acquiring
6 computers, computer equipment, and other equip-
7 ment necessary to conduct investigations and foren-
8 sic analysis of evidence in matters involving
9 cybercrimes against individuals, including expenses
10 incurred in the training, maintenance, or acquisition
11 of technical updates necessary for the use of such
12 equipment for the duration of a reasonable period of
13 use of such equipment;

14 (9) assistance in the facilitation and promotion
15 of sharing, with State, Tribal, and local law enforce-
16 ment agencies and prosecutors, of the expertise and
17 information of Federal law enforcement agencies
18 about the investigation, analysis, and prosecution of
19 matters involving laws that prohibit cybercrimes
20 against individuals, including the use of multijuris-
21 dictional task forces; or

22 (10) assistance to State, Tribal, and local law
23 enforcement and prosecutors in processing interstate
24 extradition requests for violations of laws involving
25 cybercrimes against individuals, including expenses

1 incurred in the extradition of an offender from one
2 State to another.

3 (e) REPORTS TO THE ATTORNEY GENERAL.—On the
4 date that is 1 year after the date on which a State, Indian
5 Tribe, or unit of local government receives a grant under
6 this section, and annually thereafter, the chief executive
7 officer of the State, Tribal government, or unit of local
8 government shall submit to the Attorney General a report
9 which contains—

10 (1) a summary of the activities carried out dur-
11 ing the previous year with any grant received under
12 this section by such State, Indian Tribe, or unit of
13 local government;

14 (2) an evaluation of the results of such activi-
15 ties; and

16 (3) such other information as the Attorney
17 General may reasonably require.

18 (f) REPORTS TO CONGRESS.—Not later than Novem-
19 ber 1 of each even-numbered fiscal year, the Attorney
20 General shall submit to the Committee on the Judiciary
21 of the House of Representatives and the Committee on
22 the Judiciary of the Senate a report that contains a com-
23 pilation of the information contained in the reports sub-
24 mitted under subsection (e).

25 (g) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated to carry out this section \$10,000,000
3 for each of fiscal years 2023 through 2027.

4 (2) LIMITATION.—Of the amount made avail-
5 able under paragraph (1) in any fiscal year, not
6 more than 5 percent may be used for evaluation,
7 monitoring, technical assistance, salaries, and ad-
8 ministrative expenses.

9 **SEC. 1402. NATIONAL RESOURCE CENTER GRANT.**

10 (a) DEFINITIONS.—In this section:

11 (1) CYBERCRIME AGAINST INDIVIDUALS.—The
12 term “cybercrime against individuals” has the mean-
13 ing given such term in section 1401.

14 (2) ELIGIBLE ENTITY.—The term “eligible enti-
15 ty” means a nonprofit private organization that—

16 (A) focuses on cybercrimes against individ-
17 uals;

18 (B) provides documentation to the Attor-
19 ney General demonstrating experience working
20 directly on issues of cybercrimes against indi-
21 viduals; and

22 (C) includes on the organization’s advisory
23 board representatives who—

1 (i) have a documented history of
2 working directly on issues of cybercrimes
3 against individuals;

4 (ii) have a history of working directly
5 with victims of cybercrimes against individ-
6 uals; and

7 (iii) are geographically and culturally
8 diverse.

9 (b) AUTHORIZATION OF GRANT PROGRAM.—Subject
10 to the availability of appropriations, the Attorney General
11 shall award a grant under this section to an eligible entity
12 for the purpose of the establishment and maintenance of
13 a National Resource Center on Cybercrimes Against Indi-
14 viduals to provide resource information, training, and
15 technical assistance to improve the capacity of individuals,
16 organizations, governmental entities, and communities to
17 prevent, enforce, and prosecute cybercrimes against indi-
18 viduals.

19 (c) APPLICATION.—

20 (1) IN GENERAL.—To request a grant under
21 this section, an eligible entity shall submit an appli-
22 cation to the Attorney General not later than 90
23 days after the date on which funds to carry out this
24 section are appropriated for fiscal year 2022 in such
25 form as the Attorney General may require.

1 (2) CONTENTS.—An application submitted
2 under paragraph (1) shall include the following:

3 (A) An assurance that, for each fiscal year
4 covered by the application, the applicant will
5 maintain and report such data, records, and in-
6 formation (programmatic and financial) as the
7 Attorney General may reasonably require.

8 (B) A certification, made in a form accept-
9 able to the Attorney General, that—

10 (i) the programs funded by the grant
11 meet all the requirements of this section;

12 (ii) all the information contained in
13 the application is correct; and

14 (iii) the applicant will comply with all
15 provisions of this section and all other ap-
16 plicable Federal laws.

17 (d) USE OF FUNDS.—The eligible entity awarded a
18 grant under this section shall use such amounts for the
19 establishment and maintenance of a National Resource
20 Center on Cybercrimes Against Individuals, which shall—

21 (1) offer a comprehensive array of technical as-
22 sistance and training resources to Federal, State,
23 and local governmental agencies, community-based
24 organizations, and other professionals and interested

1 parties related to cybercrimes against individuals, in-
2 cluding programs and research related to victims;

3 (2) maintain a resource library which shall col-
4 lect, prepare, analyze, and disseminate information
5 and statistics related to—

6 (A) the incidence of cybercrimes against
7 individuals;

8 (B) the enforcement and prosecution of
9 laws relating to cybercrimes against individuals;
10 and

11 (C) the provision of supportive services and
12 resources for victims, including victims from
13 underserved populations, of cybercrimes against
14 individuals; and

15 (3) conduct research related to—

16 (A) the causes of cybercrimes against indi-
17 viduals;

18 (B) the effect of cybercrimes against indi-
19 viduals on victims of such crimes; and

20 (C) model solutions to prevent or deter
21 cybercrimes against individuals or to enforce
22 the laws relating to cybercrimes against individ-
23 uals.

24 (e) DURATION OF GRANT.—

1 (1) IN GENERAL.—A grant awarded under this
2 section shall be awarded for a period of 5 years.

3 (2) RENEWAL.—A grant under this section may
4 be renewed for additional 5-year periods if the At-
5 torney General determines that the funds made
6 available to the recipient were used in a manner de-
7 scribed in subsection (d), and if the recipient resub-
8 mits an application described in subsection (c) in
9 such form, and at such time, as the Attorney Gen-
10 eral may reasonably require.

11 (f) SUBGRANTS.—The eligible entity awarded a grant
12 under this section may make subgrants to other nonprofit
13 private organizations with relevant subject matter exper-
14 tise in order to establish and maintain the National Re-
15 source Center on Cybercrimes Against Individuals in ac-
16 cordance with subsection (d).

17 (g) REPORTS TO THE ATTORNEY GENERAL.—On the
18 date that is 1 year after the date on which an eligible enti-
19 ty receives a grant under this section, and annually there-
20 after for the duration of the grant period, the entity shall
21 submit to the Attorney General a report which contains—

22 (1) a summary of the activities carried out
23 under the grant program during the previous year;

24 (2) an evaluation of the results of such activi-
25 ties; and

1 (3) such other information as the Attorney
2 General may reasonably require.

3 (h) REPORTS TO CONGRESS.—Not later than Novem-
4 ber 1 of each even-numbered fiscal year, the Attorney
5 General shall submit to the Committee on the Judiciary
6 of the House of Representatives and the Committee on
7 the Judiciary of the Senate a report that contains a com-
8 pilation of the information contained in the reports sub-
9 mitted under subsection (g).

10 (i) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 \$4,000,000 for each of fiscal years 2023 through 2027.

13 **SEC. 1403. NATIONAL STRATEGY, CLASSIFICATION, AND RE-**
14 **PORTING ON CYBERCRIME.**

15 (a) DEFINITIONS.—In this section:

16 (1) COMPUTER.—The term “computer” in-
17 cludes a computer network and any interactive elec-
18 tronic device.

19 (2) CYBERCRIME AGAINST INDIVIDUALS.—The
20 term “cybercrime against individuals” has the mean-
21 ing given the term in section 1401.

22 (b) NATIONAL STRATEGY.—The Attorney General
23 shall develop a national strategy to—

24 (1) reduce the incidence of cybercrimes against
25 individuals;

1 (2) coordinate investigations of cybercrimes
2 against individuals by Federal law enforcement
3 agencies;

4 (3) increase the number of Federal prosecutions
5 of cybercrimes against individuals; and

6 (4) develop an evaluation process that measures
7 rates of cybercrime victimization and prosecutorial
8 rates among Tribal and culturally specific commu-
9 nities.

10 (c) CLASSIFICATION OF CYBERCRIMES AGAINST IN-
11 DIVIDUALS FOR PURPOSES OF CRIME REPORTS.—In ac-
12 cordance with the authority of the Attorney General under
13 section 534 of title 28, United States Code, the Director
14 of the Federal Bureau of Investigation shall—

15 (1) design and create within the Uniform Crime
16 Reports a category for offenses that constitute
17 cybercrimes against individuals;

18 (2) to the extent feasible, within the category
19 established under paragraph (1), establish subcat-
20 egories for each type of cybercrime against individ-
21 uals that is an offense under Federal or State law;

22 (3) classify the category established under para-
23 graph (1) as a Part I crime in the Uniform Crime
24 Reports; and

1 (4) classify each type of cybercrime against in-
2 dividuals that is an offense under Federal or State
3 law as a Group A offense for the purpose of the Na-
4 tional Incident-Based Reporting System.

5 (d) ANNUAL SUMMARY.—The Attorney General shall
6 publish an annual summary of the information reported
7 in the Uniform Crime Reports and the National Incident-
8 Based Reporting System relating to cybercrimes against
9 individuals, including an evaluation of the implementation
10 process for the national strategy developed under sub-
11 section (b) and outcome measurements on its impact on
12 Tribal and culturally specific communities.

13 **TITLE XV—KEEPING CHILDREN**
14 **SAFE FROM FAMILY VIOLENCE**

15 **SEC. 1501. SHORT TITLE.**

16 This title may be cited as the “Keeping Children Safe
17 From Family Violence Act” or “Kayden’s Law”.

18 **SEC. 1502. FINDINGS.**

19 Congress finds the following:

20 (1) Approximately 1 in 15 children is exposed
21 to domestic violence each year.

22 (2) Most child abuse is perpetrated in the fam-
23 ily and by a parent. Intimate partner violence and
24 child abuse overlap in the same families at rates be-
25 tween 30 and 60 percent. A child’s risk of abuse in-

1 creases after a perpetrator of intimate partner vio-
2 lence separates from a domestic partner, even when
3 the perpetrator has not previously directly abused
4 the child. Children who have witnessed intimate
5 partner violence are approximately 4 times more
6 likely to experience direct child maltreatment than
7 children who have not witnessed intimate partner vi-
8 olence.

9 (3) More than 75 percent of child sexual abuse
10 is perpetrated by a family member or a person
11 known to the child. Data of the Department of Jus-
12 tice shows that family members are 49 percent, or
13 almost half, of the perpetrators of crimes against
14 child sex assault victims younger than 6 years of
15 age.

16 (4) Research suggests a child's exposure to a
17 batterer is among the strongest indicators of risk of
18 incest victimization. One study found that female
19 children with fathers who are batterers of their
20 mothers were 6.5 times more likely to experience fa-
21 ther-daughter incest than female children who do
22 not have abusive fathers.

23 (5) Child abuse is a major public health issue
24 in the United States. Total lifetime financial costs
25 associated with just 1 year of confirmed cases of

1 child maltreatment, including child physical abuse,
2 sexual abuse, psychological abuse, and neglect, result
3 in \$124,000,000,000 in annual costs to the economy
4 of the United States, or approximately 1 percent of
5 the gross domestic product of the United States.

6 (6) Empirical research indicates that courts
7 regularly discount allegations of child physical and
8 sexual abuse when those allegations are raised in
9 child custody cases. Courts believed less than $\frac{1}{4}$ of
10 claims that a father has committed child physical or
11 sexual abuse. With respect to cases in which an al-
12 legedly abusive parent claimed the mother “alien-
13 ated” the child, courts believed only 1 out of 51
14 claims of sexual molestation by a father. Inde-
15 pendent research indicates that child sexual abuse
16 allegations are credible between 50 and 70 percent
17 of the time.

18 (7) Empirical research shows that alleged or
19 known abusive parents are often granted custody or
20 unprotected parenting time by courts. Approximately
21 $\frac{1}{3}$ of parents alleged to have committed child abuse
22 took primary custody from the protective parent re-
23 porting the abuse, placing children at ongoing risk.

24 (8) Researchers have documented nearly 800
25 child murders in the United States since 2008 com-

1 mitted by a divorcing or separating parent. More
2 than 100 of these child murders are known to have
3 occurred after a court ordered the child to have con-
4 tact with the dangerous parent over the objection of
5 a safe parent or caregiver.

6 (9) Scientifically unsound theories that treat
7 abuse allegations of mothers as likely false attempts
8 to undermine fathers are frequently applied in fam-
9 ily court to minimize or deny reports of abuse of
10 parents and children. Many experts who testify
11 against abuse allegations lack expertise in the rel-
12 evant type of alleged abuse, relying instead on un-
13 sound and unproven theories.

14 (10) Judges presiding over custody cases involv-
15 ing allegations of child abuse, child sexual abuse,
16 and domestic violence are rarely required to receive
17 training on these subjects, and most States have not
18 established standards for such training.

19 **SEC. 1503. PURPOSES.**

20 The purposes of this title are to—

21 (1) increase the priority given to child safety in
22 any State court divorce, separation, visitation, pater-
23 nity, child support, civil protection order, or family
24 custody court proceeding affecting the custody and

1 care of children, excluding child protective, abuse, or
2 neglect proceedings and juvenile justice proceedings;

3 (2) strengthen the abilities of courts to—

4 (A) recognize and adjudicate domestic vio-
5 lence and child abuse allegations based on valid,
6 admissible evidence; and

7 (B) enter orders that protect and minimize
8 the risk of harm to children; and

9 (3) ensure that professional personnel involved
10 in cases containing domestic violence or child abuse
11 allegations receive trauma-informed and culturally
12 appropriate training on the dynamics, signs, and im-
13 pact of domestic violence and child abuse, including
14 child sexual abuse.

15 **SEC. 1504. INCREASED FUNDING FOR STOP GRANTS.**

16 Section 2007 of title I of the Omnibus Crime Control
17 and Safe Streets Act of 1968 (34 U.S.C. 10446) is amend-
18 ed by adding at the end the following:

19 “(k) GRANT INCREASES FOR STATES WITH CERTAIN
20 CHILD CUSTODY PROCEEDING LAWS AND STANDARDS.—

21 “(1) DEFINITIONS.—In this subsection:

22 “(A) CHILD CUSTODY PROCEEDING.—The
23 term ‘child custody proceeding’—

24 “(i) means a private family court pro-
25 ceeding in State or local court that, with

1 respect to a child, involves the care or cus-
2 tody of the child in a private divorce, sepa-
3 ration, visitation, paternity, child support,
4 legal or physical custody, or civil protection
5 order proceeding between the parents of
6 the child; and

7 “(ii) does not include—

8 “(I) any child protective, abuse,
9 or neglect proceeding;

10 “(II) a juvenile justice pro-
11 ceeding; or

12 “(III) any child placement pro-
13 ceeding in which a State, local, or
14 Tribal government, a designee of such
15 a government, or any contracted child
16 welfare agency or child protective
17 services agency of such a government
18 is a party to the proceeding.

19 “(B) ELIGIBLE STATE.—The term ‘eligible
20 State’ means a State that—

21 “(i) receives a grant under subsection
22 (a); and

23 “(ii) has in effect—

24 “(I) each law described in para-
25 graph (3);

1 “(II) the standards described in
2 paragraph (4); and

3 “(III) the training program de-
4 scribed in paragraph (5).

5 “(C) REUNIFICATION TREATMENT.—The
6 term ‘reunification treatment’ means a treat-
7 ment or therapy aimed at reuniting or reestab-
8 lishing a relationship between a child and an es-
9 tranged or rejected parent or other family mem-
10 ber of the child.

11 “(2) INCREASE.—

12 “(A) IN GENERAL.—The Attorney General
13 shall increase the amount of a grant awarded
14 under subsection (a) to an eligible State that
15 submits an application under paragraph (6) by
16 an amount that is not more than 10 percent of
17 the average of the total amount of funding pro-
18 vided to the State under subsection (a) under
19 the 3 most recent awards to the State.

20 “(B) TERM OF INCREASE.—An increase of
21 a grant under subparagraph (A) shall be for 1
22 fiscal year.

23 “(C) RENEWAL.—An eligible State that re-
24 ceives an increase under subparagraph (A) may
25 submit an application for renewal of the in-

1 crease at such time, in such manner, and con-
2 taining such information as the Attorney Gen-
3 eral may reasonably require.

4 “(D) LIMIT.—An eligible State may not
5 receive an increase under subparagraph (A) for
6 more than 4 fiscal years.

7 “(3) LAWS.—The laws described in this para-
8 graph are the following:

9 “(A) A law that ensures that, with respect
10 to a child custody proceeding in which a parent
11 has been alleged to have committed domestic vi-
12 olence or child abuse, including child sexual
13 abuse—

14 “(i) expert evidence from a court-ap-
15 pointed or outside professional relating to
16 the alleged abuse may be admitted only if
17 the professional possesses demonstrated
18 expertise and clinical experience in working
19 with victims of domestic violence or child
20 abuse, including child sexual abuse, that is
21 not solely of a forensic nature; and

22 “(ii) in making a finding regarding
23 any allegation of domestic violence or child
24 abuse, including child sexual abuse, in ad-
25 dition to any other relevant admissible evi-

1 dence, evidence of past sexual or physical
2 abuse committed by the accused parent
3 shall be considered, including—

4 “(I) any past or current protec-
5 tion or restraining orders against the
6 accused parent;

7 “(II) sexual violence abuse pro-
8 tection orders against the accused
9 parent;

10 “(III) arrests of the accused par-
11 ent for domestic violence, sexual vio-
12 lence, or child abuse; or

13 “(IV) convictions of the accused
14 parent for domestic violence, sexual
15 violence, or child abuse.

16 “(B) A law that ensures that, during a
17 child custody proceeding—

18 “(i) a court may not, solely in order
19 to improve a deficient relationship with the
20 other parent of a child, remove the child
21 from a parent or litigating party—

22 “(I) who is competent, protective,
23 and not physically or sexually abusive;
24 and

1 “(II) with whom the child is
2 bonded or to whom the child is at-
3 tached;

4 “(ii) a court may not, solely in order
5 to improve a deficient relationship with the
6 other parent of a child, restrict contact be-
7 tween the child and a parent or litigating
8 party—

9 “(I) who is competent, protective,
10 and not physically or sexually abusive;
11 and

12 “(II) with whom the child is
13 bonded or to whom the child is at-
14 tached;

15 “(iii) a court may not order a reunifi-
16 cation treatment, unless there is generally
17 accepted and scientifically valid proof of
18 the safety, effectiveness, and therapeutic
19 value of the reunification treatment;

20 “(iv) a court may not order a reunifi-
21 cation treatment that is predicated on cut-
22 ting off a child from a parent with whom
23 the child is bonded or to whom the child is
24 attached; and

1 “(v) any order to remediate the resist-
2 ance of a child to have contact with a vio-
3 lent or abusive parent primarily addresses
4 the behavior of that parent or the con-
5 tributions of that parent to the resistance
6 of the child before ordering the other par-
7 ent of the child to take steps to potentially
8 improve the relationship of the child with
9 the parent with whom the child resists con-
10 tact.

11 “(C) A law that requires judges and mag-
12 istrates who hear child custody proceedings and
13 other relevant court personnel involved in child
14 custody proceedings, including guardians ad
15 litem, best interest attorneys, counsel for chil-
16 dren, custody evaluators, masters, and medi-
17 ators to complete, with respect to the training
18 program described in paragraph (5)—

19 “(i) not less than 20 hours of initial
20 training; and

21 “(ii) not less than 15 hours of ongo-
22 ing training every 5 years.

23 “(4) UNIFORM REQUIRED STANDARDS.—The
24 standards described in this paragraph are uniform
25 required standards that—

1 “(A) apply to any neutral professional ap-
2 pointed by a court during a child custody pro-
3 ceeding to express an opinion relating to abuse,
4 trauma, or the behaviors of victims and per-
5 petrators of abuse and trauma; and

6 “(B) require that a professional described
7 in subparagraph (A) possess demonstrated ex-
8 pertise and clinical experience in working with
9 victims of domestic violence or child abuse, in-
10 cluding child sexual abuse, that is not solely of
11 a forensic nature.

12 “(5) TRAINING AND EDUCATION PROGRAM.—
13 The training program described in this paragraph is
14 an ongoing training and education program that—

15 “(A) focuses solely on domestic and sexual
16 violence and child abuse, including—

17 “(i) child sexual abuse;

18 “(ii) physical abuse;

19 “(iii) emotional abuse;

20 “(iv) coercive control;

21 “(v) implicit and explicit bias, includ-
22 ing biases relating to parents with disabil-
23 ities;

24 “(vi) trauma;

1 “(vii) long- and short-term impacts of
2 domestic violence and child abuse on chil-
3 dren; and

4 “(viii) victim and perpetrator behavior
5 patterns and relationship dynamics within
6 the cycle of violence;

7 “(B) is provided by—

8 “(i) a professional with substantial ex-
9 perience in assisting survivors of domestic
10 violence or child abuse, including a victim
11 service provider (as defined in section
12 40002 of the Violence Against Women Act
13 of 1994 (34 U.S.C. 12291)); and

14 “(ii) if possible, a survivor of domestic
15 violence or child physical or sexual abuse;

16 “(C) relies on evidence-based and peer-re-
17 viewed research by recognized experts in the
18 types of abuse described in subparagraph (A);

19 “(D) does not include theories, concepts,
20 or belief systems unsupported by the research
21 described in subparagraph (C); and

22 “(E) is designed to improve the ability of
23 courts to—

24 “(i) recognize and respond to child
25 physical abuse, child sexual abuse, domes-

1 tie violence, and trauma in all family vic-
2 tims, particularly children; and

3 “(ii) make appropriate custody deci-
4 sions that—

5 “(I) prioritize child safety and
6 well-being; and

7 “(II) are culturally sensitive and
8 appropriate for diverse communities.

9 “(6) APPLICATION.—

10 “(A) IN GENERAL.—An eligible State de-
11 siring a grant increase under this subsection
12 shall submit an application to the Attorney
13 General at such time, in such manner, and con-
14 taining such information as the Attorney Gen-
15 eral may reasonably require.

16 “(B) CONTENTS.—An application sub-
17 mitted by an eligible State under subparagraph
18 (A) shall include information relating to—

19 “(i) the laws described paragraph (3);

20 “(ii) the standards described in para-
21 graph (4); and

22 “(iii) the training program described
23 in paragraph (5).

24 “(7) USE OF FUNDS.—An eligible State that re-
25 ceives a grant increase under paragraph (2)(A) shall

1 use the total amount of the increase for the purposes
2 described in subparagraph (C) or (D) of subsection
3 (c)(4).

4 “(8) RULE OF CONSTRUCTION.—Nothing in
5 this subsection shall be interpreted as discouraging
6 States from adopting additional provisions to in-
7 crease safe outcomes for children. Additional protec-
8 tive provisions are encouraged.

9 “(9) AUTHORIZATION OF APPROPRIATIONS.—
10 There are authorized to be appropriated to carry out
11 this subsection \$5,000,000 for each of fiscal years
12 2023 through 2027.”.

13 **SEC. 1505. SEXUAL ASSAULT SURVIVORS’ RIGHTS.**

14 Section 3772(a)(2) of title 18, United States Code,
15 is amended—

16 (1) in subparagraph (B), by striking “; and”
17 and inserting a semicolon;

18 (2) in subparagraph (C), by striking the period
19 at the end and inserting “; and”; and

20 (3) by adding at the end the following new sub-
21 paragraph:

22 “(D) be informed of the status and loca-
23 tion of a sexual assault evidence collection kit.”.

1 **SEC. 1506. GRANTS TO STATE AND TRIBAL COURTS TO IM-**
2 **PLEMENT PROTECTION ORDER PILOT PRO-**
3 **GRAMS.**

4 Part U of title I of the Omnibus Crime Control and
5 Safe Streets Act of 1968 (34 U.S.C. 10461 et seq.) is
6 amended—

7 (1) by redesignating sections 2103, 2104, and
8 2105 as sections 2104, 2105, and 2106, respectively;
9 and

10 (2) by inserting after section 2102 the fol-
11 lowing:

12 **“SEC. 2103. GRANTS TO STATE AND TRIBAL COURTS TO IM-**
13 **PLEMENT PROTECTION ORDER PILOT PRO-**
14 **GRAMS.**

15 “(a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
16 tion, the term ‘eligible entity’ means a State or Tribal
17 court that is part of a multidisciplinary partnership that
18 includes, to the extent practicable—

19 “(1) a State, Tribal, or local law enforcement
20 agency;

21 “(2) a State, Tribal, or local prosecutor’s office;

22 “(3) a victim service provider or State or Tribal
23 domestic violence coalition;

24 “(4) a provider of culturally specific services;

25 “(5) a nonprofit program or government agency
26 with demonstrated experience in providing legal as-

1 assistance or legal advice to victims of domestic vio-
2 lence and sexual assault;

3 “(6) the bar association of the applicable State
4 or Indian Tribe;

5 “(7) the State or Tribal association of court
6 clerks;

7 “(8) a State, Tribal, or local association of
8 criminal defense attorneys;

9 “(9) not fewer than 2 individuals with expertise
10 in the design and management of court case man-
11 agement systems and systems of integration;

12 “(10) not fewer than 2 State or Tribal court
13 judges with experience in—

14 “(A) the field of domestic violence; and

15 “(B) issuing protective orders; and

16 “(11) a judge assigned to the criminal docket of
17 the State or Tribal court.

18 “(b) GRANTS AUTHORIZED.—

19 “(1) IN GENERAL.—The Attorney General shall
20 make grants to eligible entities to carry out the ac-
21 tivities described in subsection (c) of this section.

22 “(2) NUMBER.—The Attorney General may
23 award not more than 10 grants under paragraph
24 (1).

1 “(3) AMOUNT.—The amount of a grant award-
2 ed under paragraph (1) may be not more than
3 \$1,500,000.

4 “(c) MANDATORY ACTIVITIES.—

5 “(1) IN GENERAL.—An eligible entity that re-
6 ceives a grant under this section shall use the grant
7 funds, in consultation with the partners of the eligi-
8 ble entity described in subsection (a), to—

9 “(A) develop and implement a program for
10 properly and legally serving protection orders
11 through electronic communication methods to—

12 “(i) modernize the service process and
13 make the process more effective and effi-
14 cient;

15 “(ii) provide for improved safety of
16 victims; and

17 “(iii) make protection orders enforce-
18 able as quickly as possible;

19 “(B) develop best practices relating to the
20 service of protection orders through electronic
21 communication methods;

22 “(C) ensure that the program developed
23 under subparagraph (A) complies with due
24 process requirements and any other procedures
25 required by law or by a court; and

1 “(D) implement any technology necessary
2 to carry out the program developed under sub-
3 paragraph (A), such as technology to verify and
4 track the receipt of a protection order by the
5 intended party.

6 “(2) TIMELINE.—An eligible entity that re-
7 ceives a grant under this section shall—

8 “(A) implement the program required
9 under paragraph (1)(A) not later than 2 years
10 after the date on which the eligible entity re-
11 ceives the grant; and

12 “(B) carry out the program required under
13 paragraph (1)(A) for not fewer than 3 years.

14 “(d) DIVERSITY OF RECIPIENTS.—The Attorney
15 General shall award grants under this section to eligible
16 entities in a variety of areas and situations, including, to
17 the extent practicable—

18 “(1) a State court that serves a population of
19 not fewer than 1,000,000 individuals;

20 “(2) a State court that—

21 “(A) serves a State that is among the 7
22 States with the lowest population density in the
23 United States; and

1 “(B) has a relatively low rate of successful
2 service with respect to protection orders, as de-
3 termined by the Attorney General;

4 “(3) a State court that—

5 “(A) serves a State that is among the 7
6 States with the highest population density in
7 the United States; and

8 “(B) has a relatively low rate of successful
9 service with respect to protection orders, as de-
10 termined by the Attorney General;

11 “(4) a court that uses an integrated, statewide
12 case management system;

13 “(5) a court that uses a standalone case man-
14 agement system;

15 “(6) a Tribal court; and

16 “(7) a court that primarily serves a culturally
17 specific and underserved population.

18 “(e) APPLICATION.—

19 “(1) IN GENERAL.—An eligible entity desiring a
20 grant under this section shall submit to the Attorney
21 General an application that includes—

22 “(A) a description of the process that the
23 eligible entity uses for service of protection or-
24 ders at the time of submission of the applica-
25 tion;

1 “(B) to the extent practicable, statistics re-
2 relating to protection orders during the 3 cal-
3 endar years preceding the date of submission of
4 the application, including rates of—

5 “(i) successful service; and

6 “(ii) enforcement;

7 “(C) an initial list of the entities serving as
8 the partners of the eligible entity described in
9 subsection (a); and

10 “(D) any other information the Attorney
11 General may reasonably require.

12 “(2) NO OTHER APPLICATION REQUIRED.—An
13 eligible entity shall not be required to submit an ap-
14 plication under section 2102 to receive a grant
15 under this section.

16 “(f) REPORT TO ATTORNEY GENERAL.—

17 “(1) INITIAL REPORT.—Not later than 2 years
18 after the date on which an eligible entity receives a
19 grant under this section, the eligible entity shall sub-
20 mit to the Attorney General a report that details the
21 plan of the eligible entity for implementation of the
22 program under subsection (c).

23 “(2) SUBSEQUENT REPORTS.—

24 “(A) IN GENERAL.—Not later than 1 year
25 after the date on which an eligible entity imple-

1 ments a program under subsection (c), and not
2 later than 2 years thereafter, the eligible entity
3 shall submit to the Attorney General a report
4 that describes the program, including, with re-
5 spect to the program—

6 “(i) the viability;

7 “(ii) the cost;

8 “(iii) service statistics;

9 “(iv) the challenges;

10 “(v) an analysis of the technology
11 used to fulfill the goals of the program;

12 “(vi) an analysis of any legal or due
13 process issues resulting from the electronic
14 service method described in subsection
15 (c)(1)(A); and

16 “(vii) best practices for implementing
17 such a program in other similarly situated
18 locations.

19 “(B) CONTENTS OF FINAL REPORT.—An
20 eligible entity shall include in the second report
21 submitted under subparagraph (A) rec-
22 ommendations for—

23 “(i) future nationwide implementation
24 of the program implemented by the eligible
25 entity; and

1 “(ii) usage of electronic service, simi-
2 lar to the service used by the eligible enti-
3 ty, for other commonly used court orders,
4 including with respect to viability and cost.

5 “(g) NO REGULATIONS OR GUIDELINES RE-
6 QUIRED.—Notwithstanding section 2105, the Attorney
7 General shall not be required to publish regulations or
8 guidelines implementing this section.

9 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section
11 \$10,000,000 for fiscal years 2023 through 2027.”.

12 **SEC. 1507. ONLINE SURVEY TOOL FOR CAMPUS SAFETY.**

13 (a) IN GENERAL.—The Secretary of Education, in
14 consultation with the Attorney General, the Director of
15 the Centers for Disease Control and Prevention, the Sec-
16 retary of Health and Human Services, and experts in do-
17 mestic violence, dating violence, sexual assault, sexual har-
18 assment, and stalking, shall develop, design, and make
19 available through a secure and accessible online portal, a
20 standardized online survey tool regarding postsecondary
21 student experiences with domestic violence, dating vio-
22 lence, sexual assault, sexual harassment, and stalking.

23 (b) DEVELOPMENT OF SURVEY TOOL.—In devel-
24 oping the survey tool required under subsection (a), the
25 Secretary of Education shall—

1 (1) use best practices from peer-reviewed re-
2 search measuring domestic violence, dating violence,
3 sexual assault, sexual harassment, and stalking;

4 (2) consult with the higher education commu-
5 nity, experts in survey research related to domestic
6 violence, dating violence, sexual assault, sexual har-
7 assment, and stalking, and organizations engaged in
8 the prevention of and response to, and advocacy on
9 behalf of victims of, domestic violence, dating vio-
10 lence, sexual assault, sexual harassment, and stalk-
11 ing, including victims from culturally specific popu-
12 lations and victims with disabilities, regarding the
13 development and design of such survey tool and the
14 methodology for administration of such survey tool;
15 and

16 (3) ensure that the survey tool is readily acces-
17 sible to and usable by individuals with disabilities.

18 (c) ELEMENTS.—

19 (1) IN GENERAL.—The survey tool developed
20 pursuant to this section shall be fair and unbiased,
21 be scientifically valid and reliable, meet the highest
22 standards of survey research, and notify the partici-
23 pant that anonymized results of the survey may be
24 published.

1 (2) SURVEY QUESTIONS.—Survey questions in-
2 cluded in the survey tool developed pursuant to this
3 section shall—

4 (A) be designed to gather information on
5 student experiences with domestic violence, dat-
6 ing violence, sexual assault, sexual harassment,
7 and stalking, including the experiences of vic-
8 tims of such incidents;

9 (B) use trauma-informed language to pre-
10 vent re-traumatization; and

11 (C) include—

12 (i) questions that give students the
13 option to report their demographic infor-
14 mation;

15 (ii) questions designed to determine
16 the incidence and prevalence of domestic
17 violence, dating violence, sexual assault,
18 sexual harassment, and stalking;

19 (iii) questions regarding whether stu-
20 dents know about institutional policies and
21 procedures related to domestic violence,
22 dating violence, sexual assault, sexual har-
23 assment, and stalking;

24 (iv) questions designed to determine,
25 if victims reported domestic violence, dat-

1 ing violence, sexual assault, sexual harass-
2 ment, or stalking—

3 (I) to whom the incident was re-
4 ported and what response the victim
5 may have received;

6 (II) whether the victim was in-
7 formed of, or referred to, national,
8 State, local, Tribal, or on-campus re-
9 sources; and

10 (III) whether the entity to whom
11 the victim reported the incident con-
12 ducted an investigation and the dura-
13 tion and final resolution of such an
14 investigation;

15 (v) questions regarding contextual fac-
16 tors, such as whether force, incapacitation,
17 or coercion was involved;

18 (vi) questions to determine whether an
19 accused individual was a student at the in-
20 stitution;

21 (vii) questions to determine whether a
22 victim reported an incident to Federal,
23 State, local, Tribal, or campus law enforce-
24 ment;

1 (viii) questions to determine why the
2 victim chose to report or not report an in-
3 cident to the institution or State, local, or
4 campus law enforcement;

5 (ix) questions to determine the impact
6 of domestic violence, dating violence, sex-
7 ual assault, sexual harassment, and stalk-
8 ing on the victim's education, including di-
9 minished grades, dropped classes, leaves of
10 absence, and negative financial con-
11 sequences (such as costs associated with
12 loss in paid tuition due to leaves of ab-
13 sence, loss in scholarship awards due to di-
14 minished grades, loss of foreign-student
15 visas, and costs associated with counseling,
16 medical services, or housing changes);

17 (x) questions to determine the impact
18 and effectiveness of prevention and aware-
19 ness programs and complaints processes;

20 (xi) questions to determine attitudes
21 toward sexual violence and harassment, in-
22 cluding the willingness of individuals to in-
23 tervene as a bystander to sex-based (in-
24 cluding against lesbian, gay, bisexual, or
25 transgender (commonly referred to as

1 “LGBT”) individuals), race-based, na-
2 tional origin-based, and disability-based
3 discrimination, harassment, assault, do-
4 mestic violence, dating violence, sexual as-
5 sault, sexual harassment, and stalking; and
6 (xii) other questions, as determined by
7 the Secretary of Education.

8 (3) ADDITIONAL ELEMENTS.—In addition to
9 the standardized questions developed by the Sec-
10 retary of Education under paragraph (2), subject to
11 the review and approval of the Secretary of Edu-
12 cation, an institution of higher education may re-
13 quest additional information from students that
14 would increase the understanding of the institution
15 of school climate factors unique to the campuses af-
16 filiated with the institution.

17 (4) RESPONSES.—The responses to the survey
18 questions described in paragraph (2) shall—

19 (A) be submitted confidentially;

20 (B) not be included in crime statistics; and

21 (C) in the case of such responses being in-
22 cluded in a report, not include personally identi-
23 fiable information.

24 (d) ADMINISTRATION OF SURVEY.—

1 (1) FEDERAL ADMINISTRATION.—The Sec-
2 retary of Education, in consultation with the Attor-
3 ney General, the Director of the Centers for Disease
4 Control and Prevention, and the Secretary of Health
5 and Human Services, shall develop a mechanism by
6 which institutions of higher education may, with re-
7 spect to the survey tool developed pursuant to this
8 section—

9 (A) administer such survey tool; and

10 (B) modify such survey tool to include ad-
11 ditional elements or requirements, as deter-
12 mined by the institution, subject to the review
13 and approval of the Secretary of Education.

14 (2) COSTS.—The Secretary of Education may
15 not require an institution of higher education to pay
16 to modify the survey tool in accordance with para-
17 graph (1)(B).

18 (3) ACCESSIBILITY.—The Secretary of Edu-
19 cation shall ensure that the survey tool is adminis-
20 tered in such a way as to be readily accessible to
21 and usable by individuals with disabilities.

22 (4) INSTITUTIONAL ADMINISTRATION.—Begin-
23 ning not later than 1 year after the date on which
24 the Secretary of Education makes available to insti-
25 tutions the mechanism described in paragraph (1),

1 and every 2 years thereafter, each institution of
2 higher education that receives Federal educational
3 assistance shall administer the survey tool developed
4 pursuant to this section.

5 (e) COMPLETED SURVEYS.—The Secretary of Edu-
6 cation shall require each institution of higher education
7 that administers the survey tool developed pursuant to this
8 section to ensure, to the maximum extent practicable, that
9 an adequate, random, and representative sample size of
10 students (as determined by the Secretary) enrolled at the
11 institution complete the survey tool developed pursuant to
12 this section.

13 (f) REPORT.—

14 (1) IN GENERAL.—Beginning not later than 2
15 years after the date of enactment of this Act, the
16 Secretary of Education shall—

17 (A) prepare a biennial report on the infor-
18 mation gained from the standardized elements
19 of the survey under this section and publish
20 such report in an accessible format on the
21 website of the Department of Education, in-
22 cluding as part of any online consumer tool of-
23 fered or supported by the Department of Edu-
24 cation that provides information to students re-
25 garding specific postsecondary educational insti-

1 tutions, such as the College Scorecard or any
2 successor or similar tool; and

3 (B) submit such report to Congress.

4 (2) INCLUSIONS AND EXCLUSIONS.—The report
5 required to be prepared under paragraph (1)—

6 (A) shall include campus-level data for
7 each institution and attributed by name of each
8 campus in a manner that permits comparisons
9 across institutions and campuses; and

10 (B) shall not publish any individual survey
11 responses.

12 (g) PUBLICATION.—Each institution of higher edu-
13 cation shall publish, in a manner that is readily accessible
14 and usable by individuals, including individuals with dis-
15 abilities—

16 (1) the campus-level results of the standardized
17 elements of the survey under this section on the
18 website of the institution and in the biennial report
19 required under subsection (f) for the campuses affili-
20 ated with the institution; and

21 (2) the campus-level results of the additional
22 elements modifying the survey by the institution, if
23 any, on the website of the institution.

1 **SEC. 1508. STUDY ON CHILD CUSTODY IN DOMESTIC VIO-**
2 **LENCE CASES.**

3 The Attorney General, in consultation with the Sec-
4 retary of Health and Human Services, shall conduct a
5 study that shall—

6 (1) provide a review of State laws, regulations,
7 and practices on how child neglect and custody situ-
8 ations are handled in domestic violence situations;
9 and

10 (2) include a list of recommendations on how to
11 restructure State laws, regulations, and practices to
12 better protect victims of domestic violence and their
13 children.

14 **DIVISION X—INTELLIGENCE AU-**
15 **THORIZATION FOR FISCAL**
16 **YEAR 2022**

17 **SEC. 1. SHORT TITLE.**

18 This division may be cited as the “Intelligence Au-
19 thorization Act for Fiscal Year 2022”.

20 **SEC. 2. DEFINITIONS.**

21 In this division:

22 (1) **CONGRESSIONAL INTELLIGENCE COMMIT-**
23 **TEES.**—The term “congressional intelligence com-
24 mittees” means—

25 (A) the Permanent Select Committee on
26 Intelligence and the Subcommittee on Defense

1 of the Committee on Appropriations of the
2 House of Representatives; and

3 (B) the Select Committee on Intelligence
4 and the Subcommittee on Defense of the Com-
5 mittee on Appropriations of the Senate.

6 (2) INTELLIGENCE COMMUNITY.—The term
7 “intelligence community” has the meaning given
8 such term in section 3 of the National Security Act
9 of 1947 (50 U.S.C. 3003).

10 **SEC. 3. EXPLANATORY STATEMENT.**

11 The explanatory statement regarding this division,
12 printed in the House section of the Congressional Record
13 by the Chairman of the Permanent Select Committee on
14 Intelligence of the House of Representatives and in the
15 Senate section of the Congressional Record by the Chair-
16 man of the Select Committee on Intelligence of the Senate,
17 shall have the same effect with respect to the implementa-
18 tion of this division as if it were a joint explanatory state-
19 ment of a committee of conference.

20 **TITLE I—INTELLIGENCE**
21 **ACTIVITIES**

22 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2022 for the conduct of the intelligence and

1 intelligence-related activities of the following elements of
2 the United States Government:

3 (1) The Office of the Director of National Intel-
4 ligence.

5 (2) The Central Intelligence Agency.

6 (3) The Department of Defense.

7 (4) The Defense Intelligence Agency.

8 (5) The National Security Agency.

9 (6) The Department of the Army, the Depart-
10 ment of the Navy, and the Department of the Air
11 Force.

12 (7) The Coast Guard.

13 (8) The Department of State.

14 (9) The Department of the Treasury.

15 (10) The Department of Energy.

16 (11) The Department of Justice.

17 (12) The Federal Bureau of Investigation.

18 (13) The Drug Enforcement Administration.

19 (14) The National Reconnaissance Office.

20 (15) The National Geospatial-Intelligence Agen-
21 cy.

22 (16) The Department of Homeland Security.

23 (17) The Space Force.

1 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

2 (a) SPECIFICATIONS OF AMOUNTS.—The amounts
3 authorized to be appropriated under section 101 for the
4 conduct of the intelligence activities of the elements listed
5 in paragraphs (1) through (17) of section 101, are those
6 specified in the classified Schedule of Authorizations pre-
7 pared to accompany this division.

8 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
9 THORIZATIONS.—

10 (1) AVAILABILITY.—The classified Schedule of
11 Authorizations referred to in subsection (a) shall be
12 made available to the Committee on Appropriations
13 of the Senate, the Committee on Appropriations of
14 the House of Representatives, and to the President.

15 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
16 ject to paragraph (3), the President shall provide for
17 suitable distribution of the classified Schedule of Au-
18 thorizations referred to in subsection (a), or of ap-
19 propriate portions of such Schedule, within the exec-
20 utive branch.

21 (3) LIMITS ON DISCLOSURE.—The President
22 shall not publicly disclose the classified Schedule of
23 Authorizations or any portion of such Schedule ex-
24 cept—

1 (A) as provided in section 601(a) of the
2 Implementing Recommendations of the 9/11
3 Commission Act of 2007 (50 U.S.C. 3306(a));

4 (B) to the extent necessary to implement
5 the budget; or

6 (C) as otherwise required by law.

7 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
8 **COUNT.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated for the Intelligence Commu-
11 nity Management Account of the Director of National In-
12 telligence for fiscal year 2022 the sum of \$587,100,000.

13 (b) CLASSIFIED AUTHORIZATION OF APPROPRIA-
14 TIONS.—In addition to amounts authorized to be appro-
15 priated for the Intelligence Community Management Ac-
16 count by subsection (a), there are authorized to be appro-
17 priated for the Intelligence Community Management Ac-
18 count for fiscal year 2022 such additional amounts as are
19 specified in the classified Schedule of Authorizations re-
20 ferred to in section 102(a).

1 **TITLE II—CENTRAL INTEL-**
2 **LIGENCE AGENCY RETIRE-**
3 **MENT AND DISABILITY SYS-**
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated for the Cen-
7 tral Intelligence Agency Retirement and Disability Fund
8 \$514,000,000 for fiscal year 2022.

9 **TITLE III—GENERAL INTEL-**
10 **LIGENCE COMMUNITY MAT-**
11 **TERS**

12 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
13 **ACTIVITIES.**

14 The authorization of appropriations by this division
15 shall not be deemed to constitute authority for the conduct
16 of any intelligence activity which is not otherwise author-
17 ized by the Constitution or the laws of the United States.

18 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**
19 **BENEFITS AUTHORIZED BY LAW.**

20 Appropriations authorized by this division for salary,
21 pay, retirement, and other benefits for Federal employees
22 may be increased by such additional or supplemental
23 amounts as may be necessary for increases in such com-
24 pensation or benefits authorized by law.

1 **SEC. 303. PROHIBITION ON COLLECTION AND MAINTENANCE OF INFORMATION OF UNITED STATES PERSONS BY INTELLIGENCE COMMUNITY BASED ON FIRST AMENDMENT-PROTECTED ACTIVITIES.**

6 Title I of the National Security Act of 1947 (50
7 U.S.C. 3021 et seq.) is amended by inserting after section
8 105B the following new section (and conforming the table
9 of contents at the beginning of such Act accordingly):

10 **“SEC. 105C. PROHIBITION ON COLLECTION AND MAINTENANCE OF INFORMATION OF UNITED STATES PERSONS BASED ON FIRST AMENDMENT-PROTECTED ACTIVITIES.**

14 “No element of the intelligence community may collect or maintain information concerning a United States
15 person (as defined in section 105A) solely for the purpose
16 of monitoring an activity protected by the first amendment
17 to the Constitution of the United States.”.

19 **SEC. 304. AUTHORIZATION OF SUPPORT BY DIRECTOR OF NATIONAL INTELLIGENCE FOR CERTAIN ACTIVITIES RELATING TO INTELLIGENCE COMMUNITY WORKFORCE.**

23 Title X of the National Security Act of 1947 (50
24 U.S.C. 3191 et seq.) is amended by inserting after section
25 1024 the following new section (and conforming the table
26 of contents at the beginning of such Act accordingly):

1 **“SEC. 1025. AUTHORIZATION OF SUPPORT BY DIRECTOR OF**
2 **NATIONAL INTELLIGENCE FOR CERTAIN**
3 **WORKFORCE ACTIVITIES.**

4 “(a) AUTHORIZATION.—The Director may, with or
5 without reimbursement, obligate or expend amounts au-
6 thorized to be appropriated or otherwise made available
7 for the Office of the Director of National Intelligence for
8 covered workforce activities for the purpose of supporting
9 a covered workforce activity of an element of the intel-
10 ligence community.

11 “(b) NOTIFICATION.—Not later than 30 days after
12 the date on which the Director exercises the authority in
13 subsection (a), the Director shall submit to the congres-
14 sional intelligence committees and the Committees on Ap-
15 propriations of the House of Representatives and the Sen-
16 ate written notification of such exercise.

17 “(c) COVERED WORKFORCE ACTIVITY DEFINED.—In
18 this section, the term ‘covered workforce activity’ means
19 an activity relating to—

20 “(1) recruitment or retention of the intelligence
21 community workforce; or

22 “(2) diversity, equality, inclusion, or accessi-
23 bility, with respect to such workforce.”.

1 **SEC. 305. REQUIREMENTS RELATING TO CONSTRUCTION**
2 **OF FACILITIES TO BE USED PRIMARILY BY**
3 **INTELLIGENCE COMMUNITY.**

4 Section 602(a) of the Intelligence Authorization Act
5 for Fiscal Year 1995 (50 U.S.C. 3304(a)) is amended—

6 (1) in paragraph (1), by striking “\$5,000,000”
7 and inserting “\$6,000,000”; and

8 (2) in paragraph (2), by striking “\$5,000,000”
9 and inserting “\$6,000,000”.

10 **SEC. 306. AUTHORITY FOR TRANSPORTATION OF FEDER-**
11 **ALLY OWNED CANINES ASSOCIATED WITH**
12 **FORCE PROTECTION DUTIES OF INTEL-**
13 **LIGENCE COMMUNITY.**

14 Section 1344(a)(2)(B) of title 31, United States
15 Code, is amended by inserting “, or transportation of fed-
16 erally owned canines associated with force protection du-
17 ties of any part of the intelligence community (as defined
18 in section 3 of the National Security Act of 1947 (50
19 U.S.C. 3003))” after “duties”.

20 **SEC. 307. PUBLICATION OF UNCLASSIFIED APPENDICES**
21 **FROM REPORTS ON INTELLIGENCE COMMU-**
22 **NITY PARTICIPATION IN VULNERABILITIES**
23 **EQUITIES PROCESS.**

24 Section 6720(c) of the Damon Paul Nelson and Mat-
25 thew Young Pollard Intelligence Authorization Act for

1 Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3316a(e))
2 is amended by adding at the end the following:

3 “(4) PUBLICATION.—The Director of National
4 Intelligence shall make available to the public each
5 unclassified appendix submitted with a report under
6 paragraph (1) pursuant to paragraph (2).”.

7 **SEC. 308. REQUIREMENTS FOR CERTAIN EMPLOYMENT AC-**
8 **TIVITIES BY FORMER INTELLIGENCE OFFI-**
9 **CERS AND EMPLOYEES.**

10 (a) MODIFICATIONS TO REQUIREMENT.—

11 (1) IN GENERAL.—Section 304 of the National
12 Security Act of 1947 (50 U.S.C. 3073a) is amended
13 to read as follows:

14 **“SEC. 304. REQUIREMENTS FOR CERTAIN EMPLOYMENT AC-**
15 **TIVITIES BY FORMER INTELLIGENCE OFFI-**
16 **CERS AND EMPLOYEES.**

17 “(a) TEMPORARY RESTRICTION.—

18 “(1) COVERED POST-SERVICE POSITION.—Ex-
19 cept as provided by paragraph (2), an employee of
20 an element of the intelligence community who occu-
21 pies a covered intelligence position may not occupy
22 a covered post-service position during the 30-month
23 period following the date on which the employee
24 ceases to occupy a covered intelligence position.

25 “(2) WAIVER.—

1 “(A) AUTHORITY.—On a case-by-case
2 basis, the Director of National Intelligence may
3 temporarily waive the restriction in paragraph
4 (1) with respect to an employee or former em-
5 ployee who is subject to that restriction if—

6 “(i) the employee or former employee
7 submits to the Director a written applica-
8 tion for such waiver in such form and
9 manner as the Director determines appro-
10 priate; and

11 “(ii) the Director determines that
12 such waiver is necessary to advance the na-
13 tional security interests of the United
14 States.

15 “(B) PERIOD OF WAIVER.—A waiver
16 issued under subparagraph (A) shall apply for
17 a period not exceeding 5 years. The Director
18 may renew such a waiver.

19 “(C) REVOCATION.—The Director may re-
20 voke a waiver issued under subparagraph (A) to
21 an employee or former employee, effective on
22 the date that is 60 days after the date on which
23 the Director provides the employee or former
24 employee written notice of such revocation.

1 “(D) TOLLING.—The 30-month restriction
2 in paragraph (1) shall be tolled for an employee
3 or former employee during the period beginning
4 on the date on which a waiver is issued under
5 subparagraph (A) and ending on the date on
6 which the waiver expires or on the effective date
7 of a revocation under subparagraph (C), as the
8 case may be.

9 “(E) NOTIFICATION.—Not later than 30
10 days after the date on which the Director issues
11 a waiver under subparagraph (A) or a revoca-
12 tion of a waiver under subparagraph (C), the
13 Director shall submit to the congressional intel-
14 ligence committees written notification of the
15 waiver or revocation, as the case may be. Such
16 notification shall include the following:

17 “(i) With respect to a waiver issued to
18 an employee or former employee—

19 “(I) the details of the applica-
20 tion, including the covered intelligence
21 position held or formerly held by the
22 employee or former employee;

23 “(II) the nature of the activities
24 of the employee or former employee

1 after ceasing to occupy a covered in-
2 telligence position;

3 “(III) a description of the na-
4 tional security interests that will be
5 advanced by reason of issuing such
6 waiver; and

7 “(IV) the specific reasons why
8 the Director determines that issuing
9 such waiver will advance such inter-
10 ests.

11 “(ii) With respect to a revocation of a
12 waiver issued to an employee or former
13 employee—

14 “(I) the details of the waiver, in-
15 cluding any renewals of such waiver,
16 and the dates of such waiver and re-
17 newals; and

18 “(II) the specific reasons why the
19 Director determined that such revoca-
20 tion is warranted.

21 “(b) COVERED POST-SERVICE EMPLOYMENT RE-
22 PORTING.—

23 “(1) REQUIREMENT.—During the period de-
24 scribed in paragraph (2), an employee who ceases to
25 occupy a covered intelligence position shall—

1 “(A) report covered post-service employ-
2 ment to the head of the element of the intel-
3 ligence community that employed such employee
4 in such covered intelligence position upon ac-
5 cepting such covered post-service employment;
6 and

7 “(B) annually (or more frequently if the
8 head of such element considers it appropriate)
9 report covered post-service employment to the
10 head of such element.

11 “(2) PERIOD DESCRIBED.—The period de-
12 scribed in this paragraph is the period beginning on
13 the date on which an employee ceases to occupy a
14 covered intelligence position and ending on the date
15 that is—

16 “(A) 5 years after the employee ceases to
17 occupy such position, plus

18 “(B) the number of months for which the
19 employee is issued a waiver under subsection
20 (a)(2).

21 “(3) REGULATIONS.—The head of each element
22 of the intelligence community shall issue regulations
23 requiring, as a condition of employment, each em-
24 ployee of such element occupying a covered intel-
25 ligence position to sign a written agreement requir-

1 ing the regular reporting of covered post-service em-
2 ployment to the head of such element pursuant to
3 paragraph (1).

4 “(c) PENALTIES.—

5 “(1) CRIMINAL PENALTIES.—A former em-
6 ployee who knowingly and willfully violates sub-
7 section (a) or who knowingly and willfully fails to
8 make a required report under subsection (b) shall be
9 fined under title 18, United States Code, or impris-
10 oned for not more than 5 years, or both. Each re-
11 port under subsection (b) shall be subject to section
12 1001 of title 18, United States Code.

13 “(2) SECURITY CLEARANCES.—The head of an
14 element of the intelligence community shall revoke
15 the security clearance of a former employee if the
16 former employee knowingly and willfully fails to
17 make a required report under subsection (b) or
18 knowingly and willfully makes a false report under
19 such subsection.

20 “(d) PROVISION OF INFORMATION.—

21 “(1) TRAINING.—The head of each element of
22 the intelligence community shall regularly provide
23 training on the reporting requirements under sub-
24 section (b) to employees of that element who occupy
25 a covered intelligence position.

1 “(2) WRITTEN NOTICE.—The head of each ele-
2 ment of the intelligence community shall provide
3 written notice of the reporting requirements under
4 subsection (b) to an employee when the employee
5 ceases to occupy a covered intelligence position.

6 “(e) ANNUAL REPORTS.—

7 “(1) REQUIREMENT.—Not later than March 31
8 of each year, the Director of National Intelligence
9 shall submit to the congressional intelligence com-
10 mittees a report on covered post-service employment
11 occurring during the year covered by the report.

12 “(2) ELEMENTS.—Each report under para-
13 graph (1) shall include the following:

14 “(A) The number of former employees who
15 occupy a covered post-service position, broken
16 down by—

17 “(i) the name of the employer;

18 “(ii) the foreign government, includ-
19 ing by the specific foreign individual, agen-
20 cy, or entity, for whom the covered post-
21 service employment is being performed;
22 and

23 “(iii) the nature of the services pro-
24 vided as part of the covered post-service
25 employment.

1 “(B) A certification by the Director that—

2 “(i) each element of the intelligence
3 community maintains adequate systems
4 and processes for ensuring that former em-
5 ployees are submitting reports required
6 under subsection (b);

7 “(ii) to the knowledge of the heads of
8 the elements of the intelligence community,
9 all former employees who occupy a covered
10 post-service position are in compliance with
11 this section;

12 “(iii) the services provided by former
13 employees who occupy a covered post-serv-
14 ice position do not—

15 “(I) pose a current or future
16 threat to the national security of the
17 United States; or

18 “(II) pose a counterintelligence
19 risk; and

20 “(iv) the Director and the heads of
21 such elements are not aware of any cred-
22 ible information or reporting that any
23 former employee who occupies a covered
24 post-service position has engaged in activi-
25 ties that violate Federal law, infringe upon

1 the privacy rights of United States per-
2 sons, or constitute abuses of human rights.

3 “(3) FORM.—Each report under paragraph (1)
4 shall be submitted in unclassified form, but may in-
5 clude a classified annex.

6 “(f) NOTIFICATION.—In addition to the annual re-
7 ports under subsection (e), if a head of an element of the
8 intelligence community determines that the services pro-
9 vided by a former employee who occupies a covered post-
10 service position pose a threat or risk described in clause
11 (iii) of paragraph (2)(B) of such subsection, or include ac-
12 tivities described in clause (iv) of such paragraph, the
13 head shall notify the congressional intelligence committees
14 of such determination by not later than 7 days after mak-
15 ing such determination. The notification shall include the
16 following:

17 “(1) The name of the former employee.

18 “(2) The name of the employer.

19 “(3) The foreign government, including the spe-
20 cific foreign individual, agency, or entity, for whom
21 the covered post-service employment is being per-
22 formed.

23 “(4) As applicable, a description of—

24 “(A) the risk to national security, the
25 counterintelligence risk, or both; and

1 “(B) the activities that may violate Fed-
2 eral law, infringe upon the privacy rights of
3 United States persons, or constitute abuses of
4 human rights.

5 “(g) DEFINITIONS.—In this section:

6 “(1) COVERED INTELLIGENCE POSITION.—The
7 term ‘covered intelligence position’ means a position
8 within an element of the intelligence community
9 that, based on the level of access of a person occu-
10 pying such position to information regarding sen-
11 sitive intelligence sources or methods or other excep-
12 tionally sensitive matters, the head of such element
13 determines should be subject to the requirements of
14 this section.

15 “(2) COVERED POST-SERVICE EMPLOYMENT.—
16 The term ‘covered post-service employment’ means
17 direct or indirect employment by, representation of,
18 or any provision of advice or services relating to na-
19 tional security, intelligence, the military, or internal
20 security to, the government of a foreign country or
21 any company, entity, or other person whose activities
22 are directly or indirectly supervised, directed, con-
23 trolled, financed, or subsidized, in whole or in major
24 part, by any government of a foreign country.

1 “(3) COVERED POST-SERVICE POSITION.—The
2 term ‘covered post-service position’ means a position
3 of employment described in paragraph (2).

4 “(4) EMPLOYEE.—The term ‘employee’, with
5 respect to an employee occupying a covered intel-
6 ligence position, includes an officer or official of an
7 element of the intelligence community, a contractor
8 of such an element, a detailee to such an element,
9 or a member of the Armed Forces assigned to such
10 an element.

11 “(5) FORMER EMPLOYEE.—The term ‘former
12 employee’ means an individual—

13 “(A) who was an employee occupying a
14 covered intelligence position; and

15 “(B) who is subject to the requirements
16 under subsection (a) or (b).

17 “(6) GOVERNMENT OF A FOREIGN COUNTRY.—
18 The term ‘government of a foreign country’ has the
19 meaning given the term in section 1(e) of the For-
20 eign Agents Registration Act of 1938 (22 U.S.C.
21 611(e)).”.

22 “(2) APPLICATION.—Such section 304, as
23 amended by paragraph (1), shall apply with respect
24 to employees who occupy covered intelligence posi-

1 tions (as defined in such section) on or after the
2 date of the enactment of this Act.

3 (3) REVISED REGULATIONS.—

4 (A) SUBMISSION.—Not later than 90 days
5 after the date of the enactment of this Act, the
6 head of each element of the intelligence commu-
7 nity shall submit to the congressional intel-
8 ligence committees new or updated regulations
9 issued under such section 304, as amended by
10 paragraph (1).

11 (B) CERTIFICATION.—Not later than 180
12 days after the date of the enactment of this
13 Act, the Director of National Intelligence shall
14 submit to the congressional intelligence commit-
15 tees—

16 (i) a written certification for each
17 head of an element of the intelligence com-
18 munity who has issued the updated regula-
19 tions under such section 304, as amended
20 by paragraph (1); and

21 (ii) for each head of an element of the
22 intelligence community who has not issued
23 such updated regulations, an explanation
24 for the failure to issue such updated regu-
25 lations.

1 (4) INITIAL REPORT.—In the first report sub-
2 mitted by the Director of National Intelligence
3 under subsection (e) of such section 304, as amend-
4 ed by paragraph (1), the Director shall include an
5 assessment of the licensing requirements under the
6 Arms Export Control Act (22 U.S.C. 2751 et seq.)
7 and recommendations with respect to strengthening
8 the activities regulated under such section 304.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such Act is amended by striking the
11 item relating to section 304 and inserting the following
12 new item:

 “Sec. 304. Requirements for certain employment activities by former intel-
 ligence officers and employees.”.

13 **SEC. 309. DEVELOPMENT OF DEFINITIONS FOR CERTAIN**
14 **TERMS RELATING TO INTELLIGENCE.**

15 (a) DEVELOPMENT.—Not later than September 30,
16 2023, the Director of National Intelligence and the Under
17 Secretary of Defense for Intelligence and Security, in con-
18 sultation with the heads of the elements of the intelligence
19 community, shall jointly develop and publish definitions
20 for the following terms:

- 21 (1) Acoustic intelligence.
- 22 (2) All-source intelligence.
- 23 (3) Communications intelligence.
- 24 (4) Critical intelligence.

- 1 (5) Cyber-threat intelligence.
- 2 (6) Electronic intelligence.
- 3 (7) Explosive ordnance intelligence.
- 4 (8) General military intelligence.
- 5 (9) Imagery intelligence.
- 6 (10) Geospatial intelligence.
- 7 (11) Instrumentation signals intelligence.
- 8 (12) Intelligence-related activity.
- 9 (13) Joint intelligence.
- 10 (14) Measurement and signature intelligence.
- 11 (15) Medical intelligence.
- 12 (16) Open-source intelligence.
- 13 (17) Operational intelligence.
- 14 (18) Scientific and technical intelligence.
- 15 (19) Signals intelligence.
- 16 (20) Strategic intelligence.
- 17 (21) Tactical intelligence.
- 18 (22) Target intelligence.
- 19 (23) Technical intelligence.
- 20 (24) Such others terms as may be jointly deter-
- 21 mined necessary by the Director of National Intel-
- 22 ligence and the Under Secretary of Defense for In-
- 23 telligence and Security.
- 24 (b) APPLICATION TO ACTIVITIES OF INTELLIGENCE
- 25 COMMUNITY.—The Director of National Intelligence shall

1 ensure that the definitions developed under subsection (a)
2 are used uniformly across activities of the intelligence
3 community with respect to the corresponding terms speci-
4 fied in such subsection.

5 (c) NOTICE OF MODIFICATIONS.—The Director of
6 National Intelligence and the Under Secretary of Defense
7 for Intelligence shall submit to the appropriate congres-
8 sional committees notification of any modification by the
9 Director and Under Secretary to a definition of a term
10 specified in subsection (a) following the initial publication
11 of the definition under such subsection.

12 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means—

- 15 (1) the congressional intelligence committees;
16 and
17 (2) the Committees on Armed Services of the
18 House of Representatives and the Senate.

19 **SEC. 310. DIRECTOR OF NATIONAL INTELLIGENCE DECLAS-**
20 **SIFICATION REVIEW OF INFORMATION RE-**
21 **LATING TO TERRORIST ATTACKS OF SEP-**
22 **TEMBER 11, 2001.**

23 (a) DECLASSIFICATION REVIEW REQUIRED.—Not
24 later than 30 days after the date of the enactment of this
25 Act, the Director of National Intelligence shall, in coordi-

1 nation with the Director of the Federal Bureau of Inves-
2 tigation, the Director of the Central Intelligence Agency,
3 and the heads of such other elements of the intelligence
4 community as the Director of National Intelligence con-
5 siders appropriate, commence a declassification review
6 (which the Director of National Intelligence shall complete
7 by not later than 120 days after the date of the enactment
8 of this Act) to determine what, if any, additional informa-
9 tion relating to the terrorist attacks of September 11,
10 2001, can be appropriately declassified and shared with
11 the public.

12 (b) INFORMATION COVERED.—The information re-
13 viewed under subsection (a) shall include the following:

14 (1) Information relating to the direction, facili-
15 tation, and other support provided to the individuals
16 who carried out the terrorist attacks of September
17 11, 2001.

18 (2) Information from Operation Encore and the
19 PENTTBOM investigation of the Federal Bureau of
20 Investigation.

21 (c) REPORT.—Not later than 120 days after the date
22 of the enactment of this Act, the Director of National In-
23 telligence shall submit to the congressional intelligence
24 committees a report on the findings of the Director with

1 respect to the declassification review conducted under sub-
2 section (a).

3 **SEC. 311. PERFORMANCE MEASURES REGARDING TIMELI-**
4 **NESS FOR PERSONNEL MOBILITY.**

5 (a) **POLICY REQUIRED.**—Not later than 180 days
6 after the date of the enactment of this Act, the Director
7 of National Intelligence shall issue a policy for measuring
8 the total time it takes to transfer personnel with security
9 clearances and eligibility for access to information com-
10 monly referred to as “sensitive compartmented informa-
11 tion” from one element of the intelligence community to
12 another, or from one contract to another in the case of
13 a contractor.

14 (b) **REQUIREMENTS.**—The policy issued under sub-
15 section (a) shall—

16 (1) to the degree practicable, cover all personnel
17 who are moving to positions that require a security
18 clearance and access to sensitive compartmented in-
19 formation;

20 (2) cover the period from the first time an ele-
21 ment of the intelligence community or company sub-
22 mits a request to an element of the intelligence com-
23 munity for the transfer of the employment of an in-
24 dividual with a clearance access or eligibility deter-
25 mination to another element of the intelligence com-

1 munity, to the time the individual is authorized by
2 that receiving element to start to work in the new
3 position; and

4 (3) include analysis of all appropriate phases of
5 the process, including polygraph, suitability deter-
6 mination, fitness determination, human resources re-
7 view, transfer of the sensitive compartmented infor-
8 mation access, and contract actions.

9 (c) UPDATED POLICIES.—

10 (1) MODIFICATIONS.—Not later than 1 year
11 after the date on which the Director issues the pol-
12 icy under subsection (a), the Director shall issue
13 modifications to such policies as the Director deter-
14 mines were issued before the issuance of the policy
15 under such subsection and are relevant to such up-
16 dated policy, as the Director considers appropriate.

17 (2) RECOMMENDATIONS.—Not later than 1
18 year after the date on which the Director issues the
19 policy under subsection (a), the Director shall sub-
20 mit to the appropriate congressional committees rec-
21 ommendations for legislative action to update
22 metrics specified elsewhere in statute to measure
23 parts of the process that support transfers described
24 in subsection (a).

1 (d) ANNUAL REPORTS.—Not later than 180 days
2 after issuing the policy required by subsection (a) and not
3 less frequently than once each year thereafter until the
4 date that is 3 years after the date of such issuance, the
5 Director shall submit to the appropriate congressional
6 committees a report on the implementation of such policy.
7 Such report shall address performance by department or
8 agency and by clearance type in meeting such policy.

9 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” means—

- 12 (1) the congressional intelligence committees;
13 and
14 (2) the Subcommittees on Commerce, Justice,
15 Science, and Related Agencies of the Committees on
16 Appropriations of the House of Representatives and
17 the Senate.

1 **TITLE IV—MATTERS RELATING**
2 **TO ELEMENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY**

4 **Subtitle A—Office of the Director**
5 **of National Intelligence**

6 **SEC. 401. NATIONAL COUNTERPROLIFERATION AND BIO-**
7 **SECURITY CENTER.**

8 (a) REDESIGNATION OF CENTER.—Section 119A of
9 the National Security Act of 1947 (50 U.S.C. 3057) is
10 amended by striking “National Counter Proliferation Cen-
11 ter” each place it appears and inserting “National
12 Counterproliferation and Biosecurity Center”.

13 (b) ESTABLISHMENT AND HEAD.—Subsection (a) of
14 such section is amended—

15 (1) in paragraph (1)—

16 (A) by striking “government tools to pre-
17 vent” and inserting “government tools to—
18 “(A) prevent”;

19 (B) by striking the period at the end and
20 inserting “; and”; and

21 (C) by adding at the end the following new
22 subparagraph:

23 “(B) lead integration and mission management
24 of all intelligence activities pertaining to biosecurity
25 and foreign biological threats.”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(4) The Director of the National Counterprolifera-
4 tion and Biosecurity Center shall serve as the principal
5 coordinator for the intelligence community, and as the
6 principal advisor to the Director of National Intelligence,
7 with respect to biosecurity and foreign biological threats.”.

8 (c) MISSIONS AND OBJECTIVES.—Subsection (b) of
9 such section is amended—

10 (1) by redesignating paragraphs (1) through
11 (7) as subparagraphs (A) through (G), respectively,
12 and moving such subparagraphs, as so redesignated,
13 2 ems to the right;

14 (2) in the matter preceding subparagraph (A),
15 as so redesignated, by striking “In establishing” and
16 inserting the following:

17 “(1) COUNTERPROLIFERATION.—In estab-
18 lishing”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(2) BIOSECURITY.—In establishing the Na-
22 tional Counterproliferation and Biosecurity Center,
23 the President shall address the following missions
24 and objectives to ensure that the Center serves as
25 the lead for the intelligence community for the inte-

1 gration, mission management, and coordination of
2 intelligence activities pertaining to biosecurity and
3 foreign biological threats, regardless of origin:

4 “(A) Ensuring that the elements of the in-
5 telligence community provide timely and effec-
6 tive warnings to the President and the Director
7 of National Intelligence regarding emerging for-
8 eign biological threats, including diseases with
9 pandemic potential.

10 “(B) Overseeing and coordinating the col-
11 lection and analysis of intelligence on biosecu-
12 rity and foreign biological threats in support of
13 the intelligence needs of the Federal depart-
14 ments and agencies responsible for public
15 health, including by conveying collection prior-
16 ities to elements of the intelligence community.

17 “(C) Coordinating intelligence support to
18 the Federal departments and agencies respon-
19 sible for public health, including by ensuring
20 that intelligence pertaining to biosecurity and
21 foreign biological threats is disseminated among
22 appropriately cleared personnel of such depart-
23 ments and agencies.

24 “(D) Coordinating with the Federal de-
25 partments and agencies responsible for public

1 health to encourage information sharing with
2 the intelligence community.

3 “(E) Identifying gaps in the capabilities of
4 the intelligence community regarding biosecu-
5 rity and countering foreign biological threats
6 and providing to the Director of National Intel-
7 ligence recommended solutions for such gaps,
8 including by encouraging research and develop-
9 ment of new capabilities to counter foreign bio-
10 logical threats.”.

11 (d) CONFORMING AMENDMENTS.—Such section is
12 further amended—

13 (1) by striking “counter proliferation” each
14 place it appears and inserting “counterprolifera-
15 tion”; and

16 (2) in the section heading, by striking
17 “COUNTER PROLIFERATION” and inserting
18 “COUNTERPROLIFERATION AND BIOSECURITY” (and
19 conforming the table of sections at the beginning of
20 such Act accordingly).

21 (e) REFERENCES.—Any reference in any law, regula-
22 tion, guidance, instruction, or other document of the
23 United States Government to the National Counter Pro-
24 liferation Center shall be deemed to refer to the National
25 Counterproliferation and Biosecurity Center.

1 **SEC. 402. CLARIFICATION OF CERTAIN RESPONSIBILITIES**
2 **OF DIRECTOR OF NATIONAL INTELLIGENCE.**

3 Section 102A(f)(8) of the National Security Act of
4 1947 (50 U.S.C. 3024(f)(8)) is amended by striking “such
5 other functions” and inserting “such other intelligence-re-
6 lated functions”.

7 **SEC. 403. RESPONSIBILITY OF DIRECTOR OF NATIONAL IN-**
8 **TELLIGENCE REGARDING NATIONAL INTEL-**
9 **LIGENCE PROGRAM BUDGET CONCERNING**
10 **FEDERAL BUREAU OF INVESTIGATION.**

11 Section 102A of the National Security Act of 1947
12 (50 U.S.C. 3024) is amended—

13 (1) in subsection (c)(5), by adding at the end
14 the following new subparagraph:

15 “(D) Consistent with subparagraph (C), the Director
16 of National Intelligence shall ensure that the programs
17 and activities that are part of the National Intelligence
18 Program, including those of the Federal Bureau of Inves-
19 tigation, are structured and executed in a manner that
20 enables budget traceability.”; and

21 (2) in subsection (p)—

22 (A) by striking the heading and inserting
23 “CERTAIN RESPONSIBILITIES OF DIRECTOR OF
24 NATIONAL INTELLIGENCE RELATING TO NA-
25 TIONAL INTELLIGENCE PROGRAM”;

1 (B) by striking “Subject to” and inserting
2 “(1) Subject to”; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(2) Consistent with subsection (c)(5)(C), the Direc-
6 tor of National Intelligence shall, after consultation with
7 the Director of the Federal Bureau of Investigation, en-
8 sure that the programs and activities of the Federal Bu-
9 reau of Investigation that are part of the National Intel-
10 ligence Program are executed in a manner that conforms
11 with the requirements of the national intelligence strategy
12 under section 108A of this Act and the National Intel-
13 ligence Priorities Framework of the Office of the Director
14 of National Intelligence (or any successor mechanism es-
15 tablished for the prioritization of such programs and ac-
16 tivities).”.

17 **SEC. 404. CLIMATE SECURITY ADVISORY COUNCIL.**

18 (a) REPORTS.—Subsection (d) of section 120 of the
19 National Security Act of 1947 (50 U.S.C. 3060) is amend-
20 ed—

21 (1) by striking “Not later” and inserting the
22 following:

23 “(1) REQUIREMENT.—Not later”; and

24 (2) by adding at the end the following new
25 paragraph:

1 “(2) MATTERS INCLUDED.—Each report under
2 paragraph (1) shall include a description of any ob-
3 stacles or gaps relating to—

4 “(A) the Council fulfilling its duties and
5 responsibilities under subsection (c); or

6 “(B) the responsiveness of the intelligence
7 community to the climate security needs and
8 priorities of the policymaking elements of the
9 Federal Government.”.

10 (b) EXTENSION OF SUNSET; TECHNICAL AMEND-
11 MENTS.—Such section 120 is amended—

12 (1) in subsection (b)(1)(B)(v), by inserting
13 “and Security” after “for Intelligence”;

14 (2) by redesignating the second subsection (e)
15 as subsection (f); and

16 (3) in subsection (e), by striking “the date that
17 is 4 years after the date of the enactment of this
18 section” and inserting “December 31, 2025”.

19 **SEC. 405. REMOVAL OF CHIEF INFORMATION OFFICER OF**
20 **THE INTELLIGENCE COMMUNITY FROM**
21 **LEVEL IV OF THE EXECUTIVE SCHEDULE.**

22 Section 5315 of title 5, United States Code, is
23 amended by striking “Chief Information Officer of the In-
24 telligence Community.”.

1 **Subtitle B—Other Elements**

2 **SEC. 411. ESTABLISHMENT OF CHAPLAIN CORPS OF THE**
3 **CENTRAL INTELLIGENCE AGENCY.**

4 The Central Intelligence Agency Act of 1949 (50
5 U.S.C. 3501 et seq.) is amended by adding at the end
6 the following:

7 **“SEC. 26. CHAPLAIN CORPS AND CHIEF OF CHAPLAINS.**

8 “(a) ESTABLISHMENT OF CHAPLAIN CORPS.—There
9 is in the Agency a Chaplain Corps for the provision of
10 spiritual or religious pastoral services.

11 “(b) CHIEF OF CHAPLAINS.—The head of the Chap-
12 lain Corps shall be the Chief of Chaplains, who shall be
13 appointed by the Director.

14 “(c) STAFF AND ADMINISTRATION.—

15 “(1) STAFF.—The Director may appoint and
16 fix the compensation of such staff of the Chaplain
17 Corps as the Director considers appropriate, except
18 that the Director may not—

19 “(A) appoint more than 10 full-time equiv-
20 alent positions; or

21 “(B) provide basic pay to any member of
22 the staff of the Chaplain Corps at an annual
23 rate of basic pay in excess of the maximum rate
24 of basic pay for grade GS–15 as provided in
25 section 5332 of title 5, United States Code.

1 “(2) ADMINISTRATION.—The Director may—
2 “(A) reimburse members of the staff of the
3 Chaplain Corps for work-related travel ex-
4 penses;
5 “(B) provide security clearances to such
6 members;
7 “(C) furnish such physical workspace at
8 the headquarters building of the Agency as the
9 Director considers appropriate; and
10 “(D) certify that all Chaplains meet com-
11 mon standards for professional chaplaincy and
12 board certification by a national chaplaincy and
13 pastoral care organization or equivalent.”.

14 **SEC. 412. MODIFICATION OF NATIONAL GEOSPATIAL-IN-**
15 **TELLIGENCE AGENCY PERSONNEL MANAGE-**
16 **MENT AUTHORITY TO ATTRACT EXPERTS IN**
17 **SCIENCE AND ENGINEERING.**

18 Section 4092(b)(2) of title 10, United States Code,
19 is amended—

20 (1) by redesignating subparagraph (B) as sub-
21 paragraph (C); and

22 (2) by inserting after subparagraph (A) the fol-
23 lowing new subparagraph (B):

24 “(B) in the case of employees appointed
25 pursuant to paragraph (1)(G), to any of 2 posi-

1 tions of administration or management des-
2 ignated by the Director of the National
3 Geospatial-Intelligence Agency for purposes of
4 this subparagraph; and”.

5 **SEC. 413. SUPPORT FOR AND OVERSIGHT OF UNIDENTI-**
6 **FIED AERIAL PHENOMENA TASK FORCE.**

7 (a) AVAILABILITY OF DATA ON UNIDENTIFIED AER-
8 IAL PHENOMENA.—The Director of National Intelligence
9 and the Secretary of Defense shall jointly require that
10 each element of the intelligence community and component
11 of the Department of Defense with data relating to un-
12 identified aerial phenomena makes such data available im-
13 mediately to the Unidentified Aerial Phenomena Task
14 Force, or successor entity, and to the National Air and
15 Space Intelligence Center.

16 (b) QUARTERLY REPORTS.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the date of the enactment of this Act, and not less
19 frequently than quarterly thereafter, the Unidenti-
20 fied Aerial Phenomena Task Force, or successor en-
21 tity, consistent with the protection of intelligence
22 sources and methods, shall submit to the appropriate
23 congressional committees a report on the findings of
24 the Unidentified Aerial Phenomena Task Force, or
25 successor entity.

1 (2) CONTENTS.—Each report submitted under
2 paragraph (1) shall include, at a minimum, the fol-
3 lowing:

4 (A) All reported unidentified aerial phe-
5 nomena-related events that occurred during the
6 period covered by the report.

7 (B) All reported unidentified aerial phe-
8 nomena-related events that occurred during a
9 period other than the period covered by the re-
10 port but were not included in an earlier report.

11 (3) FORM.—Each report submitted under para-
12 graph (1) shall be submitted in classified form.

13 (c) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means the following:

17 (A) The congressional intelligence commit-
18 tees.

19 (B) The Committees on Armed Services of
20 the House of Representatives and the Senate.

21 (2) UNIDENTIFIED AERIAL PHENOMENA TASK
22 FORCE.—The term “Unidentified Aerial Phenomena
23 Task Force” means the task force established by the
24 Department of Defense on August 4, 2020, to be led
25 by the Department of the Navy, under the Office of

1 the Under Secretary of Defense for Intelligence and
2 Security.

3 **SEC. 414. LIMITATION ON PROCUREMENT BY FEDERAL BU-**
4 **REAU OF INVESTIGATION OF PEOPLE'S RE-**
5 **PUBLIC OF CHINA PRODUCTS AND SERVICES.**

6 (a) SECURITY ASSESSMENT.—The Director of the
7 Federal Bureau of Investigation may not procure a Peo-
8 ple's Republic of China product or service unless, before
9 such procurement—

10 (1) the Federal Bureau of Investigation con-
11 ducts a security assessment of such product or serv-
12 ice, including with respect to any physical, counter-
13 intelligence, or cyber vulnerabilities;

14 (2) there is included in the process of con-
15 ducting such security assessment a formal mecha-
16 nism through which input shall be submitted by the
17 Counterintelligence Division and Cyber Division of
18 the Federal Bureau of Investigation regarding such
19 security assessment, including with respect to any
20 such vulnerabilities; and

21 (3) the Director (or a designee of the Director)
22 approves a recommendation, based on the results of
23 such security assessment, to procure such product or
24 service.

1 (b) SUBMISSION.—Not later than 30 days after the
2 date on which the Director (or a designee of the Director,
3 as applicable) approves a recommendation pursuant to
4 subsection (a)(3), the Director shall submit to the appro-
5 priate congressional committees the recommendation and
6 a copy of the security assessment upon which the rec-
7 ommendation was based.

8 (c) DEFINITIONS.—In this section:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the congressional intelligence commit-
13 tees; and

14 (B) the Subcommittees on Commerce, Jus-
15 tice, Science, and Related Agencies of the Com-
16 mittees on Appropriations of the House of Rep-
17 resentatives and the Senate.

18 (2) PEOPLE’S REPUBLIC OF CHINA PRODUCT
19 OR SERVICE.—The term “People’s Republic of China
20 product or service” means an information or com-
21 munication technology product manufactured in
22 China, Hong Kong, or Macau, or a product or serv-
23 ice provided by an entity that is fully or partially
24 owned or controlled by, or otherwise connected to,
25 the government of China.

1 **SEC. 415. COUNTERINTELLIGENCE UNITS AT NON-INTEL-**
2 **LIGENCE COMMUNITY FEDERAL DEPART-**
3 **MENTS AND AGENCIES.**

4 (a) ESTABLISHMENT.—The Director of the Federal
5 Bureau of Investigation shall establish counterintelligence
6 units in the departments and agencies described in sub-
7 section (b). Such units shall be composed of officers of
8 the Counterintelligence Division of the Federal Bureau of
9 Investigation.

10 (b) DEPARTMENTS AND AGENCIES DESCRIBED.—
11 The departments and agencies described in this subsection
12 are the following departments and agencies of the United
13 States Government:

14 (1) The Department of Agriculture.

15 (2) Any other department or agency that the
16 Director, in coordination with the Director of Na-
17 tional Intelligence, determines appropriate.

18 (c) DUTIES.—The Director of the Federal Bureau of
19 Investigation shall ensure that each counterintelligence
20 unit established under subsection (a) in a department or
21 agency described in subsection (b) carries out the fol-
22 lowing duties:

23 (1) Conducts assessments, in coordination with
24 the leadership of the department or agency, to deter-
25 mine the counterintelligence posture of the depart-
26 ment or agency, including any components thereof.

1 (2) Informs and consults with the leadership of
2 the department or agency, including any components
3 thereof, and provides recommendations with respect
4 to any counterintelligence threats identified by the
5 intelligence community.

6 (3) Provides such administrative and technical
7 support as is necessary to develop, in coordination
8 with the leadership of the department or agency, a
9 plan to eliminate or reduce the threats described in
10 paragraph (2).

11 (4) Serves as the primary point of contact for
12 the department or agency with respect to counter-
13 intelligence for the intelligence community.

14 (d) INTELLIGENCE COMMUNITY SUPPORT.—The
15 heads of the elements of the intelligence community shall
16 ensure that relevant counterintelligence information is
17 provided to counterintelligence units established under
18 subsection (a) in a manner that is consistent with the need
19 to protect sources and methods.

20 (e) REPORT.—Not later than 120 days after the date
21 of the enactment of this Act, the Director of National In-
22 telligence, in consultation with the heads of such other de-
23 partments and agencies of the Federal Government as the
24 Director determines appropriate, shall submit to the ap-
25 propriate congressional committees a report detailing op-

1 tions for the intelligence community to improve intel-
2 ligence support to the Department of Agriculture and the
3 Department of Commerce. The report shall be submitted
4 in unclassified form, but may include a classified annex.

5 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
6 FINED.—In this section, the term “appropriate congres-
7 sional committees” means—

8 (1) the congressional intelligence committees;
9 and

10 (2) the Subcommittees on Commerce, Justice,
11 Science, and Related Agencies of the Committees on
12 Appropriations of the House of Representatives and
13 the Senate.

14 **SEC. 416. PILOT PROGRAM ON RECRUITMENT AND RETEN-**
15 **TION IN OFFICE OF INTELLIGENCE AND**
16 **ANALYSIS OF THE DEPARTMENT OF THE**
17 **TREASURY.**

18 (a) PILOT PROGRAM REQUIRED.—The Assistant Sec-
19 retary for Intelligence and Analysis of the Department of
20 the Treasury shall carry out a pilot program to assess the
21 feasibility and advisability of using adjustments of rates
22 of pay to recruit and retain staff for high-demand posi-
23 tions in the Office of Intelligence and Analysis of the De-
24 partment of the Treasury.

1 (b) DURATION.—The Assistant Secretary shall carry
2 out the pilot program required by subsection (a) during
3 the 4-year period beginning on the date of the enactment
4 of this Act.

5 (c) ADDITIONAL PAY.—Under the pilot program re-
6 quired by subsection (a), the Assistant Secretary shall,
7 notwithstanding any provision of title 5, United States
8 Code, governing the rates of pay or classification of em-
9 ployees in the executive branch, prescribe the rate of basic
10 pay for financial and cyber intelligence analyst positions
11 designated under subsection (d) at rates—

12 (1) not greater than 130 percent of the max-
13 imum basic rate of pay and locality pay for which
14 such positions would otherwise be eligible; and

15 (2) not greater than the rate of basic pay pay-
16 able for level II of the Executive Schedule under sec-
17 tion 5313 of title 5, United States Code.

18 (d) DESIGNATED POSITIONS.—

19 (1) IN GENERAL.—Subject to paragraph (2),
20 under the pilot program required by subsection (a),
21 the Assistant Secretary shall designate not fewer
22 than 5 percent of the total number of positions in
23 the Office, including positions to be filled by new
24 hires, as financial or cyber intelligence analyst posi-

1 tions eligible for the additional pay under subsection
2 (c).

3 (2) CURRENT EMPLOYEES.—The Assistant Sec-
4 retary may designate under paragraph (1) a position
5 filled by an employee who was employed in that posi-
6 tion on the day before the date of the enactment of
7 this Act only if the employee was in the top one-
8 third of performance rankings for the position within
9 the Office for the duration of the 2-year period end-
10 ing on the date of the enactment of this Act.

11 (e) BRIEFING ON THE PILOT PROGRAM.—Not later
12 than 180 days after the date of the enactment of this Act
13 and not less frequently than once each year thereafter for
14 the duration of the period specified in subsection (b), the
15 Assistant Secretary shall provide to the appropriate con-
16 gressional committees and the Director of National Intel-
17 ligence a briefing on the pilot program required by sub-
18 section (a).

19 (f) REPORT ON THE PILOT PROGRAM.—Not later
20 than 180 days before the last day of the period specified
21 in subsection (b), the Assistant Secretary shall submit to
22 the appropriate congressional committees, the Committee
23 on Homeland Security and Governmental Affairs of the
24 Senate, the Committee on Oversight and Reform of the
25 House of Representatives, and the Director of National

1 Intelligence a report on the effectiveness of the pilot pro-
2 gram required by subsection (a) and recommendations as
3 to whether such pilot program should be extended, modi-
4 fied, or ended.

5 (g) RECOMMENDATIONS OF DIRECTOR OF NATIONAL
6 INTELLIGENCE.—Not later than 3 years after the date of
7 the enactment of this Act, the Director of National Intel-
8 ligence shall submit to the appropriate congressional com-
9 mittees recommendations as to—

10 (1) which, if any, other elements of the intel-
11 ligence community would benefit from a program
12 similar to the pilot program required by subsection
13 (a); and

14 (2) what, if any, modifications the Director
15 would recommend for such elements.

16 (h) RETENTION OF PRESCRIBED RATES OF PAY
17 AFTER TERMINATION OF PILOT PROGRAM.—After the
18 conclusion of the period specified in subsection (b), the
19 Assistant Secretary may continue to pay a person, who
20 received pay during such period pursuant to a rate of basic
21 pay prescribed under subsection (c), at a rate of basic pay
22 not to exceed the rate of basic pay that was in effect for
23 the person pursuant to such subsection on the day before
24 the last day of such period, until such time as the applica-
25 ble rate of basic pay for the person under the General

1 Schedule exceeds the rate of basic pay that was so in effect
2 under subsection (c).

3 (i) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “appropriate congress-
5 sional committees” means—

6 (1) the congressional intelligence committees;
7 and

8 (2) the Subcommittees on Financial Services
9 and General Government of the Committees on Ap-
10 propriations of the House of Representatives and the
11 Senate.

12 **SEC. 417. DESIGNATION OF SENATOR ROY BLUNT**
13 **GEOSPATIAL LEARNING CENTER.**

14 (a) DESIGNATION.—The Geospatial Learning Center
15 in the Next NGA West facility in St. Louis, Missouri, shall
16 after the date of the enactment of this Act be known and
17 designated as the “Senator Roy Blunt Geospatial Learn-
18 ing Center”.

19 (b) REFERENCES.—Any reference in any law, regula-
20 tion, map, document, paper, or other record of the United
21 States to the Geospatial Learning Center in the Next
22 NGA West facility referred to in subsection (a) shall be
23 deemed to be a reference to the “Senator Roy Blunt
24 Geospatial Learning Center”.

1 **TITLE V—MATTERS RELATING**
2 **TO OVERSIGHT**

3 **SEC. 501. HARMONIZATION OF WHISTLEBLOWER PROTEC-**
4 **TIONS.**

5 (a) PROHIBITED PERSONNEL PRACTICES IN THE IN-
6 TELLIGENCE COMMUNITY.—

7 (1) THREATS RELATING TO PERSONNEL AC-
8 TIONS.—

9 (A) AGENCY EMPLOYEES.—Section
10 1104(b) of the National Security Act of 1947
11 (50 U.S.C. 3234(b)) is amended, in the matter
12 preceding paragraph (1)—

13 (i) by striking “Any employee of an
14 agency” and inserting “Any employee of a
15 covered intelligence community element or
16 an agency”; and

17 (ii) by inserting “, or threaten to take
18 or fail to take,” after “take or fail to
19 take”.

20 (B) CONTRACTOR EMPLOYEES.—Section
21 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1))
22 is amended, in the matter preceding subpara-
23 graph (A), by inserting “, or threaten to take
24 or fail to take,” after “take or fail to take”.

1 (2) PROTECTION FOR CONTRACTOR EMPLOYEES
2 AGAINST REPRISAL FROM AGENCY EMPLOYEES.—
3 Section 1104(c)(1) of such Act (50 U.S.C.
4 3234(c)(1)), as amended by paragraph (1)(B) of
5 this subsection, is further amended, in the matter
6 preceding subparagraph (A), by inserting “of an
7 agency or” after “Any employee”.

8 (3) ENFORCEMENT.—Subsection (d) of section
9 1104 of such Act (50 U.S.C. 3234) is amended to
10 read as follows:

11 “(d) ENFORCEMENT.—The President shall provide
12 for the enforcement of this section consistent, to the fullest
13 extent possible, with the policies and procedures used to
14 adjudicate alleged violations of section 2302(b)(8) of title
15 5, United States Code.”.

16 (b) RETALIATORY REVOCATION OF SECURITY
17 CLEARANCES AND ACCESS DETERMINATIONS.—

18 (1) ENFORCEMENT.—Section 3001(j) of the In-
19 telligence Reform and Terrorism Prevention Act of
20 2004 (50 U.S.C. 3341(j)) is amended—

21 (A) by redesignating paragraph (8) as
22 paragraph (9); and

23 (B) by inserting after paragraph (7) the
24 following:

1 “(8) ENFORCEMENT.—Except as otherwise pro-
2 vided in this subsection, the President shall provide
3 for the enforcement of this section consistent, to the
4 fullest extent possible, with the policies and proce-
5 dures used to adjudicate alleged violations of section
6 2302(b)(8) of title 5, United States Code.”.

7 (2) TOLLING OF DEADLINE FOR APPEAL OF
8 PROHIBITED REPRISAL.—Section 3001(j)(4) of such
9 Act (50 U.S.C. 3341(j)(4)) is amended—

10 (A) in subparagraph (A), by inserting
11 “(except as provided by subparagraph (D))”
12 after “within 90 days”; and

13 (B) by adding at the end the following new
14 subparagraph:

15 “(D) TOLLING.—The time requirement es-
16 tablished by subparagraph (A) for an employee
17 or former employee to appeal the decision of an
18 agency may be tolled if the employee or former
19 employee presents substantial credible evidence
20 showing why the employee or former employee
21 did not timely initiate the appeal and why the
22 enforcement of the time requirement would be
23 unfair, such as evidence showing that the em-
24 ployee or former employee—

1 “(i) did not receive notice of the deci-
2 sion; or

3 “(ii) could not timely initiate the ap-
4 peal because of factors beyond the control
5 of the employee or former employee.”.

6 (c) CORRECTION OF DEFINITION OF AGENCY.—Sec-
7 tion 3001(a)(1)(B) of the Intelligence Reform and Ter-
8 rorism Prevention Act of 2004 (50 U.S.C. 3341(a)(1)(B))
9 is amended by striking “and” and inserting “or”.

10 (d) ESTABLISHING CONSISTENCY WITH RESPECT TO
11 PROTECTIONS FOR DISCLOSURES OF MISMANAGE-
12 MENT.—

13 (1) SECURITY CLEARANCE AND ACCESS DETER-
14 MINATIONS.—Section 3001(j)(1) of the Intelligence
15 Reform and Terrorism Prevention Act of 2004 (50
16 U.S.C. 3341(j)(1)) is amended—

17 (A) in subparagraph (A)(ii), by striking
18 “gross mismanagement” and inserting “mis-
19 management”; and

20 (B) in subparagraph (B)(ii), by striking
21 “gross mismanagement” and inserting “mis-
22 management”.

23 (2) PERSONNEL ACTIONS AGAINST CON-
24 TRACTOR EMPLOYEES.—Section 1104(c)(1)(B) of
25 the National Security Act of 1947 (50 U.S.C.

1 3234(c)(1)(B)) is amended by striking “gross mis-
2 management” and inserting “mismanagement”.

3 (e) PROTECTED DISCLOSURES TO SUPERVISORS.—

4 (1) PERSONNEL ACTIONS.—

5 (A) DISCLOSURES BY AGENCY EMPLOYEES
6 TO SUPERVISORS.—Section 1104(b) of the Na-
7 tional Security Act of 1947 (50 U.S.C.
8 3234(b)), as amended by subsection (a)(1)(A),
9 is further amended, in the matter preceding
10 paragraph (1), by inserting “a supervisor in the
11 employee’s direct chain of command, or a su-
12 pervisor of the employing agency with responsi-
13 bility for the subject matter of the disclosure,
14 up to and including” before “the head of the
15 employing agency”.

16 (B) DISCLOSURES BY CONTRACTOR EM-
17 PLOYEES TO SUPERVISORS.—Section
18 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)),
19 as amended by subsection (a), is further
20 amended, in the matter preceding subparagraph
21 (A), by inserting “a supervisor in the contractor
22 employee’s direct chain of command, or a su-
23 pervisor of the contracting agency with respon-
24 sibility for the subject matter of the disclosure,

1 up to and including” before “the head of the
2 contracting agency”.

3 (2) SECURITY CLEARANCE AND ACCESS DETER-
4 MINATIONS.—Section 3001(j)(1)(A) of the Intel-
5 ligence Reform and Terrorism Prevention Act of
6 2004 (50 U.S.C. 3341(j)(1)(A)) is amended, in the
7 matter preceding clause (i), by inserting “a super-
8 visor in the employee’s direct chain of command, or
9 a supervisor of the employing agency with responsi-
10 bility for the subject matter of the disclosure, up to
11 and including” before “the head of the employing
12 agency”.

13 (f) ESTABLISHING PARITY FOR PROTECTED DISCLO-
14 SURES.—Section 1104 of the National Security Act of
15 1947 (50 U.S.C. 3234) is further amended—

16 (1) in subsection (b), as amended by sub-
17 sections (a)(1)(A) and (e)(1)(A)—

18 (A) by redesignating paragraphs (1) and
19 (2) as subparagraphs (A) and (B), respectively,
20 and moving such subparagraphs, as so redesign-
21 ated, 2 ems to the right;

22 (B) in the matter preceding subparagraph
23 (A), as redesignated and moved by subpara-
24 graph (A) of this paragraph, by striking “for a

1 lawful disclosure” and inserting the following:

2 “for—

3 “(1) any lawful disclosure”; and

4 (C) by adding at the end the following:

5 “(2) any lawful disclosure that complies with—

6 “(A) subsections (a)(1), (d), and (g) of
7 section 8H of the Inspector General Act of
8 1978 (5 U.S.C. App.);

9 “(B) subparagraphs (A), (D), and (H) of
10 section 17(d)(5) of the Central Intelligence
11 Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

12 “(C) subparagraphs (A), (D), and (I) of
13 section 103H(k)(5); or

14 “(3) if the actions do not result in the employee
15 unlawfully disclosing information specifically re-
16 quired by Executive order to be kept classified in the
17 interest of national defense or the conduct of foreign
18 affairs, any lawful disclosure in conjunction with—

19 “(A) the exercise of any appeal, complaint,
20 or grievance right granted by any law, rule, or
21 regulation;

22 “(B) testimony for or otherwise lawfully
23 assisting any individual in the exercise of any
24 right referred to in subparagraph (A); or

1 “(C) cooperation with or disclosing infor-
2 mation to the Inspector General of an agency,
3 in accordance with applicable provisions of law
4 in connection with an audit, inspection, or in-
5 vestigation conducted by the Inspector Gen-
6 eral.”; and

7 (2) in subsection (c)(1), as amended by sub-
8 sections (a), (d)(2), and (e)(1)(B)—

9 (A) by redesignating subparagraphs (A)
10 and (B) as clauses (i) and (ii), respectively, and
11 moving such clauses, as so redesignated, 2 ems
12 to the right;

13 (B) in the matter preceding clause (i), as
14 redesignated and moved by subparagraph (A) of
15 this paragraph, by striking “for a lawful disclo-
16 sure” and inserting the following: “for—
17 “(A) any lawful disclosure”; and

18 (C) by adding at the end the following:

19 “(B) any lawful disclosure that complies with—
20 “(i) subsections (a)(1), (d), and (g) of sec-
21 tion 8H of the Inspector General Act of 1978
22 (5 U.S.C. App.);

23 “(ii) subparagraphs (A), (D), and (H) of
24 section 17(d)(5) of the Central Intelligence
25 Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

1 “(iii) subparagraphs (A), (D), and (I) of
2 section 103H(k)(5); or

3 “(C) if the actions do not result in the con-
4 tractor employee unlawfully disclosing information
5 specifically required by Executive order to be kept
6 classified in the interest of national defense or the
7 conduct of foreign affairs, any lawful disclosure in
8 conjunction with—

9 “(i) the exercise of any appeal, complaint,
10 or grievance right granted by any law, rule, or
11 regulation;

12 “(ii) testimony for or otherwise lawfully as-
13 sisting any individual in the exercise of any
14 right referred to in clause (i); or

15 “(iii) cooperation with or disclosing infor-
16 mation to the Inspector General of an agency,
17 in accordance with applicable provisions of law
18 in connection with an audit, inspection, or in-
19 vestigation conducted by the Inspector Gen-
20 eral.”.

21 (g) CLARIFICATION RELATING TO PROTECTED DIS-
22 CLOSURES.—Section 1104 of the National Security Act of
23 1947 (50 U.S.C. 3234) is further amended—

24 (1) by redesignating subsections (d) and (e) as
25 subsections (f) and (g), respectively; and

1 (2) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) RULE OF CONSTRUCTION.—Consistent with the
4 protection of intelligence sources and methods, nothing in
5 subsection (b) or (c) shall be construed to authorize—

6 “(1) the withholding of information from Con-
7 gress; or

8 “(2) the taking of any personnel action against
9 an employee who lawfully discloses information to
10 Congress.

11 “(e) DISCLOSURES.—A disclosure shall not be ex-
12 cluded from this section because—

13 “(1) the disclosure was made to an individual,
14 including a supervisor, who participated in an activ-
15 ity that the employee reasonably believed to be cov-
16 ered under subsection (b)(1)(B) or the contractor
17 employee reasonably believed to be covered under
18 subsection (c)(1)(A)(ii);

19 “(2) the disclosure revealed information that
20 had been previously disclosed;

21 “(3) the disclosure was not made in writing;

22 “(4) the disclosure was made while the em-
23 ployee was off duty;

1 “(5) of the amount of time which has passed
2 since the occurrence of the events described in the
3 disclosure; or

4 “(6) the disclosure was made during the normal
5 course of duties of an employee or contractor em-
6 ployee.”.

7 (h) CORRECTION RELATING TO NORMAL COURSE
8 DISCLOSURES.—Section 3001(j)(3) of the Intelligence Re-
9 form and Terrorism Prevention Act of 2004 (50 U.S.C.
10 3341(j)(3)) is amended—

11 (1) by striking “DISCLOSURES.—” and all that
12 follows through “because—” and inserting “DISCLO-
13 SURES.—A disclosure shall not be excluded from
14 paragraph (1) because—”;

15 (2) by striking subparagraph (B);

16 (3) by redesignating clauses (i) through (v) as
17 subparagraphs (A) through (E), respectively, and
18 moving such subparagraphs, as so redesignated, 2
19 ems to the left;

20 (4) in subparagraph (D), as so redesignated, by
21 striking “or” at the end;

22 (5) in subparagraph (E), as redesignated by
23 paragraph (3), by striking the period at the end and
24 inserting “; or”; and

25 (6) by adding at the end the following:

1 “(F) the disclosure was made during the
2 normal course of duties of an employee.”.

3 (i) CLARIFICATION RELATING TO RULE OF CON-
4 STRUCTION.—Section 3001(j)(2) of the Intelligence Re-
5 form and Terrorism Prevention Act of 2004 (50 U.S.C.
6 3341(j)(2)) is amended by inserting “or clearance action”
7 after “personnel action”.

8 (j) CLARIFICATION RELATING TO PROHIBITED PRAC-
9 TICES.—Section 3001(j)(1) of the Intelligence Reform and
10 Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)),
11 as amended by this section, is further amended by striking
12 “over” and inserting “to take, direct others to take, rec-
13 ommend, or approve”.

14 (k) TECHNICAL CORRECTION.—Section
15 3001(j)(1)(C)(i) of the Intelligence Reform and Terrorism
16 Prevention Act of 2004 (50 U.S.C. 3341(j)(1)(C)(i)) is
17 amended by striking “(h)” and inserting “(g)”.

18 (l) REPORT REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, the Inspector
20 General of the Intelligence Community shall submit to the
21 congressional intelligence committees a report assessing
22 the extent to which protections provided under Presi-
23 dential Policy Directive 19 (relating to protecting whistle-
24 blowers with access to classified information) have been
25 codified in statutes.

1 **SEC. 502. AUTHORITIES REGARDING WHISTLEBLOWER**
2 **COMPLAINTS AND INFORMATION OF URGENT**
3 **CONCERN RECEIVED BY INSPECTORS GEN-**
4 **ERAL OF THE INTELLIGENCE COMMUNITY.**

5 (a) AUTHORITY OF INSPECTOR GENERAL OF THE IN-
6 TELLIGENCE COMMUNITY TO DETERMINE MATTERS OF
7 URGENT CONCERN.—Section 103H(k)(5)(G) of the Na-
8 tional Security Act of 1947 (50 U.S.C. 3033(k)(5)(G)) is
9 amended—

10 (1) by redesignating clauses (i), (ii), and (iii) as
11 subclauses (I), (II), and (III), respectively;

12 (2) in the matter preceding subclause (I), as re-
13 designated by paragraph (1), by inserting “(i)” be-
14 fore “In this”; and

15 (3) by adding at the end the following new
16 clause:

17 “(ii) Within the executive branch, the Inspector Gen-
18 eral shall have sole authority to determine whether any
19 complaint or information reported to the Inspector Gen-
20 eral is a matter of urgent concern under this paragraph.”.

21 (b) AUTHORITY OF INSPECTORS GENERAL TO DE-
22 TERMINE MATTERS OF URGENT CONCERN.—Subsection
23 (h) of section 8H of the Inspector General Act of 1978
24 (5 U.S.C. App.) is amended—

25 (1) in paragraph (1), by redesignating para-
26 graphs (A), (B), and (C) as clauses (i), (ii), and

1 (iii), respectively (and indenting such clauses accord-
2 ingly);

3 (2) by redesignating paragraphs (1) and (2) as
4 subparagraphs (A) and (B), respectively (and in-
5 denting such subparagraphs accordingly);

6 (3) in the matter preceding subparagraph (A),
7 as redesignated by paragraph (2), by inserting “(1)”
8 before “In this”; and

9 (4) by adding at the end the following new
10 paragraph:

11 “(2) Within the executive branch, an Inspector Gen-
12 eral to whom any complaint or information is reported
13 under this section shall have sole authority to determine
14 whether the complaint or information is a matter of ur-
15 gent concern under this section.”.

16 (c) AUTHORITY OF INSPECTOR GENERAL OF CEN-
17 TRAL INTELLIGENCE AGENCY TO DETERMINE MATTERS
18 OF URGENT CONCERN.—Section 17(d)(5)(G) of the Cen-
19 tral Intelligence Agency Act of 1949 (50 U.S.C.
20 3517(d)(5)(G)) is amended—

21 (1) in clause (i), by redesignating subclauses
22 (I), (II), and (III) as items (aa), (bb), and (cc), re-
23 spectively (and indenting such items accordingly);

1 (2) by redesignating clauses (i) and (ii) as sub-
2 clauses (I) and (II), respectively (and indenting such
3 subclauses accordingly);

4 (3) in the matter preceding clause (I), as redesi-
5 gnated by subparagraph (B), by inserting “(i)” be-
6 fore “In this”; and

7 (4) by adding at the end the following new
8 clause:

9 “(ii) Within the executive branch, the Inspector Gen-
10 eral shall have sole authority to determine whether any
11 complaint or information reported to the Inspector Gen-
12 eral is a matter of urgent concern under this paragraph.”.

13 **SEC. 503. CLARIFICATION OF REQUIREMENT FOR AUTHOR-**
14 **IZATION OF FUNDING FOR INTELLIGENCE**
15 **ACTIVITIES.**

16 Paragraph (1) of section 504(a) of the National Se-
17 curity Act of 1947 (50 U.S.C. 3094(a)) is amended to
18 read as follows:

19 “(1) those funds were specifically authorized by
20 Congress for use for such intelligence or intelligence-
21 related activities; or”.

22 **SEC. 504. CONGRESSIONAL OVERSIGHT OF CONTROLLED**
23 **ACCESS PROGRAMS.**

24 (a) IN GENERAL.—Title V of the National Security
25 Act of 1947 (50 U.S.C. 3091 et seq.) is amended by in-

1 serting after section 501 the following new section (and
2 conforming the table of contents at the beginning of such
3 Act accordingly):

4 **“SEC. 501A. CONGRESSIONAL OVERSIGHT OF CONTROLLED**
5 **ACCESS PROGRAMS.**

6 “(a) PERIODIC BRIEFINGS.—

7 “(1) REQUIREMENT.—Not less frequently than
8 semiannually or upon request by one of the appro-
9 priate congressional committees or a member of con-
10 gressional leadership, the Director of National Intel-
11 ligence shall provide to such committees and con-
12 gressional leadership a briefing on each controlled
13 access program in effect.

14 “(2) CONTENTS.—Each briefing provided under
15 paragraph (1) shall include, at a minimum, the fol-
16 lowing:

17 “(A) A description of the activity of the
18 controlled access programs during the period
19 covered by the briefing.

20 “(B) Documentation with respect to how
21 the controlled access programs have achieved
22 outcomes consistent with requirements docu-
23 mented by the Director and, as applicable, the
24 Secretary of Defense.

1 “(b) LIMITATION ON ESTABLISHMENT.—A head of
2 an element of the intelligence community may not estab-
3 lish a controlled access program, or a compartment or sub-
4 compartment therein, until the head notifies the appro-
5 priate congressional committees and congressional leader-
6 ship of such controlled access program, compartment, or
7 subcompartment, as the case may be.

8 “(c) ANNUAL REPORTS.—

9 “(1) REQUIREMENT.—On an annual basis, the
10 head of each element of the intelligence community
11 shall submit to the appropriate congressional com-
12 mittees and congressional leadership a report on
13 controlled access programs administered by the
14 head.

15 “(2) MATTERS INCLUDED.—Each report sub-
16 mitted under paragraph (1) shall include, with re-
17 spect to the period covered by the report, the fol-
18 lowing:

19 “(A) A list of all compartments and sub-
20 compartments of controlled access programs ac-
21 tive as of the date of the report.

22 “(B) A list of all compartments and sub-
23 compartments of controlled access programs
24 terminated during the period covered by the re-
25 port.

1 “(C) With respect to the report submitted
2 by the Director of National Intelligence, in ad-
3 dition to the matters specified in clauses (A)
4 and (B)—

5 “(i) a certification regarding whether
6 the creation, validation, or substantial
7 modification, including termination, for all
8 existing and proposed controlled access
9 programs, and the compartments and sub-
10 compartments within each, are substan-
11 tiated and justified based on the informa-
12 tion required by clause (ii); and

13 “(ii) for each certification—

14 “(I) the rationale for the re-
15 validation, validation, or substantial
16 modification, including termination, of
17 each controlled access program, com-
18 partment, and subcompartment;

19 “(II) the identification of a con-
20 trol officer for each controlled access
21 program; and

22 “(III) a statement of protection
23 requirements for each controlled ac-
24 cess program.

25 “(d) DEFINITIONS.—In this section:

1 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term ‘appropriate congressional com-
3 mittees’ means—

4 “(A) the congressional intelligence commit-
5 tees;

6 “(B) the Committee on Appropriations of
7 the Senate; and

8 “(C) the Committee on Appropriations of
9 the House of Representatives.

10 “(2) CONGRESSIONAL LEADERSHIP.—The term
11 ‘congressional leadership’ means—

12 “(A) the majority leader of the Senate;

13 “(B) the minority leader of the Senate;

14 “(C) the Speaker of the House of Rep-
15 resentatives; and

16 “(D) the minority leader of the House of
17 Representatives.

18 “(3) CONTROLLED ACCESS PROGRAM.—The
19 term ‘controlled access program’ means a program
20 created or managed pursuant to Intelligence Com-
21 munity Directive 906, or successor directive.”.

22 (b) FIRST REPORTS.—

23 (1) REQUIREMENT.—Not later than 180 days
24 after the date of the enactment of this Act, the head
25 of each element of the intelligence community shall

1 submit to the appropriate congressional committees
2 and congressional leadership a report on all con-
3 trolled access programs of the element in effect.

4 (2) MATTERS ADDRESSED.—Each report under
5 paragraph (1) shall address, for each controlled ac-
6 cess program covered by the report, the following:

7 (A) Date of initial operational capability.

8 (B) Rationale.

9 (C) Annual level of funding.

10 (D) Current operational use.

11 (c) BRIEFING.—

12 (1) REQUIREMENT.—Not later than 90 days
13 after the date of the enactment of this Act, the Di-
14 rector of National Intelligence shall provide to the
15 appropriate congressional committees and congress-
16 sional leadership a briefing on all controlled access
17 programs established during the 3-year period pre-
18 ceding such date of enactment that have not been
19 previously briefed to such committees and leader-
20 ship.

21 (2) LIMITATION.—If the Director does not
22 carry out paragraph (1) by the date specified in that
23 paragraph, no funds may be obligated or expended
24 by an element of the intelligence community to carry
25 out a controlled access program described in that

1 paragraph, or a compartment or subcompartment
2 therein, until the head of that element has provided
3 to the appropriate congressional committees and
4 congressional leadership a briefing on the controlled
5 access program.

6 (d) DEFINITIONS.—In this section, the terms “appro-
7 priate congressional committees”, “congressional leader-
8 ship”, and “controlled access programs” have the mean-
9 ings given those terms in section 501A of the National
10 Security Act of 1947, as added by subsection (a).

11 (e) CONFORMING REPEAL.—Section 608 of the Intel-
12 ligence Authorization Act for Fiscal Year 2017 (division
13 N of Public Law 115–31; 131 Stat. 833; 50 U.S.C. 3315)
14 is amended by striking subsection (b).

15 **SEC. 505. ANNUAL REPORTS ON DOMESTIC ACTIVITIES OF**
16 **INTELLIGENCE COMMUNITY.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) the Federal Bureau of Investigation and the
20 Department of Homeland Security conduct vital
21 work in enforcing the rule of law and safeguarding
22 the people of the United States from harm;

23 (2) the Intelligence Reform and Terrorism Pre-
24 vention Act of 2004 (Public Law 108–458; 118
25 Stat. 3638) sought to facilitate greater information

1 sharing between law enforcement and intelligence
2 communities for the purpose of thwarting attacks on
3 the homeland from international terrorist organiza-
4 tions;

5 (3) National Intelligence Program funds should
6 be expended only in support of intelligence activities
7 with a foreign nexus, consistent with the definition
8 of “intelligence” provided by Congress in section 3
9 of the National Security Act of 1947 (50 U.S.C.
10 3003); and

11 (4) the intelligence community should not en-
12 gage in the collection, assessment, or analysis of in-
13 formation that pertains exclusively to United States
14 persons absent a foreign nexus.

15 (b) REQUIREMENT.—Title V of the National Security
16 Act of 1947 (50 U.S.C. 3231 et seq.), is amended by add-
17 ing at the end the following new section (and conforming
18 the table of contents at the beginning of such Act accord-
19 ingly):

20 **“SEC. 513. ANNUAL REPORTS ON THE DOMESTIC ACTIVI-**
21 **TIES OF THE INTELLIGENCE COMMUNITY.**

22 “(a) REPORTS.—Not later than January 31 of each
23 year, the Director of National Intelligence shall submit to
24 the congressional intelligence committees a report—

1 “(1) identifying all domestic activities under-
2 taken by each element of the intelligence community
3 during the prior fiscal year; and

4 “(2) for each activity identified under para-
5 graph (1), a statement of the legal authority author-
6 izing such activity to be undertaken.

7 “(b) FORM.—Each report under subsection (a) shall
8 be submitted in unclassified form, but may include a clas-
9 sified annex.”.

10 (c) FIRST REPORT.—Not later than 90 days after the
11 date of the enactment of this Act, the Director of National
12 Intelligence shall submit to the appropriate congressional
13 committees the first report required under section 513 of
14 the National Security Act of 1947, as added by subsection
15 (a).

16 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
17 DEFINED.—In this section, the term “appropriate con-
18 gressional committees” means—

19 (1) the congressional intelligence committees;
20 and

21 (2) the Subcommittees on Commerce, Justice,
22 Science, and Related Agencies and the Subcommit-
23 tees on Homeland Security of the Committees on
24 Appropriations of the House of Representatives and
25 the Senate.

1 **SEC. 506. REPORTS RELATING TO INSPECTOR GENERAL OF**
2 **DEFENSE INTELLIGENCE AGENCY.**

3 (a) REPORT ON RESPONSES BY INSPECTOR GEN-
4 ERAL TO SUBSTANTIATED ALLEGATIONS.—

5 (1) REPORT.—Not later than 180 days after
6 the date of the enactment of this Act, the Director
7 of the Defense Intelligence Agency shall submit to
8 the appropriate congressional committees a report
9 on allegations of reprisal or abuse of authority deter-
10 mined to be substantiated by the Inspector General
11 of the Defense Intelligence Agency during the 5-year
12 period preceding the date of the enactment of this
13 Act.

14 (2) MATTERS INCLUDED.—The report under
15 paragraph (1) shall include, with respect to each al-
16 legation determined to be substantiated during the
17 5-year period specified in such paragraph, a descrip-
18 tion of the following:

19 (A) Details of each substantiated allega-
20 tion.

21 (B) The rank or grade of the individuals
22 involved in the allegation.

23 (C) Any disciplinary action recommended
24 by the Inspector General in response to the alle-
25 gation, or, if the Inspector General rec-
26 ommended no disciplinary action be taken in re-

1 sponse, any justification for such recommenda-
2 tion.

3 (D) Any disciplinary action taken by the
4 relevant manager of the Defense Intelligence
5 Agency in response to the allegation.

6 (E) Whether the relevant manager re-
7 duced, or declined to take, a disciplinary action
8 recommended by the Inspector General in re-
9 sponse to the allegation.

10 (F) Any justification from the relevant
11 manager regarding the decision to take, reduce,
12 or decline to take, a disciplinary action rec-
13 ommended by the Inspector General in response
14 to the allegation.

15 (G) The process by which Defense Intel-
16 ligence Agency management reviews and makes
17 decisions regarding disciplinary actions in re-
18 sponse to substantiated allegations, including—

19 (i) the criteria applied by management
20 in making the decision to take, reduce, or
21 decline to take, a disciplinary action;

22 (ii) a description of which managers
23 have the authority to make such decisions,
24 including the rank or grade of the man-
25 agers; and

1 (iii) a description of any formal or in-
2 formal appeals processes available with re-
3 spect to such decisions.

4 (3) FORM.—The report under paragraph (1)
5 shall be submitted in unclassified form, but may in-
6 clude a classified annex.

7 (b) REPORT ON PROCESSES FOR ENSURING INDE-
8 PENDENCE OF INSPECTOR GENERAL.—

9 (1) REPORT.—Not later than 30 days after the
10 date of the enactment of this Act, the Director of
11 the Defense Intelligence Agency shall submit to the
12 appropriate congressional committees and the Coun-
13 cil of the Inspectors General on Integrity and Effi-
14 ciency established under section 11 of the Inspector
15 General Act of 1978 (5 U.S.C. App.) a report on the
16 processes of the Defense Intelligence Agency for en-
17 suring the independence of the position of the In-
18 spector General of the Defense Intelligence Agency.

19 (2) MATTERS INCLUDED.—The report under
20 paragraph (1) shall include a description of the fol-
21 lowing:

22 (A) The selection criteria used by the Di-
23 rector in the appointment of the Inspector Gen-
24 eral.

1 (B) The methods used by the Director to
2 ensure the independence of the position of the
3 Inspector General, including—

4 (i) the process for vetting candidates
5 for such position for independence from
6 leadership of the Defense Intelligence
7 Agency and from officials occupying posi-
8 tions in the Defense Intelligence Senior
9 Executive Service; and

10 (ii) the process for evaluating such
11 candidates for conflicts of interest.

12 (3) FORM.—The report under paragraph (1)
13 shall be submitted in unclassified form, but may in-
14 clude a classified annex.

15 (c) ASSESSMENT BY COUNCIL OF INSPECTORS GEN-
16 ERAL ON INTEGRITY AND EFFICIENCY.—

17 (1) ASSESSMENT.—Not later than 120 days
18 after the date of the enactment of this Act, the
19 Council of the Inspectors General on Integrity and
20 Efficiency shall—

21 (A) conduct an assessment of the effective-
22 ness of the selection criteria and methods speci-
23 fied in subsection (b)(2) with respect to the po-
24 sition of the Inspector General of the Defense
25 Intelligence Agency; and

1 (B) submit to the appropriate congres-
2 sional committees a report containing the re-
3 sults of such assessment.

4 (2) FORM.—The report under paragraph (1)(B)
5 shall be submitted in unclassified form, but may in-
6 clude a classified annex.

7 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
8 DEFINED.—In this section, the term “appropriate con-
9 gressional committees” means—

10 (1) the congressional intelligence committees;

11 and

12 (2) the Committees on Armed Services of the
13 House of Representatives and the Senate.

14 **TITLE VI—ANOMALOUS HEALTH**
15 **INCIDENTS AND OTHER**
16 **HEALTH CARE MATTERS**

17 **SEC. 601. COMPENSATION AND PROFESSIONAL STANDARDS**

18 **FOR CERTAIN MEDICAL OFFICERS OF CEN-**

19 **TRAL INTELLIGENCE AGENCY.**

20 The Central Intelligence Agency Act of 1949 (50
21 U.S.C. 3501 et seq.), as amended by section 411, is fur-
22 ther amended by adding at the end the following new sec-
23 tion:

1 **“SEC. 27. COMPENSATION AND PROFESSIONAL STANDARDS**
2 **FOR CERTAIN MEDICAL OFFICERS.**

3 “(a) OFFICE OF MEDICAL SERVICES.—There is in
4 the Agency an Office of Medical Services.

5 “(b) COMPENSATION.—Beginning not later than 1
6 year after the date of the enactment of the Intelligence
7 Authorization Act for Fiscal Year 2022, each medical offi-
8 cer of the Office of Medical Services who meets the quali-
9 fications under subsection (c) shall be compensated during
10 a pay period pursuant to a pay range that is equal to the
11 pay range published in the Federal Register pursuant to
12 section 7431(e)(1)(C) of title 38, United States Code (for
13 the corresponding pay period), for a physician in the Vet-
14 erans Health Administration in the District of Columbia
15 region with a medical subspecialty that is the equivalent
16 of the medical subspecialty of the officer.

17 “(c) CLINICAL PRACTICE QUALIFICATIONS.—A med-
18 ical officer meets the qualifications under this subsection
19 if the officer provides direct care services to patients in
20 connection with the official duties of the officer and—

21 “(1) maintains current, active, full, and unre-
22 stricted licensure or registration as a physician from
23 a State, the District of Columbia, or a common-
24 wealth or territory of the United States;

1 “(2) holds active board certification and main-
2 tains accreditation in an American Board of Medical
3 Specialties direct care clinical specialty; and

4 “(3) except as provided in subsection (d), main-
5 tains a minimum of 96 hours per year of clinical
6 practice in an accredited clinic or hospital facility
7 that is not affiliated with the Central Intelligence
8 Agency.

9 “(d) EXCEPTION FOR OVERSEAS SERVICE.—If a
10 medical officer is a medical officer located in a duty sta-
11 tion outside of the United States pursuant to a permanent
12 change of station and greater than 50 percent of the offi-
13 cial duties of the officer in such duty station involve direct
14 patient care, the officer, in lieu of performing the min-
15 imum hours under subsection (c)(3) on an annual basis,
16 may count up to 480 hours of clinical practice performed
17 as specified in such subsection prior to such change of sta-
18 tion, to fulfill in advance the requirement under such sub-
19 section for up to 3 years.

20 “(e) CLINICAL PRACTICE HOURS.—The head of the
21 Office of Medical Services shall make available to medical
22 officers excused absence time to allow for the maintenance
23 of clinical practice hours in accordance with subsection
24 (c)(3).”.

1 **SEC. 602. MEDICAL ADVISORY BOARD OF CENTRAL INTEL-**
2 **LIGENCE AGENCY.**

3 (a) ESTABLISHMENT.—The Central Intelligence
4 Agency Act of 1949 (50 U.S.C. 3501 et seq.), as amended
5 by section 601, is further amended by adding at the end
6 the following new section:

7 **“SEC. 28. MEDICAL ADVISORY BOARD.**

8 “(a) ESTABLISHMENT.—The Director shall establish
9 within the Agency a medical advisory board (in this sec-
10 tion referred to as the ‘Board’).

11 “(b) DUTIES.—The Board shall—

12 “(1) conduct a study on the Office of Medical
13 Services of the Agency, and submit reports regard-
14 ing such study, in accordance with subsection (c);
15 and

16 “(2) upon request, provide advice and guidance
17 in connection with any independent review of the Of-
18 fice conducted by an inspector general.

19 “(c) STUDY.—

20 “(1) OBJECTIVES.—In conducting the study
21 under subsection (b)(1), the Board shall seek to—

22 “(A) contribute to the modernization and
23 reform of the Office of Medical Services;

24 “(B) ensure that the activities of the Of-
25 fice are of the highest professional quality; and

1 “(C) ensure that all medical care provided
2 by the Office is provided in accordance with the
3 highest professional medical standards.

4 “(2) REPORTS.—The Board shall submit to the
5 congressional intelligence committees, in writing—

6 “(A) interim reports on the study; and

7 “(B) a final report on the study, which
8 shall—

9 “(i) set forth in detail the findings of
10 the study and the recommendations of the
11 Board, based on such findings and taking
12 into consideration the objectives under
13 paragraph (1), regarding any changes to
14 the activities of the Office of Medical Serv-
15 ices; and

16 “(ii) include, as applicable, any addi-
17 tional or dissenting views submitted by a
18 member of the Board.

19 “(d) MEMBERSHIP.—

20 “(1) NUMBER AND APPOINTMENT.—The Board
21 shall be composed of 9 members, appointed as fol-
22 lows:

23 “(A) 1 member appointed by the Speaker
24 of the House of Representatives.

1 “(B) 1 member appointed by the minority
2 leader of the House of Representatives.

3 “(C) 1 member appointed by the majority
4 leader of the Senate.

5 “(D) 1 member appointed by the minority
6 leader of the Senate.

7 “(E) 1 member appointed by the Chairman
8 of the Permanent Select Committee on Intel-
9 ligence of the House of Representatives.

10 “(F) 1 member appointed by the ranking
11 minority member of the Permanent Select Com-
12 mittee on Intelligence of the House of Rep-
13 resentatives.

14 “(G) 1 member appointed by the Chairman
15 of the Select Committee on Intelligence of the
16 Senate.

17 “(H) 1 member appointed by the Vice
18 Chairman of the Select Committee on Intel-
19 ligence of the Senate.

20 “(I) 1 member appointed by the Director
21 of National Intelligence.

22 “(2) CHAIRPERSON.—During the first meeting
23 under subsection (e)(1), the members of the Board
24 shall elect a Chairperson of the Board. In addition
25 to meeting the criteria under paragraph (3), the

1 Chairperson may not be an employee, or former em-
2 ployee, of the Agency.

3 “(3) CRITERIA.—The members appointed under
4 paragraph (1) shall meet the following criteria:

5 “(A) Each member shall be a recognized
6 expert in at least 1 medical field, as dem-
7 onstrated by appropriate credentials.

8 “(B) Each member shall possess signifi-
9 cant and diverse medical experience, including
10 clinical experience.

11 “(C) Each member shall be eligible to hold
12 an appropriate security clearance.

13 “(4) TERMS.—

14 “(A) IN GENERAL.—Each member, includ-
15 ing the Chairperson, shall be appointed or elect-
16 ed, as applicable, for the life of the Board.

17 “(B) VACANCIES.—Any vacancy in the
18 Board occurring prior to the expiration of the
19 term under subparagraph (A) shall be filled in
20 the manner in which the original appointment
21 or election was made.

22 “(5) COMPENSATION AND TRAVEL EX-
23 PENSES.—

24 “(A) COMPENSATION.—Except as provided
25 in subparagraph (B), each member of the

1 Board, including the Chairperson, may be com-
2 pensated at not to exceed the daily equivalent
3 of the annual rate of basic pay in effect for a
4 position at level IV of the Executive Schedule
5 under section 5315 of title 5, United States
6 Code, for each day during which that member
7 is engaged in the actual performance of the du-
8 ties under subsection (b).

9 “(B) EXCEPTION FOR FEDERAL EMPLOY-
10 EES.—Members of the Board, including the
11 Chairperson, who are officers or employees of
12 the United States shall receive no additional
13 pay by reason of the service of the member on
14 the Board.

15 “(C) TRAVEL EXPENSES.—Each member
16 of the Board, including the Chairperson, while
17 away from the home or regular places of busi-
18 ness of the member in the performance of serv-
19 ices for the Board, may be allowed travel ex-
20 penses, including per diem in lieu of subsist-
21 ence, in the same manner as persons employed
22 intermittently in the Government service are al-
23 lowed expenses under section 5703 of title 5,
24 United States Code.

25 “(6) DETAILEES.—

1 “(A) IN GENERAL.—Upon request of the
2 Board, the Director of National Intelligence
3 may detail to the Board, without reimburse-
4 ment from the Board, any of the personnel of
5 the Office of the Director of National Intel-
6 ligence to assist in carrying out the duties
7 under subsection (b). Any such detailed per-
8 sonnel shall retain the rights, status, and privi-
9 leges of the regular employment of the per-
10 sonnel without interruption.

11 “(B) CLEARANCE.—Any personnel detailed
12 to the Board under subparagraph (A) shall pos-
13 sess a security clearance in accordance with ap-
14 plicable laws and regulations concerning the
15 handling of classified information.

16 “(e) MEETINGS.—

17 “(1) BOARD MEETINGS.—The Board shall meet
18 not less frequently than on a quarterly basis.

19 “(2) MEETINGS WITH CONGRESS.—The Board
20 shall meet with the congressional intelligence com-
21 mittees on a biannual basis.

22 “(f) INFORMATION ACCESS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), the Board may secure directly from any
25 department or agency of the United States Govern-

1 ment information necessary to enable it to carry out
2 the duties under subsection (b) and, upon request of
3 the Chairperson of the Board, the head of that de-
4 partment or agency shall furnish such information to
5 the Board.

6 “(2) EXCEPTION.—The Director (without dele-
7 gation) may deny a request for information made by
8 the Board pursuant to paragraph (1), regardless of
9 the agency from which such information is re-
10 quested.

11 “(3) NOTIFICATION REQUIREMENT.—If the Di-
12 rector denies a request under paragraph (2), not
13 later than 15 days after the date of such denial, the
14 Director shall submit to the congressional intel-
15 ligence committees a written notification of such de-
16 nial.

17 “(4) BRIEFINGS.—The Director shall ensure
18 that the Board receives comprehensive briefings on
19 all activities of the Office of Medical Services, in-
20 cluding by promptly scheduling such briefings at the
21 request of the Board.

22 “(g) TERMINATION.—The Board shall terminate on
23 the date that is 5 years after the date of the first meeting
24 of the Board.

1 “(h) DEFINITIONS.—In this section, the terms ‘con-
2 gressional intelligence committees’ and ‘intelligence com-
3 munity’ have the meanings given such terms in section
4 3 of the National Security Act of 1947 (50 U.S.C.
5 3003).”.

6 (b) DEADLINE FOR APPOINTMENTS; FIRST MEET-
7 INGS.—

8 (1) DEADLINE FOR APPOINTMENTS.—Each
9 member of the medical advisory board established
10 under section 28 of the Central Intelligence Agency
11 Act of 1949 (as added by subsection (a)), including
12 the Chairperson, shall be appointed or elected, as
13 applicable, in accordance with subsection (d) of such
14 section by not later than 45 days after the date of
15 the enactment of this Act.

16 (2) FIRST BOARD MEETING.—Not later than 30
17 days after the first date on which at least 5 mem-
18 bers of the Board described in paragraph (1) hold
19 the security clearance and are able to access infor-
20 mation in accordance with subsection (d)(3)(C) of
21 such section 28, the Board shall meet. During such
22 meeting, the Director of the Central Intelligence
23 Agency shall provide to the Board a comprehensive
24 briefing on all aspects of the Office of Medical Serv-
25 ices of the Central Intelligence Agency.

1 (3) FIRST MEETING WITH CONGRESS.—Not
2 later than 30 days after the date of the briefing
3 under paragraph (2), the Board described in such
4 paragraph shall meet with the staff members of the
5 congressional intelligence committees to discuss top-
6 ics for the Board to examine in carrying out the du-
7 ties under subsection (b) of such section 28.

8 **SEC. 603. CLARIFICATION OF EFFECT OF CERTAIN BENE-**
9 **FITS RELATING TO INJURIES TO THE BRAIN.**

10 (a) PERSONNEL OF CENTRAL INTELLIGENCE AGEN-
11 CY.—Section 19A(d) of the Central Intelligence Agency
12 Act of 1949 (50 U.S.C. 3519b(d)) is amended by adding
13 at the end the following new paragraph:

14 “(5) NO EFFECT ON OTHER BENEFITS.—Pay-
15 ments made under paragraph (2) are supplemental
16 to any other benefit furnished by the United States
17 Government for which a covered dependent, covered
18 employee, or covered individual is entitled, and the
19 receipt of such payments may not affect the eligi-
20 bility of such a person to any other benefit furnished
21 by the United States Government.”.

22 (b) PERSONNEL OF DEPARTMENT OF STATE.—Sec-
23 tion 901(i) of title IX of division J of the Further Consoli-
24 dated Appropriations Act, 2020 (22 U.S.C. 2680b(i)) is

1 amended by adding at the end the following new para-
2 graph:

3 “(5) NO EFFECT ON OTHER BENEFITS.—Pay-
4 ments made under paragraph (2) are supplemental
5 to any other benefit furnished by the United States
6 Government for which a covered dependent, depend-
7 ent of a former employee, covered employee, former
8 employee, or covered individual is entitled, and the
9 receipt of such payments may not affect the eligi-
10 bility of such a person to any other benefit furnished
11 by the United States Government.”.

12 **SEC. 604. ACCESS TO CERTAIN FACILITIES OF UNITED**
13 **STATES GOVERNMENT FOR ASSESSMENT OF**
14 **ANOMALOUS HEALTH CONDITIONS.**

15 (a) ASSESSMENT.—The Director of National Intel-
16 ligence shall ensure that the elements of the intelligence
17 community provide to individuals described in subsection
18 (c) who are experiencing symptoms of anomalous health
19 conditions timely access for medical assessment to facili-
20 ties of the United States Government with expertise in
21 traumatic brain injury.

22 (b) PROCESS FOR ASSESSMENT AND TREATMENT.—
23 In carrying out subsection (a), the Director of National
24 Intelligence shall coordinate with the Secretary of Defense
25 and the heads of such Federal agencies as the Director

1 considers appropriate to ensure that, by not later than 60
2 days after the date of the enactment of this Act, there
3 is a process to provide the individuals described in sub-
4 section (c) with timely access to the National Intrepid
5 Center of Excellence, an Intrepid Spirit Center, or an ap-
6 propriate medical treatment facility for assessment as de-
7 scribed in subsection (a) and, if necessary, treatment.

8 (c) INDIVIDUALS DESCRIBED.—The individuals de-
9 scribed in this subsection are employees of elements of the
10 intelligence community and the dependents or other imme-
11 diate family members of such employees.

12 **SEC. 605. REPORT ON PROTOCOLS FOR CERTAIN INTEL-**
13 **LIGENCE COMMUNITY EMPLOYEES AND DE-**
14 **PENDENTS.**

15 (a) IN GENERAL.—Beginning not later than 180
16 days after the date of enactment of this Act, the President
17 shall develop, for uniform implementation across the ele-
18 ments of the intelligence community, each of the protocols
19 described in subsections (c) through (f). Such protocols
20 shall be subject to review and revision on a periodic basis,
21 and any implementation of such protocols shall be con-
22 ducted in accordance with applicable laws and current
23 clinical and professional practices of the interagency med-
24 ical community.

1 (b) PRIVACY.—No data collected pursuant to any
2 protocol under this section may be used for research or
3 analytical purposes without the written consent of the in-
4 dividual from whom such data was collected with respect
5 to such use.

6 (c) PROTOCOL ON BASELINE MEDICAL TESTING.—
7 The protocol described in this subsection is a protocol for
8 conducting voluntary baseline medical testing of covered
9 employees, covered individuals, and the dependents of cov-
10 ered employees who are included on the overseas travel
11 orders of the covered employee. Such protocol shall set
12 forth the required elements of such baseline medical test-
13 ing, such as—

14 (1) standard lab collection and testing of rel-
15 evant biofluids;

16 (2) the conduct of relevant visual and auditory
17 examinations;

18 (3) the conduct of Acquired Brain Injury Tool
19 assessments, or other relevant assessments for bal-
20 ance, eye motion, and cognition;

21 (4) the assessment of relevant medical histories;
22 and

23 (5) the conduct of any other standard relevant
24 medical or neurological examinations, testing, or as-
25 sessments.

1 (d) PROTOCOLS ON POST-INCIDENT MEDICAL TEST-
2 ING.—The protocols described in this subsection are pro-
3 tocols to enable voluntary medical testing and the coordi-
4 nation of treatment for covered employees, covered indi-
5 viduals, and the dependents of covered employees, fol-
6 lowing a reported anomalous health incident, such as—

7 (1) a protocol that sets forth elements, similar
8 to the elements described in subsection (c), of such
9 testing;

10 (2) a protocol pertaining to the voluntary test-
11 ing and treatment for victims of anomalous health
12 incidents who are children;

13 (3) a protocol for ensuring that all victims of
14 anomalous health incidents receive access to prompt
15 and consistent medical treatment, including from
16 medical professionals holding appropriate security
17 clearances and medical professionals with expertise
18 in child care;

19 (4) a protocol for ensuring that all victims of
20 anomalous health incidents are offered options for
21 psychological treatment for the effects of such inci-
22 dents; and

23 (5) a protocol for ensuring that any testing,
24 evaluation, or collection of biofluids or other samples
25 following a reported anomalous health incident may

1 be compared against the baseline for the victim of
2 the anomalous health incident, to the extent the in-
3 dividual participated in the baseline medical testing,
4 consistent with subsections (b) and (c).

5 (e) **PROTOCOL ON INFORMATION COLLECTION, STOR-**
6 **AGE, AND SAFEGUARDING.**—The protocol described in this
7 subsection is a protocol for the collection, storage, and
8 safeguarding of information acquired as a result of the
9 protocols described in subsections (c) and (d).

10 (f) **PROTOCOL ON REPORTING MECHANISMS.**—The
11 protocol described in this subsection is a protocol for the
12 reporting of matters relating to anomalous health inci-
13 dents by covered employees, covered individuals, and the
14 dependents of covered employees, including the develop-
15 ment of a system for the adjudication of complaints re-
16 garding medical treatment received by such covered em-
17 ployees, covered individuals, and dependents of covered
18 employees.

19 (g) **REPORT AND BRIEFINGS.**—

20 (1) **REPORT.**—Not later than 180 days after
21 the date of the enactment of this Act, the Director
22 of National Intelligence shall submit to the appro-
23 priate congressional committees a report on the pro-
24 tocols described in subsections (c) through (f).

1 (2) ELEMENTS.—Such report shall include the
2 following elements:

3 (A) A copy of each protocol under this sec-
4 tion.

5 (B) A description of the following:

6 (i) Any interagency agreements, au-
7 thorities, or policies required to effectively
8 implement the protocols under this section.

9 (ii) Any new facilities, medical equip-
10 ment, tools, training, or other resources re-
11 quired to effectively implement such proto-
12 cols.

13 (C) A timeline for the implementation of
14 the protocols under this section, including a
15 proposal for the prioritization of implementa-
16 tion with respect to various categories of cov-
17 ered employees and the dependents of covered
18 employees.

19 (3) BRIEFING.—Not later than 60 days fol-
20 lowing the date of submission of the report under
21 paragraph (1), and biannually thereafter, the Direc-
22 tor shall provide to the appropriate congressional
23 committees a briefing regarding the implementation
24 of the protocols under this section.

25 (h) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the congressional intelligence commit-
5 tees; and

6 (B) the Committees on Armed Services of
7 the House of Representatives and the Senate.

8 (2) COVERED EMPLOYEE.—The term “covered
9 employee” means an individual who is an employee,
10 assignee, or detailee of an element of the intelligence
11 community.

12 (3) COVERED INDIVIDUAL.—The term “covered
13 individual” means a contractor to an element of the
14 intelligence community.

15 (4) DEPENDENT OF A COVERED EMPLOYEE.—
16 The term “dependent of a covered employee” means,
17 with respect to a covered employee, a family member
18 (including a child), as defined by the Director of Na-
19 tional Intelligence.

20 (5) VICTIM OF AN ANOMALOUS HEALTH INCI-
21 DENT.—The term “victim of an anomalous health
22 incident” means a covered employee, covered indi-
23 vidual, or dependent of a covered employee, who is,
24 or is suspected to have been, affected by an anoma-
25 lous health incident.

1 **SEC. 606. INSPECTOR GENERAL OF CENTRAL INTEL-**
2 **LIGENCE AGENCY INSPECTION OF OFFICE OF**
3 **MEDICAL SERVICES.**

4 (a) INSPECTION.—Not later than one year after the
5 date of the enactment of this Act, the Inspector General
6 of the Central Intelligence Agency, in coordination with,
7 and with the support of, the Inspector General of the In-
8 telligence Community, shall submit to the congressional
9 intelligence committees a report containing an inspection
10 of the responsibilities, authorities, resources, and perform-
11 ance of the Office of Medical Services of the Central Intel-
12 ligence Agency (in this section referred to as the “Office”).

13 (b) MATTERS INCLUDED.—The inspection under sub-
14 section (a) shall include the following:

15 (1) A detailed description of the responsibilities
16 and authorities of the Office, as set forth in Federal
17 law and any applicable regulation, policy, or other
18 document of the Central Intelligence Agency.

19 (2) A detailed description of the budgetary,
20 human, and other resources available to the Office,
21 including with respect to employees and any other
22 personnel.

23 (3) An assessment of the ability of the Office
24 to consistently discharge the responsibilities of the
25 Office, with an emphasis on the provision of medical

1 treatment and care by personnel of the Office, in-
2 cluding with respect to—

3 (A) the roles of personnel of the Office,
4 and of senior officials of the Agency outside of
5 the Office, in determining what medical evalua-
6 tion, treatment, and care should be provided in
7 a particular case, including the provision of spe-
8 cialty care by medical personnel outside of the
9 Office;

10 (B) whether personnel of the Office con-
11 sistently provide appropriate and high-quality
12 medical treatment and care in accordance with
13 standards set independently by the professional
14 medical community;

15 (C) whether the Office has sufficient
16 human and other resources, including personnel
17 with specialized background, qualifications, or
18 expertise, to consistently provide high-quality
19 medical treatment and care in accordance with
20 standards set independently by the professional
21 medical community;

22 (D) whether personnel of the Office, in-
23 cluding personnel claiming specialized medical
24 backgrounds and expertise, are required by the
25 Agency to maintain current board certifications

1 or other certifications and licenses, and the ex-
2 tent to which the Office verifies such certifi-
3 cations and licenses;

4 (E) the extent to which the Office makes
5 consistent and effective use of the specialized
6 medical background, qualifications, and exper-
7 tise of the personnel of the Office in providing
8 medical treatment and care;

9 (F) an assessment of whether personnel of
10 the Office who provide medical treatment and
11 care, or who make decisions with respect to
12 such treatment or care, are required to have ex-
13 tensive clinical or other experience in directly
14 treating patients, including in areas requiring
15 specialized background, qualifications, or exper-
16 tise;

17 (G) any factors that have frustrated or de-
18 layed the provision of medical treatment and
19 care by personnel of the Office in significant
20 cases; and

21 (H) any factors that have frustrated or
22 could frustrate prompt detection, effective over-
23 sight, and swift remediation of problems within
24 the Office, including such factors that frustrate

1 or delay the provision of medical treatment and
2 care in significant cases.

3 (c) INDEPENDENT ADVICE.—In conducting the in-
4 spection under subsection (a), the Inspector General may
5 obtain the advice of the medical advisory board established
6 under section 28 of the Central Intelligence Agency Act
7 of 1949 (as added by section 602).

8 (d) FORM.—The report under subsection (a) shall be
9 submitted in an unclassified form to the extent prac-
10 ticable, consistent with the protection of intelligence
11 sources and methods, but may include a classified annex.

12 **TITLE VII—MATTERS RELATING**
13 **TO FOREIGN COUNTRIES**
14 **Subtitle A—Matters Relating to**
15 **China**

16 **SEC. 701. UPDATES TO ANNUAL REPORTS ON INFLUENCE**
17 **OPERATIONS AND CAMPAIGNS IN THE**
18 **UNITED STATES BY THE CHINESE COM-**
19 **MUNIST PARTY.**

20 Section 1107(b) of the National Security Act of 1947
21 (50 U.S.C. 3237(b)) is amended—

22 (1) by redesignating paragraph (9) as para-
23 graph (10); and

24 (2) by inserting after paragraph (8) the fol-
25 lowing new paragraph:

1 “(9) A listing of all known Chinese talent re-
2 cruitment programs operating in the United States
3 as of the date of the report.”.

4 **SEC. 702. ASSESSMENT OF GENOMIC COLLECTION BY**
5 **CHINA.**

6 (a) ASSESSMENT SUBMITTED TO CONGRESSIONAL
7 INTELLIGENCE COMMITTEES.—

8 (1) REQUIREMENT.—Not later than 180 days
9 after the date of the enactment of this Act, the Di-
10 rector of National Intelligence, in consultation with
11 the heads of other entities of the United States Gov-
12 ernment the Director determines appropriate, shall
13 submit to the congressional intelligence committees
14 an assessment of the plans, intentions, capabilities,
15 and resources of China devoted to biotechnology,
16 and the objectives underlying those plans, intentions,
17 capabilities, and resources.

18 (2) ELEMENTS.—The assessment under para-
19 graph (1) shall include—

20 (A) a detailed analysis of efforts under-
21 taken by China to acquire foreign-origin bio-
22 technology, research and development, and ge-
23 netic information, including technology owned
24 by United States companies, research by United

1 States institutions, and the genetic information
2 of United States citizens;

3 (B) identification of China-based organiza-
4 tions conducting or directing efforts described
5 in subparagraph (A), including information
6 about the ties between those organizations and
7 the Chinese government, the Chinese Com-
8 munist Party, or the People's Liberation Army;
9 and

10 (C) a detailed analysis of the resources of
11 the intelligence community devoted to bio-
12 technology, including synthetic biology and
13 genomic-related issues, and a plan to improve
14 understanding of these issues and ensure the
15 intelligence community has the requisite exper-
16 tise.

17 (3) FORM.—The assessment under paragraph
18 (1) shall be submitted in unclassified form, but may
19 include a classified annex.

20 (b) ASSESSMENT SUBMITTED TO CERTAIN OTHER
21 COMMITTEES.—

22 (1) REQUIREMENT.—Not later than 180 days
23 after the date of the enactment of this Act, the Di-
24 rector of National Intelligence, in consultation with
25 the heads of other entities of the United States Gov-

1 ernment the Director determines appropriate, shall
2 submit to the appropriate congressional committees
3 an assessment of the plans, intentions, capabilities,
4 and resources of China devoted to biotechnology,
5 and the objectives underlying those plans, intentions,
6 capabilities, and resources.

7 (2) ELEMENTS.—The assessment required by
8 paragraph (1) shall include the elements described in
9 subparagraphs (A) and (B) of subsection (a)(2).

10 (3) FORM.—The assessment under paragraph
11 (1) shall be submitted in unclassified form.

12 (4) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES DEFINED.—In this subsection, the term “ap-
14 propriate congressional committees” means—

15 (A) the Committee on Armed Services, the
16 Committee on Health, Education, Labor, and
17 Pensions, and the Committee on Foreign Rela-
18 tions of the Senate; and

19 (B) the Committee on Armed Services, the
20 Committee on Energy and Commerce, and the
21 Committee on Foreign Affairs of the House of
22 Representatives.

1 **SEC. 703. REPORT ON THREAT POSED BY EMERGING CHI-**
2 **NESE TECHNOLOGY COMPANIES.**

3 (a) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Director of National In-
5 telligence, in consultation with the Assistant Secretary of
6 the Treasury for Intelligence and Analysis and the Direc-
7 tor of the Federal Bureau of Investigation, and consistent
8 with the protection of intelligence sources and methods,
9 shall submit to the appropriate congressional committees
10 a report on the threat to the economic and security inter-
11 ests of the United States posed by emerging Chinese tech-
12 nology companies.

13 (b) MATTERS INCLUDED.—The report under sub-
14 section (a) shall include the following:

15 (1) An assessment of the threat to the economic
16 and security interests of the United States posed by
17 emerging Chinese technology companies, including
18 with respect to—

19 (A) the practices of such companies and
20 the relationships of such companies to the gov-
21 ernment of China and the Chinese Communist
22 Party;

23 (B) the extent to which such companies
24 benefit from government financing or con-
25 tracting vehicles outside of China;

1 (C) the extent to which such companies fa-
2 cilitate the targeting of dissidents and other
3 vulnerable populations;

4 (D) the market penetration of such compa-
5 nies among allies and strategic partners of the
6 United States;

7 (E) the security of the communications,
8 data, and commercial interests of consumer and
9 commercial end-users of the products of such
10 companies; and

11 (F) the privacy interests of such con-
12 sumers and commercial end-users.

13 (2) An assessment of the ability of the United
14 States to counter any such threat, including with re-
15 spect to different tools that could counter such a
16 threat.

17 (c) FORM.—The report under subsection (a) may be
18 submitted in classified form, but if so submitted shall in-
19 clude an unclassified executive summary.

20 (d) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

24 (A) the congressional intelligence commit-
25 tees;

1 (B) the Committees on Armed Services of
2 the House of Representatives and the Senate;

3 (C) the Subcommittees on Commerce, Jus-
4 tice, Science, and Related Agencies and the
5 Subcommittees on Financial Services and Gen-
6 eral Government of the Committees on Appro-
7 priations of the House of Representatives and
8 the Senate; and

9 (D) the Committee on Energy and Com-
10 merce of the House of Representatives and the
11 Committee on Commerce, Science, and Trans-
12 portation of the Senate.

13 (2) EMERGING CHINESE TECHNOLOGY COMPA-
14 NIES.—The term “emerging Chinese technology
15 companies” means a Chinese technology company,
16 including a company listed on the Science and Tech-
17 nology Innovation Board of the Shanghai Stock Ex-
18 change, that the Assistant Secretary of the Treasury
19 for Intelligence and Analysis determines poses a sig-
20 nificant threat to the national security of the United
21 States.

22 **SEC. 704. REPORT AND BRIEFING ON COOPERATION BE-**
23 **TWEEN CHINA AND UNITED ARAB EMIRATES.**

24 (a) REQUIREMENT.—Not later than 60 days after the
25 date of the enactment of this Act, the Director of National

1 Intelligence, in consultation with the heads of elements of
2 the intelligence community that the Director determines
3 appropriate, and consistent with the protection of intel-
4 ligence sources and methods, shall provide to the appro-
5 priate congressional committees a briefing, and submit to
6 the appropriate congressional committees a report, con-
7 taining the following:

8 (1) Details on the cooperation between China
9 and the United Arab Emirates regarding defense,
10 security, technology, and other strategically sensitive
11 matters that implicate the national security interests
12 of the United States.

13 (2) The most recent (as of the date of the re-
14 port or briefing, as the case may be) quarterly as-
15 sessment by the intelligence community of measures
16 that the United Arab Emirates has implemented to
17 safeguard technology of the United States and the
18 reliability of any assurances by the United Arab
19 Emirates (with respect to both current assurances
20 and assurances being considered as of such date).

21 (3) A certification by the Director regarding
22 whether such assurances described in paragraph (2)
23 are viable and sufficient to protect technology of the
24 United States from being transferred to China or
25 other third parties.

1 (b) FORM.—The report under subsection (a) may be
2 submitted in classified form, but if so submitted shall in-
3 clude an unclassified executive summary.

4 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congres-
6 sional committees” means—

7 (1) the congressional intelligence committees;

8 (2) the Committee on Armed Services and the
9 Committee on Foreign Affairs of the House of Rep-
10 resentatives; and

11 (3) the Committee on Armed Services and the
12 Committee on Foreign Relations of the Senate.

13 **SEC. 705. REPORT ON CREATION OF OFFICIAL DIGITAL**
14 **CURRENCY BY CHINA.**

15 (a) REPORT.—Not later than 1 year after the date
16 of the enactment of this Act, the President, consistent
17 with the protection of intelligence sources and methods,
18 shall transmit to the appropriate congressional committees
19 a report on the short-, medium-, and long-term national
20 security risks associated with the creation and use of the
21 official digital renminbi of China, including—

22 (1) risks arising from potential surveillance of
23 transactions;

24 (2) risks relating to security and illicit finance;

25 and

1 (3) risks relating to economic coercion and so-
2 cial control by China.

3 (b) FORM.—The report under subsection (a) shall be
4 submitted in unclassified form, but may include a classi-
5 fied annex.

6 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
7 FINED.—In this section, the term “appropriate congres-
8 sional committees” means—

9 (1) the congressional intelligence committees;

10 (2) the Committee on Banking, Housing, and
11 Urban Affairs, the Committee on Foreign Relations,
12 and the Committee on Appropriations of the Senate;
13 and

14 (3) the Committee on Financial Services, the
15 Committee on Foreign Affairs, and the Committee
16 on Appropriations of the House of Representatives.

17 **SEC. 706. REPORT ON INFLUENCE OF CHINA THROUGH**
18 **BELT AND ROAD INITIATIVE PROJECTS WITH**
19 **OTHER COUNTRIES.**

20 (a) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Director of National In-
22 telligence, consistent with the protection of intelligence
23 sources and methods, shall submit to the appropriate con-
24 gressional committees a report on recent projects nego-
25 tiated by China with other countries as part of the Belt

1 and Road Initiative of China. The Director shall include
2 in the report information about the types of such projects,
3 costs of such projects, and the potential national security
4 implications of such projects.

5 (b) FORM.—The report under subsection (a) shall be
6 submitted in unclassified form, but may include a classi-
7 fied annex.

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
9 FINED.—In this section, the term “appropriate congres-
10 sional committees” means—

11 (1) the congressional intelligence committees;

12 (2) the Committee on Foreign Relations of the
13 Senate; and

14 (3) the Committee on Foreign Affairs of the
15 House of Representatives.

16 **SEC. 707. REPORT ON EFFORTS OF CHINESE COMMUNIST**
17 **PARTY TO ERODE FREEDOM AND AUTONOMY**
18 **IN HONG KONG.**

19 (a) REPORT.—Not later than 180 days after the date
20 of the enactment of this Act, the Director of National In-
21 telligence, consistent with the protection of intelligence
22 sources and methods, shall submit to the appropriate con-
23 gressional committees a report on efforts of the Chinese
24 Communist Party to stifle political freedoms in Hong
25 Kong, influence or manipulate the judiciary of Hong

1 Kong, destroy freedom of the press and speech in Hong
2 Kong, and take actions to otherwise undermine the demo-
3 cratic processes of Hong Kong.

4 (b) CONTENTS.—The report submitted under sub-
5 section (a) shall include an assessment of the implications
6 of the efforts of the Chinese Communist Party described
7 in such subsection for international business, investors,
8 academic institutions, and other individuals operating in
9 Hong Kong.

10 (c) FORM.—The report under subsection (a) shall be
11 submitted in unclassified form, but may include a classi-
12 fied annex.

13 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
14 In this section, the term “appropriate congressional com-
15 mittees” means—

- 16 (1) the congressional intelligence committees;
- 17 (2) the Committee on Foreign Relations and
18 the Committee on Banking, Housing, and Urban Af-
19 fairs of the Senate; and
- 20 (3) the Committee on Foreign Affairs and the
21 Committee on Financial Services of the House of
22 Representatives.

1 **SEC. 708. REPORT ON TARGETING OF RENEWABLE SEC-**
2 **TORS BY CHINA.**

3 (a) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Director of National In-
5 telligence, consistent with the protection of intelligence
6 sources and methods, shall submit to the appropriate con-
7 gressional committees a report assessing the efforts and
8 advancements of China in the wind power, solar power,
9 and electric vehicle battery production sectors (or key com-
10 ponents of such sectors).

11 (b) CONTENTS.—The report under subsection (b)
12 shall include the following:

13 (1) An assessment of how China is targeting
14 rare earth minerals and the effect of such targeting
15 on the sectors described in subsection (a).

16 (2) Details of the use by the Chinese Com-
17 munist Party of state-sanctioned forced labor
18 schemes, including forced labor and the transfer of
19 Uyghurs and other ethnic groups, and other human
20 rights abuses in such sectors.

21 (c) FORM.—The report under subsection (a) shall be
22 submitted in unclassified form, but may include a classi-
23 fied annex.

24 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
25 DEFINED.—In this section, the term “appropriate con-
26 gressional committees” means—

- 1 (1) the congressional intelligence committees;
- 2 (2) the Committee on Foreign Relations of the
3 Senate; and
- 4 (3) the Committee on Foreign Affairs of the
5 House of Representatives.

6 **Subtitle B—Matters Relating to**
7 **Other Countries**

8 **SEC. 711. NATIONAL INTELLIGENCE ESTIMATE ON SECU-**
9 **RITY SITUATION IN AFGHANISTAN AND RE-**
10 **LATED REGION.**

11 (a) **REQUIREMENT.**—The Director of National Intel-
12 ligence, acting through the National Intelligence Council,
13 shall produce a National Intelligence Estimate on the situ-
14 ation in Afghanistan and the covered region.

15 (b) **MATTERS.**—The National Intelligence Estimate
16 produced under subsection (a) shall include, with respect
17 to the 2-year period beginning on the date on which the
18 Estimate is produced, an assessment of the following:

- 19 (1) The presence in Afghanistan (including fi-
20 nancial contributions to the Taliban, political rela-
21 tions with the Taliban, military presence in the cov-
22 ered region, economic presence in the covered region,
23 and diplomatic presence in the covered region) of
24 China, Iran, Pakistan, Russia, and any other foreign
25 country determined relevant by the Director, respec-

1 tively, and an assessment of the potential risks, or
2 benefits, of any such presence, contributions, or rela-
3 tions.

4 (2) Any change in the threat to the United
5 States homeland or United States entities abroad as
6 a result of the withdrawal of the Armed Forces from
7 Afghanistan on August 31, 2021, including an as-
8 sessment of the risk of al-Qaeda or any affiliates
9 thereof, the Islamic State of Iraq and ash Sham-
10 Khorasan or any affiliates thereof, or any other
11 similar international terrorist group, using Afghani-
12 stan as a safe haven for launching attacks on the
13 United States and its interests abroad.

14 (3) The political composition and sustainability
15 of the governing body of Afghanistan, including an
16 assessment of the ability of the United States Gov-
17 ernment to influence the policies of such governing
18 body on the following:

19 (A) Counterterrorism.

20 (B) Counternarcotics.

21 (C) Human rights (particularly regarding
22 women and girls and traditionally targeted eth-
23 nic groups).

24 (D) The treatment and safe transit of Af-
25 ghans holding special immigrant visa status

1 under section 602 of the Afghan Allies Protec-
2 tion Act of 2009 (8 U.S.C. 1101 note) and
3 other Afghans who, during the period beginning
4 in 2001, assisted efforts of the United States in
5 Afghanistan or the covered region.

6 (4) The effect on the covered region, and Eu-
7 rope, of refugees leaving Afghanistan.

8 (5) The commitments of the Taliban relating to
9 counterterrorism, including an assessment of—

10 (A) whether such commitments required
11 under the agreement entered into between the
12 United States Government and the Taliban in
13 February 2020, have been tested, or will be
14 tested during the 2-year period covered by the
15 Estimate, and what such commitments entail;

16 (B) whether any additional commitments
17 relating to counterterrorism agreed to by the
18 Taliban pursuant to subsequent negotiations
19 with the United States Government following
20 February 2020, have been tested, or will be
21 tested during the 2-year period covered by the
22 Estimate, and, if applicable, what such commit-
23 ments entail;

1 (C) any benchmarks against which the
2 Taliban are to be evaluated with respect to
3 commitments relating to counterterrorism; and

4 (D) the intentions and capabilities of the
5 Taliban with respect to counterterrorism (as
6 such term is understood by the United States
7 and by the Taliban, respectively), including the
8 relations of the Taliban with al-Qaeda or any
9 affiliates thereof, the Islamic State of Iraq and
10 ash Sham-Khorasan or any affiliates thereof, or
11 any other similar international terrorist group.

12 (c) SUBMISSION TO CONGRESS.—

13 (1) SUBMISSION.—Not later than one year after
14 the date of the enactment of this Act, the Director
15 shall submit to the appropriate congressional com-
16 mittees the National Intelligence Estimate produced
17 under subsection (a). In so submitting the Estimate
18 to the congressional intelligence committees, the Di-
19 rector shall include all intelligence reporting under-
20 lying the Estimate.

21 (2) FORM.—The National Intelligence Estimate
22 shall be submitted under paragraph (1) in classified
23 form.

24 (d) PUBLIC VERSION.—Consistent with the protec-
25 tion of intelligence sources and methods, at the same time

1 as the Director submits to the appropriate congressional
2 committees the National Intelligence Estimate under sub-
3 section (c), the Director shall make publicly available on
4 the internet website of the Director an unclassified version
5 of the key findings of the National Intelligence Estimate.

6 (e) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the congressional intelligence commit-
11 tees; and

12 (B) the Committees on Armed Services of
13 the House of Representatives and the Senate.

14 (2) COVERED REGION.—The term “covered re-
15 gion” includes the following countries:

16 (A) China.

17 (B) The Gulf Cooperation Council coun-
18 tries, including Qatar, Saudi Arabia, the United
19 Arab Emirates.

20 (C) India.

21 (D) Iran.

22 (E) Pakistan.

23 (F) Tajikistan.

24 (G) Turkey.

25 (H) Turkmenistan.

1 (I) Uzbekistan.

2 (3) UNITED STATES ENTITY.—The term
3 “United States entity” means a citizen of the United
4 States, an embassy or consulate of the United
5 States, or an installation, facility, or personnel of
6 the United States Government.

7 **SEC. 712. REPORT ON INTELLIGENCE COLLECTION POS-**
8 **TURE AND OTHER MATTERS RELATING TO**
9 **AFGHANISTAN AND RELATED REGION.**

10 (a) REPORT.—Not later than 90 days after the date
11 of the enactment of this Act, the Director of National In-
12 telligence, in consultation with the heads of elements of
13 the intelligence community determined relevant by the Di-
14 rector, shall submit to the congressional intelligence com-
15 mittees a report on the collection posture of the intel-
16 ligence community and other matters relating to Afghani-
17 stan and the covered region.

18 (b) MATTERS.—The report under subsection (a) shall
19 include the following:

20 (1) A detailed description of the collection pos-
21 ture of the intelligence community with respect to
22 Afghanistan, including with respect to the following:

23 (A) The countering of terrorism threats
24 that are directed at the United States homeland
25 or United States entities abroad.

1 (B) The finances of the Taliban, including
2 financial and nonfinancial contributions to the
3 Taliban from foreign countries (particularly
4 from China, Iran, Russia, and any other foreign
5 country in the Arab Gulf region (or elsewhere)
6 determined relevant by the Director, respec-
7 tively).

8 (C) The detection, and prevention of, any
9 increased threat to the United States homeland
10 or United States entities abroad as a result of
11 the withdrawal of the United States Armed
12 Forces from Afghanistan on August 31, 2021,
13 including any such increased threat resulting
14 from al-Qaeda or any affiliates thereof, the Is-
15 lamic State of Iraq and ash Sham-Khorasan or
16 any affiliates thereof, or any other similar inter-
17 national terrorist group, using Afghanistan as a
18 safe harbor.

19 (2) A detailed description of any plans, strate-
20 gies, or efforts to improve the collection posture de-
21 scribed in paragraph (1)(A), including by filling any
22 gaps identified pursuant to such paragraph.

23 (3) An assessment of the effect of publicly doc-
24 umenting abuses engaged in by the Taliban, and a
25 description of the efforts of the intelligence commu-

1 nity to support other departments and agencies in
2 the Federal Government with respect to the collec-
3 tion and documentation of such abuses.

4 (4) An assessment of the relationship between
5 the intelligence community and countries in the cov-
6 ered region, including an assessment of the fol-
7 lowing:

8 (A) Intelligence and information sharing
9 with such countries.

10 (B) Any change in the collection posture of
11 the intelligence community with respect to the
12 nuclear activities of such countries as a result
13 of the withdrawal of the United States Armed
14 Forces from Afghanistan on August 31, 2021.

15 (C) The collection posture of the intel-
16 ligence community with respect to the presence
17 of such countries in Afghanistan (including fi-
18 nancial contributions to the Taliban, political
19 relations with the Taliban, military presence in
20 Afghanistan, economic presence in Afghanistan,
21 and diplomatic presence in Afghanistan) and
22 the understanding of the intelligence community
23 regarding the potential risks, or benefits, of any
24 such presence, contributions, or relations.

1 (D) The ability of the intelligence commu-
2 nity to use the airspace of any such countries.

3 (5) An assessment of any financial contribu-
4 tions to the Taliban from foreign countries (particu-
5 larly from China, Iran, Russia, and any other for-
6 eign country in the Arab Gulf region (or elsewhere)
7 determined relevant by the Director, respectively)
8 made during the year preceding the withdrawal of
9 the United States Armed Forces from Afghanistan
10 on August 31, 2021.

11 (c) FORM.—The report under subsection (a) may be
12 submitted in classified form, but shall include an unclassi-
13 fied summary.

14 (d) BIENNIAL UPDATES.—On a biennial basis dur-
15 ing the 5-year period following the date of the submission
16 of the report under subsection (a), the Director of Na-
17 tional Intelligence, in consultation with the heads of the
18 elements of the intelligence community determined rel-
19 evant by the Director, shall submit to the congressional
20 intelligence committees an update to such report.

21 (e) DEFINITIONS.—In this section:

22 (1) COVERED REGION.—The term “covered re-
23 gion” includes the following countries:

24 (A) China.

1 (B) The Gulf Cooperation Council coun-
2 tries, including Qatar, Saudi Arabia, the United
3 Arab Emirates.

4 (C) India.

5 (D) Iran.

6 (E) Pakistan.

7 (F) Tajikistan.

8 (G) Turkey.

9 (H) Turkmenistan.

10 (I) Uzbekistan.

11 (2) UNITED STATES ENTITY.—The term
12 “United States entity” means a citizen of the United
13 States, an embassy or consulate of the United
14 States, or an installation, facility, or personnel of
15 the United States Government.

16 **SEC. 713. REPORT ON PROPAGATION OF EXTREMIST**
17 **IDEOLOGIES FROM SAUDI ARABIA.**

18 (a) REPORT.—Not later than May 30, 2022, the Di-
19 rector of National Intelligence, in consultation with other
20 relevant Federal departments and agencies, and consistent
21 with the protection of intelligence sources and methods,
22 shall submit to the appropriate congressional committees
23 a report on the threat of extremist ideologies propagated
24 from Saudi Arabia and the failure of the Government of
25 Saudi Arabia to prevent the propagation of such

1 ideologies. Such report shall include a detailed description
2 of—

3 (1) the role of governmental and nongovern-
4 mental entities and individuals of Saudi Arabia in
5 promoting, funding, and exporting ideologies, includ-
6 ing so-called “Wahhabist ideology”, that inspire ex-
7 tremism or extremist groups in other countries; and

8 (2) the practical and strategic consequences for
9 vital national security interests of the United States
10 as a result of such promotion, funding, or export.

11 (b) FORM.—The report under subsection (a) shall be
12 submitted in unclassified form, but may include a classi-
13 fied annex.

14 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
15 FINED.—In this section, the term “appropriate congres-
16 sional committees” means—

17 (1) the congressional intelligence committees;

18 (2) the Committee on Armed Services and the
19 Committee on Foreign Affairs of the House of Rep-
20 resentatives; and

21 (3) the Committee on Armed Services and the
22 Committee on Foreign Relations of the Senate.

1 **SEC. 714. REPORT ON LIKELIHOOD OF MILITARY ACTION**
2 **BY COUNTRIES OF THE SOUTH CAUCASUS.**

3 (a) REPORT.—Not later than 90 days after the date
4 of the enactment of this Act, the Director of National In-
5 telligence, consistent with the protection of intelligence
6 sources and methods, shall submit to the appropriate con-
7 gressional committees a report assessing the likelihood of
8 a South Caucasus country taking military action against
9 another country (including in Nagorno-Karabakh or any
10 other disputed territory). Such report shall include an in-
11 dication of the strategic balance in the region, including
12 with respect to the offensive military capabilities of each
13 South Caucasus country.

14 (b) FORM.—The report under subsection (a) shall be
15 submitted in unclassified form, but may include a classi-
16 fied annex.

17 (c) DEFINITIONS.—In this section:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

21 (A) the congressional intelligence commit-
22 tees;

23 (B) the Committee on Armed Services and
24 the Committee on Foreign Affairs of the House
25 of Representatives; and

1 (C) the Committee on Armed Services and
2 the Committee on Foreign Relations of the Sen-
3 ate.

4 (2) SOUTH CAUCASUS COUNTRY.—The term
5 “South Caucasus country” means any of the fol-
6 lowing:

7 (A) Armenia.

8 (B) Azerbaijan.

9 (C) Georgia.

10 **SEC. 715. REPORT ON NORD STREAM II COMPANIES AND IN-**
11 **TELLIGENCE TIES.**

12 (a) REPORT.—Not later than 30 days after the date
13 of the enactment of this Act, the Director of National In-
14 telligence, consistent with the protection of intelligence
15 sources and methods, and in consultation with the heads
16 of other departments and agencies of the United States
17 Government as the Director determines appropriate, shall
18 submit to the appropriate congressional committees a re-
19 port on Nord Stream II efforts, including—

20 (1) an unclassified list of all companies sup-
21 porting the Nord Stream II project; and

22 (2) an updated assessment of current or former
23 ties between Nord Stream’s Chief Executive Officer
24 and Russian, East German, or other hostile intel-
25 ligence agencies.

1 (b) FORM.—The report under subsection (a) shall be
2 submitted in unclassified form, but may include a classi-
3 fied annex.

4 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congres-
6 sional committees” means—

7 (1) the congressional intelligence committees;

8 (2) the Committee on Armed Services, the
9 Committee on Commerce, Science, and Transpor-
10 tation, the Committee on Banking, Housing, and
11 Urban Affairs, the Committee on Foreign Relations,
12 and the Committee on Appropriations of the Senate;
13 and

14 (3) the Committee on Armed Services, the
15 Committee on Energy and Commerce, the Com-
16 mittee on Financial Services, the Committee on For-
17 eign Affairs, and the Committee on Appropriations
18 of the House of Representatives.

19 **SEC. 716. ASSESSMENT OF ORGANIZATION OF DEFENSIVE**
20 **INNOVATION AND RESEARCH ACTIVITIES.**

21 (a) ASSESSMENT.—Not later than 120 days after the
22 date of the enactment of this Act, the Director of National
23 Intelligence, consistent with the protection of intelligence
24 sources and methods, and in consultation with the heads
25 of other departments and agencies of the United States

1 Government as the Director determines appropriate, shall
2 submit to the appropriate congressional committees an as-
3 sessment of the activities and objectives of the Organiza-
4 tion of Defensive Innovation and Research. The Director
5 shall include in the assessment information about the com-
6 position of the organization, the relationship of the per-
7 sonnel of the organization to any research on weapons of
8 mass destruction, and any sources of financial and mate-
9 rial support that such organization receives, including
10 from the Government of Iran.

11 (b) FORM.—The assessment under subsection (a)
12 shall be submitted in unclassified form, but may include
13 a classified annex.

14 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
15 FINED.—In this section, the term “appropriate congres-
16 sional committees” means—

17 (1) the congressional intelligence committees;

18 (2) the Committee on Armed Services, the
19 Committee on Foreign Relations, and the Committee
20 on Appropriations of the Senate; and

21 (3) the Committee on Armed Services, the
22 Committee on Foreign Affairs, and the Committee
23 on Appropriations of the House of Representatives.

1 **SEC. 717. REPORT ON EFFECTS OF ECONOMIC SANCTIONS**
2 **BY UNITED STATES.**

3 (a) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Director of National In-
5 telligence, in consultation with the Assistant Secretary of
6 the Treasury for Intelligence and Analysis, shall submit
7 to the appropriate congressional committees a report on
8 the effects of economic sanctions imposed by the United
9 States.

10 (b) MATTERS INCLUDED.—The report under sub-
11 section (a) shall—

12 (1) cover entities, individuals, and governments
13 that the Director, in consultation with the Assistant
14 Secretary of the Treasury for Intelligence and Anal-
15 ysis, determines appropriate as case studies for the
16 purposes of the report, including with respect to
17 China and Iran; and

18 (2) include—

19 (A) an assessment of whether economic
20 sanctions imposed by the United States on enti-
21 ties, individuals, or governments have con-
22 strained, modified, or otherwise affected the
23 ability of the individuals, entities, or govern-
24 ments to continue the activities for which they
25 were sanctioned; and

1 (B) an assessment of the effectiveness of
2 imposing additional sanctions.

3 (c) FORM.—The report under subsection (a) may be
4 submitted in classified form, but if so submitted shall in-
5 clude an unclassified executive summary.

6 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
7 DEFINED.—In this section, the term “appropriate con-
8 gressional committees” means—

9 (1) the congressional intelligence committees;

10 (2) the Subcommittees on Financial Services
11 and General Government of the Committees on Ap-
12 propriations of the House of Representatives and the
13 Senate;

14 (3) the Committee on Foreign Affairs and the
15 Committee on Energy and Commerce of the House
16 of Representatives; and

17 (4) the Committee on Foreign Relations and
18 the Committee on Commerce, Science, and Trans-
19 portation of the Senate.

1 **TITLE VIII—REPORTS AND**
2 **OTHER MATTERS**
3 **Subtitle A—Matters Relating to**
4 **Personnel**

5 **SEC. 801. PERIODIC REPORT ON POSITIONS IN INTEL-**
6 **LIGENCE COMMUNITY THAT CAN BE CON-**
7 **DUCTED WITHOUT ACCESS TO CLASSIFIED**
8 **INFORMATION, NETWORKS, OR FACILITIES.**

9 Section 6610 of the Damon Paul Nelson and Mat-
10 threw Young Pollard Intelligence Authorization Act for
11 Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3352e)
12 is amended—

13 (1) by striking “this Act and not less frequently
14 than once every 5 years thereafter,” and inserting
15 “this Act, and biennially thereafter,”; and

16 (2) by adding at the end the following new sen-
17 tence: “Such report shall take into account the po-
18 tential effect of maintaining continuity of operations
19 during a covered national emergency (as defined by
20 section 303 of the Intelligence Authorization Act for
21 Fiscal Year 2021 (division W of Public Law 116–
22 260)) and the assessed needs of the intelligence com-
23 munity to maintain such continuity of operations.”.

1 **SEC. 802. IMPROVEMENTS TO ANNUAL REPORT ON DEMO-**
2 **GRAPHIC DATA OF EMPLOYEES OF INTEL-**
3 **LIGENCE COMMUNITY.**

4 Section 5704(c) of the Damon Paul Nelson and Mat-
5 thew Young Pollard Intelligence Authorization Act for
6 Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334b(c))
7 is amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “After making available a report under sub-
10 section (b), the Director of National Intelligence
11 shall annually provide a report” and inserting “Not
12 later than March 31 of each year, the Director of
13 National Intelligence shall provide a report”; and

14 (2) by striking paragraph (1) and inserting the
15 following new paragraph:

16 “(1) demographic data and information on the
17 status of diversity and inclusion efforts of the intel-
18 ligence community, including demographic data re-
19 lating to—

20 “(A) the average years of service;

21 “(B) the average number of years of serv-
22 ice for each level in the General Schedule, Sen-
23 ior Executive Service, Senior Intelligence Serv-
24 ice, or equivalent; and

25 “(C) career categories;”.

1 **SEC. 803. PLAN FOR AUTHORITY TO ENTER INTO CON-**
2 **TRACTS WITH PROVIDERS OF SERVICES RE-**
3 **LATING TO SENSITIVE COMPARTMENTED IN-**
4 **FORMATION FACILITIES.**

5 (a) **PLAN REQUIRED.**—Not later than 180 days after
6 the date of the enactment of this Act, the Director of Na-
7 tional Intelligence shall submit to the appropriate congres-
8 sional committees a plan for providing elements of the in-
9 telligence community with the authority to enter into con-
10 tracts with providers of services relating to sensitive com-
11 partmented information facilities for the providers to fa-
12 cilitate the use of such facilities by businesses and organi-
13 zations performing work, at multiple security levels, in
14 such facilities pursuant to contracts with the element.

15 (b) **ELEMENTS.**—The plan required by subsection (a)
16 shall include the following:

17 (1) An explanation of how the Director of Na-
18 tional Intelligence will leverage the contracting meth-
19 odology of the National Reconnaissance Office for
20 leasing sensitive compartmented information facili-
21 ties, or space therein, to businesses and organiza-
22 tions.

23 (2) Policy and budget guidance to incentivize
24 the heads of the elements of the intelligence commu-
25 nity to implement such plan.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 In this section, the term “appropriate congressional com-
3 mittees” means—

4 (1) the congressional intelligence committees;
5 and

6 (2) the Committees on Armed Services of the
7 House of Representatives and the Senate.

8 **SEC. 804. STUDY ON UTILITY OF EXPANDED PERSONNEL**
9 **MANAGEMENT AUTHORITY.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, the Under Secretary
12 of Defense for Intelligence and Security and the Director
13 of National Intelligence shall jointly submit to the appro-
14 priate congressional committees a study on the utility of
15 providing elements of the intelligence community of the
16 Department of Defense, other than the National
17 Geospatial-Intelligence Agency, personnel management
18 authority to attract experts in science and engineering
19 under section 4092 of title 10, United States Code.

20 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
21 DEFINED.—In this section, the term “appropriate con-
22 gressional committees” means—

23 (1) the congressional intelligence committees;
24 and

25 (2) the congressional defense committees.

1 **SEC. 805. REPORT ON PROSPECTIVE ABILITY TO ADMIN-**
2 **ISTER COVID-19 VACCINES AND OTHER MED-**
3 **ICAL INTERVENTIONS TO CERTAIN INTEL-**
4 **LIGENCE COMMUNITY PERSONNEL.**

5 (a) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act, the Director of National In-
7 telligence and the Under Secretary of Defense for Intel-
8 ligence and Security, in consultation with the elements of
9 the intelligence community and relevant public health
10 agencies of the United States, shall jointly develop and
11 submit to the appropriate congressional committees a re-
12 port on the prospective ability of the intelligence commu-
13 nity to administer COVID-19 vaccines, and such other
14 medical interventions as may be relevant in the case of
15 a future covered national emergency, to covered personnel
16 (particularly with respect to essential covered personnel
17 and covered personnel deployed outside of the United
18 States).

19 (b) MATTERS INCLUDED.—The report under sub-
20 section (a) shall include an assessment of the following:

21 (1) The prospective ability of the elements of
22 the intelligence community to administer COVID-19
23 vaccines (including subsequent booster shots for
24 COVID-19), to covered personnel, and whether ad-
25 ditional authorities or resources are necessary for, or
26 may otherwise facilitate, such administration.

1 (2) The potential risks and benefits of granting
2 the additional authorities or resources described in
3 paragraph (1) to the Director, the Under Secretary,
4 or both.

5 (3) With respect to potential future covered na-
6 tional emergencies, including future outbreaks of an
7 infectious pandemic disease or similar public health
8 emergencies, the following:

9 (A) The ability of the intelligence commu-
10 nity to ensure the timely administration of med-
11 ical interventions to covered personnel during
12 the covered national emergency.

13 (B) Whether additional authorities or re-
14 sources are necessary to ensure, or may other-
15 wise facilitate, such timely administration, in-
16 cluding with respect to the ability of the Direc-
17 tor or Under Secretary to provide an alternative
18 means of access to covered personnel with re-
19 duced access to the interventions provided by
20 the respective element.

21 (C) The potential risks and benefits of
22 granting the additional authorities or resources
23 described in subparagraph (B) to the Director,
24 the Under Secretary, or both.

1 (4) A summary of the findings of the survey
2 under subsection (c).

3 (c) SURVEY.—Not later than 120 days after the date
4 of the enactment of this Act, and prior to submitting the
5 report under subsection (a), the Director and the Under
6 Secretary shall jointly conduct a survey to determine the
7 process by which each element of the intelligence commu-
8 nity has administered COVID–19 vaccines to covered per-
9 sonnel, to inform continued medical care relating to
10 COVID–19 and future responses to covered national emer-
11 gencies. Such survey shall address, with respect to each
12 element, the following:

13 (1) The timeline of the element with respect to
14 the administration of COVID–19 vaccines prior to
15 the date of the enactment of this Act.

16 (2) The process by which the element deter-
17 mined when covered personnel would become eligible
18 to receive the COVID–19 vaccine (including if cer-
19 tain categories of such personnel became eligible be-
20 fore others).

21 (3) A general approximation of the percentage
22 of covered personnel of the element that received the
23 COVID–19 vaccine from the element versus through
24 an alternative means (such as a private sector enti-
25 ty, foreign government, State, or local government),

1 particularly with respect to covered personnel de-
2 ployed outside of the United States.

3 (4) Any challenges encountered by the element
4 with respect to the administration of COVID-19
5 vaccines prior to the date of the enactment of this
6 Act.

7 (5) Any other feedback determined relevant for
8 purposes of the survey.

9 (d) PRIVACY CONSIDERATIONS.—In carrying out the
10 report and survey requirements under this section, the Di-
11 rector, the Under Secretary, and the heads of the elements
12 of the intelligence community shall ensure, to the extent
13 practicable, the preservation of medical privacy and the
14 anonymity of data.

15 (e) DEFINITIONS.—In this section:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the congressional intelligence commit-
20 tees; and

21 (B) the Committees on Armed Services of
22 the House of Representatives and the Senate.

23 (2) COVERED NATIONAL EMERGENCY.—The
24 term “covered national emergency” has the meaning
25 given such term in section 303 of the Intelligence

1 Authorization Act for Fiscal Year 2021 (50 U.S.C.
2 3316b).

3 (3) COVERED PERSONNEL.—The term “covered
4 personnel” means personnel who are—

5 (A) employees of, or otherwise detailed or
6 assigned to, an element of the intelligence com-
7 munity; or

8 (B) funded under the National Intelligence
9 Program or the Military Intelligence Program.

10 (4) ESSENTIAL COVERED PERSONNEL.—The
11 term “essential covered personnel” means covered
12 personnel deemed essential to—

13 (A) continuity of operations of the intel-
14 ligence community;

15 (B) continuity of operations of the United
16 States Government; or

17 (C) other purposes related to the national
18 security of the United States.

19 (5) NATIONAL INTELLIGENCE PROGRAM.—The
20 term “National Intelligence Program” has the mean-
21 ing given such term in section 3 of the National Se-
22 curity Act of 1947 (50 U.S.C. 3003).

1 **SEC. 806. FEDERAL POLICY ON SHARING OF COVERED IN-**
2 **SIDER THREAT INFORMATION PERTAINING**
3 **TO CONTRACTOR EMPLOYEES IN THE TRUST-**
4 **ED WORKFORCE.**

5 (a) **POLICY REQUIRED.**—Not later than 2 years after
6 the date of the enactment of this Act, the Director of Na-
7 tional Intelligence, in coordination with the Secretary of
8 Defense, the Director of the Office of Management and
9 Budget, and the Attorney General, shall issue a policy for
10 the Federal Government on sharing covered insider threat
11 information pertaining to contractor employees.

12 (b) **CONSENT REQUIREMENT.**—The Director shall
13 ensure that the policy issued under subsection (a) re-
14 quires, as a condition of obtaining and maintaining a secu-
15 rity clearance with the Federal Government, that a con-
16 tractor employee provide prior written consent for the
17 Federal Government to share covered insider threat infor-
18 mation with the senior official responsible for the insider
19 threat program of the contracting agency. The Director
20 may include in such policy restrictions on the further dis-
21 closure of such information.

22 (c) **CONSULTATION.**—On a quarterly basis during the
23 period in which the Director is developing the policy under
24 subsection (a), the Director shall consult with Congress
25 and industry partners with respect to such development.

26 (d) **REVIEW.**—

1 (1) SUBMISSION.—Not later than 1 year after
2 the date of the issuance of the policy under sub-
3 section (a), the Director of National Intelligence and
4 the Secretary of Defense shall jointly submit to Con-
5 gress and make available to such industry partners
6 as the Director and the Secretary consider appro-
7 priate a review of the policy.

8 (2) CONTENTS.—The review under paragraph
9 (1) shall include the following:

10 (A) An assessment of the utility and effec-
11 tiveness of the policy issued under subsection
12 (a).

13 (B) Such recommendations as the Director
14 and the Secretary determine appropriate with
15 respect to legislative or administrative action
16 relevant to such policy.

17 (e) DEFINITIONS.—In this section:

18 (1) COVERED INSIDER THREAT INFORMA-
19 TION.—The term “covered insider threat informa-
20 tion”—

21 (A) means information that—

22 (i) is relevant with respect to adju-
23 dications relating to determinations of eli-
24 gibility for access to classified information;

1 (ii) an agency or department of the
2 Federal Government has vetted and
3 verified; and

4 (iii) according to Director of National
5 Intelligence policy, is considered relevant to
6 the ability of a contractor employee to pro-
7 tect against insider threats as required by
8 section 117.7(d) of title 32, Code of Fed-
9 eral Regulations, or successor regulation;
10 and

11 (B) includes pertinent information consid-
12 ered in the counter-threat assessment, as au-
13 thorized by a provision of Federal law or Exec-
14 utive Order.

15 (2) CONTRACTOR EMPLOYEE.—The term “con-
16 tractor employee” means an employee of a con-
17 tractor, subcontractor, grantee, subgrantee, or per-
18 sonal services contractor, of a department or agency
19 of the Federal Government.

20 **SEC. 807. GOVERNANCE OF TRUSTED WORKFORCE 2.0 INI-**
21 **TIATIVE.**

22 (a) GOVERNANCE.—The Director of National Intel-
23 ligence, acting as the Security Executive Agent, and the
24 Director of the Office of Personnel Management, acting
25 as the Suitability and Credentialing Executive Agent, in

1 coordination with the Deputy Director for Management in
2 the Office of Management and Budget, acting as the
3 chairman of the Performance Accountability Council, and
4 the Under Secretary of Defense for Intelligence and Secu-
5 rity shall jointly—

6 (1) not later than 180 days after the date of
7 the enactment of this Act, publish, in the Federal
8 Register as appropriate, a policy with guidelines and
9 standards for Federal Government agencies and in-
10 dustry partners to implement the Trusted Workforce
11 2.0 initiative;

12 (2) not later than 2 years after the date of the
13 enactment of this Act and not less frequently than
14 once every 6 months thereafter, submit to Congress
15 a report on the timing, delivery, and adoption of
16 Federal Government agencies' policies, products, and
17 services to implement the Trusted Workforce 2.0 ini-
18 tiative, including those associated with the National
19 Background Investigation Service; and

20 (3) not later than 90 days after the date of the
21 enactment of this Act, submit to Congress perform-
22 ance management metrics for the implementation of
23 the Trusted Workforce 2.0 initiative, including per-
24 formance metrics regarding timeliness, cost, and
25 measures of effectiveness.

1 (b) INDEPENDENT STUDY ON TRUSTED WORKFORCE

2 2.0.—

3 (1) STUDY REQUIRED.—Not later than 60 days
4 after the date of the enactment of this Act, the Di-
5 rector of National Intelligence shall enter into an
6 agreement with an entity that is not part of the
7 Federal Government to conduct a study on the effec-
8 tiveness of the initiatives of the Federal Government
9 known as Trusted Workforce 1.25, 1.5, and 2.0.

10 (2) ELEMENTS.—The study required by para-
11 graph (1) shall include the following:

12 (A) An assessment of how effective such
13 initiatives are or will be in determining who
14 should or should not have access to classified
15 information.

16 (B) A comparison of the effectiveness of
17 such initiatives with the system of periodic re-
18 investigations that was in effect on the day be-
19 fore the date of the enactment of this Act.

20 (C) Identification of what is lost from the
21 suspension of universal periodic reinvestigations
22 in favor of a system of continuous vetting.

23 (D) An assessment of the relative effective-
24 ness of Trusted Workforce 1.25, Trusted Work-
25 force 1.5, and Trusted Workforce 2.0.

1 (3) REPORT.—Not later than 180 days after
2 the date of the enactment of this Act, the Director
3 shall submit a report on the findings from the study
4 conducted under paragraph (1) to the following:

5 (A) The congressional intelligence commit-
6 tees.

7 (B) The Committee on Armed Services and
8 the Committee on Homeland Security and Gov-
9 ernmental Affairs of the Senate.

10 (C) The Committee on Armed Services and
11 the Committee on Oversight and Reform of the
12 House of Representatives.

13 **Subtitle B—Matters Relating to**
14 **Organizations and Capabilities**

15 **SEC. 811. PLAN TO ESTABLISH INTEGRATED COMMERCIAL**
16 **GEOSPATIAL INTELLIGENCE DATA PROGRAM**
17 **OFFICE.**

18 (a) PLAN.—Not later than 90 days after the date of
19 the enactment of this Act, the Director of the National
20 Reconnaissance Office and the Director of the National
21 Geospatial-Intelligence Agency, in consultation with the
22 Director of National Intelligence, shall jointly develop and
23 submit to the appropriate congressional committees a plan
24 to establish an integrated commercial geospatial intel-
25 ligence data program office.

1 (b) CONTENTS.—The plan under subsection (a) shall
2 include the following:

3 (1) An explanation of how the Director of the
4 National Reconnaissance Office will elevate the com-
5 mercial space program office within the organiza-
6 tional structure of the National Reconnaissance Of-
7 fice.

8 (2) An explanation of how the Director of the
9 National Reconnaissance Office and the Director of
10 the National Geospatial-Intelligence Agency will in-
11 tegrate the commercial space program office within
12 the National Reconnaissance Office to include em-
13 powered functional manager personnel to ensure im-
14 agery purchases are responsive to functional man-
15 ager-provided requirements and priorities.

16 (3) An explanation of—

17 (A) an approach that will rapidly leverage
18 innovative commercial geospatial intelligence
19 data capabilities to meet new intelligence chal-
20 lenges and inform operational requirements;

21 (B) how the Directors will annually evalu-
22 ate new commercially available capabilities and
23 provide opportunities for new entrants; and

24 (C) how the Directors will synchronize the
25 procurement of commercial geospatial intel-

1 intelligence data and commercial geospatial intel-
2 ligence analytic services, respectively.

3 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “appropriate congres-
5 sional committees” means—

6 (1) the congressional intelligence committees;

7 (2) the Committee on Armed Services of the
8 Senate; and

9 (3) the Committee on Armed Services of the
10 House of Representatives.

11 **SEC. 812. CENTRAL INTELLIGENCE AGENCY ACQUISITION**
12 **INNOVATION CENTER REPORT, STRATEGY,**
13 **AND PLAN.**

14 (a) REQUIREMENT FOR REPORT AND STRATEGY.—
15 Not later than 120 days after the date of the enactment
16 of this Act, the Director of the Central Intelligence Agency
17 shall submit to the congressional intelligence commit-
18 tees—

19 (1) a report stating the mission and purpose of
20 the Acquisition Innovation Center of the Agency;
21 and

22 (2) a strategy for incorporating the Acquisition
23 Innovation Center into the standard operating proce-
24 dures and procurement and acquisition practices of
25 the Agency.

1 (b) REQUIREMENT FOR IMPLEMENTATION PLAN.—
2 Not later than 120 days after the date of the enactment
3 of this Act, the Director shall, using the findings of the
4 Director with respect to the report submitted under sub-
5 section (a)(1), submit to the congressional intelligence
6 committees an implementation plan that addresses—

7 (1) how the Director will ensure the contracting
8 officers of the Agency and the technical representa-
9 tives of the Acquisition Innovation Center for the
10 contracting officers have access to the technical ex-
11 pertise required to inform requirements develop-
12 ment, technology maturity assessments, and moni-
13 toring of acquisitions;

14 (2) how the plan specifically applies to technical
15 industries, including telecommunications, software,
16 aerospace, and large-scale construction; and

17 (3) projections for resources necessary to sup-
18 port the Acquisition Innovation Center, including
19 staff, training, and contracting support tools.

20 **SEC. 813. REPORT ON UNITED STATES SOUTHERN COM-**
21 **MAND INTELLIGENCE CAPABILITIES.**

22 (a) REPORT REQUIRED.—Not later than 120 days
23 after the date of the enactment of this Act, the Director
24 of the Defense Intelligence Agency, in consultation with
25 such other Federal Government entities as the Director

1 considers relevant, and consistent with the protection of
2 intelligence sources and methods, shall submit to the ap-
3 propriate congressional committees a report detailing the
4 status of the intelligence collection, analysis, and oper-
5 ational capabilities of the United States Southern Com-
6 mand to support Latin America-based missions.

7 (b) FORM.—The report required by subsection (a)
8 shall be submitted in unclassified form, but may include
9 a classified annex.

10 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
11 FINED.—In this section, the term “appropriate congres-
12 sional committees” means—

13 (1) the congressional intelligence committees;

14 and

15 (2) the congressional defense committees.

16 **SEC. 814. REPORT ON PROJECT MAVEN TRANSITION.**

17 (a) REPORT REQUIRED.—Not later than 120 days
18 after the date of the enactment of this Act, the Director
19 of the National Geospatial-Intelligence Agency, in con-
20 sultation with such other Federal Government entities as
21 the Director considers appropriate, shall submit to the ap-
22 propriate congressional committees a report on the transi-
23 tion of Project Maven to operational mission support.

1 (b) PLAN OF ACTION AND MILESTONES.—The report
2 required by subsection (a) shall include a detailed plan of
3 action and milestones that identifies—

4 (1) the milestones and decision points leading
5 up to the transition of successful geospatial intel-
6 ligence capabilities developed under Project Maven
7 to the National Geospatial-Intelligence Agency; and

8 (2) the metrics of success regarding the transi-
9 tion described in paragraph (1) and mission support
10 provided to the National Geospatial-Intelligence
11 Agency for each of fiscal years 2022 and 2023.

12 (c) FORM.—The report required by subsection (a)
13 shall be submitted in unclassified form, but may include
14 a classified annex.

15 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
16 DEFINED.—In this section, the term “appropriate con-
17 gressional committees” means—

18 (1) the congressional intelligence committees;

19 and

20 (2) the congressional defense committees.

1 **SEC. 815. REPORT ON FUTURE STRUCTURE AND RESPON-**
2 **SIBILITIES OF FOREIGN MALIGN INFLUENCE**
3 **CENTER.**

4 (a) ASSESSMENT AND REPORT REQUIRED.—Not
5 later than 180 days after the date of the enactment of
6 this Act, the Director of National Intelligence shall—

7 (1) conduct an assessment as to the future
8 structure, responsibilities, and organizational place-
9 ment of the Foreign Malign Influence Center; and

10 (2) submit to the congressional intelligence
11 committees a report on the findings of the Director
12 with respect to the assessment conducted under
13 paragraph (1).

14 (b) ELEMENTS.—The assessment conducted under
15 subsection (a)(1) shall include—

16 (1) an assessment of whether the statutory
17 functions of the Foreign Malign Influence Center
18 are optimized to the needs of the intelligence com-
19 munity and policymakers;

20 (2) a description of potential changes to the
21 statutory functions of the Foreign Malign Influence
22 Center that might further advance the counter-for-
23 eign malign influence mission of the Center and the
24 intelligence community, including whether the Direc-
25 tor of the Foreign Malign Influence Center should
26 continue to report directly to the Director of Na-

1 tional Intelligence and whether the Foreign Malign
2 Influence Center should remain a separate, stand-
3 alone center; and

4 (3) an assessment of the risks, benefits, and
5 feasibility of predominantly staffing the Foreign Ma-
6 lign Influence Center with detailees from other agen-
7 cies, including from outside the intelligence commu-
8 nity.

9 **Subtitle C—Other Matters**

10 **SEC. 821. BIENNIAL REPORTS ON FOREIGN BIOLOGICAL** 11 **THREATS.**

12 (a) REQUIREMENT.—Title XI of the National Secu-
13 rity Act of 1947 (50 U.S.C. 3231 et seq.) is amended by
14 adding at the end the following new section (and con-
15 forming the table of contents at the beginning of such Act
16 accordingly):

17 **“SEC. 1111. BIENNIAL REPORTS ON FOREIGN BIOLOGICAL** 18 **THREATS.**

19 “(a) REPORTS.—On a biennial basis until the date
20 that is 10 years after the date of the enactment of the
21 Intelligence Authorization Act for Fiscal Year 2022, the
22 Director of National Intelligence shall submit to the con-
23 gressional intelligence committees a comprehensive report
24 on the activities, prioritization, and responsibilities of the
25 intelligence community with respect to foreign biological

1 threats emanating from the territory of, or sponsored by,
2 a covered country.

3 “(b) MATTERS INCLUDED.—Each report under sub-
4 section (a) shall include, with respect to foreign biological
5 threats emanating from the territory of, or sponsored by,
6 a covered country, the following:

7 “(1) A detailed description of all activities relat-
8 ing to such threats undertaken by each element of
9 the intelligence community, and an assessment of
10 any gaps in such activities.

11 “(2) A detailed description of all duties and re-
12 sponsibilities relating to such threats explicitly au-
13 thorized or otherwise assigned, exclusively or jointly,
14 to each element of the intelligence community, and
15 an assessment of any identified gaps in such duties
16 or responsibilities.

17 “(3) A description of the coordination among
18 the relevant elements of the intelligence community
19 with respect to the activities specified in paragraph
20 (1) and the duties and responsibilities specified in
21 paragraph (2).

22 “(4) An inventory of the strategies, plans, poli-
23 cies, and interagency agreements of the intelligence
24 community relating to the collection, monitoring,

1 analysis, mitigation, and attribution of such threats,
2 and an assessment of any identified gaps therein.

3 “(5) A description of the coordination and
4 interactions among the relevant elements of the in-
5 telligence community and non-intelligence commu-
6 nity partners.

7 “(6) An assessment of foreign malign influence
8 efforts relating to such threats, including any for-
9 eign academics engaged in such efforts, and a de-
10 scription of how the intelligence community contrib-
11 utes to efforts by non-intelligence community part-
12 ners to counter such foreign malign influence.

13 “(c) FORM.—Each report submitted under subsection
14 (a) may be submitted in classified form, but if so sub-
15 mitted shall include an unclassified executive summary.

16 “(d) DEFINITIONS.—In this section:

17 “(1) COVERED COUNTRY.—The term ‘covered
18 country’ means—

19 “(A) China;

20 “(B) Iran;

21 “(C) North Korea;

22 “(D) Russia; and

23 “(E) any other foreign country—

1 “(i) from which the Director of Na-
2 tional Intelligence determines a biological
3 threat emanates; or

4 “(ii) that the Director determines has
5 a known history of, or has been assessed
6 as having conditions present for, infectious
7 disease outbreaks or epidemics.

8 “(2) FOREIGN BIOLOGICAL THREAT.—The term
9 ‘foreign biological threat’ means biological warfare,
10 bioterrorism, naturally occurring infectious diseases,
11 or accidental exposures to biological materials, with-
12 out regard to whether the threat originates from a
13 state actor, a non-state actor, natural conditions, or
14 an undetermined source.

15 “(3) FOREIGN MALIGN INFLUENCE.—The term
16 ‘foreign malign influence’ has the meaning given
17 such term in section 119C(e) of this Act.

18 “(4) NON-INTELLIGENCE COMMUNITY PART-
19 NER.—The term ‘non-intelligence community part-
20 ner’ means a Federal department or agency that is
21 not an element of the intelligence community.”.

22 (b) FIRST REPORT.—Not later than 120 days after
23 the date of the enactment of this Act, the Director of Na-
24 tional Intelligence shall submit to the congressional intel-
25 ligence committees the first report required under section

1 1111 of the National Security Act of 1947, as added by
2 subsection (a).

3 **SEC. 822. ANNUAL REPORTS ON CERTAIN CYBER**
4 **VULNERABILITIES PROCURED BY INTEL-**
5 **LIGENCE COMMUNITY AND FOREIGN COM-**
6 **MERCIAL PROVIDERS OF CYBER**
7 **VULNERABILITIES.**

8 (a) REQUIREMENT.—Title XI of the National Secu-
9 rity Act of 1947 (50 U.S.C. 3231 et seq.), as amended
10 by section 821, is further amended by adding at the end
11 the following new section (and conforming the table of
12 contents at the beginning of such Act accordingly):

13 **“SEC. 1112. ANNUAL REPORTS ON CERTAIN CYBER**
14 **VULNERABILITIES PROCURED BY INTEL-**
15 **LIGENCE COMMUNITY AND FOREIGN COM-**
16 **MERCIAL PROVIDERS OF CYBER**
17 **VULNERABILITIES.**

18 “(a) ANNUAL REPORTS.—On an annual basis
19 through 2026, the Director of the Central Intelligence
20 Agency and the Director of the National Security Agency,
21 in coordination with the Director of National Intelligence,
22 shall jointly submit to the congressional intelligence com-
23 mittees a report containing information on foreign com-
24 mercial providers and the cyber vulnerabilities procured by

1 the intelligence community through foreign commercial
2 providers.

3 “(b) ELEMENTS.—Each report under subsection (a)
4 shall include, with respect to the period covered by the
5 report, the following:

6 “(1) A description of each cyber vulnerability
7 procured through a foreign commercial provider, in-
8 cluding—

9 “(A) a description of the vulnerability;

10 “(B) the date of the procurement;

11 “(C) whether the procurement consisted of
12 only that vulnerability or included other
13 vulnerabilities;

14 “(D) the cost of the procurement;

15 “(E) the identity of the commercial pro-
16 vider and, if the commercial provider was not
17 the original supplier of the vulnerability, a de-
18 scription of the original supplier;

19 “(F) the country of origin of the vulner-
20 ability; and

21 “(G) an assessment of the ability of the in-
22 telligence community to use the vulnerability,
23 including whether such use will be operational
24 or for research and development, and the ap-
25 proximate timeline for such use.

1 “(2) An assessment of foreign commercial pro-
2 viders that—

3 “(A) pose a significant threat to the na-
4 tional security of the United States; or

5 “(B) have provided cyber vulnerabilities to
6 any foreign government that—

7 “(i) has used the cyber vulnerabilities
8 to target United States persons, the
9 United States Government, journalists, or
10 dissidents; or

11 “(ii) has an established pattern or
12 practice of violating human rights or sup-
13 pressing dissent.

14 “(3) An assessment of whether the intelligence
15 community has conducted business with the foreign
16 commercial providers identified under paragraph (2)
17 during the 5-year period preceding the date of the
18 report.

19 “(c) FORM.—Each report under subsection (a) may
20 be submitted in classified form.

21 “(d) DEFINITIONS.—In this section:

22 “(1) COMMERCIAL PROVIDER.—The term ‘com-
23 mercial provider’ means any person that sells, or
24 acts as a broker, for a cyber vulnerability.

1 Science and Technology Policy, the Secretary of Com-
2 merce, and the heads of such other agencies as the Direc-
3 tor considers appropriate, shall submit to the congres-
4 sional intelligence committees a comprehensive report on
5 the technology strategy of the intelligence community,
6 which shall be designed to support the maintenance of the
7 leadership of the United States in critical and emerging
8 technologies essential to the national security of the
9 United States.

10 “(b) ELEMENTS.—Each report submitted under sub-
11 section (a) shall include the following:

12 “(1) An assessment of technologies critical to
13 the national security of the United States, particu-
14 larly those technologies with respect to which foreign
15 countries that are adversarial to the United States
16 have or are poised to match or surpass the tech-
17 nology leadership of the United States.

18 “(2) A review of current technology policies of
19 the intelligence community, including long-term
20 goals.

21 “(3) An identification of sectors and supply
22 chains the Director determines to be of the greatest
23 strategic importance to national security.

24 “(4) An identification of opportunities to pro-
25 tect the leadership of the United States, and the al-

1 lies and partners of the United States, in critical
2 technologies, including through targeted export con-
3 trols, investment screening, and counterintelligence
4 activities.

5 “(5) An identification of research and develop-
6 ment areas the Director determines critical to the
7 national security of the United States, including
8 areas in which the private sector does not focus.

9 “(6) Recommendations for growing talent in
10 key critical and emerging technologies and enhanc-
11 ing the ability of the intelligence community to re-
12 cruit and retain individuals with critical skills relat-
13 ing to such technologies.

14 “(7) An identification of opportunities to im-
15 prove the leadership of the United States in critical
16 technologies, including opportunities to develop
17 international partnerships to reinforce domestic pol-
18 icy actions, develop new markets, engage in collabo-
19 rative research, and maintain an international envi-
20 ronment that reflects the values of the United States
21 and protects the interests of the United States.

22 “(8) A technology annex to establish an ap-
23 proach for the identification, prioritization, develop-
24 ment, and fielding of emerging technologies critical
25 to the mission of the intelligence community.

1 “(9) Such other information as the Director de-
2 termines may be necessary to inform Congress on
3 matters relating to the technology strategy of the in-
4 telligence community and related implications for
5 the national security of the United States.

6 “(c) FORM OF ANNEX.—Each annex submitted
7 under subsection (b)(8) may be submitted in classified
8 form.”.

9 (b) FIRST REPORT.—Not later than 1 year after the
10 date of the enactment of this Act, the Director of National
11 Intelligence shall submit to the congressional intelligence
12 committees the first report required under section 1113
13 of the National Security Act of 1947, as added by sub-
14 section (a).

15 **SEC. 824. INTELLIGENCE ASSESSMENT AND REPORTS ON**
16 **FOREIGN RACIALLY MOTIVATED VIOLENT EX-**
17 **TREMISTS.**

18 (a) INTELLIGENCE ASSESSMENT.—

19 (1) REQUIREMENT.—Not later than 120 days
20 after the date of the enactment of this Act, the Di-
21 rector of National Intelligence, acting through the
22 Director of the National Counterterrorism Center, in
23 coordination with the Director of the Federal Bu-
24 reau of Investigation and the Under Secretary of
25 Homeland Security for Intelligence and Analysis,

1 and in consultation with other relevant Federal de-
2 partments and agencies, shall submit to the appro-
3 priate congressional committees an intelligence as-
4 sessment on significant threats to the United States
5 associated with foreign racially motivated violent ex-
6 tremist organizations.

7 (2) ELEMENTS.—The assessment under para-
8 graph (1) shall include the following:

9 (A) A list of foreign racially motivated vio-
10 lent extremist organizations that pose a signifi-
11 cant threat to the national security of the
12 United States.

13 (B) With respect to each such organiza-
14 tion—

15 (i) an overview of the membership,
16 ideology, and activities;

17 (ii) a description of any transnational
18 links to the United States or United States
19 persons;

20 (iii) a description of the leadership,
21 plans, intentions, and capabilities;

22 (iv) whether (and if so, to what ex-
23 tent) foreign governments or their proxies
24 provide any manner of support to such or-

1 ganizations, including a list of each such
2 foreign government or proxy;

3 (v) a description of the composition
4 and characteristics of the members and
5 support networks, including whether (and
6 if so, to what extent) the members are also
7 a part of a military, security service, or po-
8 lice;

9 (vi) a description of financing and
10 other forms of material support;

11 (vii) an assessment of trends and pat-
12 terns relative to communications, travel,
13 and training (including whether and to
14 what extent the organization is engaged in
15 or facilitating military or paramilitary
16 training);

17 (viii) an assessment of the
18 radicalization and recruitment, including
19 an analysis of the extremist messaging mo-
20 tivating members and supporters; and

21 (ix) whether (and if so, to what ex-
22 tent) foreign governments have sufficient
23 laws and policies to counter threats to the
24 United States associated with the organi-
25 zation, including best practices and gaps.

1 (C) An assessment of the status and extent
2 of information sharing, intelligence partner-
3 ships, foreign police cooperation, and mutual
4 legal assistance between the United States and
5 foreign governments relative to countering
6 threats to the United States associated with
7 foreign racially motivated violent extremist or-
8 ganizations.

9 (D) An assessment of intelligence gaps and
10 recommendations on how to remedy such gaps.

11 (E) An opportunity analysis regarding
12 countering such threats, including, at a min-
13 imum, with respect to mitigating and disrupting
14 the transnational nexus.

15 (3) STANDARDS.—The intelligence assessment
16 under paragraph (1) shall be conducted in a manner
17 that meets the analytic integrity and tradecraft
18 standards of the intelligence community.

19 (4) FORM.—The intelligence assessment under
20 paragraph (1) shall be submitted in unclassified
21 form, but may include a classified annex in elec-
22 tronic form that is fully indexed and searchable. In
23 carrying out this paragraph, the officials responsible
24 for submitting such assessment shall ensure that the
25 assessment is unclassified to the extent practicable.

1 (b) REPORT.—

2 (1) REQUIREMENT.—Not later than 150 days
3 after the date of the enactment of this Act, the Di-
4 rector of National Intelligence, acting through the
5 Director of the National Counterterrorism Center, in
6 coordination with the Secretary of State, the Sec-
7 retary of the Treasury, the Attorney General, the
8 Secretary of Homeland Security, and in a manner
9 consistent with the authorities and responsibilities of
10 such Secretary or Director, shall submit to the ap-
11 propriate congressional committees a report on the
12 use of Federal laws, regulations, and policies by the
13 Federal Government to counter significant threats to
14 the United States and United States persons associ-
15 ated with foreign racially motivated violent extremist
16 organizations.

17 (2) ELEMENTS.—The report under paragraph
18 (1) shall include the following:

19 (A) An identification, description, and as-
20 sessment of the use and efficacy of, Federal
21 laws, regulations, and policies used by the Fed-
22 eral Government to address significant threats
23 to the United States and United States persons
24 associated with foreign racially motivated vio-

1 lent extremist organizations, including pursuant
2 to—

3 (i) section 1016 of the Intelligence
4 Reform and Terrorism Prevention Act of
5 2004 (6 U.S.C. 485) and section 119 of
6 the National Security Act of 1949 (50
7 U.S.C. 3056), particularly with respect to
8 the coordination and integration of all in-
9 struments of national power;

10 (ii) Executive Order 12333 (50 U.S.C.
11 3001 note), as amended;

12 (iii) the designation of foreign ter-
13 rorist organizations under section 219 of
14 the Immigration and Nationality Act (8
15 U.S.C. 1189);

16 (iv) the designation of specially des-
17 ignated terrorists, specially designated
18 global terrorists, or specially designated
19 nationals and blocked persons, pursuant to
20 Executive Orders 13886, 13372, and
21 13224 and parts 594, 595, 596, and 597
22 of title 31, Code of Federal Regulations;

23 (v) National Security Presidential
24 Memorandums 7 and 9, particularly with
25 respect to the sharing of terrorism infor-

1 mation and screening and vetting activi-
2 ties; and

3 (vi) any other applicable Federal laws,
4 regulations, or policies.

5 (B) An assessment of whether (and if so,
6 to what extent and why) such Federal laws,
7 regulations, and policies are sufficient to
8 counter such threats, including a description of
9 any gaps and specific examples to illustrate
10 such gaps.

11 (C) Recommendations regarding how to
12 remedy the gaps under subparagraph (B).

13 (3) PRIVACY AND CIVIL LIBERTIES ASSESS-
14 MENT.—Not later than 180 days after the date of
15 the enactment of this Act, the Privacy and Civil Lib-
16 erties Oversight Board, in consultation with the civil
17 liberties and privacy officers of the Federal depart-
18 ments and agencies the Board determines appro-
19 priate, shall submit to the appropriate congressional
20 committees a report containing—

21 (A) an assessment of the impacts on the
22 privacy and civil liberties of United States per-
23 sons concerning the use or recommended use of
24 any Federal laws, regulations, and policies spec-
25 ified in paragraph (2); and

1 (B) recommendations on options to develop
2 protections to mitigate such impacts.

3 (4) FORM.—The report under paragraph (1)
4 shall be submitted in unclassified form, but may in-
5 clude a classified annex in electronic form that is
6 fully indexed and searchable. In carrying out this
7 paragraph, the officials responsible for submitting
8 such report shall ensure that the report is unclassi-
9 fied to the extent practicable.

10 (5) SEPARATE SUBMISSION.—The Director
11 shall submit to the appropriate congressional com-
12 mittees the report under paragraph (1) as a sepa-
13 rate report from the report submitted under section
14 826(a)(2).

15 (c) DEFINITIONS.—In this section:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the congressional intelligence commit-
20 tees;

21 (B) the Subcommittees on Financial Serv-
22 ices and General Government, the Subcommit-
23 tees on Homeland Security, and the Sub-
24 committees on State, Foreign Operations, and
25 Related Programs of the Committees on Appro-

1 priations of the House of Representatives and
2 the Senate; and

3 (C) the Committee on Foreign Affairs of
4 the House of Representatives and the Com-
5 mittee on Foreign Relations of the Senate.

6 (2) **TERRORISM INFORMATION.**—The term “ter-
7 rorism information” has the meaning given that
8 term in section 1016(a) of the Intelligence Reform
9 and Terrorism Prevention Act of 2004 (6 U.S.C.
10 485(a)).

11 (3) **UNITED STATES PERSON.**—The term
12 “United States person” has the meaning given that
13 term in section 105A(c) of the National Security Act
14 of 1947 (50 U.S.C. 3039).

15 **SEC. 825. NATIONAL INTELLIGENCE ESTIMATE ON ESCA-**
16 **LATION AND DE-ESCALATION OF GRAY ZONE**
17 **ACTIVITIES IN GREAT POWER COMPETITION.**

18 (a) **FINDINGS.**—Congress finds the following:

19 (1) The conventional power of the United
20 States has driven foreign adversaries to a level of
21 competition that does not always depend on military
22 confrontation with the United States.

23 (2) Rather than challenging the United States
24 in a manner that could provoke a kinetic military re-
25 sponse, foreign adversaries of the United States have

1 turned to carrying out gray zone activities to ad-
2 vance the interests of such adversaries, weaken the
3 power of the United States, and erode the norms
4 that underpin the United States-led international
5 order.

6 (3) Gray zone activity falls on a spectrum of at-
7 tribution and deniability that ranges from covert ad-
8 versary operations, to detectible covert adversary op-
9 erations, to unattributable adversary operations, to
10 deniable adversary operations, to open adversary op-
11 erations.

12 (4) To adequately address such a shift to gray
13 zone activity, the United States must understand
14 what actions tend to either escalate or de-escalate
15 such activity by its adversaries.

16 (5) The laws, principles, and values of the
17 United States are strategic advantages in great
18 power competition with authoritarian foreign adver-
19 saries that carry out gray zone activities, because
20 such laws, principles, and values increase the appeal
21 of the governance model of the United States, and
22 the United States-led international order, to states
23 and peoples around the world.

24 (6) The international security environment has
25 demonstrated numerous examples of gray zone ac-

1 activities carried out by foreign adversaries, including
2 the following activities of foreign adversaries:

3 (A) Information operations, such as efforts
4 by Russia to influence the 2020 United States
5 Federal elections (as described in the March 15,
6 2021, intelligence community assessment of the
7 Office of the Director of National Intelligence
8 made publicly available on March 15, 2021).

9 (B) Adversary political coercion operations,
10 such as the wielding of energy by Russia, par-
11 ticularly in the context of Ukrainian gas pipe-
12 lines, to coerce its neighbors into compliance
13 with its policies.

14 (C) Adversary economic coercion oper-
15 ations, such as the threat, and use, by China of
16 economic retaliation to coerce sovereign coun-
17 tries into compliance with its policies or to
18 blunt any criticism of its violations of the rules-
19 based international order and its perpetration
20 of severe human rights abuses.

21 (D) Cyber operations, such as the use by
22 China of cyber tools to conduct industrial espio-
23 nage.

1 (E) Provision of support to proxy forces,
2 such as the support provided by Iran to
3 Hezbollah and Shia militia groups.

4 (F) Provocation by armed forces controlled
5 by the government of the foreign adversary
6 through measures that do not rise to the level
7 of an armed attack, such as the use of the
8 China Coast Guard and maritime militia by
9 China to harass the fishing vessels of other
10 countries in the South China Sea.

11 (G) Alleged uses of lethal force on foreign
12 soil, such as the 2018 poisoning of Sergei
13 Skripal in London by Russia.

14 (H) The potential use by an adversary of
15 technology that causes anomalous health inci-
16 dents among United States Government per-
17 sonnel.

18 (b) NATIONAL INTELLIGENCE ESTIMATE.—

19 (1) REQUIREMENT.—The Director of National
20 Intelligence, acting through the National Intelligence
21 Council, shall produce a National Intelligence Esti-
22 mate on how foreign adversaries use gray zone ac-
23 tivities to advance interests, what responses by the
24 United States (or the allies or partners of the
25 United States) would tend to result in the escalation

1 or de-escalation of such gray zone activities by for-
2 eign adversaries, and any opportunities for the
3 United States to minimize the extent to which for-
4 eign adversaries use gray zone activities in further-
5 ance of great power competition.

6 (2) MATTERS INCLUDED.—To the extent deter-
7 mined appropriate by the National Intelligence
8 Council, the National Intelligence Estimate produced
9 under paragraph (1) may include an assessment of
10 the following topics:

11 (A) Any potential or actual lethal or harm-
12 ful gray zone activities carried out against the
13 United States by foreign adversaries, including
14 against United States Government employees
15 and United States persons, whether located
16 within or outside of the United States.

17 (B) To the extent such activities have oc-
18 curred, or are predicted to occur—

19 (i) opportunities to reduce or deter
20 any such activities; and

21 (ii) any actions of the United States
22 Government that would tend to result in
23 the escalation or de-escalation of such ac-
24 tivities.

1 (C) Any incidents in which foreign adver-
2 saries could have used, but ultimately did not
3 use, gray zone activities to advance the inter-
4 ests of such adversaries, including an assess-
5 ment as to why the foreign adversary ultimately
6 did not use gray zone activities.

7 (D) The effect of lowering the United
8 States Government threshold for the public at-
9 tribution of detectible covert adversary oper-
10 ations, unattributable adversary operations, and
11 deniable adversary operations.

12 (E) The effect of lowering the United
13 States Government threshold for responding to
14 detectible covert adversary operations,
15 unattributable adversary operations, and deni-
16 able adversary operations.

17 (F) The extent to which the governments
18 of foreign adversaries exercise control over any
19 proxies or parastate actors used by such gov-
20 ernments in carrying out gray zone activities.

21 (G) The extent to which gray zone activi-
22 ties carried out by foreign adversaries affect the
23 private sector of the United States.

24 (H) The international norms that provide
25 the greatest deterrence to gray zone activities

1 carried out by foreign adversaries, and opportu-
2 nities for strengthening those norms.

3 (I) The effect, if any, of the strengthening
4 of democratic governance abroad on the resil-
5 ience of United States allies and partners to
6 gray zone activities.

7 (J) Opportunities to strengthen the resil-
8 ience of United States allies and partners to
9 gray zone activities, and associated tactics, car-
10 ried out by foreign adversaries.

11 (K) Opportunities for the United States to
12 improve the detection of, and early warning for,
13 such activities and tactics.

14 (L) Opportunities for the United States to
15 galvanize international support in responding to
16 such activities and tactics.

17 (3) SUBMISSION TO CONGRESS.—

18 (A) SUBMISSION.—Not later than 1 year
19 after the date of the enactment of this Act, the
20 Director shall submit to the congressional intel-
21 ligence committees and the Committees on
22 Armed Services of the House of Representatives
23 and the Senate the National Intelligence Esti-
24 mate produced under paragraph (1). In so sub-
25 mitting the Estimate to the congressional intel-

1 intelligence committees, the Director shall include
2 all intelligence reporting underlying the Esti-
3 mate.

4 (B) NOTICE REGARDING SUBMISSION.—If
5 at any time before the deadline specified in sub-
6 paragraph (A), the Director determines that the
7 National Intelligence Estimate produced under
8 paragraph (1) cannot be submitted by such
9 deadline, the Director shall (before such dead-
10 line) submit to the committees specified in sub-
11 paragraph (A) a report setting forth the rea-
12 sons why the National Intelligence Estimate
13 cannot be submitted by such deadline and an
14 estimated date for the submission of the Na-
15 tional Intelligence Estimate.

16 (C) FORM.—Any report under subpara-
17 graph (B) shall be submitted in unclassified
18 form.

19 (4) PUBLIC VERSION.—Consistent with the pro-
20 tection of intelligence sources and methods, at the
21 same time as the Director submits to the congres-
22 sional intelligence committees and the Committees
23 on Armed Services of the House of Representatives
24 and the Senate the National Intelligence Estimate
25 under paragraph (1), the Director shall make pub-

1 licly available on the internet website of the Director
2 an unclassified version of the key findings of the Na-
3 tional Intelligence Estimate.

4 (5) DEFINITIONS.—In this subsection:

5 (A) GRAY ZONE ACTIVITY.—The term
6 “gray zone activity” means an activity to ad-
7 vance the national interests of a State that—

8 (i) falls between ordinary statecraft
9 and open warfare;

10 (ii) is carried out with an intent to
11 maximize the advancement of interests of
12 the state without provoking a kinetic mili-
13 tary response by the United States; and

14 (iii) falls on a spectrum that ranges
15 from covert adversary operations, to
16 detectible covert adversary operations, to
17 unattributable adversary operations, to de-
18 niable adversary operations, to open adver-
19 sary operations.

20 (B) COVERT ADVERSARY OPERATION.—
21 The term “covert adversary operation” means
22 an operation by an adversary that—

23 (i) the adversary intends to remain
24 below the threshold at which the United
25 States detects the operation; and

1 (ii) does stay below such threshold.

2 (C) DETECTIBLE COVERT ADVERSARY OP-
3 ERATION.—The term “detectible covert adver-
4 sary operation” means an operation by an ad-
5 versary that—

6 (i) the adversary intends to remain
7 below the threshold at which the United
8 States detects the operation; but

9 (ii) is ultimately detected by the
10 United States at a level below the level at
11 which the United States will publicly at-
12 tribute the operation to the adversary.

13 (D) UNATTRIBUTABLE ADVERSARY OPER-
14 ATION.—The term “unattributable adversary
15 operation” means an operation by an adversary
16 that the adversary intends to be detected by the
17 United States, but remains below the threshold
18 at which the United States will publicly at-
19 tribute the operation to the adversary.

20 (E) DENIABLE ADVERSARY OPERATION.—
21 The term “deniable adversary operation” means
22 an operation by an adversary that—

23 (i) the adversary intends to be de-
24 tected and publicly or privately attributed
25 by the United States; and

1 (ii) the adversary intends to deny, to
2 limit the response by the United States,
3 and any allies of the United States.

4 (F) OPEN ADVERSARY OPERATION.—The
5 term “open adversary operation” means an op-
6 eration by an adversary that the adversary
7 openly acknowledges as attributable to the ad-
8 versary.

9 (c) REQUIREMENT TO DEVELOP LEXICON.—

10 (1) REQUIREMENT.—The Director of National
11 Intelligence, acting through the National Intelligence
12 Council, shall develop a lexicon of common terms
13 (and corresponding definitions for such terms) for
14 concepts associated with gray zone activities.

15 (2) CONSIDERATIONS.—In developing the lexi-
16 con under paragraph (1), the National Intelligence
17 Council shall include in the lexicon each term (and
18 the corresponding definition for each term) specified
19 in subsection (b)(5), unless the National Intelligence
20 Council determines that an alternative term (or al-
21 ternative definition)—

22 (A) more accurately describes a concept as-
23 sociated with gray zone activities; or

24 (B) is preferable for any other reason.

25 (3) REPORT.—

1 (A) PUBLICATION.—The Director of Na-
2 tional Intelligence shall publish a report con-
3 taining the lexicon developed under paragraph
4 (1).

5 (B) FORM.—The report under subpara-
6 graph (A) shall be published in unclassified
7 form.

8 **SEC. 826. ASSESSMENT OF ROLE OF FOREIGN GROUPS IN**
9 **DOMESTIC VIOLENT EXTREMISM.**

10 (a) ASSESSMENT.—Not later than 180 days after the
11 date of the enactment of this Act, the Director of National
12 Intelligence, consistent with the protection of intelligence
13 sources and methods, shall—

14 (1) complete an assessment to identify the role
15 of foreign groups, including entities, adversaries,
16 governments, or other groups, in domestic violent ex-
17 tremist activities in the United States; and

18 (2) submit to the appropriate congressional
19 committees a report containing the findings of the
20 Director with respect to the assessment.

21 (b) FORM.—The report under subsection (a)(2) shall
22 be submitted in unclassified form, but may include a clas-
23 sified annex.

24 (c) SEPARATE SUBMISSION.—The Director shall sub-
25 mit to the appropriate congressional committees the report

1 under subsection (a)(2) as a separate report from the re-
2 port submitted under section 824(b)(1).

3 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—In this section, the term “appropriate con-
5 gressional committees” means—

6 (1) the congressional intelligence committees;

7 (2) the Committee on Foreign Relations and
8 the Committee on the Judiciary of the Senate; and

9 (3) the Committee on Foreign Affairs and the
10 Committee on the Judiciary of the House of Rep-
11 resentatives.

12 **SEC. 827. REPORT ON POTENTIAL INCLUSION WITHIN IN-**
13 **TELLIGENCE COMMUNITY OF THE OFFICE OF**
14 **NATIONAL SECURITY OF THE DEPARTMENT**
15 **OF HEALTH AND HUMAN SERVICES.**

16 (a) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Director of National In-
18 telligence, in coordination with the Secretary of Health
19 and Human Services, shall submit to the appropriate con-
20 gressional committees a report on the potential advantages
21 and disadvantages of adding the Office of National Secu-
22 rity of the Department of Health and Human Services as
23 a new element of the intelligence community.

24 (b) MATTERS INCLUDED.—The report under sub-
25 section (a) shall include the following:

1 (1) An assessment of the following:

2 (A) The likelihood that the addition of the
3 Office of National Security as a new element of
4 the intelligence community would increase
5 connectivity between other elements of the intel-
6 ligence community working on health security
7 topics and the Department of Health and
8 Human Services.

9 (B) The likelihood that such addition
10 would increase the flow of raw intelligence and
11 finished intelligence products to officials of the
12 Department of Health and Human Services.

13 (C) The likelihood that such addition
14 would facilitate the flow of information relating
15 to health security topics to intelligence analysts
16 of various other elements of the intelligence
17 community working on such topics.

18 (D) The extent to which such addition
19 would clearly demonstrate to both the national
20 security community and the public health com-
21 munity that health security is national security.

22 (E) Any anticipated impediments to such
23 addition relating to additional budgetary over-
24 sight by the executive branch or Congress.

1 (F) Any other significant advantages or
2 disadvantages of such addition, as identified by
3 either the Director of National Intelligence or
4 the Secretary of Health and Human Services.

5 (2) A joint recommendation by the Director of
6 National Intelligence and the Secretary of Health
7 and Human Services as to whether to add the Office
8 of National Security as a new element of the intel-
9 ligence community.

10 (c) FORM.—The report under subsection (a) shall be
11 submitted in unclassified form, but may include a classi-
12 fied annex.

13 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
14 DEFINED.—In this section, the term “appropriate con-
15 gressional committees” means—

16 (1) the congressional intelligence committees;

17 (2) the Committee on Energy and Commerce of
18 the House of Representatives and the Committee on
19 Health, Education, Labor, and Pensions of the Sen-
20 ate; and

21 (3) the Subcommittees on Labor, Health and
22 Human Services, Education, and Related Agencies
23 of the Committees on Appropriations of the House
24 of Representatives and the Senate.

1 **SEC. 828. REPORT ON EFFORTS TO BUILD AN INTEGRATED**
2 **HYBRID SPACE ARCHITECTURE.**

3 (a) REPORT REQUIRED.—Not later than 180 days
4 after the date of the enactment of this Act, and annually
5 for 2 years thereafter, the Director of National Intel-
6 ligence, in coordination with the Under Secretary of De-
7 fense for Intelligence and Security and the Director of the
8 National Reconnaissance Office, shall submit to the appro-
9 priate congressional committees a report on the efforts of
10 the intelligence community to build an integrated hybrid
11 space architecture that combines national and commercial
12 capabilities and large and small satellites.

13 (b) ELEMENTS.—The report required by subsection
14 (a) shall include the following:

15 (1) An assessment of how the integrated hybrid
16 space architecture approach is being realized in the
17 overhead architecture of the National Reconnaissance
18 Office.

19 (2) An assessment of the benefits to the mis-
20 sion of the National Reconnaissance Office and the
21 cost of integrating capabilities from smaller, pro-
22 liferated satellites and data from commercial sat-
23 ellites with the national technical means architec-
24 ture.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” means—

- 4 (1) the congressional intelligence committees;
5 and
6 (2) the congressional defense committees.

7 **SEC. 829. REPORT ON CERTAIN ACTIONS TAKEN BY INTEL-**
8 **LIGENCE COMMUNITY WITH RESPECT TO**
9 **HUMAN RIGHTS AND INTERNATIONAL HU-**
10 **MANITARIAN LAW.**

11 (a) REPORT.—Not later than 120 days after the date
12 of the enactment of this Act, the Director of National In-
13 telligence, in coordination with the Director of the Central
14 Intelligence Agency, the Director of the National Security
15 Agency, the Secretary of Defense, and the Director of the
16 Defense Intelligence Agency, and consistent with the pro-
17 tection of intelligence sources and methods, shall submit
18 to the appropriate congressional committees a report on
19 certain actions taken by the intelligence community with
20 respect to human rights and international humanitarian
21 law.

22 (b) ELEMENTS.—The report under subsection (a)
23 shall include the following:

- 24 (1) A detailed explanation of whether, and to
25 what extent, each element of the intelligence commu-

1 nity has provided intelligence products relating to
2 the efforts of the Secretary of State and the Sec-
3 retary of Treasury regarding the categorization, de-
4 terminations on eligibility for assistance and train-
5 ing, and general understanding, of covered entities
6 that commit, engage, or are otherwise complicit in,
7 violations of human rights or international humani-
8 tarian law.

9 (2) A detailed explanation of whether, and to
10 what extent, each element of the intelligence commu-
11 nity has provided intelligence products relating to
12 any of the following:

13 (A) Section 7031(c) of the Department of
14 State, Foreign Operations, and Related Pro-
15 grams Appropriations Act, 2020 (division G of
16 Public Law 116–94; 8 U.S.C. 1182 note).

17 (B) The visa restriction policy of the De-
18 partment of State announced on February 26,
19 2021, and commonly referred to as the
20 “Khashoggi Ban”.

21 (C) The annual report requirement of the
22 Department of Defense under section 1057 of
23 the National Defense Authorization Act for Fis-
24 cal Year 2018 (131 Stat. 1572).

1 (D) The Global Magnitsky Human Rights
2 Accountability Act (subtitle F of title XII of
3 Public Law 114–328; 22 U.S.C. 2656 note).

4 (3) A detailed explanation of the following proc-
5 esses:

6 (A) The process of each element of the in-
7 telligence community for monitoring covered en-
8 tities for derogatory human rights or inter-
9 national humanitarian law information.

10 (B) The process of each element of the in-
11 telligence community for determining the credi-
12 bility of derogatory human rights or inter-
13 national humanitarian law information.

14 (C) The process of each element of the in-
15 telligence community for determining what fur-
16 ther action is appropriate if derogatory human
17 rights or international humanitarian law infor-
18 mation is determined to be credible.

19 (4) An unredacted copy of each policy or simi-
20 lar document that describes a process specified in
21 paragraph (3).

22 (5) A detailed explanation of whether, with re-
23 spect to each element of the intelligence community,
24 the head of the element has changed or restricted
25 any activities of the element in response to deroga-

1 tory human rights or international humanitarian law
2 information.

3 (6) Examples of any changes or restrictions
4 specified in paragraph (5) taken by the head of the
5 element of the intelligence community during the
6 two years preceding the date of the submission of
7 the report.

8 (c) FORM.—The report under subsection (a) shall be
9 submitted in unclassified form, but may include a classi-
10 fied annex.

11 (d) DEFINITIONS.—In this section:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the congressional intelligence commit-
16 tees;

17 (B) the Committee on Armed Services and
18 the Committee on Foreign Affairs of the House
19 of Representatives;

20 (C) the Committee on Armed Services and
21 the Committee on Foreign Relations of the Sen-
22 ate; and

23 (D) the Subcommittees on Financial Serv-
24 ices and General Government and the Sub-
25 committees on State, Foreign Operations, and

1 Related Programs of the Committees on Appro-
2 priations of the House of Representatives and
3 the Senate.

4 (2) COVERED ENTITY.—The term “covered en-
5 tity”—

6 (A) means an individual, unit, or foreign
7 government that—

8 (i) has a cooperative relationship with
9 the United States Government; or

10 (ii) is the target of an intelligence col-
11 lection activity carried out by the United
12 States Government; but

13 (B) does not include an employee of the
14 United States Government.

15 (3) DEROGATORY HUMAN RIGHTS OR INTER-
16 NATIONAL HUMANITARIAN LAW INFORMATION.—The
17 term “derogatory human rights or international hu-
18 manitarian law information” means information
19 tending to suggest that a covered entity committed,
20 participated, or was otherwise complicit in, a viola-
21 tion of human rights or international humanitarian
22 law, regardless of the credibility of such information,
23 the source of the information, or the level of classi-
24 fication of the information.

1 (4) VIOLATION OF HUMAN RIGHTS OR INTER-
2 NATIONAL HUMANITARIAN LAW.—The term “viola-
3 tion of human rights or international humanitarian
4 law” includes a violation of any authority or obliga-
5 tion of the United States Government related to
6 human rights or international humanitarian law,
7 without regard to whether such authority or obliga-
8 tion is codified in a provision of law, regulation, or
9 policy.

10 **SEC. 830. REPORT ON RARE EARTH ELEMENTS.**

11 (a) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Director of National In-
13 telligence, in coordination with the Director of the Defense
14 Intelligence Agency, the Director of the Office of Intel-
15 ligence and Counterintelligence of the Department of En-
16 ergy, and any other head of an element of the intelligence
17 community that the Director of National Intelligence de-
18 termines relevant, shall submit to the congressional intel-
19 ligence committees a report on rare earth elements.

20 (b) MATTERS INCLUDED.—The report under sub-
21 section (a) shall include the following:

22 (1) An assessment coordinated by the National
23 Intelligence Council of—

24 (A) long-term trends in the global rare
25 earth element industry;

1 (B) the national security, economic, and
2 industrial risks to the United States, and to the
3 partners and allies of the United States, with
4 respect to relying on foreign countries, includ-
5 ing China, for rare earth mining and the proc-
6 essing or production of rare earth elements;

7 (C) the intentions of foreign governments,
8 including the government of China, with respect
9 to limiting, reducing, or ending access of the
10 United States or the partners and allies of the
11 United States to—

12 (i) rare earth elements; or

13 (ii) any aspect of the rare earth min-
14 ing, processing, or production chain; and

15 (D) opportunities for the United States,
16 and for the partners and allies of the United
17 States, to assure continued access to—

18 (i) rare earth elements; and

19 (ii) the rare earth mining, processing,
20 or production chain.

21 (2) A description of—

22 (A) any relevant procurement, use, and
23 supply chain needs of the intelligence commu-
24 nity with respect to rare earth elements;

1 (B) any relevant planning or efforts by the
2 intelligence community to assure secured access
3 to rare earth elements;

4 (C) any assessed vulnerabilities or risks to
5 the intelligence community with respect to rare
6 earth elements;

7 (D) any relevant planning or efforts by the
8 intelligence community to coordinate with de-
9 partments and agencies of the United States
10 Government that are not elements of the intel-
11 ligence community on securing the rare earth
12 element supply chain; and

13 (E) any previous or anticipated efforts by
14 the Supply Chain and Counterintelligence Risk
15 Management Task Force established under sec-
16 tion 6306 of the Damon Paul Nelson and Mat-
17 thew Young Pollard Intelligence Authorization
18 Act for Fiscal Years 2018, 2019, and 2020 (50
19 U.S.C. 3370) with respect to rare earth ele-
20 ments.

21 (c) FORM.—The report under subsection (a) shall be
22 submitted in unclassified form, but may include a classi-
23 fied annex.

24 (d) RARE EARTH ELEMENTS DEFINED.—In this sec-
25 tion, the term “rare earth elements” includes products

1 that contain rare earth elements, including rare earth
2 magnets.

3 **SEC. 831. REPORT ON ASSESSMENT OF ALL-SOURCE CYBER**
4 **INTELLIGENCE INFORMATION.**

5 (a) REPORT REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, the Inspector
7 General of the Intelligence Community, in coordination
8 with the Inspector General of the National Security Agen-
9 cy and the Inspector General of the Central Intelligence
10 Agency, shall submit to the congressional intelligence com-
11 mittees a report on the effectiveness of the intelligence
12 community with respect to the integration and dissemina-
13 tion of all-source intelligence relating to foreign cyber
14 threats.

15 (b) CONTENTS.—The report under subsection (a)
16 shall include the following:

17 (1) An assessment of the effectiveness of the
18 all-source cyber intelligence integration capabilities
19 of the intelligence community, including the identi-
20 fication of capability gaps relating to the integration
21 of all-source intelligence, or any deficiencies associ-
22 ated with the timely dissemination of such intel-
23 ligence.

24 (2) An assessment of the effectiveness of the in-
25 telligence community in analyzing and reporting on

1 cyber supply chain risks, including with respect to
2 interagency coordination and the leadership of the
3 Office of the Director of National Intelligence.

4 **SEC. 832. BRIEFING ON TRAININGS RELATING TO**
5 **BLOCKCHAIN TECHNOLOGY.**

6 (a) BRIEFING.—Not later than 90 days after the date
7 of the enactment of this Act, the Director of National In-
8 telligence shall provide to the congressional intelligence
9 committees a briefing on the feasibility and benefits of
10 providing training described in subsection (b).

11 (b) TRAINING DESCRIBED.—Training described in
12 this subsection is training that meets the following cri-
13 teria:

14 (1) The training is on cryptocurrency,
15 blockchain technology, or both subjects.

16 (2) The training may be provided through part-
17 nerships with universities or private sector entities.

18 **SEC. 833. REPORT ON TRENDS IN TECHNOLOGIES OF STRA-**
19 **TEGIC IMPORTANCE TO UNITED STATES.**

20 (a) IN GENERAL.—Not less frequently than once
21 every 2 years until the date that is 4 years after the date
22 of the enactment of this Act, the Director of National In-
23 telligence, in consultation with the Secretary of Commerce
24 and the Director of the Office of Science and Technology
25 Policy, shall submit to the congressional intelligence com-

1 mitted a report assessing commercial and foreign trends
2 in technologies the Director considers of strategic impor-
3 tance to the national and economic security of the United
4 States.

5 (b) CONTENTS.—Each report under subsection (a)
6 shall include the following:

7 (1) A list of the top technology focus areas the
8 Director determines to be of the greatest strategic
9 importance to the United States.

10 (2) A list of the top technology focus areas in
11 which the Director determines foreign countries that
12 are adversarial to the United States are poised to
13 match or surpass the technological leadership of the
14 United States.

15 (c) FORM.—Each report under subsection (a)—

16 (1) may be submitted in the form of a National
17 Intelligence Estimate; and

18 (2) shall be submitted in classified form, but
19 may include an unclassified summary.

20 **SEC. 834. PLAN FOR ARTIFICIAL INTELLIGENCE DIGITAL**
21 **ECOSYSTEM.**

22 (a) PLAN.—Not later than 1 year after the date of
23 the enactment of this Act, the Director of National Intel-
24 ligence shall coordinate with the heads of other elements

1 of the intelligence community and, in conjunction with the
2 heads of those elements, shall—

3 (1) develop a plan for the development and
4 resourcing of a modern digital ecosystem that em-
5 braces state-of-the-art tools and modern processes to
6 enable development, testing, fielding, and continuous
7 updating of artificial intelligence-powered applica-
8 tions at speed and scale from headquarters to the
9 tactical edge; and

10 (2) submit to the congressional intelligence
11 committees the plan developed under paragraph (1).

12 (b) CONTENTS OF PLAN.—At a minimum, the plan
13 required by subsection (a) shall include the following:

14 (1) Policies to enable elements of the intel-
15 ligence community to adopt a hoteling model to
16 allow trusted small- and medium-sized artificial in-
17 telligence companies access to classified facilities on
18 a flexible basis.

19 (2) Policies for an open architecture and an
20 evolving reference design and guidance for needed
21 technical investments in the proposed ecosystem that
22 address issues, including common interfaces, authen-
23 tication, applications, platforms, software, hardware,
24 and data infrastructure.

1 (3) Policies to ensure, to the extent possible,
2 interoperability, and the reduction of duplication, of
3 artificial intelligence capabilities developed or ac-
4 quired by elements of the intelligence community.

5 (4) A governance structure, together with asso-
6 ciated policies and guidance, to drive the implemen-
7 tation of the reference throughout the intelligence
8 community on a federated basis.

9 (5) Community standards for the use of artifi-
10 cial intelligence and associated data, as appropriate.

11 (6) Recommendations to ensure that use of ar-
12 tificial intelligence and associated data by the Fed-
13 eral Government related to United States persons
14 comport with rights relating to freedom of expres-
15 sion, equal protection, privacy, and due process.

16 (c) FORM.—The plan submitted under subsection
17 (a)(2) shall be submitted in unclassified form, but may
18 include a classified annex.

19 **SEC. 835. REPORTS ON INTELLIGENCE SUPPORT FOR AND**
20 **CAPACITY OF THE SERGEANTS AT ARMS OF**
21 **THE SENATE AND THE HOUSE OF REP-**
22 **RESENTATIVES AND THE UNITED STATES**
23 **CAPITOL POLICE.**

24 (a) REPORT ON INTELLIGENCE SUPPORT.—

1 (1) REQUIREMENT.—Not later than 60 days
2 after the date of the enactment of this Act, the Di-
3 rector of National Intelligence, in coordination with
4 the Director of the Federal Bureau of Investigation
5 and the Secretary of Homeland Security, shall sub-
6 mit to the congressional intelligence committees, the
7 Subcommittees on Commerce, Justice, Science, and
8 Related Agencies and the Subcommittees on Home-
9 land Security of the Committees on Appropriations
10 of the House of Representatives and the Senate, and
11 congressional leadership a report on intelligence sup-
12 port provided to the Sergeants at Arms and the
13 United States Capitol Police.

14 (2) ELEMENTS.—The report under paragraph
15 (1) shall include a description of the following:

16 (A) Policies related to the Sergeants at
17 Arms and the United States Capitol Police as
18 customers of intelligence.

19 (B) How the intelligence community, the
20 Federal Bureau of Investigation, and the De-
21 partment of Homeland Security, including the
22 Cybersecurity and Infrastructure Security
23 Agency, are structured, staffed, and resourced
24 to provide intelligence support to the Sergeants
25 at Arms and the United States Capitol Police.

1 (C) The classified electronic and telephony
2 interoperability of the intelligence community,
3 the Federal Bureau of Investigation, and the
4 Department of Homeland Security with the
5 Sergeants at Arms and the United States Cap-
6 itol Police.

7 (D) Any expedited security clearances pro-
8 vided for the Sergeants at Arms and the United
9 States Capitol Police.

10 (E) Counterterrorism intelligence and
11 other intelligence relevant to the physical secu-
12 rity of Congress that are provided to the Ser-
13 geants at Arms and the United States Capitol
14 Police, including—

15 (i) strategic analysis and real-time
16 warning; and

17 (ii) access to classified systems for
18 transmitting and posting intelligence.

19 (F) Cyber intelligence relevant to the pro-
20 tection of cyber networks of Congress and the
21 personal devices and accounts of Members and
22 employees of Congress, including—

23 (i) strategic and real-time warnings,
24 such as malware signatures and other indi-
25 cations of attack; and

1 (ii) access to classified systems for
2 transmitting and posting intelligence.

3 (3) FORM.—The report under paragraph (1)
4 shall be submitted in unclassified form, but may in-
5 clude a classified annex.

6 (b) GOVERNMENT ACCOUNTABILITY OFFICE RE-
7 PORT.—

8 (1) REQUIREMENT.—Not later than 180 days
9 after the date of the enactment of this Act, the
10 Comptroller General of the United States shall sub-
11 mit to the appropriate congressional committees and
12 congressional leadership a report on the capacity of
13 the Sergeants at Arms and the United States Cap-
14 itol Police to access and use intelligence and threat
15 information relevant to the physical and cyber secu-
16 rity of Congress.

17 (2) ELEMENTS.—The report under paragraph
18 (1) shall include the following:

19 (A) An assessment of the extent to which
20 the Sergeants at Arms and the United States
21 Capitol Police have the resources, including fa-
22 cilities, cleared personnel, and necessary train-
23 ing, and authorities to adequately access, ana-
24 lyze, manage, and use intelligence and threat

1 information necessary to defend the physical
2 and cyber security of Congress.

3 (B) The extent to which the Sergeants at
4 Arms and the United States Capitol Police
5 communicate and coordinate threat data with
6 each other and with other local law enforcement
7 entities.

8 (3) FORM.—The report under paragraph (1)
9 shall be submitted in unclassified form, but may in-
10 clude a classified annex.

11 (c) DEFINITIONS.—In this section:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the congressional intelligence commit-
16 tees;

17 (B) the Committee on Homeland Security
18 and Governmental Affairs, the Committee on
19 Rules and Administration, the Committee on
20 the Judiciary, and the Committee on Appro-
21 priations of the Senate; and

22 (C) the Committee on Homeland Security,
23 the Committee on House Administration, the
24 Committee on the Judiciary, and the Com-

1 committee on Appropriations of the House of Rep-
2 representatives.

3 (2) CONGRESSIONAL LEADERSHIP.—The term
4 “congressional leadership” means—

5 (A) the majority leader of the Senate;

6 (B) the minority leader of the Senate;

7 (C) the Speaker of the House of Rep-
8 representatives; and

9 (D) the minority leader of the House of
10 Representatives.

11 (3) SERGEANTS AT ARMS.—The term “Ser-
12 geants at Arms” means the Sergeant at Arms and
13 Doorkeeper of the Senate, the Sergeant at Arms of
14 the House of Representatives, and the Chief Admin-
15 istrative Officer of the House of Representatives.

16 **DIVISION Y—CYBER INCIDENT**
17 **REPORTING FOR CRITICAL**
18 **INFRASTRUCTURE ACT OF**
19 **2022**

20 **SEC. 101. SHORT TITLE.**

21 This division may be cited as the “Cyber Incident Re-
22 porting for Critical Infrastructure Act of 2022”.

23 **SEC. 102. DEFINITIONS.**

24 In this division:

1 (1) COVERED CYBER INCIDENT; COVERED ENTI-
2 TY; CYBER INCIDENT; INFORMATION SYSTEM; RAN-
3 SOM PAYMENT; RANSOMWARE ATTACK; SECURITY
4 VULNERABILITY.—The terms “covered cyber inci-
5 dent”, “covered entity”, “cyber incident”, “informa-
6 tion system”, “ransom payment”, “ransomware at-
7 tack”, and “security vulnerability” have the mean-
8 ings given those terms in section 2240 of the Home-
9 land Security Act of 2002, as added by section 103
10 of this division.

11 (2) DIRECTOR.—The term “Director” means
12 the Director of the Cybersecurity and Infrastructure
13 Security Agency.

14 **SEC. 103. CYBER INCIDENT REPORTING.**

15 (a) CYBER INCIDENT REPORTING.—Title XXII of
16 the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
17 is amended—

18 (1) in section 2209(c) (6 U.S.C. 659(c))—

19 (A) in paragraph (11), by striking “; and”
20 and inserting a semicolon;

21 (B) in paragraph (12), by striking the pe-
22 riod at the end and inserting “; and”; and

23 (C) by adding at the end the following:

24 “(13) receiving, aggregating, and analyzing re-
25 ports related to covered cyber incidents (as defined

1 in section 2240) submitted by covered entities (as
2 defined in section 2240) and reports related to ran-
3 som payments (as defined in section 2240) sub-
4 mitted by covered entities (as defined in section
5 2240) in furtherance of the activities specified in
6 sections 2202(e), 2203, and 2241, this subsection,
7 and any other authorized activity of the Director, to
8 enhance the situational awareness of cybersecurity
9 threats across critical infrastructure sectors.”; and

10 (2) by adding at the end the following:

11 **“Subtitle D—Cyber Incident**
12 **Reporting**

13 **“SEC. 2240. DEFINITIONS.**

14 “In this subtitle:

15 “(1) CENTER.—The term ‘Center’ means the
16 center established under section 2209.

17 “(2) CLOUD SERVICE PROVIDER.—The term
18 ‘cloud service provider’ means an entity offering
19 products or services related to cloud computing, as
20 defined by the National Institute of Standards and
21 Technology in NIST Special Publication 800–145
22 and any amendatory or superseding document relat-
23 ing thereto.

1 “(3) COUNCIL.—The term ‘Council’ means the
2 Cyber Incident Reporting Council described in sec-
3 tion 2246.

4 “(4) COVERED CYBER INCIDENT.—The term
5 ‘covered cyber incident’ means a substantial cyber
6 incident experienced by a covered entity that satis-
7 fies the definition and criteria established by the Di-
8 rector in the final rule issued pursuant to section
9 2242(b).

10 “(5) COVERED ENTITY.—The term ‘covered en-
11 tity’ means an entity in a critical infrastructure sec-
12 tor, as defined in Presidential Policy Directive 21,
13 that satisfies the definition established by the Direc-
14 tor in the final rule issued pursuant to section
15 2242(b).

16 “(6) CYBER INCIDENT.—The term ‘cyber inci-
17 dent’—

18 “(A) has the meaning given the term ‘inci-
19 dent’ in section 2209; and

20 “(B) does not include an occurrence that
21 imminently, but not actually, jeopardizes—

22 “(i) information on information sys-
23 tems; or

24 “(ii) information systems.

1 “(7) CYBER THREAT.—The term ‘cyber threat’
2 has the meaning given the term ‘cybersecurity
3 threat’ in section 2201.

4 “(8) CYBER THREAT INDICATOR; CYBERSECURITY
5 PURPOSE; DEFENSIVE MEASURE; FEDERAL EN-
6 TITY; SECURITY VULNERABILITY.—The terms ‘cyber
7 threat indicator’, ‘cybersecurity purpose’, ‘defensive
8 measure’, ‘Federal entity’, and ‘security vulner-
9 ability’ have the meanings given those terms in sec-
10 tion 102 of the Cybersecurity Act of 2015 (6 U.S.C.
11 1501).

12 “(9) INCIDENT; SHARING.—The terms ‘inci-
13 dent’ and ‘sharing’ have the meanings given those
14 terms in section 2209.

15 “(10) INFORMATION SHARING AND ANALYSIS
16 ORGANIZATION.—The term ‘Information Sharing
17 and Analysis Organization’ has the meaning given
18 the term in section 2222.

19 “(11) INFORMATION SYSTEM.—The term ‘infor-
20 mation system’—

21 “(A) has the meaning given the term in
22 section 3502 of title 44, United States Code;
23 and

24 “(B) includes industrial control systems,
25 such as supervisory control and data acquisition

1 systems, distributed control systems, and pro-
2 grammable logic controllers.

3 “(12) MANAGED SERVICE PROVIDER.—The
4 term ‘managed service provider’ means an entity
5 that delivers services, such as network, application,
6 infrastructure, or security services, via ongoing and
7 regular support and active administration on the
8 premises of a customer, in the data center of the en-
9 tity (such as hosting), or in a third party data cen-
10 ter.

11 “(13) RANSOM PAYMENT.—The term ‘ransom
12 payment’ means the transmission of any money or
13 other property or asset, including virtual currency,
14 or any portion thereof, which has at any time been
15 delivered as ransom in connection with a
16 ransomware attack.

17 “(14) RANSOMWARE ATTACK.—The term
18 ‘ransomware attack’—

19 “(A) means an incident that includes the
20 use or threat of use of unauthorized or mali-
21 cious code on an information system, or the use
22 or threat of use of another digital mechanism
23 such as a denial of service attack, to interrupt
24 or disrupt the operations of an information sys-
25 tem or compromise the confidentiality, avail-

1 ability, or integrity of electronic data stored on,
2 processed by, or transiting an information sys-
3 tem to extort a demand for a ransom payment;
4 and

5 “(B) does not include any such event
6 where the demand for payment is—

7 “(i) not genuine; or

8 “(ii) made in good faith by an entity
9 in response to a specific request by the
10 owner or operator of the information sys-
11 tem.

12 “(15) SECTOR RISK MANAGEMENT AGENCY.—
13 The term ‘Sector Risk Management Agency’ has the
14 meaning given the term in section 2201.

15 “(16) SIGNIFICANT CYBER INCIDENT.—The
16 term ‘significant cyber incident’ means a cyber inci-
17 dent, or a group of related cyber incidents, that the
18 Secretary determines is likely to result in demon-
19 strable harm to the national security interests, for-
20 eign relations, or economy of the United States or
21 to the public confidence, civil liberties, or public
22 health and safety of the people of the United States.

23 “(17) SUPPLY CHAIN COMPROMISE.—The term
24 ‘supply chain compromise’ means an incident within
25 the supply chain of an information system that an

1 adversary can leverage or does leverage to jeopardize
2 the confidentiality, integrity, or availability of the in-
3 formation system or the information the system
4 processes, stores, or transmits, and can occur at any
5 point during the life cycle.

6 “(18) VIRTUAL CURRENCY.—The term ‘virtual
7 currency’ means the digital representation of value
8 that functions as a medium of exchange, a unit of
9 account, or a store of value.

10 “(19) VIRTUAL CURRENCY ADDRESS.—The
11 term ‘virtual currency address’ means a unique pub-
12 lic cryptographic key identifying the location to
13 which a virtual currency payment can be made.

14 **“SEC. 2241. CYBER INCIDENT REVIEW.**

15 “(a) ACTIVITIES.—The Center shall—

16 “(1) receive, aggregate, analyze, and secure,
17 using processes consistent with the processes devel-
18 oped pursuant to the Cybersecurity Information
19 Sharing Act of 2015 (6 U.S.C. 1501 et seq.) reports
20 from covered entities related to a covered cyber inci-
21 dent to assess the effectiveness of security controls,
22 identify tactics, techniques, and procedures adver-
23 saries use to overcome those controls and other cy-
24 bersecurity purposes, including to assess potential
25 impact of cyber incidents on public health and safety

1 and to enhance situational awareness of cyber
2 threats across critical infrastructure sectors;

3 “(2) coordinate and share information with ap-
4 propriate Federal departments and agencies to iden-
5 tify and track ransom payments, including those uti-
6 lizing virtual currencies;

7 “(3) leverage information gathered about cyber
8 incidents to—

9 “(A) enhance the quality and effectiveness
10 of information sharing and coordination efforts
11 with appropriate entities, including agencies,
12 sector coordinating councils, Information Shar-
13 ing and Analysis Organizations, State, local,
14 Tribal, and territorial governments, technology
15 providers, critical infrastructure owners and op-
16 erators, cybersecurity and cyber incident re-
17 sponse firms, and security researchers; and

18 “(B) provide appropriate entities, including
19 sector coordinating councils, Information Shar-
20 ing and Analysis Organizations, State, local,
21 Tribal, and territorial governments, technology
22 providers, cybersecurity and cyber incident re-
23 sponse firms, and security researchers, with
24 timely, actionable, and anonymized reports of
25 cyber incident campaigns and trends, including,

1 to the maximum extent practicable, related con-
2 textual information, cyber threat indicators, and
3 defensive measures, pursuant to section 2245;

4 “(4) establish mechanisms to receive feedback
5 from stakeholders on how the Agency can most ef-
6 fectively receive covered cyber incident reports, ran-
7 som payment reports, and other voluntarily provided
8 information, and how the Agency can most effec-
9 tively support private sector cybersecurity;

10 “(5) facilitate the timely sharing, on a vol-
11 untary basis, between relevant critical infrastructure
12 owners and operators of information relating to cov-
13 ered cyber incidents and ransom payments, particu-
14 larly with respect to ongoing cyber threats or secu-
15 rity vulnerabilities and identify and disseminate
16 ways to prevent or mitigate similar cyber incidents
17 in the future;

18 “(6) for a covered cyber incident, including a
19 ransomware attack, that also satisfies the definition
20 of a significant cyber incident, or is part of a group
21 of related cyber incidents that together satisfy such
22 definition, conduct a review of the details sur-
23 rounding the covered cyber incident or group of
24 those incidents and identify and disseminate ways to
25 prevent or mitigate similar incidents in the future;

1 “(7) with respect to covered cyber incident re-
2 ports under section 2242(a) and 2243 involving an
3 ongoing cyber threat or security vulnerability, imme-
4 diately review those reports for cyber threat indica-
5 tors that can be anonymized and disseminated, with
6 defensive measures, to appropriate stakeholders, in
7 coordination with other divisions within the Agency,
8 as appropriate;

9 “(8) publish quarterly unclassified, public re-
10 ports that describe aggregated, anonymized observa-
11 tions, findings, and recommendations based on cov-
12 ered cyber incident reports, which may be based on
13 the unclassified information contained in the brief-
14 ings required under subsection (c);

15 “(9) proactively identify opportunities, con-
16 sistent with the protections in section 2245, to lever-
17 age and utilize data on cyber incidents in a manner
18 that enables and strengthens cybersecurity research
19 carried out by academic institutions and other pri-
20 vate sector organizations, to the greatest extent
21 practicable; and

22 “(10) in accordance with section 2245 and sub-
23 section (b) of this section, as soon as possible but
24 not later than 24 hours after receiving a covered
25 cyber incident report, ransom payment report, volun-

1 tarily submitted information pursuant to section
2 2243, or information received pursuant to a request
3 for information or subpoena under section 2244,
4 make available the information to appropriate Sector
5 Risk Management Agencies and other appropriate
6 Federal agencies.

7 “(b) INTERAGENCY SHARING.—The President or a
8 designee of the President—

9 “(1) may establish a specific time requirement
10 for sharing information under subsection (a)(10);
11 and

12 “(2) shall determine the appropriate Federal
13 agencies under subsection (a)(10).

14 “(c) PERIODIC BRIEFING.—Not later than 60 days
15 after the effective date of the final rule required under
16 section 2242(b), and on the first day of each month there-
17 after, the Director, in consultation with the National
18 Cyber Director, the Attorney General, and the Director
19 of National Intelligence, shall provide to the majority lead-
20 er of the Senate, the minority leader of the Senate, the
21 Speaker of the House of Representatives, the minority
22 leader of the House of Representatives, the Committee on
23 Homeland Security and Governmental Affairs of the Sen-
24 ate, and the Committee on Homeland Security of the
25 House of Representatives a briefing that characterizes the

1 national cyber threat landscape, including the threat fac-
2 ing Federal agencies and covered entities, and applicable
3 intelligence and law enforcement information, covered
4 cyber incidents, and ransomware attacks, as of the date
5 of the briefing, which shall—

6 “(1) include the total number of reports sub-
7 mitted under sections 2242 and 2243 during the
8 preceding month, including a breakdown of required
9 and voluntary reports;

10 “(2) include any identified trends in covered
11 cyber incidents and ransomware attacks over the
12 course of the preceding month and as compared to
13 previous reports, including any trends related to the
14 information collected in the reports submitted under
15 sections 2242 and 2243, including—

16 “(A) the infrastructure, tactics, and tech-
17 niques malicious cyber actors commonly use;
18 and

19 “(B) intelligence gaps that have impeded,
20 or currently are impeding, the ability to counter
21 covered cyber incidents and ransomware
22 threats;

23 “(3) include a summary of the known uses of
24 the information in reports submitted under sections
25 2242 and 2243; and

1 “(4) include an unclassified portion, but may
2 include a classified component.

3 **“SEC. 2242. REQUIRED REPORTING OF CERTAIN CYBER IN-**
4 **CIDENTS.**

5 “(a) IN GENERAL.—

6 “(1) COVERED CYBER INCIDENT REPORTS.—

7 “(A) IN GENERAL.—A covered entity that
8 experiences a covered cyber incident shall report
9 the covered cyber incident to the Agency not
10 later than 72 hours after the covered entity rea-
11 sonably believes that the covered cyber incident
12 has occurred.

13 “(B) LIMITATION.—The Director may not
14 require reporting under subparagraph (A) any
15 earlier than 72 hours after the covered entity
16 reasonably believes that a covered cyber inci-
17 dent has occurred.

18 “(2) RANSOM PAYMENT REPORTS.—

19 “(A) IN GENERAL.—A covered entity that
20 makes a ransom payment as the result of a
21 ransomware attack against the covered entity
22 shall report the payment to the Agency not
23 later than 24 hours after the ransom payment
24 has been made.

1 “(B) APPLICATION.—The requirements
2 under subparagraph (A) shall apply even if the
3 ransomware attack is not a covered cyber inci-
4 dent subject to the reporting requirements
5 under paragraph (1).

6 “(3) SUPPLEMENTAL REPORTS.—A covered en-
7 tity shall promptly submit to the Agency an update
8 or supplement to a previously submitted covered
9 cyber incident report if substantial new or different
10 information becomes available or if the covered enti-
11 ty makes a ransom payment after submitting a cov-
12 ered cyber incident report required under paragraph
13 (1), until such date that such covered entity notifies
14 the Agency that the covered cyber incident at issue
15 has concluded and has been fully mitigated and re-
16 solved.

17 “(4) PRESERVATION OF INFORMATION.—Any
18 covered entity subject to requirements of paragraph
19 (1), (2), or (3) shall preserve data relevant to the
20 covered cyber incident or ransom payment in accord-
21 ance with procedures established in the final rule
22 issued pursuant to subsection (b).

23 “(5) EXCEPTIONS.—

24 “(A) REPORTING OF COVERED CYBER IN-
25 CIDENT WITH RANSOM PAYMENT.—If a covered

1 entity is the victim of a covered cyber incident
2 and makes a ransom payment prior to the 72
3 hour requirement under paragraph (1), such
4 that the reporting requirements under para-
5 graphs (1) and (2) both apply, the covered enti-
6 ty may submit a single report to satisfy the re-
7 quirements of both paragraphs in accordance
8 with procedures established in the final rule
9 issued pursuant to subsection (b).

10 “(B) SUBSTANTIALLY SIMILAR REPORTED
11 INFORMATION.—

12 “(i) IN GENERAL.—Subject to the
13 limitation described in clause (ii), where
14 the Agency has an agreement in place that
15 satisfies the requirements of section 104(a)
16 of the Cyber Incident Reporting for Crit-
17 ical Infrastructure Act of 2022, the re-
18 quirements under paragraphs (1), (2), and
19 (3) shall not apply to a covered entity re-
20 quired by law, regulation, or contract to
21 report substantially similar information to
22 another Federal agency within a substan-
23 tially similar timeframe.

24 “(ii) LIMITATION.—The exemption in
25 clause (i) shall take effect with respect to

1 a covered entity once an agency agreement
2 and sharing mechanism is in place between
3 the Agency and the respective Federal
4 agency, pursuant to section 104(a) of the
5 Cyber Incident Reporting for Critical In-
6 frastructure Act of 2022.

7 “(iii) RULES OF CONSTRUCTION.—
8 Nothing in this paragraph shall be con-
9 strued to—

10 “(I) exempt a covered entity
11 from the reporting requirements
12 under paragraph (3) unless the sup-
13 plemental report also meets the re-
14 quirements of clauses (i) and (ii) of
15 this paragraph;

16 “(II) prevent the Agency from
17 contacting an entity submitting infor-
18 mation to another Federal agency
19 that is provided to the Agency pursu-
20 ant to section 104 of the Cyber Inci-
21 dent Reporting for Critical Infrastruc-
22 ture Act of 2022; or

23 “(III) prevent an entity from
24 communicating with the Agency.

1 “(C) DOMAIN NAME SYSTEM.—The re-
2 quirements under paragraphs (1), (2) and (3)
3 shall not apply to a covered entity or the func-
4 tions of a covered entity that the Director de-
5 termines constitute critical infrastructure
6 owned, operated, or governed by multi-stake-
7 holder organizations that develop, implement,
8 and enforce policies concerning the Domain
9 Name System, such as the Internet Corporation
10 for Assigned Names and Numbers or the Inter-
11 net Assigned Numbers Authority.

12 “(6) MANNER, TIMING, AND FORM OF RE-
13 PORTS.—Reports made under paragraphs (1), (2),
14 and (3) shall be made in the manner and form, and
15 within the time period in the case of reports made
16 under paragraph (3), prescribed in the final rule
17 issued pursuant to subsection (b).

18 “(7) EFFECTIVE DATE.—Paragraphs (1)
19 through (4) shall take effect on the dates prescribed
20 in the final rule issued pursuant to subsection (b).

21 “(b) RULEMAKING.—

22 “(1) NOTICE OF PROPOSED RULEMAKING.—Not
23 later than 24 months after the date of enactment of
24 this section, the Director, in consultation with Sector
25 Risk Management Agencies, the Department of Jus-

1 tice, and other Federal agencies, shall publish in the
2 Federal Register a notice of proposed rulemaking to
3 implement subsection (a).

4 “(2) FINAL RULE.—Not later than 18 months
5 after publication of the notice of proposed rule-
6 making under paragraph (1), the Director shall
7 issue a final rule to implement subsection (a).

8 “(3) SUBSEQUENT RULEMAKINGS.—

9 “(A) IN GENERAL.—The Director is au-
10 thorized to issue regulations to amend or revise
11 the final rule issued pursuant to paragraph (2).

12 “(B) PROCEDURES.—Any subsequent rules
13 issued under subparagraph (A) shall comply
14 with the requirements under chapter 5 of title
15 5, United States Code, including the issuance of
16 a notice of proposed rulemaking under section
17 553 of such title.

18 “(c) ELEMENTS.—The final rule issued pursuant to
19 subsection (b) shall be composed of the following elements:

20 “(1) A clear description of the types of entities
21 that constitute covered entities, based on—

22 “(A) the consequences that disruption to
23 or compromise of such an entity could cause to
24 national security, economic security, or public
25 health and safety;

1 “(B) the likelihood that such an entity
2 may be targeted by a malicious cyber actor, in-
3 cluding a foreign country; and

4 “(C) the extent to which damage, disrup-
5 tion, or unauthorized access to such an entity,
6 including the accessing of sensitive cybersecu-
7 rity vulnerability information or penetration
8 testing tools or techniques, will likely enable the
9 disruption of the reliable operation of critical
10 infrastructure.

11 “(2) A clear description of the types of substan-
12 tial cyber incidents that constitute covered cyber in-
13 cidents, which shall—

14 “(A) at a minimum, require the occurrence
15 of—

16 “(i) a cyber incident that leads to sub-
17 stantial loss of confidentiality, integrity, or
18 availability of such information system or
19 network, or a serious impact on the safety
20 and resiliency of operational systems and
21 processes;

22 “(ii) a disruption of business or indus-
23 trial operations, including due to a denial
24 of service attack, ransomware attack, or

1 exploitation of a zero day vulnerability,
2 against

3 “(I) an information system or
4 network; or

5 “(II) an operational technology
6 system or process; or

7 “(iii) unauthorized access or disrup-
8 tion of business or industrial operations
9 due to loss of service facilitated through,
10 or caused by, a compromise of a cloud
11 service provider, managed service provider,
12 or other third-party data hosting provider
13 or by a supply chain compromise;

14 “(B) consider—

15 “(i) the sophistication or novelty of
16 the tactics used to perpetrate such a cyber
17 incident, as well as the type, volume, and
18 sensitivity of the data at issue;

19 “(ii) the number of individuals di-
20 rectly or indirectly affected or potentially
21 affected by such a cyber incident; and

22 “(iii) potential impacts on industrial
23 control systems, such as supervisory con-
24 trol and data acquisition systems, distrib-

1 uted control systems, and programmable
2 logic controllers; and

3 “(C) exclude—

4 “(i) any event where the cyber inci-
5 dent is perpetrated in good faith by an en-
6 tity in response to a specific request by the
7 owner or operator of the information sys-
8 tem; and

9 “(ii) the threat of disruption as extor-
10 tion, as described in section 2240(14)(A).

11 “(3) A requirement that, if a covered cyber inci-
12 dent or a ransom payment occurs following an ex-
13 empted threat described in paragraph (2)(C)(ii), the
14 covered entity shall comply with the requirements in
15 this subtitle in reporting the covered cyber incident
16 or ransom payment.

17 “(4) A clear description of the specific required
18 contents of a report pursuant to subsection (a)(1),
19 which shall include the following information, to the
20 extent applicable and available, with respect to a
21 covered cyber incident:

22 “(A) A description of the covered cyber in-
23 cident, including—

24 “(i) identification and a description of
25 the function of the affected information

1 systems, networks, or devices that were, or
2 are reasonably believed to have been, af-
3 fected by such cyber incident;

4 “(ii) a description of the unauthorized
5 access with substantial loss of confiden-
6 tiality, integrity, or availability of the af-
7 fected information system or network or
8 disruption of business or industrial oper-
9 ations;

10 “(iii) the estimated date range of such
11 incident; and

12 “(iv) the impact to the operations of
13 the covered entity.

14 “(B) Where applicable, a description of the
15 vulnerabilities exploited and the security de-
16 fenses that were in place, as well as the tactics,
17 techniques, and procedures used to perpetrate
18 the covered cyber incident.

19 “(C) Where applicable, any identifying or
20 contact information related to each actor rea-
21 sonably believed to be responsible for such cyber
22 incident.

23 “(D) Where applicable, identification of
24 the category or categories of information that
25 were, or are reasonably believed to have been,

1 accessed or acquired by an unauthorized per-
2 son.

3 “(E) The name and other information that
4 clearly identifies the covered entity impacted by
5 the covered cyber incident, including, as appli-
6 cable, the State of incorporation or formation of
7 the covered entity, trade names, legal names, or
8 other identifiers.

9 “(F) Contact information, such as tele-
10 phone number or electronic mail address, that
11 the Agency may use to contact the covered enti-
12 ty or an authorized agent of such covered enti-
13 ty, or, where applicable, the service provider of
14 such covered entity acting with the express per-
15 mission of, and at the direction of, the covered
16 entity to assist with compliance with the re-
17 quirements of this subtitle.

18 “(5) A clear description of the specific required
19 contents of a report pursuant to subsection (a)(2),
20 which shall be the following information, to the ex-
21 tent applicable and available, with respect to a ran-
22 som payment:

23 “(A) A description of the ransomware at-
24 tack, including the estimated date range of the
25 attack.

1 “(B) Where applicable, a description of the
2 vulnerabilities, tactics, techniques, and proce-
3 dures used to perpetrate the ransomware at-
4 tack.

5 “(C) Where applicable, any identifying or
6 contact information related to the actor or ac-
7 tors reasonably believed to be responsible for
8 the ransomware attack.

9 “(D) The name and other information that
10 clearly identifies the covered entity that made
11 the ransom payment or on whose behalf the
12 payment was made.

13 “(E) Contact information, such as tele-
14 phone number or electronic mail address, that
15 the Agency may use to contact the covered enti-
16 ty that made the ransom payment or an author-
17 ized agent of such covered entity, or, where ap-
18 plicable, the service provider of such covered en-
19 tity acting with the express permission of, and
20 at the direction of, that covered entity to assist
21 with compliance with the requirements of this
22 subtitle.

23 “(F) The date of the ransom payment.

1 “(G) The ransom payment demand, includ-
2 ing the type of virtual currency or other com-
3 modity requested, if applicable.

4 “(H) The ransom payment instructions,
5 including information regarding where to send
6 the payment, such as the virtual currency ad-
7 dress or physical address the funds were re-
8 quested to be sent to, if applicable.

9 “(I) The amount of the ransom payment.

10 “(6) A clear description of the types of data re-
11 quired to be preserved pursuant to subsection (a)(4),
12 the period of time for which the data is required to
13 be preserved, and allowable uses, processes, and pro-
14 cedures.

15 “(7) Deadlines and criteria for submitting sup-
16 plemental reports to the Agency required under sub-
17 section (a)(3), which shall—

18 “(A) be established by the Director in con-
19 sultation with the Council;

20 “(B) consider any existing regulatory re-
21 porting requirements similar in scope, purpose,
22 and timing to the reporting requirements to
23 which such a covered entity may also be sub-
24 ject, and make efforts to harmonize the timing

1 and contents of any such reports to the max-
2 imum extent practicable;

3 “(C) balance the need for situational
4 awareness with the ability of the covered entity
5 to conduct cyber incident response and inves-
6 tigation; and

7 “(D) provide a clear description of what
8 constitutes substantial new or different infor-
9 mation.

10 “(8) Procedures for—

11 “(A) entities, including third parties pur-
12 suant to subsection (d)(1), to submit reports re-
13 quired by paragraphs (1), (2), and (3) of sub-
14 section (a), including the manner and form
15 thereof, which shall include, at a minimum, a
16 concise, user-friendly web-based form;

17 “(B) the Agency to carry out—

18 “(i) the enforcement provisions of sec-
19 tion 2244, including with respect to the
20 issuance, service, withdrawal, referral proc-
21 ess, and enforcement of subpoenas, appeals
22 and due process procedures;

23 “(ii) other available enforcement
24 mechanisms including acquisition, suspen-
25 sion and debarment procedures; and

1 “(iii) other aspects of noncompliance;

2 “(C) implementing the exceptions provided
3 in subsection (a)(5); and

4 “(D) protecting privacy and civil liberties
5 consistent with processes adopted pursuant to
6 section 105(b) of the Cybersecurity Act of 2015
7 (6 U.S.C. 1504(b)) and anonymizing and safe-
8 guarding, or no longer retaining, information
9 received and disclosed through covered cyber in-
10 cident reports and ransom payment reports that
11 is known to be personal information of a spe-
12 cific individual or information that identifies a
13 specific individual that is not directly related to
14 a cybersecurity threat.

15 “(9) Other procedural measures directly nec-
16 essary to implement subsection (a).

17 “(d) THIRD PARTY REPORT SUBMISSION AND RAN-
18 SOM PAYMENT.—

19 “(1) REPORT SUBMISSION.—A covered entity
20 that is required to submit a covered cyber incident
21 report or a ransom payment report may use a third
22 party, such as an incident response company, insur-
23 ance provider, service provider, Information Sharing
24 and Analysis Organization, or law firm, to submit
25 the required report under subsection (a).

1 “(2) RANSOM PAYMENT.—If a covered entity
2 impacted by a ransomware attack uses a third party
3 to make a ransom payment, the third party shall not
4 be required to submit a ransom payment report for
5 itself under subsection (a)(2).

6 “(3) DUTY TO REPORT.—Third-party reporting
7 under this subparagraph does not relieve a covered
8 entity from the duty to comply with the require-
9 ments for covered cyber incident report or ransom
10 payment report submission.

11 “(4) RESPONSIBILITY TO ADVISE.—Any third
12 party used by a covered entity that knowingly makes
13 a ransom payment on behalf of a covered entity im-
14 pacted by a ransomware attack shall advise the im-
15 pacted covered entity of the responsibilities of the
16 impacted covered entity regarding reporting ransom
17 payments under this section.

18 “(e) OUTREACH TO COVERED ENTITIES.—

19 “(1) IN GENERAL.—The Agency shall conduct
20 an outreach and education campaign to inform likely
21 covered entities, entities that offer or advertise as a
22 service to customers to make or facilitate ransom
23 payments on behalf of covered entities impacted by
24 ransomware attacks and other appropriate entities

1 of the requirements of paragraphs (1), (2), and (3)
2 of subsection (a).

3 “(2) ELEMENTS.—The outreach and education
4 campaign under paragraph (1) shall include the fol-
5 lowing:

6 “(A) An overview of the final rule issued
7 pursuant to subsection (b).

8 “(B) An overview of mechanisms to submit
9 to the Agency covered cyber incident reports,
10 ransom payment reports, and information relat-
11 ing to the disclosure, retention, and use of cov-
12 ered cyber incident reports and ransom pay-
13 ment reports under this section.

14 “(C) An overview of the protections af-
15 farded to covered entities for complying with
16 the requirements under paragraphs (1), (2),
17 and (3) of subsection (a).

18 “(D) An overview of the steps taken under
19 section 2244 when a covered entity is not in
20 compliance with the reporting requirements
21 under subsection (a).

22 “(E) Specific outreach to cybersecurity
23 vendors, cyber incident response providers, cy-
24 bersecurity insurance entities, and other entities
25 that may support covered entities.

1 “(F) An overview of the privacy and civil
2 liberties requirements in this subtitle.

3 “(3) COORDINATION.—In conducting the out-
4 reach and education campaign required under para-
5 graph (1), the Agency may coordinate with—

6 “(A) the Critical Infrastructure Partner-
7 ship Advisory Council established under section
8 871;

9 “(B) Information Sharing and Analysis
10 Organizations;

11 “(C) trade associations;

12 “(D) information sharing and analysis cen-
13 ters;

14 “(E) sector coordinating councils; and

15 “(F) any other entity as determined appro-
16 priate by the Director.

17 “(f) EXEMPTION.—Sections 3506(c), 3507, 3508,
18 and 3509 of title 44, United States Code, shall not apply
19 to any action to carry out this section.

20 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall affect the authorities of the Federal Government
22 to implement the requirements of Executive Order 14028
23 (86 Fed. Reg. 26633; relating to improving the nation’s
24 cybersecurity), including changes to the Federal Acquisi-

1 tion Regulations and remedies to include suspension and
2 debarment.

3 “(h) SAVINGS PROVISION.—Nothing in this section
4 shall be construed to supersede or to abrogate, modify,
5 or otherwise limit the authority that is vested in any offi-
6 cer or any agency of the United States Government to reg-
7 ulate or take action with respect to the cybersecurity of
8 an entity.

9 **“SEC. 2243. VOLUNTARY REPORTING OF OTHER CYBER IN-**
10 **CIDENTS.**

11 “(a) IN GENERAL.—Entities may voluntarily report
12 cyber incidents or ransom payments to the Agency that
13 are not required under paragraph (1), (2), or (3) of sec-
14 tion 2242(a), but may enhance the situational awareness
15 of cyber threats.

16 “(b) VOLUNTARY PROVISION OF ADDITIONAL INFOR-
17 MATION IN REQUIRED REPORTS.—Covered entities may
18 voluntarily include in reports required under paragraph
19 (1), (2), or (3) of section 2242(a) information that is not
20 required to be included, but may enhance the situational
21 awareness of cyber threats.

22 “(c) APPLICATION OF PROTECTIONS.—The protec-
23 tions under section 2245 applicable to reports made under
24 section 2242 shall apply in the same manner and to the

1 same extent to reports and information submitted under
2 subsections (a) and (b).

3 **“SEC. 2244. NONCOMPLIANCE WITH REQUIRED REPORTING.**

4 “(a) PURPOSE.—In the event that a covered entity
5 that is required to submit a report under section 2242(a)
6 fails to comply with the requirement to report, the Direc-
7 tor may obtain information about the cyber incident or
8 ransom payment by engaging the covered entity directly
9 to request information about the cyber incident or ransom
10 payment, and if the Director is unable to obtain informa-
11 tion through such engagement, by issuing a subpoena to
12 the covered entity, pursuant to subsection (c), to gather
13 information sufficient to determine whether a covered
14 cyber incident or ransom payment has occurred.

15 “(b) INITIAL REQUEST FOR INFORMATION.—

16 “(1) IN GENERAL.—If the Director has reason
17 to believe, whether through public reporting or other
18 information in the possession of the Federal Govern-
19 ment, including through analysis performed pursu-
20 ant to paragraph (1) or (2) of section 2241(a), that
21 a covered entity has experienced a covered cyber in-
22 cident or made a ransom payment but failed to re-
23 port such cyber incident or payment to the Agency
24 in accordance with section 2242(a), the Director
25 may request additional information from the covered

1 entity to confirm whether or not a covered cyber in-
2 cident or ransom payment has occurred.

3 “(2) TREATMENT.—Information provided to the
4 Agency in response to a request under paragraph
5 (1) shall be treated as if it was submitted through
6 the reporting procedures established in section 2242.

7 “(c) ENFORCEMENT.—

8 “(1) IN GENERAL.—If, after the date that is 72
9 hours from the date on which the Director made the
10 request for information in subsection (b), the Direc-
11 tor has received no response from the covered entity
12 from which such information was requested, or re-
13 ceived an inadequate response, the Director may
14 issue to such covered entity a subpoena to compel
15 disclosure of information the Director deems nec-
16 essary to determine whether a covered cyber incident
17 or ransom payment has occurred and obtain the in-
18 formation required to be reported pursuant to sec-
19 tion 2242 and any implementing regulations, and as-
20 sess potential impacts to national security, economic
21 security, or public health and safety.

22 “(2) CIVIL ACTION.—

23 “(A) IN GENERAL.—If a covered entity
24 fails to comply with a subpoena, the Director
25 may refer the matter to the Attorney General

1 to bring a civil action in a district court of the
2 United States to enforce such subpoena.

3 “(B) VENUE.—An action under this para-
4 graph may be brought in the judicial district in
5 which the covered entity against which the ac-
6 tion is brought resides, is found, or does busi-
7 ness.

8 “(C) CONTEMPT OF COURT.—A court may
9 punish a failure to comply with a subpoena
10 issued under this subsection as contempt of
11 court.

12 “(3) NON-DELEGATION.—The authority of the
13 Director to issue a subpoena under this subsection
14 may not be delegated.

15 “(4) AUTHENTICATION.—

16 “(A) IN GENERAL.—Any subpoena issued
17 electronically pursuant to this subsection shall
18 be authenticated with a cryptographic digital
19 signature of an authorized representative of the
20 Agency, or other comparable successor tech-
21 nology, that allows the Agency to demonstrate
22 that such subpoena was issued by the Agency
23 and has not been altered or modified since such
24 issuance.

1 “(B) INVALID IF NOT AUTHENTICATED.—

2 Any subpoena issued electronically pursuant to
3 this subsection that is not authenticated in ac-
4 cordance with subparagraph (A) shall not be
5 considered to be valid by the recipient of such
6 subpoena.

7 “(d) PROVISION OF CERTAIN INFORMATION TO AT-
8 TORNEY GENERAL.—

9 “(1) IN GENERAL.—Notwithstanding section
10 2245(a)(5) and paragraph (b)(2) of this section, if
11 the Director determines, based on the information
12 provided in response to a subpoena issued pursuant
13 to subsection (c), that the facts relating to the cyber
14 incident or ransom payment at issue may constitute
15 grounds for a regulatory enforcement action or
16 criminal prosecution, the Director may provide such
17 information to the Attorney General or the head of
18 the appropriate Federal regulatory agency, who may
19 use such information for a regulatory enforcement
20 action or criminal prosecution.

21 “(2) CONSULTATION.—The Director may con-
22 sult with the Attorney General or the head of the
23 appropriate Federal regulatory agency when making
24 the determination under paragraph (1).

1 “(e) CONSIDERATIONS.—When determining whether
2 to exercise the authorities provided under this section, the
3 Director shall take into consideration—

4 “(1) the complexity in determining if a covered
5 cyber incident has occurred; and

6 “(2) prior interaction with the Agency or
7 awareness of the covered entity of the policies and
8 procedures of the Agency for reporting covered cyber
9 incidents and ransom payments.

10 “(f) EXCLUSIONS.—This section shall not apply to a
11 State, local, Tribal, or territorial government entity.

12 “(g) REPORT TO CONGRESS.—The Director shall
13 submit to Congress an annual report on the number of
14 times the Director—

15 “(1) issued an initial request for information
16 pursuant to subsection (b);

17 “(2) issued a subpoena pursuant to subsection
18 (c); or

19 “(3) referred a matter to the Attorney General
20 for a civil action pursuant to subsection (c)(2).

21 “(h) PUBLICATION OF THE ANNUAL REPORT.—The
22 Director shall publish a version of the annual report re-
23 quired under subsection (g) on the website of the Agency,
24 which shall include, at a minimum, the number of times
25 the Director—

1 “(1) issued an initial request for information
2 pursuant to subsection (b); or

3 “(2) issued a subpoena pursuant to subsection
4 (c).

5 “(i) ANONYMIZATION OF REPORTS.—The Director
6 shall ensure any victim information contained in a report
7 required to be published under subsection (h) be
8 anonymized before the report is published.

9 **“SEC. 2245. INFORMATION SHARED WITH OR PROVIDED TO**
10 **THE FEDERAL GOVERNMENT.**

11 “(a) DISCLOSURE, RETENTION, AND USE.—

12 “(1) AUTHORIZED ACTIVITIES.—Information
13 provided to the Agency pursuant to section 2242 or
14 2243 may be disclosed to, retained by, and used by,
15 consistent with otherwise applicable provisions of
16 Federal law, any Federal agency or department,
17 component, officer, employee, or agent of the Fed-
18 eral Government solely for—

19 “(A) a cybersecurity purpose;

20 “(B) the purpose of identifying—

21 “(i) a cyber threat, including the
22 source of the cyber threat; or

23 “(ii) a security vulnerability;

24 “(C) the purpose of responding to, or oth-
25 erwise preventing or mitigating, a specific

1 threat of death, a specific threat of serious bod-
2 ily harm, or a specific threat of serious eco-
3 nomic harm, including a terrorist act or use of
4 a weapon of mass destruction;

5 “(D) the purpose of responding to, inves-
6 tigating, prosecuting, or otherwise preventing or
7 mitigating, a serious threat to a minor, includ-
8 ing sexual exploitation and threats to physical
9 safety; or

10 “(E) the purpose of preventing, inves-
11 tigating, disrupting, or prosecuting an offense
12 arising out of a cyber incident reported pursu-
13 ant to section 2242 or 2243 or any of the of-
14 fenses listed in section 105(d)(5)(A)(v) of the
15 Cybersecurity Act of 2015 (6 U.S.C.
16 1504(d)(5)(A)(v)).

17 “(2) AGENCY ACTIONS AFTER RECEIPT.—

18 “(A) RAPID, CONFIDENTIAL SHARING OF
19 CYBER THREAT INDICATORS.—Upon receiving a
20 covered cyber incident or ransom payment re-
21 port submitted pursuant to this section, the
22 Agency shall immediately review the report to
23 determine whether the cyber incident that is the
24 subject of the report is connected to an ongoing
25 cyber threat or security vulnerability and where

1 applicable, use such report to identify, develop,
2 and rapidly disseminate to appropriate stake-
3 holders actionable, anonymized cyber threat in-
4 dicators and defensive measures.

5 “(B) PRINCIPLES FOR SHARING SECURITY
6 VULNERABILITIES.—With respect to informa-
7 tion in a covered cyber incident or ransom pay-
8 ment report regarding a security vulnerability
9 referred to in paragraph (1)(B)(ii), the Director
10 shall develop principles that govern the timing
11 and manner in which information relating to se-
12 curity vulnerabilities may be shared, consistent
13 with common industry best practices and
14 United States and international standards.

15 “(3) PRIVACY AND CIVIL LIBERTIES.—Informa-
16 tion contained in covered cyber incident and ransom
17 payment reports submitted to the Agency pursuant
18 to section 2242 shall be retained, used, and dissemi-
19 nated, where permissible and appropriate, by the
20 Federal Government in accordance with processes to
21 be developed for the protection of personal informa-
22 tion consistent with processes adopted pursuant to
23 section 105 of the Cybersecurity Act of 2015 (6
24 U.S.C. 1504) and in a manner that protects per-

1 sonal information from unauthorized use or unau-
2 thorized disclosure.

3 “(4) DIGITAL SECURITY.—The Agency shall en-
4 sure that reports submitted to the Agency pursuant
5 to section 2242, and any information contained in
6 those reports, are collected, stored, and protected at
7 a minimum in accordance with the requirements for
8 moderate impact Federal information systems, as
9 described in Federal Information Processing Stand-
10 ards Publication 199, or any successor document.

11 “(5) PROHIBITION ON USE OF INFORMATION IN
12 REGULATORY ACTIONS.—

13 “(A) IN GENERAL.—A Federal, State,
14 local, or Tribal government shall not use infor-
15 mation about a covered cyber incident or ran-
16 som payment obtained solely through reporting
17 directly to the Agency in accordance with this
18 subtitle to regulate, including through an en-
19 forcement action, the activities of the covered
20 entity or entity that made a ransom payment,
21 unless the government entity expressly allows
22 entities to submit reports to the Agency to meet
23 regulatory reporting obligations of the entity.

24 “(B) CLARIFICATION.—A report submitted
25 to the Agency pursuant to section 2242 or 2243

1 may, consistent with Federal or State regu-
2 latory authority specifically relating to the pre-
3 vention and mitigation of cybersecurity threats
4 to information systems, inform the development
5 or implementation of regulations relating to
6 such systems.

7 “(b) PROTECTIONS FOR REPORTING ENTITIES AND
8 INFORMATION.—Reports describing covered cyber inci-
9 dents or ransom payments submitted to the Agency by en-
10 tities in accordance with section 2242, as well as volun-
11 tarily-submitted cyber incident reports submitted to the
12 Agency pursuant to section 2243, shall—

13 “(1) be considered the commercial, financial,
14 and proprietary information of the covered entity
15 when so designated by the covered entity;

16 “(2) be exempt from disclosure under section
17 552(b)(3) of title 5, United States Code (commonly
18 known as the ‘Freedom of Information Act’), as well
19 as any provision of State, Tribal, or local freedom of
20 information law, open government law, open meet-
21 ings law, open records law, sunshine law, or similar
22 law requiring disclosure of information or records;

23 “(3) be considered not to constitute a waiver of
24 any applicable privilege or protection provided by
25 law, including trade secret protection; and

1 “(4) not be subject to a rule of any Federal
2 agency or department or any judicial doctrine re-
3 garding ex parte communications with a decision-
4 making official.

5 “(c) LIABILITY PROTECTIONS.—

6 “(1) IN GENERAL.—No cause of action shall lie
7 or be maintained in any court by any person or enti-
8 ty and any such action shall be promptly dismissed
9 for the submission of a report pursuant to section
10 2242(a) that is submitted in conformance with this
11 subtitle and the rule promulgated under section
12 2242(b), except that this subsection shall not apply
13 with regard to an action by the Federal Government
14 pursuant to section 2244(c)(2).

15 “(2) SCOPE.—The liability protections provided
16 in this subsection shall only apply to or affect litiga-
17 tion that is solely based on the submission of a cov-
18 ered cyber incident report or ransom payment report
19 to the Agency.

20 “(3) RESTRICTIONS.—Notwithstanding para-
21 graph (2), no report submitted to the Agency pursu-
22 ant to this subtitle or any communication, document,
23 material, or other record, created for the sole pur-
24 pose of preparing, drafting, or submitting such re-
25 port, may be received in evidence, subject to dis-

1 covery, or otherwise used in any trial, hearing, or
2 other proceeding in or before any court, regulatory
3 body, or other authority of the United States, a
4 State, or a political subdivision thereof, provided
5 that nothing in this subtitle shall create a defense to
6 discovery or otherwise affect the discovery of any
7 communication, document, material, or other record
8 not created for the sole purpose of preparing, draft-
9 ing, or submitting such report.

10 “(d) SHARING WITH NON-FEDERAL ENTITIES.—
11 The Agency shall anonymize the victim who reported the
12 information when making information provided in reports
13 received under section 2242 available to critical infrastruc-
14 ture owners and operators and the general public.

15 “(e) STORED COMMUNICATIONS ACT.—Nothing in
16 this subtitle shall be construed to permit or require disclo-
17 sure by a provider of a remote computing service or a pro-
18 vider of an electronic communication service to the public
19 of information not otherwise permitted or required to be
20 disclosed under chapter 121 of title 18, United States
21 Code (commonly known as the ‘Stored Communications
22 Act’).

23 **“SEC. 2246. CYBER INCIDENT REPORTING COUNCIL.**

24 “(a) RESPONSIBILITY OF THE SECRETARY.—The
25 Secretary shall lead an intergovernmental Cyber Incident

1 Reporting Council, in consultation with the Director of the
2 Office of Management and Budget, the Attorney General,
3 the National Cyber Director, Sector Risk Management
4 Agencies, and other appropriate Federal agencies, to co-
5 ordinate, deconflict, and harmonize Federal incident re-
6 porting requirements, including those issued through reg-
7 ulations.

8 “(b) RULE OF CONSTRUCTION.—Nothing in sub-
9 section (a) shall be construed to provide any additional
10 regulatory authority to any Federal entity.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 The table of contents in section 1(b) of the Homeland Se-
13 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)
14 is amended by inserting after the items relating to subtitle
15 C of title XXII the following:

“Subtitle D—Cyber Incident Reporting

“Sec. 2240. Definitions.

“Sec. 2241. Cyber Incident Review.

“Sec. 2242. Required reporting of certain cyber incidents.

“Sec. 2243. Voluntary reporting of other cyber incidents.

“Sec. 2244. Noncompliance with required reporting.

“Sec. 2245. Information shared with or provided to the Federal Government.

“Sec. 2246. Cyber Incident Reporting Council.”.

16 **SEC. 104. FEDERAL SHARING OF INCIDENT REPORTS.**

17 (a) CYBER INCIDENT REPORTING SHARING.—

18 (1) IN GENERAL.—Notwithstanding any other
19 provision of law or regulation, any Federal agency,
20 including any independent establishment (as defined
21 in section 104 of title 5, United States Code), that

1 receives a report from an entity of a cyber incident,
2 including a ransomware attack, shall provide the re-
3 port to the Agency as soon as possible, but not later
4 than 24 hours after receiving the report, unless a
5 shorter period is required by an agreement made be-
6 tween the Department of Homeland Security (in-
7 cluding the Cybersecurity and Infrastructure Secu-
8 rity Agency) and the recipient Federal agency. The
9 Director shall share and coordinate each report pur-
10 suant to section 2241(b) of the Homeland Security
11 Act of 2002, as added by section 103 of this divi-
12 sion.

13 (2) RULE OF CONSTRUCTION.—The require-
14 ments described in paragraph (1) and section
15 2245(d) of the Homeland Security Act of 2002, as
16 added by section 103 of this division, may not be
17 construed to be a violation of any provision of law
18 or policy that would otherwise prohibit disclosure or
19 provision of information within the executive branch.

20 (3) PROTECTION OF INFORMATION.—The Di-
21 rector shall comply with any obligations of the re-
22 cipient Federal agency described in paragraph (1) to
23 protect information, including with respect to pri-
24 vacy, confidentiality, or information security, if those
25 obligations would impose greater protection require-

1 ments than this division or the amendments made by
2 this division.

3 (4) EFFECTIVE DATE.—This subsection shall
4 take effect on the effective date of the final rule
5 issued pursuant to section 2242(b) of the Homeland
6 Security Act of 2002, as added by section 103 of
7 this division.

8 (5) AGENCY AGREEMENTS.—

9 (A) IN GENERAL.—The Agency and any
10 Federal agency, including any independent es-
11 tablishment (as defined in section 104 of title
12 5, United States Code), that receives incident
13 reports from entities, including due to
14 ransomware attacks, shall, as appropriate, enter
15 into a documented agreement to establish poli-
16 cies, processes, procedures, and mechanisms to
17 ensure reports are shared with the Agency pur-
18 suant to paragraph (1).

19 (B) AVAILABILITY.—To the maximum ex-
20 tent practicable, each documented agreement
21 required under subparagraph (A) shall be made
22 publicly available.

23 (C) REQUIREMENT.—The documented
24 agreements required by subparagraph (A) shall
25 require reports be shared from Federal agencies

1 with the Agency in such time as to meet the
2 overall timeline for covered entity reporting of
3 covered cyber incidents and ransom payments
4 established in section 2242 of the Homeland
5 Security Act of 2002, as added by section 103
6 of this division.

7 (b) HARMONIZING REPORTING REQUIREMENTS.—
8 The Secretary of Homeland Security, acting through the
9 Director, shall, in consultation with the Cyber Incident
10 Reporting Council described in section 2246 of the Home-
11 land Security Act of 2002, as added by section 103 of
12 this division, to the maximum extent practicable—

13 (1) periodically review existing regulatory re-
14 quirements, including the information required in
15 such reports, to report incidents and ensure that any
16 such reporting requirements and procedures avoid
17 conflicting, duplicative, or burdensome requirements;
18 and

19 (2) coordinate with appropriate Federal part-
20 ners and regulatory authorities that receive reports
21 relating to incidents to identify opportunities to
22 streamline reporting processes, and where feasible,
23 facilitate interagency agreements between such au-
24 thorities to permit the sharing of such reports, con-
25 sistent with applicable law and policy, without im-

1 pacting the ability of the Agency to gain timely situ-
2 ational awareness of a covered cyber incident or ran-
3 som payment.

4 **SEC. 105. RANSOMWARE VULNERABILITY WARNING PILOT**
5 **PROGRAM.**

6 (a) PROGRAM.—Not later than 1 year after the date
7 of enactment of this Act, the Director shall establish a
8 ransomware vulnerability warning pilot program to lever-
9 age existing authorities and technology to specifically de-
10 velop processes and procedures for, and to dedicate re-
11 sources to, identifying information systems that contain
12 security vulnerabilities associated with common
13 ransomware attacks, and to notify the owners of those vul-
14 nerable systems of their security vulnerability.

15 (b) IDENTIFICATION OF VULNERABLE SYSTEMS.—
16 The pilot program established under subsection (a) shall—

17 (1) identify the most common security
18 vulnerabilities utilized in ransomware attacks and
19 mitigation techniques; and

20 (2) utilize existing authorities to identify infor-
21 mation systems that contain the security
22 vulnerabilities identified in paragraph (1).

23 (c) ENTITY NOTIFICATION.—

24 (1) IDENTIFICATION.—If the Director is able to
25 identify the entity at risk that owns or operates a

1 vulnerable information system identified in sub-
2 section (b), the Director may notify the owner of the
3 information system.

4 (2) NO IDENTIFICATION.—If the Director is not
5 able to identify the entity at risk that owns or oper-
6 ates a vulnerable information system identified in
7 subsection (b), the Director may utilize the subpoena
8 authority pursuant to section 2209 of the Homeland
9 Security Act of 2002 (6 U.S.C. 659) to identify and
10 notify the entity at risk pursuant to the procedures
11 under that section.

12 (3) REQUIRED INFORMATION.—A notification
13 made under paragraph (1) shall include information
14 on the identified security vulnerability and mitiga-
15 tion techniques.

16 (d) PRIORITIZATION OF NOTIFICATIONS.—To the ex-
17 tent practicable, the Director shall prioritize covered enti-
18 ties for identification and notification activities under the
19 pilot program established under this section.

20 (e) LIMITATION ON PROCEDURES.—No procedure,
21 notification, or other authorities utilized in the execution
22 of the pilot program established under subsection (a) shall
23 require an owner or operator of a vulnerable information
24 system to take any action as a result of a notice of a secu-
25 rity vulnerability made pursuant to subsection (c).

1 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to provide additional authorities
3 to the Director to identify vulnerabilities or vulnerable sys-
4 tems.

5 (g) TERMINATION.—The pilot program established
6 under subsection (a) shall terminate on the date that is
7 4 years after the date of enactment of this Act.

8 **SEC. 106. RANSOMWARE THREAT MITIGATION ACTIVITIES.**

9 (a) JOINT RANSOMWARE TASK FORCE.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of enactment of this Act, the Director,
12 in consultation with the National Cyber Director,
13 the Attorney General, and the Director of the Fed-
14 eral Bureau of Investigation, shall establish and
15 chair the Joint Ransomware Task Force to coordi-
16 nate an ongoing nationwide campaign against
17 ransomware attacks, and identify and pursue oppor-
18 tunities for international cooperation.

19 (2) COMPOSITION.—The Joint Ransomware
20 Task Force shall consist of participants from Fed-
21 eral agencies, as determined appropriate by the Na-
22 tional Cyber Director in consultation with the Sec-
23 retary of Homeland Security.

24 (3) RESPONSIBILITIES.—The Joint
25 Ransomware Task Force, utilizing only existing au-

1 thorities of each participating Federal agency, shall
2 coordinate across the Federal Government the fol-
3 lowing activities:

4 (A) Prioritization of intelligence-driven op-
5 erations to disrupt specific ransomware actors.

6 (B) Consult with relevant private sector,
7 State, local, Tribal, and territorial governments
8 and international stakeholders to identify needs
9 and establish mechanisms for providing input
10 into the Joint Ransomware Task Force.

11 (C) Identifying, in consultation with rel-
12 evant entities, a list of highest threat
13 ransomware entities updated on an ongoing
14 basis, in order to facilitate—

15 (i) prioritization for Federal action by
16 appropriate Federal agencies; and

17 (ii) identify metrics for success of said
18 actions.

19 (D) Disrupting ransomware criminal ac-
20 tors, associated infrastructure, and their fi-
21 nances.

22 (E) Facilitating coordination and collabo-
23 ration between Federal entities and relevant en-
24 tities, including the private sector, to improve
25 Federal actions against ransomware threats.

1 (F) Collection, sharing, and analysis of
2 ransomware trends to inform Federal actions.

3 (G) Creation of after-action reports and
4 other lessons learned from Federal actions that
5 identify successes and failures to improve sub-
6 sequent actions.

7 (H) Any other activities determined appro-
8 priate by the Joint Ransomware Task Force to
9 mitigate the threat of ransomware attacks.

10 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be construed to provide any additional authority
12 to any Federal agency.

13 **SEC. 107. CONGRESSIONAL REPORTING.**

14 (a) REPORT ON STAKEHOLDER ENGAGEMENT.—Not
15 later than 30 days after the date on which the Director
16 issues the final rule under section 2242(b) of the Home-
17 land Security Act of 2002, as added by section 103 of
18 this division, the Director shall submit to the Committee
19 on Homeland Security and Governmental Affairs of the
20 Senate and the Committee on Homeland Security of the
21 House of Representatives a report that describes how the
22 Director engaged stakeholders in the development of the
23 final rule.

24 (b) REPORT ON OPPORTUNITIES TO STRENGTHEN
25 SECURITY RESEARCH.—Not later than 1 year after the

1 date of enactment of this Act, the Director shall submit
2 to the Committee on Homeland Security and Govern-
3 mental Affairs of the Senate and the Committee on Home-
4 land Security of the House of Representatives a report de-
5 scribing how the National Cybersecurity and Communica-
6 tions Integration Center established under section 2209
7 of the Homeland Security Act of 2002 (6 U.S.C. 659) has
8 carried out activities under section 2241(a)(9) of the
9 Homeland Security Act of 2002, as added by section 103
10 of this division, by proactively identifying opportunities to
11 use cyber incident data to inform and enable cybersecurity
12 research within the academic and private sector.

13 (c) REPORT ON RANSOMWARE VULNERABILITY
14 WARNING PILOT PROGRAM.—Not later than 1 year after
15 the date of enactment of this Act, and annually thereafter
16 for the duration of the pilot program established under
17 section 105, the Director shall submit to the Committee
18 on Homeland Security and Governmental Affairs of the
19 Senate and the Committee on Homeland Security of the
20 House of Representatives a report, which may include a
21 classified annex, on the effectiveness of the pilot program,
22 which shall include a discussion of the following:

23 (1) The effectiveness of the notifications under
24 section 105(c) in mitigating security vulnerabilities
25 and the threat of ransomware.

1 (2) Identification of the most common
2 vulnerabilities utilized in ransomware.

3 (3) The number of notifications issued during
4 the preceding year.

5 (4) To the extent practicable, the number of
6 vulnerable devices or systems mitigated under the
7 pilot program by the Agency during the preceding
8 year.

9 (d) REPORT ON HARMONIZATION OF REPORTING
10 REGULATIONS.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date on which the Secretary of Homeland
13 Security convenes the Cyber Incident Reporting
14 Council described in section 2246 of the Homeland
15 Security Act of 2002, as added by section 103 of
16 this division, the Secretary of Homeland Security
17 shall submit to the appropriate congressional com-
18 mittees a report that includes—

19 (A) a list of duplicative Federal cyber inci-
20 dent reporting requirements on covered entities;

21 (B) a description of any challenges in har-
22 monizing the duplicative reporting require-
23 ments;

1 (C) any actions the Director intends to
2 take to facilitate harmonizing the duplicative
3 reporting requirements; and

4 (D) any proposed legislative changes nec-
5 essary to address the duplicative reporting.

6 (2) RULE OF CONSTRUCTION.—Nothing in
7 paragraph (1) shall be construed to provide any ad-
8 ditional regulatory authority to any Federal agency.

9 (e) GAO REPORTS.—

10 (1) IMPLEMENTATION OF THIS DIVISION.—Not
11 later than 2 years after the date of enactment of
12 this Act, the Comptroller General of the United
13 States shall submit to the Committee on Homeland
14 Security and Governmental Affairs of the Senate
15 and the Committee on Homeland Security of the
16 House of Representatives a report on the implemen-
17 tation of this division and the amendments made by
18 this division.

19 (2) EXEMPTIONS TO REPORTING.—Not later
20 than 1 year after the date on which the Director
21 issues the final rule required under section 2242(b)
22 of the Homeland Security Act of 2002, as added by
23 section 103 of this division, the Comptroller General
24 of the United States shall submit to the Committee
25 on Homeland Security and Governmental Affairs of

1 the Senate and the Committee on Homeland Secu-
2 rity of the House of Representatives a report on the
3 exemptions to reporting under paragraphs (2) and
4 (5) of section 2242(a) of the Homeland Security Act
5 of 2002, as added by section 103 of this division,
6 which shall include—

7 (A) to the extent practicable, an evaluation
8 of the quantity of cyber incidents not reported
9 to the Federal Government;

10 (B) an evaluation of the impact on im-
11 pacted entities, homeland security, and the na-
12 tional economy due to cyber incidents,
13 ransomware attacks, and ransom payments, in-
14 cluding a discussion on the scope of impact of
15 cyber incidents that were not reported to the
16 Federal Government;

17 (C) an evaluation of the burden, financial
18 and otherwise, on entities required to report
19 cyber incidents under this division, including an
20 analysis of entities that meet the definition of
21 a small business concern under section 3 of the
22 Small Business Act (15 U.S.C. 632); and

23 (D) a description of the consequences and
24 effects of limiting covered cyber incident and

1 ransom payment reporting to only covered enti-
2 ties.

3 (f) REPORT ON EFFECTIVENESS OF ENFORCEMENT
4 MECHANISMS.—Not later than 1 year after the date on
5 which the Director issues the final rule required under sec-
6 tion 2242(b) of the Homeland Security Act of 2002, as
7 added by section 103 of this division, the Director shall
8 submit to the Committee on Homeland Security and Gov-
9 ernmental Affairs of the Senate and the Committee on
10 Homeland Security of the House of Representatives a re-
11 port on the effectiveness of the enforcement mechanisms
12 within section 2244 of the Homeland Security Act of
13 2002, as added by section 103 of this division.

14 **DIVISION Z—ISRAEL RELATIONS**
15 **NORMALIZATION ACT OF 2022**

16 **SEC. 101. SHORT TITLE.**

17 This division may be cited as the “Israel Relations
18 Normalization Act of 2022”.

19 **SEC. 102. FINDINGS.**

20 Congress makes the following findings:

21 (1) Support for peace between Israel and its
22 neighbors has longstanding bipartisan support in
23 Congress.

24 (2) For decades, Congress has promoted
25 Israel’s acceptance among Arab and other relevant

1 countries and regions by passing numerous laws op-
2 posing efforts to boycott, isolate, and stigmatize
3 America's ally, Israel.

4 (3) The recent peace and normalization agree-
5 ments between Israel and several Arab states—the
6 United Arab Emirates, Bahrain, Sudan, and Mo-
7 rocco—have the potential to fundamentally trans-
8 form the security, diplomatic, and economic environ-
9 ment in the Middle East and North Africa and ad-
10 vance vital United States national security interests.

11 (4) These historic agreements could help ad-
12 vance peace between and among Israel, the Arab
13 states, and other relevant countries and regions, fur-
14 ther diplomatic openings, and enhance efforts to-
15 wards a negotiated solution to the Israeli-Palestinian
16 conflict resulting in two states—a democratic Jewish
17 state of Israel and a viable, democratic Palestinian
18 state—living side by side in peace, security, and mu-
19 tual recognition.

20 (5) These agreements build upon the decades-
21 long leadership of the United States Government in
22 helping Israel broker peace treaties with Egypt and
23 Jordan and promoting peace talks between Israel
24 and Syria, Lebanon, and the Palestinians.

1 (6) These agreements also build on decades of
2 private diplomatic and security engagement between
3 Israel and countries in the region.

4 (7) These normalization and peace agreements
5 could begin to transform the region by spurring eco-
6 nomic growth, investment, and tourism, enhancing
7 technological innovation, promoting security coopera-
8 tion, bolstering water security and sustainable devel-
9 opment, advancing understanding, and forging closer
10 people-to-people relations.

11 **SEC. 103. APPROPRIATE CONGRESSIONAL COMMITTEES**
12 **DEFINED.**

13 In this division, the term “appropriate congressional
14 committees” means the Committee on Foreign Relations
15 of the Senate and the Committee on Foreign Affairs of
16 the House of Representatives.

17 **SEC. 104. STATEMENT OF POLICY.**

18 It is the policy of the United States—

19 (1) to expand and strengthen the Abraham Ac-
20 cords to encourage other nations to normalize rela-
21 tions with Israel and ensure that existing agree-
22 ments reap tangible security and economic benefits
23 for the citizens of those countries;

24 (2) to develop and implement a regional strat-
25 egy to encourage economic cooperation between and

1 among Israel, Arab states, and the Palestinians to
2 enhance the prospects for peace, respect for human
3 rights, transparent governance, and for cooperation
4 to address water scarcity, climate solutions, health
5 care, sustainable development, and other areas that
6 result in benefits for residents of those countries and
7 regions;

8 (3) to develop and implement a regional secu-
9 rity strategy that recognizes the shared threat posed
10 by Iran and violent extremist organizations, ensures
11 sufficient United States deterrence in the region,
12 builds partner capacity to address shared threats,
13 and explores multilateral security arrangements built
14 around like-minded partners;

15 (4) to support and encourage government-to-
16 government and grassroots initiatives aimed at nor-
17 malizing ties with the state of Israel and promoting
18 people-to-people contact between Israelis, Arabs, and
19 residents of other relevant countries and regions, in-
20 cluding by expanding and enhancing the Abraham
21 Accords;

22 (5) to support a negotiated solution to the
23 Israeli-Palestinian conflict resulting in two states liv-
24 ing side by side in peace, security, and mutual rec-
25 ognition;

1 (6) to implement the Nita M. Lowey Middle
2 East Partnership for Peace Act (title VIII of divi-
3 sion K of Public Law 116–260), which will support
4 economic development and peacebuilding efforts
5 among Israelis and Palestinians, in a manner which
6 encourages regional allies to become international
7 donors to these efforts;

8 (7) to oppose efforts to delegitimize the state of
9 Israel and legal barriers to normalization with
10 Israel; and

11 (8) to work to combat anti-Semitism and sup-
12 port normalization with Israel, including by coun-
13 tering anti-Semitic narratives on social media and
14 state media and pressing for curricula reform in
15 education.

16 **SEC. 105. UNITED STATES STRATEGY TO STRENGTHEN AND**
17 **EXPAND THE ABRAHAM ACCORDS AND**
18 **OTHER RELATED NORMALIZATION AGREE-**
19 **MENTS WITH ISRAEL.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of the enactment of this Act, and annually thereafter,
22 the Secretary of State, in consultation with the Adminis-
23 trator of the United States Agency for International De-
24 velopment and the heads of other appropriate Federal de-
25 partments and agencies, shall develop and submit to the

1 appropriate congressional committees a strategy on ex-
2 panding and strengthening the Abraham Accords.

3 (b) ELEMENTS.—The strategy required under sub-
4 section (a) shall include the following elements:

5 (1) An assessment of future staffing and
6 resourcing requirements of entities within the De-
7 partment of State, the United States Agency for
8 International Development, and other appropriate
9 Federal departments and agencies with responsi-
10 bility to coordinate United States efforts to expand
11 and strengthen the Abraham Accords.

12 (2) An assessment of opportunities to further
13 promote bilateral and multilateral cooperation be-
14 tween Israel, Arab states, and other relevant coun-
15 tries and in the economic, social, cultural, scientific,
16 technical, educational, and health fields and an as-
17 sessment of roadblocks to increased cooperation.

18 (3) An assessment of bilateral and multilateral
19 security cooperation between Israel, the United
20 States, Arab states, and other relevant countries and
21 regions that have normalized relations with Israel,
22 including an assessment of potential roadblocks to
23 increased security cooperation, interoperability, and
24 information sharing.

1 (4) An assessment of the likelihood of addi-
2 tional Arab and other relevant countries and regions
3 to normalize relations with Israel.

4 (5) An assessment of opportunities created by
5 normalization agreements with Israel to advance
6 prospects for peace between Israelis and Palestinians

7 (6) A detailed description of how the United
8 States Government will leverage diplomatic lines of
9 effort and resources from other stakeholders (includ-
10 ing from foreign governments, international donors,
11 and multilateral institutions) to encourage normal-
12 ization, economic development, and people-to-people
13 programming.

14 (7) Identification of existing investment funds
15 that support Israel-Arab state cooperation and rec-
16 ommendations for how such funds could be used to
17 support normalization and increase prosperity for all
18 relevant stakeholders.

19 (8) A proposal for how the United States Gov-
20 ernment and others can utilize the scholars and Ara-
21 bic language resources of the United States Holo-
22 caust Museum to counter Holocaust denial and anti-
23 Semitism.

24 (9) An assessment for creating an Abrahamic
25 Center for Pluralism to prepare educational mate-

1 rials, convene international seminars, promote toler-
2 ance and pluralism, and bring together scholars as
3 a means of advancing religious tolerance and coun-
4 tering political and religious extremism.

5 (10) Recommendations to improve Department
6 of State cooperation and coordination, particularly
7 between the Special Envoy to Monitor Anti-Semitism
8 and the Ambassador at Large for International Reli-
9 gious Freedom, and the Office of International Reli-
10 gious Freedom, to combat racism, xenophobia,
11 Islamophobia, and anti-Semitism, which hinder im-
12 provement of relations between Israel, Arab states,
13 and other relevant countries and regions.

14 (11) An assessment on the value and feasibility
15 of Federal support for inter-parliamentary exchange
16 programs for Members of Congress, Knesset, and
17 parliamentarians from Arab and other relevant
18 countries and regions, including through existing
19 Federal programs that support such exchanges.

20 (c) FORM.—The report required under subsection (a)
21 shall be in unclassified form but may contain a classified
22 annex.

1 **SEC. 106. BREAKING DOWN BARRIERS TO NORMALIZATION**
2 **WITH ISRAEL.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Strengthening Reporting of Actions Taken Against the
5 Normalization of Relations with Israel Act of 2022”.

6 (b) **FINDINGS.**—Congress makes the following find-
7 ings:

8 (1) The Arab League, an organization com-
9 prising 22 Middle Eastern and African countries
10 and entities, has maintained an official boycott of
11 Israeli companies and Israeli-made goods since the
12 founding of Israel in 1948.

13 (2) Longstanding United States policy has en-
14 couraged Arab League states to normalize their rela-
15 tions with Israel and has long prioritized funding co-
16 operative programs that promote normalization be-
17 tween Arab League States and Israel, including the
18 Middle East Regional Cooperation program, which
19 promotes Arab-Israeli scientific cooperation.

20 (3) While some Arab League governments are
21 signaling enhanced cooperation with the state of
22 Israel on the government-to-government level, most
23 continue to persecute their own citizens who estab-
24 lish people-to-people relations with Israelis in non-
25 governmental fora, through a combination of judicial
26 and extrajudicial retribution.

1 (4) Some Arab League states maintain draco-
2 nian anti-normalization laws that punish their citi-
3 zens for people-to-people relations with Israelis, with
4 punishments, including imprisonment, revocation of
5 citizenship, and execution. Extrajudicial punish-
6 ments by these and other Arab states include sum-
7 mary imprisonment, accusations of “treason” in gov-
8 ernment-controlled media, and professional black-
9 listing.

10 (5) Anti-normalization laws, together with the
11 other forms of retribution, effectively condemn these
12 societies to mutual estrangement and, by extension,
13 reduce the possibility of conciliation and com-
14 promise.

15 (6) Former Israeli President Shimon Peres said
16 in 2008 at the United Nations that Israel agrees
17 with the Arab Peace Initiative that a military solu-
18 tion to the conflict “will not achieve peace or provide
19 security for the parties”.

20 (7) Despite the risk of retaliatory action, a ris-
21 ing tide of Arab civic actors advocate direct engage-
22 ment with Israeli citizens and residents. These in-
23 clude the Arab Council for Regional Integration, a
24 group of 32 public figures from 15 Arab countries
25 who oppose the boycott of Israel on the grounds that

1 the boycott has denied Arabs the benefits of partner-
2 ship with Israelis, has blocked Arabs from helping to
3 bridge the Israeli-Palestinian divide, and inspired di-
4 visive intra-Arab boycotts among diverse sects and
5 ethnic groups.

6 (8) On February 11, 2020, a delegation of the
7 Arab Council to the French National Assembly in
8 Paris testified to the harmful effects of “anti-nor-
9 malization laws”, called on the Assembly to enact a
10 law instructing the relevant French authorities to
11 issue an annual report on instances of Arab govern-
12 ment retribution for any of their citizens or resi-
13 dents who call for peace with Israel or engage in di-
14 rect civil relations with Israeli citizens, and re-
15 quested democratic legislatures to help defend the
16 region’s civil peacemakers.

17 (9) On May 11, 2020, 85 leaders in France
18 published an endorsement of the Arab Council’s pro-
19 posal, calling on France and other democratic gov-
20 ernments to “protect Arabs who engage in dialogue
21 with Israeli citizens” and proposing “the creation of
22 a study group in the National Assembly as well as
23 in the Senate whose mission would be to ensure a
24 legal and technical monitoring of the obstacles which
25 Arab proponents of dialogue with Israelis face”.

1 (10) Arab-Israeli cooperation provides signifi-
2 cant symbiotic benefit to the security and economic
3 prosperity of the region.

4 (c) ADDITIONAL REPORTING.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this Act, and annually
7 thereafter for 5 years, the Secretary of State shall
8 submit to the appropriate congressional committees
9 a report on the status of efforts to promote normal-
10 ization of relations with Israel and other countries .

11 (2) ELEMENTS.—The report required under
12 paragraph (1) shall include the following informa-
13 tion:

14 (A) The status of “anti-normalization
15 laws” in countries comprising the Arab League,
16 including efforts within each country to sharpen
17 existing laws, enact new or additional “anti-nor-
18 malization legislation”, or repeal such laws.

19 (B) Instances of the use of state-owned or
20 state-operated media outlets to promote anti-
21 Semitic propaganda, the prosecution of citizens
22 or residents of Arab countries for calling for
23 peace with Israel, visiting the state of Israel, or
24 engaging Israeli citizens in any way.

1 (C) Instances of extrajudicial retribution
2 by Arab governments or government-controlled
3 institutions against citizens or residents of Arab
4 countries for any of the same actions referred
5 to in subparagraph (B).

6 **SEC. 107. SUNSET.**

7 This division shall cease to be effective on the date
8 that is 5 years after the date of the enactment of this
9 Act.

10 **DIVISION AA—TRANS-SAHARA**
11 **COUNTERTERRORISM PART-**
12 **nership PROGRAM**

13 **SEC. 101. SHORT TITLE.**

14 This division may be cited as the Trans-Sahara
15 Counterterrorism Partnership Program Act of 2022.

16 **SEC. 102. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) terrorist and violent extremist organiza-
19 tions, such as Al Qaeda in the Islamic Maghreb,
20 Boko Haram, the Islamic State of West Africa, and
21 other affiliated groups, have killed tens of thousands
22 of innocent civilians, displaced populations, desta-
23 bilized local and national governments, and caused
24 mass human suffering in the affected communities;

1 (2) poor governance, political and economic
2 marginalization, and lack of accountability for
3 human rights abuses by security forces are drivers
4 of extremism;

5 (3) it is in the national security interest of the
6 United States—

7 (A) to combat the spread of terrorism and
8 violent extremism; and

9 (B) to build the capacity of partner coun-
10 tries to combat such threats in Africa;

11 (4) terrorist and violent extremist organizations
12 exploit vulnerable and marginalized communities
13 suffering from poverty, lack of economic opportunity
14 (particularly among youth populations), corruption,
15 and weak governance; and

16 (5) a comprehensive, coordinated, interagency
17 approach is needed to develop an effective strategy—

18 (A) to address the security challenges in
19 the Sahel-Maghreb;

20 (B) to appropriately allocate resources and
21 de-conflict programs; and

22 (C) to maximize the effectiveness of United
23 States defense, diplomatic, and development ca-
24 pabilities.

1 **SEC. 103. STATEMENT OF POLICY.**

2 It is the policy of the United States to assist coun-
3 tries in North Africa and West Africa, and other allies
4 and partners that are active in those regions, in combating
5 terrorism and violent extremism through a coordinated,
6 interagency approach with a consistent strategy that ap-
7 propriately balances security activities with diplomatic and
8 development efforts to address the political, socioeconomic,
9 governance, and development challenges in North Africa
10 and West Africa that contribute to terrorism and violent
11 extremism.

12 **SEC. 104. TRANS-SAHARA COUNTERTERRORISM PARTNER-**
13 **SHIP PROGRAM.**

14 (a) APPROPRIATE CONGRESSIONAL COMMITTEES
15 DEFINED.—In this section, the term “appropriate con-
16 gressional committees” means—

17 (1) the Committee on Foreign Relations of the
18 Senate;

19 (2) the Committee on Armed Services of the
20 Senate;

21 (3) the Committee on Appropriations of the
22 Senate;

23 (4) the Select Committee on Intelligence of the
24 Senate;

25 (5) the Committee on Foreign Affairs of the
26 House of Representatives;

1 (6) the Committee on Armed Services of the
2 House of Representatives;

3 (7) the Committee on Appropriations of the
4 House of Representatives; and

5 (8) the Permanent Select Committee on Intel-
6 ligence of the House of Representatives.

7 (b) IN GENERAL.—

8 (1) ESTABLISHMENT.—The President shall es-
9 tablish a partnership program, which shall be known
10 as the “Trans-Sahara Counterterrorism Partnership
11 Program” (referred to in this section as the “Pro-
12 gram”), to coordinate the programs, projects, and
13 activities of the Program in countries in North Afri-
14 ca and West Africa that are conducted—

15 (A) to improve governance and the capaci-
16 ties of countries in North Africa and West Af-
17 rica to deliver basic services, particularly to at-
18 risk communities, as a means of countering ter-
19 rorism and violent extremism by enhancing
20 state legitimacy and authority and countering
21 corruption;

22 (B) to address the factors that make peo-
23 ple and communities vulnerable to recruitment
24 by terrorist and violent extremist organizations,
25 including economic vulnerability and mistrust of

1 government and government security forces,
2 through activities such as—

3 (i) supporting strategies that increase
4 youth employment opportunities;

5 (ii) promoting girls' education and
6 women's political participation;

7 (iii) strengthening local governance
8 and civil society capacity;

9 (iv) improving government trans-
10 parency and accountability;

11 (v) fighting corruption;

12 (vi) improving access to economic op-
13 portunities; and

14 (vii) other development activities nec-
15 essary to support community resilience;

16 (C) to strengthen the rule of law in such
17 countries, including by enhancing the capability
18 of the judicial institutions to independently,
19 transparently, and credibly deter, investigate,
20 and prosecute acts of terrorism and violent ex-
21 tremism;

22 (D) to improve the ability of military and
23 law enforcement entities in partner countries—

24 (i) to detect, disrupt, respond to, and
25 prosecute violent extremist and terrorist

1 activity, while respecting human rights;
2 and

3 (ii) to cooperate with the United
4 States and other partner countries on
5 counterterrorism and counter-extremism
6 efforts;

7 (E) to enhance the border security capacity
8 of partner countries, including the ability to
9 monitor, detain, and interdict terrorists;

10 (F) to identify, monitor, disrupt, and
11 counter the human capital and financing pipe-
12 lines of terrorism; or

13 (G) to support the free expression and op-
14 erations of independent, local-language media,
15 particularly in rural areas, while countering the
16 media operations and recruitment propaganda
17 of terrorist and violent extremist organizations.

18 (2) ASSISTANCE FRAMEWORK.—Program activi-
19 ties shall—

20 (A) be carried out in countries in which
21 the President—

22 (i) determines that there is an ade-
23 quate level of partner country commitment;
24 and

1 (ii) has considered partner country
2 needs, absorptive capacity, sustainment ca-
3 pacity, and efforts of other donors in the
4 sector;

5 (B) have clearly defined outcomes;

6 (C) be closely coordinated among relevant
7 participating departments and agencies;

8 (D) have specific plans with robust indica-
9 tors to regularly monitor and evaluate outcomes
10 and impact;

11 (E) complement and enhance efforts to
12 promote democratic governance, the rule of law,
13 human rights, and economic growth;

14 (F) in the case of train and equip pro-
15 grams, complement longer-term security sector
16 institution-building; and

17 (G) have mechanisms in place to track re-
18 sources and routinely monitor and evaluate the
19 efficacy of relevant programs.

20 (3) CONGRESSIONAL NOTIFICATION.—Not later
21 than 15 days before obligating amounts for an activ-
22 ity conducted pursuant to the Program under para-
23 graph (1), the Secretary of State shall notify the ap-
24 propriate congressional committees, in accordance

1 with section 634A of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2394–1), of—

3 (A) the foreign country and entity, as ap-
4 plicable, whose capabilities are to be enhanced
5 in accordance with the purposes described in
6 paragraph (1);

7 (B) the amount, type, and purpose of sup-
8 port to be provided;

9 (C) the absorptive capacity of the foreign
10 country to effectively implement the assistance
11 to be provided;

12 (D) the extent to which state security
13 forces of the foreign country have been impli-
14 cated in gross violations of human rights and
15 the risk that obligated funds may be used to
16 perpetrate further abuses;

17 (E) the anticipated implementation
18 timeline for the activity; and

19 (F) the plans to sustain any military or se-
20 curity equipment provided beyond the comple-
21 tion date of such activity, if applicable, and the
22 estimated cost and source of funds to support
23 such sustainment.

24 (4) EXCEPTION.—The requirement under para-
25 graph (1) does not apply to activities conducted by

1 the Department of Defense pursuant to title 10,
2 United States Code.

3 (c) INTERNATIONAL COORDINATION.—Efforts car-
4 ried out under this section—

5 (1) shall take into account partner country
6 counterterrorism, counter-extremism, and develop-
7 ment strategies;

8 (2) shall be aligned with such strategies, to the
9 extent practicable; and

10 (3) shall be coordinated with counterterrorism
11 and counter-extremism activities and programs in
12 the areas of defense, diplomacy, and development
13 carried out by other like-minded donors and inter-
14 national organizations in the relevant country.

15 (d) STRATEGIES.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, the
18 President and other relevant Federal Government
19 agencies, shall submit the strategies described in
20 paragraphs (2) and (3) to the appropriate congress-
21 sional committees.

22 (2) COMPREHENSIVE, 5-YEAR STRATEGY FOR
23 THE SAHEL-MAGHREB.—The President shall develop
24 a comprehensive, 5-year strategy for the Sahel-
25 Maghreb, including details related to interagency ef-

1 forts conducted pursuant to the Program in the
2 areas of security, diplomacy, and development to ad-
3 vance the national security, economic, and humani-
4 tarian interests of the United States, including—

5 (A) efforts to ensure coordination with
6 multilateral and bilateral partners, such as the
7 Joint Force of the Group of Five of the Sahel,
8 and with other relevant assistance frameworks;

9 (B) a public diplomacy strategy and ac-
10 tions to ensure that populations in the Sahel-
11 Maghreb are aware of the development activi-
12 ties of the United States Government, especially
13 in countries with a significant United States
14 Government presence or engagement through
15 train and equip programs;

16 (C) activities aimed at supporting demo-
17 cratic institutions and countering violent extre-
18 mism with measurable goals and transparent
19 benchmarks;

20 (D) plans to help each partner country ad-
21 dress humanitarian and development needs and
22 to help prevent, respond to, and mitigate inter-
23 communal violence;

24 (E) a comprehensive plan to support secu-
25 rity sector reform in each partner country that

1 includes a detailed section on programs and ac-
2 tivities being undertaken by relevant stake-
3 holders and other international actors operating
4 in the sector; and

5 (F) a specific strategy for Mali that in-
6 cludes plans for sustained, high-level diplomatic
7 engagement with stakeholders, including coun-
8 tries in Europe and the Middle East with inter-
9 ests in the Sahel-Maghreb, regional govern-
10 ments, relevant multilateral organizations, sig-
11 natory groups of the Agreement for Peace and
12 Reconciliation in Mali, done in Algiers July 24,
13 2014, and civil society actors.

14 (3) COMPREHENSIVE 5-YEAR STRATEGY FOR
15 PROGRAM COUNTERTERRORISM EFFORTS.—The
16 President shall develop a comprehensive 5-year
17 strategy for the Program that includes—

18 (A) a clear statement of the objectives of
19 United States counterterrorism efforts in North
20 Africa and West Africa with respect to the use
21 of assistance to combat terrorism and counter
22 violent extremism, including efforts—

23 (i) to build military and civilian law
24 enforcement capacity;

25 (ii) to strengthen the rule of law;

1 (iii) to promote responsive and ac-
2 countable governance; and

3 (iv) to address the root causes of ter-
4 rorism and violent extremism;

5 (B) a plan for coordinating programs
6 through the Program pursuant to subsection
7 (b)(1), including identifying the agency or bu-
8 reau of the Department of State, as applicable,
9 that will be responsible for leading and coordi-
10 nating each such program;

11 (C) a plan to monitor, evaluate, and share
12 data and learning about the Program in accord-
13 ance with monitoring and evaluation provisions
14 under sections 3 and 4 of the Foreign Aid
15 Transparency and Accountability Act of 2016
16 (22 U.S.C. 2394e note and 2394c); and

17 (D) a plan for ensuring coordination and
18 compliance with related requirements in United
19 States law, including the Global Fragility Act of
20 2019 (22 U.S.C. 9801 et seq.).

21 (4) CONSULTATION.—Not later than 90 days
22 after the date of the enactment of this Act, the Sec-
23 retary of State shall consult with the appropriate
24 congressional committees regarding the progress

1 made towards developing the strategies required
2 under paragraphs (2) and (3).

3 (e) SUPPORTING MATERIAL IN ANNUAL BUDGET RE-
4 QUEST.—

5 (1) IN GENERAL.—The Secretary of State shall
6 include a description of the requirements, activities,
7 and planned allocation of amounts requested by the
8 Program in the budget materials submitted to Con-
9 gress in support of the President’s annual budget re-
10 quest pursuant to section 1105 of title 31, United
11 States Code, for each fiscal year beginning after the
12 date of the enactment of this Act and annually
13 thereafter for the following 5 years.

14 (2) EXCEPTION.—The requirement under para-
15 graph (1) shall not apply to activities of the Depart-
16 ment of Defense conducted pursuant to authorities
17 under title 10, United States Code.

18 (f) MONITORING AND EVALUATION OF PROGRAMS
19 AND ACTIVITIES.—Not later than 1 year after the date
20 of the enactment of this Act, and annually thereafter for
21 the following 5 years, the President shall submit a report
22 to the appropriate congressional committees that de-
23 scribes—

24 (1) the progress made in meeting the objectives
25 of the strategies required under paragraphs (2) and

1 (3) of subsection (d), including any lessons learned
2 in carrying out Program activities and any rec-
3 ommendations for improving such programs and ac-
4 tivities;

5 (2) the efforts taken to coordinate, de-conflict,
6 and streamline Program activities to maximize re-
7 source effectiveness;

8 (3) the extent to which each partner country
9 has demonstrated the ability to absorb the equip-
10 ment or training provided in the previous year under
11 the Program, and as applicable, the ability to main-
12 tain and appropriately utilize such equipment;

13 (4) the extent to which each partner country is
14 investing its own resources to advance the goals de-
15 scribed in subsection (b)(1) or is demonstrating a
16 commitment and willingness to cooperate with the
17 United States to advance such goals;

18 (5) the actions taken by the government of each
19 partner country receiving assistance under the Pro-
20 gram to combat corruption, improve transparency
21 and accountability, and promote other forms of
22 democratic governance;

23 (6) the extent to which state security forces in
24 each partner country have been implicated in gross
25 violations of human rights during the reporting pe-

1 rioid, including how such gross violations of human
2 rights have been addressed and or will be addressed
3 through Program activities;

4 (7) the assistance provided in each of the 3 pre-
5 ceding fiscal years under the Program, broken down
6 by partner country, including the type, statutory au-
7 thorization, and purpose of assistance provided to
8 the country; and

9 (8) any changes or updates to the Comprehen-
10 sive 5-Year Strategy for the Program required under
11 subsection (d)(3) necessitated by the findings in this
12 annual report.

13 (g) REPORTING REQUIREMENT RELATED TO AUDIT
14 OF BUREAU OF AFRICAN AFFAIRS MONITORING AND CO-
15 ORDINATION OF THE TRANS-SAHARA COUNTERTER-
16 RORISM PARTNERSHIP PROGRAM.—Not later than 90
17 days after the date of the enactment of this Act, and every
18 120 days thereafter until the earlier of the date on which
19 all 13 recommendations in the September 2020 Depart-
20 ment of State Office of Inspector General audit entitled
21 “Audit of the Department of State Bureau of African Af-
22 fairs Monitoring and Coordination of the Trans-Sahara
23 Counterterrorism Partnership Program” (AUD–MERO–
24 20–42) are closed or the date that is 3 years after the
25 date of the enactment of this Act, the Secretary of State

1 shall submit a report to the appropriate congressional
2 committees that identifies—

3 (1) which of the 13 recommendations in AUD–
4 MERO–20–42 have not been closed;

5 (2) a description of progress made since the
6 last report toward closing each recommendation
7 identified under paragraph (1);

8 (3) additional resources needed, including as-
9 sessment of staffing capacity, if any, to complete ac-
10 tion required to close each recommendation identi-
11 fied under paragraph (1); and

12 (4) the anticipated timeline for completion of
13 action required to close each recommendation identi-
14 fied under paragraph (1), including application of all
15 recommendations into all existing security assistance
16 programs managed by the Department of State
17 under the Program.

18 (h) PROGRAM ADMINISTRATION.—Not later than 120
19 days after the date of the enactment of this Act, the Sec-
20 retary of State shall submit a report to Congress that de-
21 scribes plans for conducting a written review of a rep-
22 resentative sample of each of the security assistance pro-
23 grams administered by the Bureau of African Affairs
24 that—

1 (1) identifies potential waste, fraud, abuse, inef-
2 ficiencies, or deficiencies; and

3 (2) includes an analysis of staff capacity, in-
4 cluding human resource needs, available resources,
5 procedural guidance, and monitoring and evaluation
6 processes to ensure that the Bureau of African Af-
7 fairs is managing programs efficiently and effec-
8 tively.

9 (i) FORM.—The strategies required under para-
10 graphs (2) and (3) of subsection (d) and the report re-
11 quired under subsection (f) shall be submitted in unclassi-
12 fied form, but may include a classified annex.

13 **SEC. 105. RULE OF CONSTRUCTION.**

14 Nothing in this division may be construed as author-
15 izing the use of military force.

16 **DIVISION BB—EB-5 REFORM**
17 **AND INTEGRITY ACT OF 2022**

18 **SEC. 101. SHORT TITLE.**

19 This division may be cited as the “EB-5 Reform and
20 Integrity Act of 2022”.

21 **SEC. 102. EB-5 VISA REFORMS.**

22 (a) EMPLOYMENT CREATION.—Section 203(b)(5) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1153(b)(5)) is amended—

25 (1) in subparagraph (A)—

1 (A) in clause (i), by striking “(C), and”
2 and inserting “(C) and which is expected to re-
3 main invested for not less than 2 years; and”;
4 and

5 (B) in clause (ii)—

6 (i) by striking “and create” and in-
7 serting “by creating”; and

8 (ii) by inserting “, United States na-
9 tionals,” after “citizens”;

10 (2) by amending subparagraph (B) to read as
11 follows:

12 “(B) DESIGNATIONS AND RESERVED
13 VISAS.—

14 “(i) RESERVED VISAS.—

15 “(I) IN GENERAL.—Of the visas
16 made available under this paragraph
17 in each fiscal year—

18 “(aa) 20 percent shall be re-
19 served for qualified immigrants
20 who invest in a rural area;

21 “(bb) 10 percent shall be re-
22 served for qualified immigrants
23 who invest in an area designated
24 by the Secretary of Homeland

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1 Security under clause (ii) as a
2 high unemployment area; and

3 “(cc) 2 percent shall be re-
4 served for qualified immigrants
5 who invest in infrastructure
6 projects.

7 “(II) UNUSED VISAS.—

8 “(aa) CARRYOVER.—At the
9 end of each fiscal year, any un-
10 used visas reserved for qualified
11 immigrants investing in each of
12 the categories described in items
13 (aa) through (cc) of subclause (I)
14 shall remain available within the
15 same category for the imme-
16 diately succeeding fiscal year.

17 “(bb) GENERAL AVAIL-
18 ABILITY.—Visas described in
19 items (aa) through (cc) of sub-
20 clause (I) that are not issued by
21 the end of the succeeding fiscal
22 year referred to in item (aa) shall
23 be made available to qualified im-
24 migrants described under sub-
25 paragraph (A).

1 “(ii) DESIGNATION OF HIGH UNEM-
2 PLOYMENT AREA.—

3 “(I) IN GENERAL.—The Sec-
4 retary of Homeland Security, or a
5 designee of the Secretary who is an
6 employee of the Department of Home-
7 land Security, may designate, as a
8 high unemployment area, a census
9 tract, or contiguous census tracts, in
10 which—

11 “(aa) the new commercial
12 enterprise is principally doing
13 business; and

14 “(bb) the weighted average
15 of the unemployment rate for the
16 census tracts, based on the labor
17 force employment measure for
18 each applicable census tract and
19 any adjacent tract included under
20 subclause (III), is not less than
21 150 percent of the national aver-
22 age unemployment rate.

23 “(II) PROHIBITION ON DESIGNA-
24 TION BY ANY OTHER OFFICIAL.—A
25 targeted employment area may not be

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1 designated as a high unemployment
2 area by—

3 “(aa) a Federal official
4 other than the Secretary of
5 Homeland Security or a designee
6 of the Secretary; or

7 “(bb) any official of a State
8 or local government.

9 “(III) INCLUSION.—In making a
10 designation under subclause (I), the
11 Secretary of Homeland Security may
12 include a census tract directly adja-
13 cent to a census tract or contiguous
14 census tracts described in that sub-
15 clause.

16 “(IV) DURATION.—

17 “(aa) IN GENERAL.—A des-
18 ignation under this clause shall
19 be in effect for the 2-year period
20 beginning on—

21 “(AA) the date on
22 which an application under
23 subparagraph (F) is filed; or

24 “(BB) in the case of an
25 alien who is not subject to

1 subparagraph (F), at the
2 time of investment.

3 “(bb) RENEWAL.—A des-
4 ignation under this clause may be
5 renewed for 1 or more additional
6 2-year periods if the applicable
7 area continues to meet the cri-
8 teria described in subclause (I).

9 “(V) ADDITIONAL INVESTMENT
10 NOT REQUIRED.—An immigrant in-
11 vestor who has invested the amount of
12 capital required by subparagraph (C)
13 in a targeted employment area des-
14 ignated as a high unemployment area
15 during the period in which the area is
16 so designated shall not be required to
17 increase the amount of investment
18 due to the expiration of the designa-
19 tion.

20 “(iii) INFRASTRUCTURE PROJECTS.—

21 “(I) IN GENERAL.—The Sec-
22 retary of Homeland Security shall de-
23 termine whether a specific capital in-
24 vestment project meets the definition

1 of ‘infrastructure project’ set forth in
2 subparagraph (D)(iv).

3 “(II) PROHIBITION ON DESIGNA-
4 TION BY ANY OTHER OFFICIAL.—A
5 determination under subclause (I)
6 may not be made by—

7 “(aa) a Federal official
8 other than the Secretary of
9 Homeland Security or a designee
10 of the Secretary; or

11 “(bb) any official of a State
12 or local government.”;

13 (3) in subparagraph (C)—

14 (A) in clause (i), by striking “\$1,000,000”
15 and all that follows through “previous sen-
16 tence” and inserting “\$1,050,000”;

17 (B) by amending clause (ii) to read as fol-
18 lows:

19 “(ii) ADJUSTMENT FOR TARGETED
20 EMPLOYMENT AREAS AND INFRASTRUC-
21 TURE PROJECTS.—The amount of capital
22 required under subparagraph (A) for an
23 investment in a targeted employment area
24 or in an infrastructure project shall be
25 \$800,000.”;

1 (C) by redesignating clause (iii) as clause
2 (iv);

3 (D) by inserting after clause (ii) the fol-
4 lowing:

5 “(iii) AUTOMATIC ADJUSTMENT IN
6 MINIMUM INVESTMENT AMOUNT.—

7 “(I) IN GENERAL.—Beginning on
8 January 1, 2027, and every 5 years
9 thereafter, the amount in clause (i)
10 shall automatically adjust for petitions
11 filed on or after the effective date of
12 each adjustment, based on the cumu-
13 lative annual percentage change in the
14 unadjusted consumer price index for
15 all urban consumers (all items; U.S.
16 city average) reported by the Bureau
17 of Labor Statistics between January
18 1, 2022, and the date of adjustment.
19 The qualifying investment amounts
20 shall be rounded down to the nearest
21 \$50,000. The Secretary of Homeland
22 Security shall update such amounts
23 by publication of a technical amend-
24 ment in the Federal Register.

1 “(II) Beginning on January 1,
2 2027, and every 5 years thereafter,
3 the amount in clause (ii) shall auto-
4 matically adjust for petitions filed on
5 or after the effective date of each ad-
6 justment, to be equal to 75 percent of
7 the standard investment amount
8 under subclause (I).”; and

9 (E) in clause (iv), as redesignated, in the
10 undesignated matter following subclause (II)—

11 (i) by striking “Attorney General”
12 and inserting “Secretary of Homeland Se-
13 curity”; and

14 (ii) by inserting “, as adjusted under
15 clause (iii)” before the period at the end;
16 and

17 (4) by amending subparagraph (D) to read as
18 follows:

19 “(D) DEFINITIONS.—In this paragraph:

20 “(i) AFFILIATED JOB-CREATING ENTI-
21 TY.—The term ‘affiliated job-creating enti-
22 ty’ means any job-creating entity that is
23 controlled, managed, or owned by any of
24 the people involved with the regional center

1 or new commercial enterprise under section
2 203(b)(5)(H)(v).

3 “(ii) CAPITAL.—The term ‘capital’—

4 “(I) means cash and all real, per-
5 sonal, or mixed tangible assets owned
6 and controlled by the alien investor,
7 or held in trust for the benefit of the
8 alien and to which the alien has unre-
9 stricted access;

10 “(II) shall be valued at fair mar-
11 ket value in United States dollars, in
12 accordance with Generally Accepted
13 Accounting Principles or other stand-
14 ard accounting practice adopted by
15 the Securities and Exchange Commis-
16 sion, at the time it is invested under
17 this paragraph;

18 “(III) does not include—

19 “(aa) assets directly or indi-
20 rectly acquired by unlawful
21 means, including any cash pro-
22 ceeds of indebtedness secured by
23 such assets;

24 “(bb) capital invested in ex-
25 change for a note, bond, convert-

1 ible debt, obligation, or any other
2 debt arrangement between the
3 alien investor and the new com-
4 mercial enterprise;

5 “(cc) capital invested with a
6 guaranteed rate of return on the
7 amount invested by the alien in-
8 vestor; or

9 “(dd) except as provided in
10 subclause (IV), capital invested
11 that is subject to any agreement
12 between the alien investor and
13 the new commercial enterprise
14 that provides the investor with a
15 contractual right to repayment,
16 such as a mandatory redemption
17 at a certain time or upon the oc-
18 currence of a certain event, or a
19 put or sell-back option held by
20 the alien investor, even if such
21 contractual right is contingent on
22 the success of the new commer-
23 cial enterprise, such as having
24 sufficient available cash flow; and

1 “(IV) includes capital invested
2 that—

3 “(aa) is subject to a buy
4 back option that may be exer-
5 cised solely at the discretion of
6 the new commercial enterprise;
7 and

8 “(bb) results in the alien in-
9 vestor withdrawing his or her pe-
10 tition unless the alien investor
11 has fulfilled his or her
12 sustainment period and other re-
13 quirements under this paragraph.

14 “(iii) CERTIFIER.—The term ‘cer-
15 tifier’ means a person in a position of sub-
16 stantive authority for the management or
17 operations of a regional center, new com-
18 mercial enterprise, affiliated job-creating
19 entity, or issuer of securities, such as a
20 principal executive officer or principal fi-
21 nancial officer, with knowledge of such en-
22 tities’ policies and procedures related to
23 compliance with the requirements under
24 this paragraph.

1 “(iv) INFRASTRUCTURE PROJECT.—

2 The term ‘infrastructure project’ means a
3 capital investment project in a filed or ap-
4 proved business plan, which is adminis-
5 tered by a governmental entity (such as a
6 Federal, State, or local agency or author-
7 ity) that is the job-creating entity con-
8 tracting with a regional center or new com-
9 mercial enterprise to receive capital invest-
10 ment under the regional center program
11 described in subparagraph (E) from alien
12 investors or the new commercial enterprise
13 as financing for maintaining, improving, or
14 constructing a public works project.

15 “(v) JOB-CREATING ENTITY.—The
16 term ‘job-creating entity’ means any orga-
17 nization formed in the United States for
18 the ongoing conduct of lawful business, in-
19 cluding sole proprietorship, partnership
20 (whether limited or general), corporation,
21 limited liability company, business trust, or
22 other entity, which may be publicly or pri-
23 vately owned, including an entity con-
24 sisting of a holding company and its wholly
25 owned subsidiaries or affiliates (provided

1 that each subsidiary or affiliate is engaged
2 in an activity formed for the ongoing con-
3 duct of a lawful business) that receives, or
4 is established to receive, capital investment
5 from alien investors or a new commercial
6 enterprise under the regional center pro-
7 gram described in this subparagraph and
8 which is responsible for creating jobs to
9 satisfy the requirement under subpara-
10 graph (A)(ii).

11 “(vi) NEW COMMERCIAL ENTER-
12 PRISE.—The term ‘new commercial enter-
13 prise’ means any for-profit organization
14 formed in the United States for the ongo-
15 ing conduct of lawful business, including
16 sole proprietorship, partnership (whether
17 limited or general), holding company and
18 its wholly owned subsidiaries (provided
19 that each subsidiary is engaged in a for-
20 profit activity formed for the ongoing con-
21 duct of a lawful business), joint venture,
22 corporation, business trust, limited liability
23 company, or other entity (which may be
24 publicly or privately owned) that receives,

1 or is established to receive, capital invest-
2 ment from investors under this paragraph.

3 “(vii) RURAL AREA.—The term ‘rural
4 area’ means any area other than an area
5 within a metropolitan statistical area (as
6 designated by the Director of the Office of
7 Management and Budget) or within the
8 outer boundary of any city or town having
9 a population of 20,000 or more (based on
10 the most recent decennial census of the
11 United States).

12 “(viii) TARGETED EMPLOYMENT
13 AREA.—The term ‘targeted employment
14 area’ means, at the time of investment, a
15 rural area or an area designated by the
16 Secretary of Homeland Security under
17 subparagraph (B)(ii) as a high unemploy-
18 ment area.”.

19 (b) AGE DETERMINATION FOR CHILDREN OF ALIEN
20 INVESTORS.—Section 203(h) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1153(h)) is amended by adding
22 at the end the following:

23 “(5) AGE DETERMINATION FOR CHILDREN OF
24 ALIEN INVESTORS.—An alien who has reached 21
25 years of age and has been admitted under subsection

1 (d) as a lawful permanent resident on a conditional
2 basis as the child of an alien lawfully admitted for
3 permanent residence under subsection (b)(5), whose
4 lawful permanent resident status on a conditional
5 basis is terminated under section 216A or subsection
6 (b)(5)(M), shall continue to be considered a child of
7 the principal alien for the purpose of a subsequent
8 immigrant petition by such alien under subsection
9 (b)(5) if the alien remains unmarried and the subse-
10 quent petition is filed by the principal alien not later
11 than 1 year after the termination of conditional law-
12 ful permanent resident status. No alien shall be con-
13 sidered a child under this paragraph with respect to
14 more than 1 petition filed after the alien reaches 21
15 years of age.”.

16 (c) ENHANCED PAY SCALE FOR CERTAIN FEDERAL
17 EMPLOYEES ADMINISTERING THE EMPLOYMENT CRE-
18 ATION PROGRAM.—The Secretary of Homeland Security
19 may establish, fix the compensation of, and appoint indi-
20 viduals to designated critical, technical, and professional
21 positions needed to administer sections 203(b)(5) and
22 216A of the Immigration and Nationality Act (8 U.S.C.
23 1153(b)(5) and 1186b).

24 (d) CONCURRENT FILING OF EB-5 PETITIONS AND
25 APPLICATIONS FOR ADJUSTMENT OF STATUS.—Section

1 245 of the Immigration and Nationality Act (8 U.S.C.
2 1255) is amended—

3 (1) in subsection (k), in the matter preceding
4 paragraph (1), by striking “or (3)” and inserting
5 “(3), or (5)”; and

6 (2) by adding at the end the following:

7 “(n) If the approval of a petition for classification
8 under section 203(b)(5) would make a visa immediately
9 available to the alien beneficiary, the alien beneficiary’s
10 application for adjustment of status under this section
11 shall be considered to be properly filed whether the appli-
12 cation is submitted concurrently with, or subsequent to,
13 the visa petition.”.

14 (e) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the date of the enactment
16 of this Act.

17 **SEC. 103. REAUTHORIZATION AND REFORM OF THE RE-**
18 **GIONAL CENTER PROGRAM.**

19 (a) REPEAL.—Section 610 of the Departments of
20 Commerce, Justice, and State, the Judiciary, and Related
21 Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note)
22 is repealed.

23 (b) AUTHORIZATION.—

1 (1) IN GENERAL.—Section 203(b)(5) of the Im-
2 migration and Nationality Act (8 U.S.C. 1153(b)(5))
3 is amended by adding at the end the following:

4 “(E) REGIONAL CENTER PROGRAM.—

5 “(i) IN GENERAL.—Visas under this
6 subparagraph shall be made available
7 through September 30, 2027, to qualified
8 immigrants (and the eligible spouses and
9 children of such immigrants) pooling their
10 investments with 1 or more qualified immi-
11 grants participating in a program imple-
12 menting this paragraph that involves a re-
13 gional center in the United States, which
14 has been designated by the Secretary of
15 Homeland Security on the basis of a pro-
16 posal for the promotion of economic
17 growth, including prospective job creation
18 and increased domestic capital investment.

19 “(ii) PROCESSING.—In processing pe-
20 titions under section 204(a)(1)(H) for clas-
21 sification under this paragraph, the Sec-
22 retary of Homeland Security—

23 “(I) shall prioritize the proc-
24 essing and adjudication of petitions
25 for rural areas;

1 “(II) may process petitions in a
2 manner and order established by the
3 Secretary; and

4 “(III) shall deem such petitions
5 to include records previously filed with
6 the Secretary pursuant to subpara-
7 graph (F) if the alien petitioner cer-
8 tifies that such records are incor-
9 porated by reference into the alien’s
10 petition.

11 “(iii) ESTABLISHMENT OF A RE-
12 GIONAL CENTER.—A regional center shall
13 operate within a defined, contiguous, and
14 limited geographic area, which shall be de-
15 scribed in the proposal and be consistent
16 with the purpose of concentrating pooled
17 investment within such area. The proposal
18 to establish a regional center shall dem-
19 onstrate that the pooled investment will
20 have a substantive economic impact on
21 such geographic area, and shall include—

22 “(I) reasonable predictions, sup-
23 ported by economically and statis-
24 tically valid and transparent fore-
25 casting tools, concerning the amount

1 of investment that will be pooled, the
2 kinds of commercial enterprises that
3 will receive such investments, details
4 of the jobs that will be created di-
5 rectly or indirectly as a result of such
6 investments, and other positive eco-
7 nomic effects such investments will
8 have;

9 “(II) a description of the policies
10 and procedures in place reasonably
11 designed to monitor new commercial
12 enterprises and any associated job-
13 creating entity to seek to ensure com-
14 pliance with—

15 “(aa) all applicable laws,
16 regulations, and Executive orders
17 of the United States, including
18 immigration laws, criminal laws,
19 and securities laws; and

20 “(bb) all securities laws of
21 each State in which securities of-
22 ferings will be conducted, invest-
23 ment advice will be rendered, or
24 the offerors or offerees reside;

1 “(III) attestations and informa-
2 tion confirming that all persons in-
3 volved with the regional center meet
4 the requirements under clauses (i)
5 and (ii) of subparagraph (H);

6 “(IV) a description of the policies
7 and procedures in place that are rea-
8 sonably designed to ensure program
9 compliance; and

10 “(V) the identities of all natural
11 persons involved in the regional cen-
12 ter, as described in subparagraph
13 (H)(v).

14 “(iv) INDIRECT JOB CREATION.—

15 “(I) IN GENERAL.—The Sec-
16 retary of Homeland Security shall
17 permit aliens seeking admission under
18 this subparagraph to satisfy only up
19 to 90 percent of the requirement
20 under subparagraph (A)(ii) with jobs
21 that are estimated to be created indi-
22 rectly through investment under this
23 paragraph in accordance with this
24 subparagraph. An employee of the
25 new commercial enterprise or job-cre-

1 ating entity may be considered to hold
2 a job that has been directly created.

3 “(II) CONSTRUCTION ACTIVITY
4 LASTING LESS THAN 2 YEARS.—If the
5 jobs estimated to be created are cre-
6 ated by construction activity lasting
7 less than 2 years, the Secretary shall
8 permit aliens seeking admission under
9 this subparagraph to satisfy only up
10 to 75 percent of the requirement
11 under subparagraph (A)(ii) with jobs
12 that are estimated to be created indi-
13 rectly through investment under this
14 paragraph in accordance with this
15 subparagraph.

16 “(v) COMPLIANCE.—

17 “(I) IN GENERAL.—In deter-
18 mining compliance with subparagraph
19 (A)(ii), the Secretary of Homeland Se-
20 curity shall permit aliens seeking ad-
21 mission under this subparagraph to
22 rely on economically and statistically
23 valid methodologies for determining
24 the number of jobs created by the pro-
25 gram, including—

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1 “(aa) jobs estimated to have
2 been created directly, which may
3 be verified using such methodolo-
4 gies; and

5 “(bb) consistent with this
6 subparagraph, jobs estimated to
7 have been directly or indirectly
8 created through capital expendi-
9 tures, revenues generated from
10 increased exports, improved re-
11 gional productivity, job creation,
12 and increased domestic capital
13 investment resulting from the
14 program.

15 “(II) JOB AND INVESTMENT RE-
16 QUIREMENTS.—

17 “(aa) RELOCATED JOBS.—
18 In determining compliance with
19 the job creation requirement
20 under subparagraph (A)(ii), the
21 Secretary of Homeland Security
22 may include jobs estimated to be
23 created under a methodology that
24 attributes jobs to prospective ten-
25 ants occupying commercial real

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1 estate created or improved by
2 capital investments if the number
3 of such jobs estimated to be cre-
4 ated has been determined by an
5 economically and statistically
6 valid methodology and such jobs
7 are not existing jobs that have
8 been relocated.

9 “(bb) PUBLICLY AVAILABLE
10 BONDS.—The Secretary of
11 Homeland Security shall pre-
12 scribe regulations to ensure that
13 alien investor capital may not be
14 utilized, by a new commercial en-
15 terprise or otherwise, to purchase
16 municipal bonds or any other
17 bonds, if such bonds are available
18 to the general public, either as
19 part of a primary offering or
20 from a secondary market.

21 “(cc) CONSTRUCTION ACTIV-
22 ITY JOBS.—If the number of di-
23 rect jobs estimated to be created
24 has been determined by an eco-
25 nomically and statistically valid

1 methodology, and such direct
2 jobs are created by construction
3 activity lasting less than 2 years,
4 the number of such jobs that
5 may be considered direct jobs for
6 purposes of clause (iv) shall be
7 calculated by multiplying the
8 total number of such jobs esti-
9 mated to be created by the frac-
10 tion of the 2-year period that the
11 construction activity lasts.

12 “(vi) AMENDMENTS.—The Secretary
13 of Homeland Security shall—

14 “(I) require a regional center—

15 “(aa) to notify the Sec-
16 retary, not later than 120 days
17 before the implementation of sig-
18 nificant proposed changes to its
19 organizational structure, owner-
20 ship, or administration, including
21 the sale of such center, or other
22 arrangements which would result
23 in individuals not previously sub-
24 ject to the requirements under
25 subparagraph (H) becoming in-

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1 involved with the regional center;

2 or

3 “(bb) if exigent cir-

4 cumstances are present, to pro-

5 vide the notice described in item

6 (aa) to the Secretary not later

7 than 5 business days after a

8 change described in such item;

9 and

10 “(II) adjudicate business plans

11 under subparagraph (F) and petitions

12 under section 204(a)(1)(H) during

13 any notice period as long as the

14 amendment to the business or petition

15 does not negatively impact program

16 eligibility.

17 “(vii) RECORD KEEPING AND AU-

18 DITS.—

19 “(I) RECORD KEEPING.—Each

20 regional center shall make and pre-

21 serve, during the 5-year period begin-

22 ning on the last day of the Federal

23 fiscal year in which any transactions

24 occurred, books, ledgers, records, and

25 other documentation from the regional

1 center, new commercial enterprise, or
2 job-creating entity used to support—

3 “(aa) any claims, evidence,
4 or certifications contained in the
5 regional center’s annual state-
6 ments under subparagraph (G);
7 and

8 “(bb) associated petitions by
9 aliens seeking classification under
10 this section or removal of condi-
11 tions under section 216A.

12 “(II) AUDITS.—The Secretary
13 shall audit each regional center not
14 less frequently than once every 5
15 years. Each such audit shall include a
16 review of any documentation required
17 to be maintained under subclause (I)
18 for the preceding 5 years and a review
19 of the flow of alien investor capital
20 into any capital investment project.
21 To the extent multiple regional cen-
22 ters are located at a single site, the
23 Secretary may audit multiple regional
24 centers in a single site visit.

1 “(III) TERMINATION.—The Sec-
2 retary shall terminate the designation
3 of a regional center that fails to con-
4 sent to an audit under subclause (II)
5 or deliberately attempts to impede
6 such an audit.

7 “(F) BUSINESS PLANS FOR REGIONAL
8 CENTER INVESTMENTS.—

9 “(i) APPLICATION FOR APPROVAL OF
10 AN INVESTMENT IN A COMMERCIAL EN-
11 TERPRISE.—A regional center shall file an
12 application with the Secretary of Home-
13 land Security for each particular invest-
14 ment offering through an associated new
15 commercial enterprise before any alien files
16 a petition for classification under this
17 paragraph by reason of investment in that
18 offering. The application shall include—

19 “(I) a comprehensive business
20 plan for a specific capital investment
21 project;

22 “(II) a credible economic analysis
23 regarding estimated job creation that
24 is based upon economically and statis-

1 tically valid and transparent meth-
2 odologies;

3 “(III) any documents filed with
4 the Securities and Exchange Commis-
5 sion under the Securities Act of 1933
6 (15 U.S.C. 77a et seq.) or with the
7 securities regulator of any State, as
8 required by law;

9 “(IV) any investment and offer-
10 ing documents, including subscription,
11 investment, partnership, and oper-
12 ating agreements, private placement
13 memoranda, term sheets, biographies
14 of management, officers, directors,
15 and any person with similar respon-
16 sibilities, the description of the busi-
17 ness plan to be provided to potential
18 alien investors, and marketing mate-
19 rials used, or drafts prepared for use,
20 in connection with the offering, which
21 shall contain references, as appro-
22 priate, to—

23 “(aa) all material invest-
24 ment risks associated with the

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1 new commercial enterprise and
2 the job-creating entity;

3 “(bb) any conflicts of inter-
4 est that currently exist or may
5 arise among the regional center,
6 the new commercial enterprise,
7 the job-creating entity, or the
8 principals, attorneys, or individ-
9 uals responsible for recruitment
10 or promotion of such entities;

11 “(cc) any pending material
12 litigation or bankruptcy, or mate-
13 rial adverse judgments or bank-
14 ruptcy orders issued during the
15 most recent 10-year period, in
16 the United States or in another
17 country, affecting the regional
18 center, the new commercial enter-
19 prise, any associated job-creating
20 entity, or any other enterprise in
21 which any principal of any of the
22 aforementioned entities held ma-
23 jority ownership at the time; and

24 “(dd)(AA) any fees, ongoing
25 interest, or other compensation

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1 paid, or to be paid by the re-
2 gional center, the new commer-
3 cial enterprise, or any issuer of
4 securities intended to be offered
5 to alien investors, to agents, find-
6 ers, or broker dealers involved in
7 the offering of securities to alien
8 investors in connection with the
9 investment;

10 “(BB) a description of the
11 services performed, or that will
12 be performed, by such person to
13 entitle the person to such fees,
14 interest, or compensation; and

15 “(CC) the name and contact
16 information of any such person,
17 if known at the time of filing;

18 “(V) a description of the policies
19 and procedures, such as those related
20 to internal and external due diligence,
21 reasonably designed to cause the re-
22 gional center and any issuer of securi-
23 ties intended to be offered to alien in-
24 vestors in connection with the relevant
25 capital investment project, to comply,

1 as applicable, with the securities laws
2 of the United States and the laws of
3 the applicable States in connection
4 with the offer, purchase, or sale of its
5 securities; and

6 “(VI) a certification from the re-
7 gional center, and any issuer of secu-
8 rities intended to be offered to alien
9 investors in connection with the rel-
10 evant capital investment project, that
11 their respective agents and employees,
12 and any parties associated with the
13 regional center and such issuer of se-
14 curities affiliated with the regional
15 center are in compliance with the se-
16 curities laws of the United States and
17 the laws of the applicable States in
18 connection with the offer, purchase, or
19 sale of its securities, to the best of the
20 certifier’s knowledge, after a due dili-
21 gence investigation.

22 “(ii) EFFECT OF APPROVAL OF A
23 BUSINESS PLAN FOR AN INVESTMENT IN A
24 REGIONAL CENTER’S COMMERCIAL ENTER-
25 PRISE.—The approval of an application

1 under this subparagraph, including an ap-
2 proval before the date of the enactment of
3 this subparagraph, shall be binding for
4 purposes of the adjudication of subsequent
5 petitions seeking classification under this
6 paragraph by immigrants investing in the
7 same offering described in such applica-
8 tion, and of petitions by the same immi-
9 grants filed under section 216A unless—

10 “(I) the applicant engaged in
11 fraud, misrepresentation, or criminal
12 misuse;

13 “(II) such approval would threat-
14 en public safety or national security;

15 “(III) there has been a material
16 change that affects eligibility;

17 “(IV) the discovery of other evi-
18 dence affecting program eligibility was
19 not disclosed by the applicant during
20 the adjudication process; or

21 “(V) the previous adjudication
22 involved a material mistake of law or
23 fact.

24 “(iii) AMENDMENTS.—

1 “(I) APPROVAL.—The Secretary
2 of Homeland Security may establish
3 procedures by which a regional center
4 may seek approval of an amendment
5 to an approved application under this
6 subparagraph that reflects changes
7 specified by the Secretary to any in-
8 formation, documents, or other as-
9 pects of the investment offering de-
10 scribed in such approved application
11 not later than 30 days after any such
12 changes.

13 “(II) INCORPORATION.—Upon
14 the approval of a timely filed amend-
15 ment to an approved application, any
16 changes reflected in such amendment
17 may be incorporated into and consid-
18 ered in determining program eligibility
19 through adjudication of—

20 “(aa) pending petitions from
21 immigrants investing in the offer-
22 ing described in the approved ap-
23 plication who are seeking classi-
24 fication under this paragraph;
25 and

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1 “(bb) petitions by immi-
2 grants described in item (aa)
3 that are filed under section
4 216A.

5 “(iv) SITE VISITS.—The Secretary of
6 Homeland Security shall—

7 “(I) perform site visits to re-
8 gional centers not earlier than 24
9 hours after providing notice of such
10 site visit; and

11 “(II) perform at least 1 site visit
12 to, as applicable, each new commercial
13 enterprise or job-creating entity, or
14 the business locations where any jobs
15 that are claimed as being created.

16 “(v) PARAMETERS FOR CAPITAL RE-
17 DEPLOYMENT.—

18 “(I) IN GENERAL.—The Sec-
19 retary of Homeland Security shall
20 prescribe regulations, in accordance
21 with subchapter II of chapter 5 and
22 chapter 7 of title 5, United States
23 Code (commonly known as the ‘Ad-
24 ministrative Procedure Act’), that
25 allow a new commercial enterprise to

1 redeploy investment funds anywhere
2 within the United States or its terri-
3 tories for the purpose of maintaining
4 the investors' capital at risk if—

5 “(aa) the new commercial
6 enterprise has executed the busi-
7 ness plan for a capital investment
8 project in good faith without a
9 material change;

10 “(bb) the new commercial
11 enterprise has created a suffi-
12 cient number of new full time po-
13 sitions to satisfy the job creation
14 requirements of the program for
15 all investors in the new commer-
16 cial enterprise, either directly or
17 indirectly, as evidenced by the
18 methodologies set forth in this
19 Act;

20 “(cc) the job creating entity
21 has repaid the capital initially de-
22 ployed in conformity with the ini-
23 tial investment contemplated by
24 the business plan; and

1 “(dd) the capital, after re-
2 payment by the job creating enti-
3 ty, remains at risk and it is not
4 redeployed in passive invest-
5 ments, such as stocks or bonds.

6 “(II) TERMINATION.—The Sec-
7 retary of Homeland Security shall ter-
8 minate the designation of a regional
9 center if the Secretary determines
10 that a new commercial enterprise has
11 violated any of the requirements
12 under subclause (I) in the redeploy-
13 ment of funds invested in such re-
14 gional center.

15 “(G) REGIONAL CENTER ANNUAL STATE-
16 MENTS.—

17 “(i) IN GENERAL.—Each regional cen-
18 ter designated under subparagraph (E)
19 shall submit an annual statement, in a
20 manner prescribed by the Secretary of
21 Homeland Security. Each such statement
22 shall include—

23 “(I) a certification stating that,
24 to the best of the certifier’s knowl-
25 edge, after a due diligence investiga-

1 tion, the regional center is in compli-
2 ance with clauses (i) and (ii) of sub-
3 paragraph (H);

4 “(II) a certification described in
5 subparagraph (I)(ii)(II);

6 “(III) a certification stating that,
7 to the best of the certifier’s knowl-
8 edge, after a due diligence investiga-
9 tion, the regional center is in compli-
10 ance with subparagraph (K)(iii);

11 “(IV) a description of any pend-
12 ing material litigation or bankruptcy
13 proceedings, or material litigation or
14 bankruptcy proceedings resolved dur-
15 ing the preceding fiscal year, involving
16 the regional center, the new commer-
17 cial enterprise, or any affiliated job-
18 creating entity;

19 “(V) an accounting of all indi-
20 vidual alien investor capital invested
21 in the regional center, new commercial
22 enterprise, and job-creating entity;

23 “(VI) for each new commercial
24 enterprise associated with the regional
25 center—

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1 “(aa) an accounting of the
2 aggregate capital invested in the
3 new commercial enterprise and
4 any job-creating entity by alien
5 investors under this paragraph
6 for each capital investment
7 project being undertaken by the
8 new commercial enterprise;

9 “(bb) a description of how
10 the capital described in item (aa)
11 is being used to execute each
12 capital investment project in the
13 filed business plan or plans;

14 “(cc) evidence that 100 per-
15 cent of the capital described in
16 item (aa) has been committed to
17 each capital investment project;

18 “(dd) detailed evidence of
19 the progress made toward the
20 completion of each capital invest-
21 ment project;

22 “(ee) an accounting of the
23 aggregate direct jobs created or
24 preserved;

1 “(ff) to the best of the re-
2 gional center’s knowledge, for all
3 fees, including administrative
4 fees, loan monitoring fees, loan
5 management fees, commissions
6 and similar transaction-based
7 compensation, collected from
8 alien investors by the regional
9 center, the new commercial enter-
10 prise, any affiliated job-creating
11 entity, any affiliated issuer of se-
12 curities intended to be offered to
13 alien investors, or any promoter,
14 finder, broker-dealer, or other en-
15 tity engaged by any of the afore-
16 mentioned entities to locate indi-
17 vidual investors—

18 “(AA) a description of
19 all fees collected;

20 “(BB) an accounting of
21 the entities that received
22 such fees; and

23 “(CC) the purpose for
24 which such fees were col-
25 lected;

1 “(gg) any documentation re-
2 ferred to in subparagraph
3 (F)(i)(IV) if there has been a
4 material change during the pre-
5 ceding fiscal year; and

6 “(hh) a certification by the
7 regional center that the informa-
8 tion provided under items (aa)
9 through (gg) is accurate, to the
10 best of the certifier’s knowledge,
11 after a due diligence investiga-
12 tion; and

13 “(VII) a description of the re-
14 gional center’s policies and procedures
15 that are designed to enable the re-
16 gional center to comply with applica-
17 ble Federal labor laws.

18 “(ii) AMENDMENT OF ANNUAL STATE-
19 MENTS.—The Secretary of Homeland Se-
20 curity—

21 “(I) shall require the regional
22 center to amend or supplement an an-
23 nual statement required under clause
24 (i) if the Secretary determines that
25 such statement is deficient; and

1 “(II) may require the regional
2 center to amend or supplement such
3 annual statement if the Director de-
4 termines that such an amendment or
5 supplement is appropriate.

6 “(iii) SANCTIONS.—

7 “(I) EFFECT OF VIOLATION.—
8 The Director shall sanction any re-
9 gional center entity in accordance
10 with subclause (II) if the regional cen-
11 ter fails to submit an annual state-
12 ment or if the Director determines
13 that the regional center—

14 “(aa) knowingly submitted
15 or caused to be submitted a
16 statement, certification, or any
17 information submitted pursuant
18 to this subparagraph that con-
19 tained an untrue statement of
20 material fact; or

21 “(bb) is conducting itself in
22 a manner inconsistent with its
23 designation under subparagraph
24 (E), including any willful, undis-
25 closed, and material deviation by

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1 new commercial enterprises from
2 any filed business plan for such
3 new commercial enterprises.

4 “(II) AUTHORIZED SANCTIONS.—
5 The Director shall establish a grad-
6 uated set of sanctions based on the
7 severity of the violations referred to in
8 subclause (I), including—

9 “(aa) fines equal to not
10 more than 10 percent of the total
11 capital invested by alien investors
12 in the regional center’s new com-
13 mercial enterprises or job-cre-
14 ating entities directly involved in
15 such violations, the payment of
16 which shall not in any cir-
17 cumstance utilize any of such
18 alien investors’ capital invest-
19 ments, and which shall be depos-
20 ited into the EB–5 Integrity
21 Fund established under subpara-
22 graph (J);

23 “(bb) temporary suspension
24 from participation in the pro-
25 gram described in subparagraph

1 (E), which may be lifted by the
2 Director if the individual or enti-
3 ty cures the alleged violation
4 after being provided such an op-
5 portunity by the Director;

6 “(cc) permanent bar from
7 participation in the program de-
8 scribed in subparagraph (E) for
9 1 or more individuals or business
10 entities associated with the re-
11 gional center, new commercial
12 enterprise, or job-creating entity;
13 and

14 “(dd) termination of re-
15 gional center designation.

16 “(iv) AVAILABILITY OF ANNUAL
17 STATEMENTS TO INVESTORS.—Not later
18 than 30 days after a request from an alien
19 investor, a regional center shall make
20 available to such alien investor a copy of
21 the filed annual statement and any amend-
22 ments filed to such statement, which shall
23 be redacted to exclude any information un-
24 related to such alien investor or the new

1 commercial enterprise or job creating enti-
2 ty into which the alien investor invested.

3 “(H) BONA FIDES OF PERSONS INVOLVED
4 WITH REGIONAL CENTER PROGRAM.—

5 “(i) IN GENERAL.—The Secretary of
6 Homeland Security may not permit any
7 person to be involved with any regional
8 center, new commercial enterprise, or job-
9 creating entity if—

10 “(I) the person has been found to
11 have committed—

12 “(aa) a criminal or civil of-
13 fense involving fraud or deceit
14 within the previous 10 years;

15 “(bb) a civil offense involv-
16 ing fraud or deceit that resulted
17 in a liability in excess of
18 \$1,000,000; or

19 “(cc) a crime for which the
20 person was convicted and sen-
21 tenced to a term of imprisonment
22 of more than 1 year;

23 “(II) the person is subject to a
24 final order, for the duration of any
25 penalty imposed by such order, of a

1 State securities commission (or an
2 agency or officer of a State per-
3 forming similar functions), a State
4 authority that supervises or examines
5 banks, savings associations, or credit
6 unions, a State insurance commission
7 (or an agency or officer of a State
8 performing similar functions), an ap-
9 propriate Federal banking agency, the
10 Commodity Futures Trading Commis-
11 sion, the Securities and Exchange
12 Commission, a financial self-regu-
13 latory organization recognized by the
14 Securities and Exchange Commission,
15 or the National Credit Union Admin-
16 istration, which is based on a violation
17 of any law or regulation that—

18 “(aa) prohibits fraudulent,
19 manipulative, or deceptive con-
20 duct; or

21 “(bb) bars the person
22 from—

23 “(AA) association with
24 an entity regulated by such

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1 commission, authority, agen-
2 cy, or officer;

3 “(BB) appearing before
4 such commission, authority,
5 agency, or officer;

6 “(CC) engaging in the
7 business of securities, insur-
8 ance, or banking; or

9 “(DD) engaging in sav-
10 ings association or credit
11 union activities;

12 “(III) the Secretary determines
13 that the person is engaged in, has
14 ever been engaged in, or seeks to en-
15 gage in—

16 “(aa) any illicit trafficking
17 in any controlled substance or in
18 any listed chemical (as defined in
19 section 102 of the Controlled
20 Substances Act);

21 “(bb) any activity relating to
22 espionage, sabotage, or theft of
23 intellectual property;

24 “(cc) any activity related to
25 money laundering (as described

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1 in section 1956 or 1957 of title
2 18, United States Code);

3 “(dd) any terrorist activity
4 (as defined in section
5 212(a)(3)(B));

6 “(ee) any activity consti-
7 tuting or facilitating human traf-
8 ficking or a human rights of-
9 fense;

10 “(ff) any activity described
11 in section 212(a)(3)(E); or

12 “(gg) the violation of any
13 statute, regulation, or Executive
14 order regarding foreign financial
15 transactions or foreign asset con-
16 trol; or

17 “(IV) the person—

18 “(aa) is, or during the pre-
19 ceeding 10 years has been, in-
20 cluded on the Department of
21 Justice’s List of Currently Dis-
22 ciplined Practitioners; or

23 “(bb) during the preceding
24 10 years, has received a rep-
25 rimand or has otherwise been

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1 publicly disciplined for conduct
2 related to fraud or deceit by a
3 State bar association of which
4 the person is or was a member.

5 “(ii) FOREIGN INVOLVEMENT IN RE-
6 GIONAL CENTER PROGRAM.—

7 “(I) LAWFUL STATUS RE-
8 QUIRED.—A person may not be in-
9 volved with a regional center unless
10 the person—

11 “(aa) is a national of the
12 United States or an individual
13 who has been lawfully admitted
14 for permanent residence (as such
15 terms are defined in paragraphs
16 (20) and (22) of section 101(a));
17 and

18 “(bb) is not the subject of
19 rescission or removal pro-
20 ceedings.

21 “(II) FOREIGN GOVERNMENTS.—
22 No agency, official, or other similar
23 entity or representative of a foreign
24 government entity may provide capital
25 to, or be directly or indirectly involved

1 with the ownership or administration
2 of, a regional center, a new commer-
3 cial enterprise, or a job-creating enti-
4 ty, except that a foreign or domestic
5 investment fund or other investment
6 vehicle that is wholly or partially
7 owned, directly or indirectly, by a
8 bona fide foreign sovereign wealth
9 fund or a foreign state-owned enter-
10 prise otherwise permitted to do busi-
11 ness in the United States may be in-
12 volved with the ownership, but not the
13 administration, of a job-creating enti-
14 ty that is not an affiliated job-creating
15 entity.

16 “(III) RULEMAKING.—Not later
17 than 270 days after the date of the
18 enactment of the EB–5 Reform and
19 Integrity Act of 2022, the Secretary
20 shall issue regulations implementing
21 subparagraphs (I) and (II).

22 “(iii) INFORMATION REQUIRED.—The
23 Secretary of Homeland Security—

24 “(I) shall require such attesta-
25 tions and information, including the

1 submission of fingerprints or other
2 biometrics to the Federal Bureau of
3 Investigation with respect to a re-
4 gional center, a new commercial enter-
5 prise, and any affiliated job creating
6 entity, and persons involved with such
7 entities (as described in clause (v)), as
8 may be necessary to determine wheth-
9 er such entities are in compliance with
10 clauses (i) and (ii);

11 “(II) shall perform such criminal
12 record checks and other background
13 and database checks with respect to a
14 regional center, a new commercial en-
15 terprise, and any affiliated job-cre-
16 ating entity, and persons involved
17 with such entities (as described in
18 clause (v)), as may be necessary to de-
19 termine whether such entities are in
20 compliance with clauses (i) and (ii);
21 and

22 “(III) may, at the Secretary’s
23 discretion, require the information de-
24 scribed to in subclause (I) and may
25 perform the checks described in sub-

1 clause (II) with respect to any job cre-
2 ating entity and persons involved with
3 such entity if there is a reasonable
4 basis to believe such entity or person
5 is not in compliance with clauses (i)
6 and (ii).

7 “(iv) TERMINATION.—

8 “(I) IN GENERAL.—The Sec-
9 retary of Homeland Security may sus-
10 pend or terminate the designation of
11 any regional center, or the participa-
12 tion under the program of any new
13 commercial enterprise or job-creating
14 entity under this paragraph if the
15 Secretary determines that such enti-
16 ty—

17 “(aa) knowingly involved a
18 person with such entity in viola-
19 tion of clause (i) or (ii) by fail-
20 ing, within 14 days of acquiring
21 such knowledge—

22 “(AA) to take commer-
23 cially reasonable efforts to
24 discontinue the prohibited
25 person’s involvement; or

1 “(BB) to provide notice
2 to the Secretary;

3 “(bb) failed to provide an
4 attestation or information re-
5 quested by the Secretary under
6 clause (iii)(I); or

7 “(cc) knowingly provided
8 any false attestation or informa-
9 tion under clause (iii)(I).

10 “(II) LIMITATION.—The Sec-
11 retary’s authorized sanctions under
12 subclause (I) shall be limited to enti-
13 ties that have engaged in any activity
14 described in subclause (I).

15 “(III) INFORMATION.—

16 “(aa) NOTIFICATION.—The
17 Secretary, after performing the
18 criminal record checks and other
19 background checks described in
20 clause (iii), shall notify a regional
21 center, new commercial enter-
22 prise, or job-creating entity
23 whether any person involved with
24 such entities is not in compliance
25 with clause (i) or (ii), unless the

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1 information that provides the
2 basis for the determination is
3 classified or disclosure is other-
4 wise prohibited under law.

5 “(bb) EFFECT OF FAILURE
6 TO RESPOND.—If the regional
7 center, new commercial enter-
8 prise, or job-creating entity fails
9 to discontinue the prohibited per-
10 son’s involvement with the re-
11 gional center, new commercial
12 enterprise, or job-creating entity,
13 as applicable, within 30 days
14 after receiving such notification,
15 such entity shall be deemed to
16 have knowledge under subclause
17 (I)(aa) that the involvement of
18 such person with the entity is in
19 violation of clause (i) or (ii).

20 “(v) PERSONS INVOLVED WITH A RE-
21 GIONAL CENTER, NEW COMMERCIAL EN-
22 TERPRISE, OR JOB-CREATING ENTITY.—
23 For the purposes of this paragraph, unless
24 otherwise determined by the Secretary of
25 Homeland Security, a person is involved

1 with a regional center, a new commercial
2 enterprise, any affiliated job-creating enti-
3 ty, as applicable, if the person is, directly
4 or indirectly, in a position of substantive
5 authority to make operational or manage-
6 rial decisions over pooling, securitization,
7 investment, release, acceptance, or control
8 or use of any funding that was procured
9 under the program described in subpara-
10 graph (E). An individual may be in a posi-
11 tion of substantive authority if the person
12 serves as a principal, a representative, an
13 administrator, an owner, an officer, a
14 board member, a manager, an executive, a
15 general partner, a fiduciary, an agent, or
16 in a similar position at the regional center,
17 new commercial enterprise, or job-creating
18 entity, respectively.

19 “(I) COMPLIANCE WITH SECURITIES
20 LAWS.—

21 “(i) JURISDICTION.—

22 “(I) IN GENERAL.—The United
23 States has jurisdiction, including sub-
24 ject matter jurisdiction, over the pur-
25 chase or sale of any security offered

1 or sold, or any investment advice pro-
2 vided, by any regional center or any
3 party associated with a regional cen-
4 ter for purposes of the securities laws.

5 “(II) COMPLIANCE WITH REGU-
6 LATION S.—For purposes of section 5
7 of the Securities Act of 1933 (15
8 U.S.C. 77e), a regional center or any
9 party associated with a regional cen-
10 ter is not precluded from offering or
11 selling a security pursuant to Regula-
12 tion S (17 C.F.R. 230.901 et seq.) to
13 the extent that such offering or selling
14 otherwise complies with that regula-
15 tion.

16 “(III) SAVINGS PROVISION.—
17 Subclause (I) is not intended to mod-
18 ify any existing rules or regulations of
19 the Securities and Exchange Commis-
20 sion related to the application of sec-
21 tion 15(a) of the Securities and Ex-
22 change Act of 1934 (15 U.S.C.
23 78o(a)) to foreign brokers or dealers.

24 “(ii) REGIONAL CENTER CERTIFI-
25 CATIONS REQUIRED.—

1 “(I) INITIAL CERTIFICATION.—

2 The Secretary of Homeland Security
3 may not approve an application for re-
4 gional center designation or regional
5 center amendment unless the regional
6 center certifies that, to the best of the
7 certifier’s knowledge, after a due dili-
8 gence investigation, the regional cen-
9 ter is in compliance with and has poli-
10 cies and procedures, including those
11 related to internal and external due
12 diligence, reasonably designed to con-
13 firm, as applicable, that all parties as-
14 sociated with the regional center are
15 and will remain in compliance with
16 the securities laws of the United
17 States and of any State in which—

18 “(aa) the offer, purchase, or
19 sale of securities was conducted;

20 “(bb) the issuer of securities
21 was located; or

22 “(cc) the investment advice
23 was provided by the regional cen-
24 ter or parties associated with the
25 regional center.

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1 “(II) REISSUE.—A regional cen-
2 ter shall annually reissue a certifi-
3 cation described in subclause (I), in
4 accordance with subparagraph (G), to
5 certify compliance with clause (iii) by
6 stating that—

7 “(aa) the certification is
8 made by a certifier;

9 “(bb) to the best of the cer-
10 tifier’s knowledge, after a due
11 diligence investigation, all such
12 offers, purchases, and sales of se-
13 curities or the provision of invest-
14 ment advice complied with the se-
15 curities laws of the United States
16 and the securities laws of any
17 State in which—

18 “(AA) the offer, pur-
19 chase, or sale of securities
20 was conducted;

21 “(BB) the issuer of se-
22 curities was located; or

23 “(CC) the investment
24 advice was provided; and

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1 “(cc) records, data, and in-
2 formation related to such offers,
3 purchases, and sales have been
4 maintained.

5 “(III) EFFECT OF NONCOMPLI-
6 ANCE.—If a regional center, through
7 its due diligence, discovered during
8 the previous fiscal year that the re-
9 gional center or any party associated
10 with the regional center was not in
11 compliance with the securities laws of
12 the United States or the securities
13 laws of any State in which the securi-
14 ties activities were conducted by any
15 party associated with the regional cen-
16 ter, the certifier shall—

17 “(aa) describe the activities
18 that led to noncompliance;

19 “(bb) describe the actions
20 taken to remedy the noncompli-
21 ance; and

22 “(cc) certify that the re-
23 gional center and all parties asso-
24 ciated with the regional center
25 are currently in compliance, to

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1 the best of the certifier’s knowl-
2 edge, after a due diligence inves-
3 tigation.

4 “(iii) OVERSIGHT REQUIRED.—Each
5 regional center shall—

6 “(I) use commercially reasonable
7 efforts to monitor and supervise com-
8 pliance with the securities laws in re-
9 lations to all offers, purchases, and
10 sales of, and investment advice relat-
11 ing to, securities made by parties as-
12 sociated with the regional center;

13 “(II) maintain records, data, and
14 information relating to all such offers,
15 purchases, sales, and investment ad-
16 vice during the 5-year period begin-
17 ning on the date of their creation; and

18 “(III) make the records, data,
19 and information described in sub-
20 clause (II) available to the Secretary
21 or to the Securities and Exchange
22 Commission upon request.

23 “(iv) SUSPENSION OR TERMI-
24 NATION.—In addition to any other author-
25 ity provided to the Secretary under this

1 paragraph, the Secretary, in the Sec-
2 retary's discretion, may suspend or termi-
3 nate the designation of any regional center
4 or impose other sanctions against the re-
5 gional center if the regional center, or any
6 parties associated with the regional center
7 that the regional center knew or reason-
8 ably should have known—

9 “(I) are permanently or tempo-
10 rarily enjoined by order, judgment, or
11 decree of any court of competent ju-
12 risdiction in connection with the offer,
13 purchase, or sale of a security or the
14 provision of investment advice;

15 “(II) are subject to any final
16 order of the Securities and Exchange
17 Commission or a State securities reg-
18 ulator that—

19 “(aa) bars such person from
20 association with an entity regu-
21 lated by the Securities and Ex-
22 change Commission or a State
23 securities regulator; or

24 “(bb) constitutes a final
25 order based on a finding of an in-

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1 tentional violation or a violation
2 related to fraud or deceit in con-
3 nection with the offer, purchase,
4 or sale of, or investment advice
5 relating to, a security; or

6 “(III) submitted, or caused to be
7 submitted, a certification described in
8 clause (ii) that contained an untrue
9 statement of a material fact or omit-
10 ted to state a material fact necessary
11 in order to make the statements
12 made, in light of the circumstances
13 under which they were made, not mis-
14 leading.

15 “(v) DEFINED TERM.—In this sub-
16 paragraph, the term ‘parties associated
17 with a regional center’ means—

18 “(I) the regional center;

19 “(II) any new commercial enter-
20 prise or affiliated job-creating entity
21 or issuer of securities associated with
22 the regional center;

23 “(III) the regional center’s and
24 new commercial enterprise’s owners,
25 officers, directors, managers, partners,

1 agents, employees, promoters and at-
2 torneys, or similar position, as deter-
3 mined by the Secretary; and

4 “(IV) any person under the con-
5 trol of the regional center, new com-
6 mercial enterprise, or issuer of securi-
7 ties associated with the regional cen-
8 ter who is responsible for the mar-
9 keting, offering, or sale of any secu-
10 rity offered in connection with the
11 capital investment project.

12 “(vi) SAVINGS PROVISION.—Nothing
13 in this subparagraph may be construed to
14 impair or limit the authority of the Securi-
15 ties and Exchange Commission under the
16 Federal securities laws or any State securi-
17 ties regulator under State securities laws.

18 “(J) EB–5 INTEGRITY FUND.—

19 “(i) ESTABLISHMENT.—There is es-
20 tablished in the United States Treasury a
21 special fund, which shall be known as the
22 ‘EB–5 Integrity Fund’ (referred to in this
23 subparagraph as the ‘Fund’). Amounts de-
24 posited into the Fund shall be available to
25 the Secretary of Homeland Security until

1 expended for the purposes set forth in
2 clause (iii).

3 “(ii) FEES.—

4 “(I) ANNUAL FEE.—On October
5 1, 2022, and each October 1 there-
6 after, the Secretary of Homeland Se-
7 curity shall collect for the Fund an
8 annual fee—

9 “(aa) except as provided in
10 item (bb), of \$20,000 from each
11 regional center designated under
12 subparagraph (E); and

13 “(bb) of \$10,000 from each
14 such regional center with 20 or
15 fewer total investors in the pre-
16 ceding fiscal year in its new com-
17 mercial enterprises.

18 “(II) PETITION FEE.—Beginning
19 on October 1, 2022, the Secretary
20 shall collect a fee of \$1,000 for the
21 Fund with each petition filed under
22 section 204(a)(1)(H) for classification
23 under subparagraph (E). The fee
24 under this subclause is in addition to
25 the fee that the Secretary is author-

1 ized to establish and collect for each
2 petition to recover the costs of adju-
3 dication and naturalization services
4 under section 286(m).

5 “(III) INCREASES.—The Sec-
6 retary may increase the amounts
7 under this clause by prescribing such
8 regulations as may be necessary to en-
9 sure that amounts in the Fund are
10 sufficient to carry out the purposes
11 set forth in clause (iii).

12 “(iii) PERMISSIBLE USES OF FUND.—
13 The Secretary shall—

14 “(I) use not less than $\frac{1}{3}$ of the
15 amounts deposited into the Fund for
16 investigations based outside of the
17 United States, including—

18 “(aa) monitoring and inves-
19 tigating program-related events
20 and promotional activities; and

21 “(bb) ensuring an alien in-
22 vestor’s compliance with subpara-
23 graph (L); and

24 “(II) use amounts deposited into
25 the Fund—

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1 “(aa) to detect and inves-
2 tigate fraud or other crimes;

3 “(bb) to determine whether
4 regional centers, new commercial
5 enterprises, job-creating entities,
6 and alien investors (and their
7 alien spouses and alien children)
8 comply with the immigration
9 laws;

10 “(cc) to conduct audits and
11 site visits; and

12 “(dd) as the Secretary de-
13 termines to be necessary, includ-
14 ing monitoring compliance with
15 the requirements under section
16 107 of the EB-5 Reform and In-
17 tegrity Act of 2022.

18 “(iv) FAILURE TO PAY FEE.—The
19 Secretary of Homeland Security shall—

20 “(I) impose a reasonable penalty,
21 which shall be deposited into the
22 Fund, if any regional center does not
23 pay the fee required under clause (ii)
24 within 30 days after the date on
25 which such fee is due; and

1 “(II) terminate the designation
2 of any regional center that does not
3 pay the fee required under clause (ii)
4 within 90 days after the date on
5 which such fee is due.

6 “(v) REPORT.—The Secretary shall
7 submit an annual report to the Committee
8 on the Judiciary of the Senate and the
9 Committee on the Judiciary of the House
10 of Representatives that describes how
11 amounts in the Fund were expended dur-
12 ing the previous fiscal year.

13 “(K) DIRECT AND THIRD-PARTY PRO-
14 MOTERS.—

15 “(i) RULES AND STANDARDS.—Direct
16 and third-party promoters (including mi-
17 gration agents) of a regional center, any
18 new commercial enterprise, an affiliated
19 job-creating entity, or an issuer of securi-
20 ties intended to be offered to alien inves-
21 tors in connection with a particular capital
22 investment project shall comply with the
23 rules and standards prescribed by the Sec-
24 retary of Homeland Security and any ap-
25 plicable Federal or State securities laws, to

1 oversee promotion of any offering of secu-
2 rities related to the EB-5 Program, in-
3 cluding—

4 “(I) registration with U.S. Citi-
5 zenship and Immigration Services,
6 which—

7 “(aa) includes identifying
8 and contact information for such
9 promoter and confirmation of the
10 existence of the written agree-
11 ment required under clause (iii);
12 and

13 “(bb) may be made publicly
14 available at the discretion of the
15 Secretary;

16 “(II) certification by each pro-
17 moter that such promoter is not ineli-
18 gible under subparagraph (H)(i);

19 “(III) guidelines for accurately
20 representing the visa process to for-
21 eign investors; and

22 “(IV) guidelines describing per-
23 missible fee arrangements under ap-
24 plicable securities and immigration
25 laws.

1 “(ii) EFFECT OF VIOLATION.—If the
2 Secretary determines that a direct or
3 third-party promoter has violated clause
4 (i), the Secretary shall suspend or perma-
5 nently bar such individual from participa-
6 tion in the program described in subpara-
7 graph (E).

8 “(iii) COMPLIANCE.—Each regional
9 center, new commercial enterprise, and af-
10 filiated job-creating entity shall maintain a
11 written agreement between or among such
12 entities and each direct or third-party pro-
13 moter operating on behalf of such entities
14 that outlines the rules and standards pre-
15 scribed under clause (i).

16 “(iv) DISCLOSURE.—Each petition
17 filed under section 204(a)(1)(H) shall in-
18 clude a disclosure, signed by the investor,
19 that reflects all fees, ongoing interest, and
20 other compensation paid to any person
21 that the regional center or new commercial
22 enterprise knows has received, or will re-
23 ceive, in connection with the investment,
24 including compensation to agents, finders,
25 or broker dealers involved in the offering,

1 to the extent not already specifically identi-
2 fied in the business plan filed under sub-
3 paragraph (F).

4 “(L) SOURCE OF FUNDS.—

5 “(i) IN GENERAL.—An alien investor
6 shall demonstrate that the capital required
7 under subparagraph (A) and any funds
8 used to pay administrative costs and fees
9 associated with the alien’s investment were
10 obtained from a lawful source and through
11 lawful means.

12 “(ii) REQUIRED INFORMATION.—The
13 Secretary of Homeland Security shall re-
14 quire that an alien investor’s petition
15 under this paragraph contain, as applica-
16 ble—

17 “(I) business and tax records, or
18 similar records, including—

19 “(aa) foreign business reg-
20 istration records;

21 “(bb) corporate or partner-
22 ship tax returns (or tax returns
23 of any other entity in any form
24 filed in any country or subdivi-
25 sion of such country), and per-

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1 sonal tax returns, including in-
2 come, franchise, property (wheth-
3 er real, personal, or intangible),
4 or any other tax returns of any
5 kind, filed during the past 7
6 years (or another period to be de-
7 termined by the Secretary to en-
8 sure that the investment is ob-
9 tained from a lawful source of
10 funds) with any taxing jurisdic-
11 tion within or outside the United
12 States by or on behalf of the
13 alien investor; and

14 “(cc) any other evidence
15 identifying any other source of
16 capital or administrative fees;

17 “(II) evidence related to mone-
18 etary judgments against the alien in-
19 vestor, including certified copies of
20 any judgments, and evidence of all
21 pending governmental civil or criminal
22 actions, governmental administrative
23 proceedings, and any private civil ac-
24 tions (pending or otherwise) involving
25 possible monetary judgments against

1 the alien investor from any court
2 within or outside the United States;
3 and

4 “(III) the identity of all persons
5 who transfer into the United States,
6 on behalf of the investor, any funds
7 that are used to meet the capital re-
8 quirement under subparagraph (A).

9 “(iii) GIFT AND LOAN RESTRIC-
10 TIONS.—

11 “(I) IN GENERAL.—Gifted and
12 borrowed funds may not be counted
13 toward the minimum capital invest-
14 ment requirement under subpara-
15 graph (C) unless such funds—

16 “(aa) were gifted or loaned
17 to the alien investor in good
18 faith; and

19 “(bb) were not gifted or
20 loaned to circumvent any limita-
21 tions imposed on permissible
22 sources of capital under this sub-
23 paragraph, including but not lim-
24 ited to proceeds from illegal ac-
25 tivity.

1 “(II) RECORDS REQUIREMENT.—

2 If funds invested under subparagraph
3 (A) are gifted or loaned to the alien
4 investor, the Secretary shall require
5 that the alien investor’s petition under
6 this paragraph includes the records
7 described in subclauses (I) and (II) of
8 clause (ii) from the donor or, if other
9 than a bank, the lender.

10 “(M) TREATMENT OF GOOD FAITH INVES-
11 TORS FOLLOWING PROGRAM NONCOMPLI-
12 ANCE.—

13 “(i) TERMINATION OR DEBARMENT
14 OF EB-5 ENTITY.—Except as provided in
15 clause (vi), upon the termination or debar-
16 ment, as applicable, from the program
17 under this paragraph of a regional center,
18 a new commercial enterprise, or a job-cre-
19 ating entity—

20 “(I) an otherwise qualified peti-
21 tion under section 204(a)(1)(H) or
22 the conditional permanent residence of
23 an alien who has been admitted to the
24 United States pursuant to section
25 216A(a)(1) based on an investment in

1 a terminated regional center, new
2 commercial enterprise, or job-creating
3 entity shall remain valid or continue
4 to be authorized, as applicable, con-
5 sistent with this subparagraph; and

6 “(II) the Secretary of Homeland
7 Security shall notify the alien bene-
8 ficiaries of such petitions of such ter-
9 mination or debarment.

10 “(ii) NEW REGIONAL CENTER OR IN-
11 VESTMENT.—The petition under section
12 204(a)(1)(H) of an alien described in
13 clause (i) and the conditional permanent
14 resident status of an alien described in
15 clause (i) shall be terminated 180 days
16 after notification of the termination from
17 the program under this paragraph of a re-
18 gional center, a new commercial enterprise,
19 or a job creating entity (but not sooner
20 than 180 days after the date of the enact-
21 ment of the EB–5 Reform and Integrity
22 Act of 2022) unless—

23 “(I) in the case of the termi-
24 nation of a regional center—

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1 “(aa) the new commercial
2 enterprise associates with an ap-
3 proved regional center, regardless
4 of the approved geographical
5 boundaries of such regional cen-
6 ter’s designation; or

7 “(bb) such alien makes a
8 qualifying investment in another
9 new commercial enterprise; or

10 “(II) in the case of the debar-
11 ment of a new commercial enterprise
12 or job-creating entity, such alien—

13 “(aa) associates with a new
14 commercial enterprise in good
15 standing; and

16 “(bb) invests additional in-
17 vestment capital solely to the ex-
18 tent necessary to satisfy remain-
19 ing job creation requirements
20 under subparagraph (A)(ii).

21 “(iii) AMENDMENTS.—

22 “(I) FILING REQUIREMENT.—
23 The Secretary shall permit a petition
24 described in clause (i)(I) to be amend-
25 ed to allow such petition to meet the

1 applicable eligibility requirements
2 under clause (ii), or to notify the Sec-
3 retary that a pending or approved pe-
4 tition continues to meet the eligibility
5 requirements described in clause (ii)
6 notwithstanding termination or debar-
7 ment described in clause (i) if such
8 amendment is filed not later than 180
9 days after the Secretary provides noti-
10 fication of termination or debarment
11 of a regional center, a new commercial
12 enterprise, or a job-creating entity, as
13 applicable.

14 “(II) DETERMINATION OF ELIGI-
15 BILITY.—For purposes of determining
16 eligibility under subclause (I)—

17 “(aa) the Secretary shall
18 permit amendments to the busi-
19 ness plan, without such facts un-
20 derlying the amendment being
21 deemed a material change; and

22 “(bb) may deem any funds
23 obtained or recovered by an alien
24 investor, directly or indirectly,
25 from claims against third parties,

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1 including insurance proceeds, or
2 any additional investment capital
3 provided by the alien, to be such
4 alien’s investment capital for the
5 purposes of subparagraph (A) if
6 such investment otherwise com-
7 plies with the requirements under
8 this paragraph and section 216A.

9 “(iv) REMOVAL OF CONDITIONS.—
10 Aliens described in subclauses (I)(bb) and
11 (II) of clause (ii) shall be eligible to have
12 their conditions removed pursuant to sec-
13 tion 216A beginning on the date that is 2
14 years after the date of the subsequent in-
15 vestment.

16 “(v) REMEDIES.—For petitions ap-
17 proved under clause (ii), including fol-
18 lowing an amendment filed under clause
19 (iii), the Secretary—

20 “(I) shall retain the immigrant
21 visa priority date related to the origi-
22 nal petition and prevent age-out of de-
23 rivative beneficiaries; and

1 “(II) may hold such petition in
2 abeyance and extend any applicable
3 deadlines under this paragraph.

4 “(vi) EXCEPTION.—If the Secretary
5 has reason to believe that an alien was a
6 knowing participant in the conduct that led
7 to the termination of a regional center,
8 new commercial enterprise, or job-creating
9 entity described in clause (i)—

10 “(I) the alien shall not be ac-
11 corded any benefit under this sub-
12 paragraph; and

13 “(II) the Secretary shall—

14 “(aa) notify the alien of
15 such belief; and

16 “(bb) subject to section
17 216A(b)(2), shall deny or initiate
18 proceedings to revoke the ap-
19 proval of such alien’s petition,
20 application, or benefit (and that
21 of any spouse or child, if applica-
22 ble) described in this paragraph.

23 “(N) THREATS TO THE NATIONAL INTER-
24 EST.—

1 “(i) DENIAL OR REVOCATION.—The
2 Secretary of Homeland Security shall deny
3 or revoke the approval of a petition, appli-
4 cation, or benefit described in this para-
5 graph, including the documents described
6 in clause (ii), if the Secretary determines,
7 in the Secretary’s discretion, that the ap-
8 proval of such petition, application, or ben-
9 efit is contrary to the national interest of
10 the United States for reasons relating to
11 threats to public safety or national secu-
12 rity.

13 “(ii) DOCUMENTS.—The documents
14 described in this clause are—

15 “(I) a certification, designation,
16 or amendment to the designation of a
17 regional center;

18 “(II) a petition seeking classifica-
19 tion of an alien as an alien investor
20 under this paragraph;

21 “(III) a petition to remove condi-
22 tions under section 216A;

23 “(IV) an application for approval
24 of a business plan in a new commer-

1 cial enterprise under subparagraph
2 (F); or

3 “(V) a document evidencing con-
4 ditional permanent resident status
5 that was issued to an alien pursuant
6 to section 216A.

7 “(iii) DEBARMENT.—If a regional
8 center, new commercial enterprise, or job-
9 creating entity has its designation or par-
10 ticipation in the program under this para-
11 graph terminated for reasons relating to
12 public safety or national security, any per-
13 son associated with such regional center,
14 new commercial enterprise, or job-creating
15 entity, including an alien investor, shall be
16 permanently barred from future participa-
17 tion in the program under this paragraph
18 if the Secretary of Homeland Security, in
19 the Secretary’s discretion, determines, by a
20 preponderance of the evidence, that such
21 person was a knowing participant in the
22 conduct that led to the termination.

23 “(iv) NOTICE.—If the Secretary of
24 Homeland Security determines that the ap-
25 proval of a petition, application, or benefit

1 described in this paragraph should be de-
2 nied or revoked pursuant to clause (i), the
3 Secretary shall—

4 “(I) notify the relevant indi-
5 vidual, regional center, or commercial
6 entity of such determination;

7 “(II) deny or revoke such peti-
8 tion, application, or benefit or termi-
9 nate the permanent resident status of
10 the alien (and the alien spouse and
11 alien children of such immigrant), as
12 of the date of such determination; and

13 “(III) provide any United States-
14 owned regional center, new commer-
15 cial enterprise, or job creating entity
16 an explanation for such determination
17 unless the relevant information is
18 classified or disclosure is otherwise
19 prohibited under law.

20 “(v) JUDICIAL REVIEW.—Notwith-
21 standing any other provision of law (statu-
22 tory or nonstatutory), including section
23 2241 of title 28, United States Code, or
24 any other habeas corpus provision, and
25 sections 1361 and 1651 of such title, no

1 court shall have jurisdiction to review a de-
2 nial or revocation under this subparagraph.
3 Nothing in this clause may be construed as
4 precluding review of constitutional claims
5 or questions of law raised upon a petition
6 for review filed with an appropriate court
7 of appeals in accordance with section 242.

8 “(O) FRAUD, MISREPRESENTATION, AND
9 CRIMINAL MISUSE.—

10 “(i) DENIAL OR REVOCATION.—Sub-
11 ject to subparagraph (M), the Secretary of
12 Homeland Security shall deny or revoke
13 the approval of a petition, application, or
14 benefit described in this paragraph, includ-
15 ing the documents described in subpara-
16 graph (N)(ii), if the Secretary determines,
17 in the Secretary’s discretion, that such pe-
18 tition, application, or benefit was predi-
19 cated on or involved fraud, deceit, inten-
20 tional material misrepresentation, or crimi-
21 nal misuse.

22 “(ii) DEBARMENT.—If a regional cen-
23 ter, new commercial enterprise, or job-cre-
24 ating entity has its designation or partici-
25 pation in the program under this para-

1 graph terminated for reasons relating to
2 fraud, intentional material misrepresenta-
3 tion, or criminal misuse, any person associ-
4 ated with such regional center, new com-
5 mercial enterprise, or job-creating entity,
6 including an alien investor, shall be perma-
7 nently barred from future participation in
8 the program if the Secretary determines,
9 in the Secretary’s discretion, by a prepon-
10 derance of the evidence, that such person
11 was a knowing participant in the conduct
12 that led to the termination.

13 “(iii) NOTICE.—If the Secretary de-
14 termines that the approval of a petition,
15 application, or benefit described in this
16 paragraph should be denied or revoked
17 pursuant to clause (i), the Secretary
18 shall—

19 “(I) notify the relevant indi-
20 vidual, regional center, or commercial
21 entity of such determination; and

22 “(II) deny or revoke such peti-
23 tion, application, or benefit or termi-
24 nate the permanent resident status of
25 the alien (and the alien spouse and

1 alien children of such immigrant), in
2 accordance with clause (i), as of the
3 date of such determination.

4 “(P) ADMINISTRATIVE APPELLATE RE-
5 VIEW.—

6 “(i) IN GENERAL.—The Director of
7 U.S. Citizenship and Immigration Services
8 shall provide an opportunity for an admin-
9 istrative appellate review by the Adminis-
10 trative Appeals Office of U.S. Citizenship
11 and Immigration Services of any deter-
12 mination made under this paragraph, in-
13 cluding—

14 “(I) an application for regional
15 center designation or regional center
16 amendment;

17 “(II) an application for approval
18 of a business plan filed under sub-
19 paragraph (F);

20 “(III) a petition by an alien in-
21 vestor for status as an immigrant
22 under this paragraph;

23 “(IV) the termination or suspen-
24 sion of any benefit accorded under
25 this paragraph; and

1 “(V) any sanction imposed by the
2 Secretary under this paragraph.

3 “(ii) JUDICIAL REVIEW.—Subject to
4 subparagraph (N)(v) and section
5 242(a)(2), and notwithstanding any other
6 provision of law (statutory or nonstatu-
7 tory), including section 2241 of title 28,
8 United States Code, or any other habeas
9 corpus provision, and sections 1361 and
10 1651 of such title, no court shall have ju-
11 risdiction to review a determination under
12 this paragraph until the regional center, its
13 associated entities, or the alien investor
14 has exhausted all administrative appeals.

15 “(Q) FUND ADMINISTRATION.—

16 “(i) IN GENERAL.—Each new com-
17 mercial enterprise shall deposit and main-
18 tain the capital investment of each alien
19 investor in a separate account, including
20 amounts held in escrow.

21 “(ii) USE OF FUNDS.—Amounts in a
22 separate account may only—

23 “(I) be transferred to another
24 separate account or a job creating en-
25 tity;

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1 “(II) otherwise be deployed into
2 the capital investment project for
3 which the funds were intended; or

4 “(III) be transferred to the alien
5 investor who contributed the funds as
6 a refund of that investor’s capital in-
7 vestment, if otherwise permitted
8 under this paragraph.

9 “(iii) DEPLOYMENT OF FUNDS INTO
10 AN AFFILIATED JOB-CREATING ENTITY.—
11 If amounts are transferred to an affiliated
12 job-creating entity pursuant to clause
13 (ii)(I)—

14 “(I) the affiliated job-creating
15 entity shall maintain such amounts in
16 a separate account until they are de-
17 ployed into the capital investment
18 project for which they were intended;
19 and

20 “(II) not later than 30 days after
21 such amounts are deployed pursuant
22 to subclause (I), the affiliated job-cre-
23 ating entity shall provide written no-
24 tice to the fund administrator re-
25 tained pursuant to clause (iv) that a

1 construction consultant or other indi-
2 vidual authorized by the Secretary has
3 verified that such amounts have been
4 deployed into the project.

5 “(iv) FUND ADMINISTRATOR.—Except
6 as provided in clause (v), the new commer-
7 cial enterprise shall retain a fund adminis-
8 trator to fulfill the requirements under this
9 subparagraph. The fund administrator—

10 “(I) shall be independent of, and
11 not directly related to, the new com-
12 mercial enterprise, the regional center
13 associated with the new commercial
14 enterprise, the job creating entity, or
15 any of the principals or managers of
16 such entities;

17 “(II) shall be licensed, active,
18 and in good standing as—

19 “(aa) a certified public ac-
20 countant;

21 “(bb) an attorney;

22 “(cc) a broker-dealer or in-
23 vestment adviser registered with
24 the Securities and Exchange
25 Commission; or

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1 “(dd) an individual or com-
2 pany that otherwise meets such
3 requirements as may be estab-
4 lished by the Secretary;

5 “(III) shall monitor and track
6 any transfer of amounts from the sep-
7 arate account;

8 “(IV) shall serve as a cosignatory
9 on all separate accounts;

10 “(V) before any transfer of
11 amounts from a separate account,
12 shall—

13 “(aa) verify that the trans-
14 fer complies with all governing
15 documents, including organiza-
16 tional, operational, and invest-
17 ment documents; and

18 “(bb) approve such transfer
19 with a written or electronic sig-
20 nature;

21 “(VI) shall periodically provide
22 each alien investor with information
23 about the activity of the account in
24 which the investor’s capital invest-
25 ment is held, including—

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1 “(aa) the name and location
2 of the bank or financial institu-
3 tion at which the account is
4 maintained;

5 “(bb) the history of the ac-
6 count; and

7 “(cc) any additional infor-
8 mation required by the Secretary;
9 and

10 “(VII) shall make and preserve,
11 during the 5-year period beginning on
12 the last day of the Federal fiscal year
13 in which any transactions occurred,
14 books, ledgers, records, and other doc-
15 umentation necessary to comply with
16 this clause, which shall be provided to
17 the Secretary upon request.

18 “(v) WAIVER.—

19 “(I) WAIVER PERMITTED.—The
20 Secretary of Homeland Security, after
21 consultation with the Securities and
22 Exchange Commission, may waive the
23 requirements under clause (iv) for any
24 new commercial enterprise or affili-
25 ated job-creating entity that is con-

1 trolled by or under common control of
2 an investment adviser or broker-dealer
3 that is registered with the Securities
4 and Exchange Commission if the Sec-
5 retary, in the Secretary's discretion,
6 determines that the Securities and
7 Exchange Commission provides com-
8 parable protections and transparency
9 for alien investors as the protections
10 and transparency provided under
11 clause (iv).

12 “(II) WAIVER REQUIRED.—The
13 Secretary of Homeland Security shall
14 waive the requirements under clause
15 (iv) for any new commercial enterprise
16 that commissions an annual inde-
17 pendent financial audit of such new
18 commercial enterprise or job creating
19 entity conducted in accordance with
20 Generally Accepted Auditing Stand-
21 ards, which audit shall be provided to
22 the Secretary and all investors in the
23 new commercial enterprise.

1 “(vi) DEFINED TERM.—In this sub-
2 paragraph, the term ‘separate account’
3 means an account that—

4 “(I) is maintained in the United
5 States by a new commercial enterprise
6 or job creating entity at a federally
7 regulated bank or at another financial
8 institution (as defined in section 20 of
9 title 18, United States Code) in the
10 United States;

11 “(II) is insured; and

12 “(III) contains only the pooled
13 investment funds of alien investors in
14 a new commercial enterprise with re-
15 spect to a single capital investment
16 project.”.

17 (2) EFFECTIVE DATE.—The amendment made
18 by this subsection shall take effect on the date that
19 is 60 days after the date of the enactment of this
20 Act.

21 (c) REQUIRED CHECKS.—

22 (1) IN GENERAL.—Section 203(b)(5) of the Im-
23 migration and Nationality Act (8 U.S.C.
24 1153(b)(5)), as amended by subsection (b), is fur-
25 ther amended by adding at the end the following:

1 “(R) REQUIRED CHECKS.—Any petition
2 filed by an alien under section 204(a)(1)(H)
3 may not be approved under this paragraph un-
4 less the Secretary of Homeland Security has
5 searched for the alien and any associated em-
6 ployer of such alien on the Specially Designated
7 Nationals List of the Department of the Treas-
8 ury Office of Foreign Assets Control.”.

9 (2) EFFECTIVE DATE.—The amendment made
10 by this subsection shall take effect on the date of the
11 enactment of this Act.

12 **SEC. 104. CONDITIONAL PERMANENT RESIDENT STATUS**
13 **FOR ALIEN INVESTORS, SPOUSES, AND CHIL-**
14 **DREN.**

15 (a) IN GENERAL.—Section 216A of the Immigration
16 and Nationality Act (8 U.S.C. 1186b) is amended—

17 (1) by striking “Attorney General” each place
18 such term appears (except in subsection (d)(2)(C))
19 and inserting “Secretary of Homeland Security”;

20 (2) by striking “entrepreneur” each place such
21 term appears and inserting “investor”;

22 (3) in subsection (a), by amending paragraph
23 (1) to read as follows:

24 “(1) CONDITIONAL BASIS FOR STATUS.—An
25 alien investor, alien spouse, and alien child shall be

1 considered, at the time of obtaining status as an
2 alien lawfully admitted for permanent residence, to
3 have obtained such status on a conditional basis sub-
4 ject to the provisions of this section.”;

5 (4) in subsection (b)—

6 (A) in the subsection heading, by striking
7 “ENTREPRENEURSHIP” and inserting “INVEST-
8 MENT”; and

9 (B) by amending paragraph (1)(B) to read
10 as follows:

11 “(B) the alien did not invest the requisite
12 capital; or”;

13 (5) in subsection (c)—

14 (A) in the subsection heading, by striking
15 “OF TIMELY PETITION AND INTERVIEW”;

16 (B) in paragraph (1)—

17 (i) in the matter preceding subpara-
18 graph (A), by striking “In order” and in-
19 sserting “Except as provided in paragraph
20 (3)(D), in order”;

21 (ii) in subparagraph (A)—

22 (I) by striking “must” and in-
23 sserting “shall”; and

24 (II) by striking “, and” and in-
25 sserting a semicolon;

1 (iii) in subparagraph (B)—

2 (I) by striking “must” and in-
3 sserting “shall”;

4 (II) by striking “Service” and in-
5 sserting “Department of Homeland Se-
6 curity”; and

7 (III) by striking the period at the
8 end and inserting “; and”; and

9 (iv) by adding at the end the fol-
10 lowing:

11 “(C) the Secretary shall have performed a
12 site visit to the relevant corporate office or busi-
13 ness location described in section
14 203(b)(5)(F)(iv).”; and

15 (C) in paragraph (3)—

16 (i) in subparagraph (A), in the undes-
17 igned matter following clause (ii), by
18 striking “the” before “such filing”; and

19 (ii) by amending subparagraph (B) to
20 read as follows:

21 “(B) REMOVAL OR EXTENSION OF CONDI-
22 TIONAL BASIS.—

23 “(i) IN GENERAL.—Except as pro-
24 vided in clause (ii), if the Secretary deter-
25 mines that the facts and information con-

1 tained in a petition submitted under para-
2 graph (1)(A) are true, including dem-
3 onstrating that the alien complied with
4 subsection (d)(1)(B)(i), the Secretary
5 shall—

6 “(I) notify the alien involved of
7 such determination; and

8 “(II) remove the conditional
9 basis of the alien’s status effective as
10 of the second anniversary of the
11 alien’s lawful admission for permanent
12 residence.

13 “(ii) EXCEPTION.—If the petition
14 demonstrates that the facts and informa-
15 tion are true and that the alien is in com-
16 pliance with subsection (d)(1)(B)(ii)—

17 “(I) the Secretary, in the Sec-
18 retary’s discretion, may provide a 1-
19 year extension of the alien’s condi-
20 tional status; and

21 “(II)(aa) if the alien files a peti-
22 tion not later than 30 days after the
23 third anniversary of the alien’s lawful
24 admission for permanent residence
25 demonstrating that the alien complied

1 with subsection (d)(1)(B)(i), the Sec-
2 retary shall remove the conditional
3 basis of the alien’s status effective as
4 of such third anniversary; or

5 “(bb) if the alien does not file the
6 petition described in item (aa), the
7 conditional status shall terminate at
8 the end of such additional year.”;

9 (6) in subsection (d)—

10 (A) in paragraph (1)—

11 (i) by amending subparagraph (A) to
12 read as follows:

13 “(A) invested the requisite capital;”;

14 (ii) by redesignating subparagraph
15 (B) as subparagraph (C); and

16 (iii) by inserting after subparagraph
17 (A) the following:

18 “(B)(i) created the employment required
19 under section 203(b)(5)(A)(ii); or

20 “(ii) is actively in the process of creating
21 the employment required under section
22 203(b)(5)(A)(ii) and will create such employ-
23 ment before the third anniversary of the alien’s
24 lawful admission for permanent residence, pro-

1 vided that such alien’s capital will remain in-
2 vested during such time; and”;

3 (B) in paragraph (2), by amending sub-
4 paragraph (A) to read as follows:

5 “(A) NINETY-DAY PERIOD BEFORE SEC-
6 OND ANNIVERSARY.—

7 “(i) IN GENERAL.—Except as pro-
8 vided in clause (ii) and subparagraph (B),
9 a petition under subsection (c)(1)(A) shall
10 be filed during the 90-day period imme-
11 diately preceding the second anniversary of
12 the alien investor’s lawful admission for
13 permanent residence.

14 “(ii) EXCEPTION.—Aliens described in
15 subclauses (I)(bb) and (II) of section
16 203(b)(5)(M)(ii) shall file a petition under
17 subsection (c)(1)(A) during the 90-day pe-
18 riod before the second anniversary of the
19 subsequent investment.”; and

20 (C) in paragraph (3)—

21 (i) by striking “The interview” and
22 inserting the following:

23 “(A) IN GENERAL.—The interview”;

1 (ii) by striking “Service” and insert-
2 ing “Department of Homeland Security”;
3 and

4 (iii) by striking the last sentence and
5 inserting the following:

6 “(B) WAIVER.—The Secretary of Home-
7 land Security, in the Secretary’s discretion, may
8 waive the deadline for an interview under sub-
9 section (c)(1)(B) or the requirement for such
10 an interview according to criteria developed by
11 U.S. Citizenship and Immigration Services, in
12 consultation with its Fraud Detection and Na-
13 tional Security Directorate and U.S. Immigra-
14 tion and Customs Enforcement, provided that
15 such criteria do not include a reduction of case
16 processing times or the allocation of adjudica-
17 tory resources. A waiver may not be granted
18 under this subparagraph if the alien to be inter-
19 viewed—

20 “(i) invested in a regional center, new
21 commercial enterprise, or job-creating enti-
22 ty that was sanctioned under section
23 203(b)(5); or

1 “(ii) is in a class of aliens determined
2 by the Secretary to be threats to public
3 safety or national security.”; and

4 (7) in subsection (f)(3), by striking “a limited
5 partnership” and inserting “any entity formed for
6 the purpose of doing for-profit business”.

7 (b) EFFECTIVE DATES.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the amendments made by subsection (a)
10 shall take effect on the date of the enactment of this
11 Act.

12 (2) EXCEPTIONS.—

13 (A) SITE VISITS.—The amendment made
14 by subsection (a)(5)(B)(iv) shall take effect on
15 the date that is 2 years after the date of the
16 enactment of this Act.

17 (B) PETITION BENEFICIARIES.—The
18 amendments made by subsection (a) shall not
19 apply to the beneficiary of a petition that is
20 filed under section 216A of the Immigration
21 and Nationality Act (8 U.S.C. 1186b) if the un-
22 derlying petition was filed under section
23 203(b)(5) of such Act (8 U.S.C. 1153(b)(5))
24 before the date of the enactment of this Act.

1 **SEC. 105. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

2 (a) **FILING ORDER AND ELIGIBILITY.**—Section
3 204(a)(1)(H) of the Immigration and Nationality Act (8
4 U.S.C. 1154(a)(1)(H)) is amended to read as follows:

5 “(H)(i) Any alien seeking classification under section
6 203(b)(5) may file a petition for such classification with
7 the Secretary of Homeland Security. An alien seeking to
8 pool his or her investment with 1 or more additional aliens
9 seeking classification under section 203(b)(5) shall file for
10 such classification in accordance with section
11 203(b)(5)(E), or before the date of the enactment of the
12 EB–5 Reform and Integrity Act of 2022, in accordance
13 with section 203(b)(5). An alien petitioning for classifica-
14 tion under section 203(b)(5)(E) may file a petition with
15 the Secretary after a regional center has filed an applica-
16 tion for approval of an investment under section
17 203(b)(5)(F).

18 “(ii) A petitioner described in clause (i) shall estab-
19 lish eligibility at the time he or she files a petition for
20 classification under section 203(b)(5). A petitioner who
21 was eligible for such classification at the time of such fil-
22 ing shall be deemed eligible for such classification at the
23 time such petition is adjudicated, subject to the approval
24 of the petitioner’s associated application under section
25 203(b)(5)(F), if applicable.”.

26 (b) **EFFECTIVE DATES.**—

1 (1) IN GENERAL.—The amendment made by
2 subsection (a) shall take effect on the date of the en-
3 actment of this Act.

4 (2) APPLICABILITY TO PETITIONS.—Section
5 204(a)(1)(H)(i) of the Immigration and Nationality
6 Act, as added by subsection (a), shall apply to any
7 petition for classification pursuant to section
8 203(b)(5)(E) of such Act (8 U.S.C. 1153(b)(5)(E))
9 that is filed with the Secretary of Homeland Secu-
10 rity on or after the date of the enactment of this
11 Act.

12 (c) ADJUDICATION OF PETITIONS.—The Secretary of
13 Homeland Security shall continue to adjudicate petitions
14 and benefits under sections 203(b)(5) and 216A of the
15 Immigration and Nationality Act (8 U.S.C. 1153(b)(5)
16 and 1186b) during the implementation of this Act and the
17 amendments made by this Act.

18 **SEC. 106. TIMELY PROCESSING.**

19 (a) FEE STUDY.—Not later than 1 year after the
20 date of the enactment of this Act, the Director of U.S.
21 Citizenship and Immigration Services shall complete a
22 study of fees charged in the administration of the program
23 described in sections 203(b)(5) and 216A of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1153(b)(5) and
25 1186b).

1 (b) ADJUSTMENT OF FEES TO ACHIEVE EFFICIENT
2 PROCESSING.—Notwithstanding section 286(m) of the
3 Immigration and Nationality Act (8 U.S.C. 1356(m)), and
4 except as provided under subsection (c), the Director, not
5 later than 60 days after the completion of the study under
6 subsection (a), shall set fees for services provided under
7 sections 203(b)(5) and 216A of such Act (8 U.S.C.
8 1153(b)(5) and 1186b) at a level sufficient to ensure the
9 full recovery only of the costs of providing such services,
10 including the cost of attaining the goal of completing adju-
11 dications, on average, not later than—

12 (1) 180 days after receiving a proposal for the
13 establishment of a regional center described in sec-
14 tion 203(b)(5)(E) of such Act;

15 (2) 180 days after receiving an application for
16 approval of an investment in a new commercial en-
17 terprise described in section 203(b)(5)(F) of such
18 Act;

19 (3) 90 days after receiving an application for
20 approval of an investment in a new commercial en-
21 terprise described in section 203(b)(5)(F) of such
22 Act that is located in a targeted employment area
23 (as defined in section 203(b)(5)(D) of such Act);

1 (4) 240 days after receiving a petition from an
2 alien desiring to be classified under section
3 203(b)(5)(E) of such Act;

4 (5) 120 days after receiving a petition from an
5 alien desiring to be classified under section
6 203(b)(5)(E) of such Act with respect to an invest-
7 ment in a targeted employment area (as defined in
8 section 203(b)(5)(D) of such Act); and

9 (6) 240 days after receiving a petition from an
10 alien for removal of conditions described in section
11 216A(c) of such Act.

12 (c) **ADDITIONAL FEES.**—Fees in excess of the fee lev-
13 els described in subsection (b) may be charged only—

14 (1) in an amount that is equal to the amount
15 paid by all other classes of fee-paying applicants for
16 immigration-related benefits, to contribute to the
17 coverage or reduction of the costs of processing or
18 adjudicating classes of immigration benefit applica-
19 tions that Congress, or the Secretary of Homeland
20 Security in the case of asylum applications, has au-
21 thorized to be processed or adjudicated at no cost or
22 at a reduced cost to the applicant; and

23 (2) in an amount that is not greater than 1
24 percent of the fee for filing a petition under section
25 203(b)(5) of the Immigration and Nationality Act (8

1 U.S.C. 1153(b)(5)), to make improvements to the
2 information technology systems used by the Sec-
3 retary of Homeland Security to process, adjudicate,
4 and archive applications and petitions under such
5 section, including the conversion to electronic format
6 of documents filed by petitioners and applicants for
7 benefits under such section.

8 (d) EXEMPTION FROM PAPERWORK REDUCTION
9 ACT.—During the 1-year period beginning on the date of
10 the enactment of this Act, the requirements under chapter
11 35 of title 44, United States Code, shall not apply to any
12 collection of information required under this division, any
13 amendment made by this division, or any rule promulgated
14 by the Secretary of Homeland Security to implement this
15 division or the amendments made by this division, to the
16 extent that the Secretary determines that compliance with
17 such requirements would impede the expeditious imple-
18 mentation of this division or the amendments made by this
19 division.

20 (e) RULE OF CONSTRUCTION REGARDING ADJUDICA-
21 TION DELAYS.—Nothing in this division may be construed
22 to limit the authority of the Secretary of Homeland Secu-
23 rity to suspend the adjudication of any application or peti-
24 tion under section 203(b)(5) or 216A of the Immigration
25 and Nationality Act (8 U.S.C. 1153(b)(5) and 1186b)

1 pending the completion of a national security or law en-
2 forcement investigation relating to such application or pe-
3 tition.

4 (f) **RULE OF CONSTRUCTION REGARDING MODIFICA-**
5 **TION OF FEES.**—Nothing in this section may be construed
6 to require any modification of fees before the completion
7 of—

8 (1) the fee study described in subsection (a); or

9 (2) regulations promulgated by the Secretary of
10 Homeland Security, in accordance with subchapter
11 II of chapter 5 and chapter 7 of title 5, United
12 States Code (commonly known as the “Administra-
13 tive Procedure Act”), to carry out subsections (b)
14 and (c).

15 **SEC. 107. TRANSPARENCY.**

16 (a) **IN GENERAL.**—Employees of the Department of
17 Homeland Security, including the Secretary of Homeland
18 Security, the Secretary’s counselors, the Assistant Sec-
19 retary for the Private Sector, the Director of U.S. Citizen-
20 ship and Immigration Services, counselors to such Direc-
21 tor, and the Chief of the Immigrant Investor Programs
22 Office (or any successor to such Office) at U.S. Citizen-
23 ship and Immigration Services, shall act impartially and
24 may not give preferential treatment to any entity, organi-
25 zation, or individual in connection with any aspect of the

1 immigrant visa program described in section 203(b)(5) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1153(b)(5)).

4 (b) IMPROPER ACTIVITIES.—Activities that con-
5 stitute preferential treatment under subsection (a) shall
6 include—

7 (1) working on, or in any way attempting to in-
8 fluence, in a manner not available to or accorded to
9 all other petitioners, applicants, and seekers of bene-
10 fits under the immigrant visa program referred to in
11 subsection (a), the standard processing of an appli-
12 cation, petition, or benefit for—

13 (A) a regional center;

14 (B) a new commercial enterprise;

15 (C) a job-creating entity; or

16 (D) any person or entity associated with
17 such regional center, new commercial enter-
18 prise, or job-creating entity; and

19 (2) meeting or communicating with persons as-
20 sociated with the entities listed in paragraph (1), at
21 the request of such persons, in a manner not avail-
22 able to or accorded to all other petitioners, appli-
23 cants, and seekers of benefits under such immigrant
24 visa program.

25 (c) REPORTING OF COMMUNICATIONS.—

1 (1) WRITTEN COMMUNICATION.—Employees of
2 the Department of Homeland Security, including the
3 officials listed in subsection (a), shall include, in the
4 record of proceeding for a case under section
5 203(b)(5) of the Immigration and Nationality Act (8
6 U.S.C. 1153(b)(5)), actual or electronic copies of all
7 case-specific written communication, including
8 emails from government and private accounts, with
9 non-Department persons or entities advocating for
10 regional center applications or individual petitions
11 under such section that are pending on or after the
12 date of the enactment of this Act (other than rou-
13 tine communications with other agencies of the Fed-
14 eral Government regarding the case, including com-
15 munications involving background checks and litiga-
16 tion defense).

17 (2) ORAL COMMUNICATION.—If substantive oral
18 communication, including telephonic communication,
19 virtual communication, or in-person meetings, takes
20 place between officials of the Department of Home-
21 land Security and non-Department persons or enti-
22 ties advocating for regional center applications or in-
23 dividual petitions under section 203(b)(5) of such
24 Act that are pending on or after the date of the en-

1 actment of this Act (except communications exempt-
2 ed under paragraph (1))—

3 (A) the conversation shall be recorded; or

4 (B) detailed minutes of the session shall be
5 taken and included in the record of proceeding.

6 (3) NOTIFICATION.—

7 (A) IN GENERAL.—If the Secretary, in the
8 course of written or oral communication de-
9 scribed in this subsection, receives evidence
10 about a specific case from anyone other than an
11 affected party or his or her representative (ex-
12 cluding Federal Government or law enforcement
13 sources), such information may not be made
14 part of the record of proceeding and may not
15 be considered in adjudicative proceedings un-
16 less—

17 (i) the affected party has been given
18 notice of such evidence; and

19 (ii) if such evidence is derogatory, the
20 affected party has been given an oppor-
21 tunity to respond to the evidence.

22 (B) INFORMATION FROM LAW ENFORCE-
23 MENT, INTELLIGENCE AGENCIES, OR CON-
24 FIDENTIAL SOURCES.—

1 (i) LAW ENFORCEMENT OR INTEL-
2 LIGENCE AGENCIES.—Evidence received
3 from law enforcement or intelligence agen-
4 cies may not be made part of the record of
5 proceeding without the consent of the rel-
6 evant agency or law enforcement entity.

7 (ii) WHISTLEBLOWERS, CONFIDEN-
8 TIAL SOURCES, OR INTELLIGENCE AGEN-
9 CIES.—Evidence received from whistle-
10 blowers, other confidential sources, or the
11 intelligence community that is included in
12 the record of proceeding and considered in
13 adjudicative proceedings shall be handled
14 in a manner that does not reveal the iden-
15 tity of the whistleblower or confidential
16 source, or reveal classified information.

17 (d) CONSIDERATION OF EVIDENCE.—

18 (1) IN GENERAL.—No case-specific communica-
19 tion with persons or entities that are not part of the
20 Department of Homeland Security may be consid-
21 ered in the adjudication of an application or petition
22 under section 203(b)(5) of the Immigration and Na-
23 tionality Act (8 U.S.C. 1153(b)(5)) unless the com-
24 munication is included in the record of proceeding of
25 the case.

1 (2) WAIVER.—The Secretary of Homeland Se-
2 curity may waive the requirement under paragraph
3 (1) only in the interests of national security or for
4 investigative or law enforcement purposes.

5 (e) CHANNELS OF COMMUNICATION.—

6 (1) EMAIL ADDRESS OR EQUIVALENT.—The Di-
7 rector of U.S. Citizenship and Immigration Services
8 shall maintain an email account (or equivalent
9 means of communication) for persons or entities—

10 (A) with inquiries regarding specific peti-
11 tions or applications under the immigrant visa
12 program described in section 203(b)(5) of the
13 Immigration and Nationality Act (8 U.S.C.
14 1153(b)(5)); or

15 (B) seeking information that is not case-
16 specific about the immigrant visa program de-
17 scribed in such section 203(b)(5).

18 (2) COMMUNICATION ONLY THROUGH APPRO-
19 PRIATE CHANNELS OR OFFICES.—

20 (A) ANNOUNCEMENT OF APPROPRIATE
21 CHANNELS OF COMMUNICATION.—Not later
22 than 40 days after the date of the enactment of
23 this Act, the Director of U.S. Citizenship and
24 Immigration Services shall announce that the
25 only channels or offices by which industry

1 stakeholders, petitioners, applicants, and seek-
2 ers of benefits under the immigrant visa pro-
3 gram described in section 203(b)(5) of the Im-
4 migration and Nationality Act (8 U.S.C.
5 1153(b)(5)) may communicate with the Depart-
6 ment of Homeland Security regarding specific
7 cases under such section (except for commu-
8 nication made by applicants and petitioners
9 pursuant to regular adjudicatory procedures),
10 or information that is not case-specific about
11 the visa program applicable to certain cases
12 under such section, are through—

13 (i) the email address or equivalent
14 channel described in paragraph (1);

15 (ii) the National Customer Service
16 Center, or any successor to such Center; or

17 (iii) the Office of Public Engagement,
18 Immigrant Investor Program Office, in-
19 cluding the Stakeholder Engagement
20 Branch, or any successors to those Offices
21 or that Branch.

22 (B) DIRECTION OF INCOMING COMMUNICA-
23 TIONS.—

24 (i) IN GENERAL.—Employees of the
25 Department of Homeland Security shall di-

1 rect communications described in subpara-
2 graph (A) to the channels of communica-
3 tion or offices listed in clauses (i) through
4 (iii) of subparagraph (A).

5 (ii) RULE OF CONSTRUCTION.—Noth-
6 ing in this subparagraph may be construed
7 to prevent—

8 (I) any person from commu-
9 nicating with the Ombudsman of U.S.
10 Citizenship and Immigration Services
11 regarding the immigrant investor pro-
12 gram under section 203(b)(5) of the
13 Immigration and Nationality Act (8
14 U.S.C. 1153(b)(5)); or

15 (II) the Ombudsman from resolv-
16 ing problems regarding such immi-
17 grant investor program pursuant to
18 the authority granted under section
19 452 of the Homeland Security Act of
20 2002 (6 U.S.C. 272).

21 (C) LOG.—

22 (i) IN GENERAL.—The Director of
23 U.S. Citizenship and Immigration Services
24 shall maintain a written or electronic log
25 of—

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1 (I) all communications described
2 in subparagraph (A) and communica-
3 tions from Members of Congress,
4 which shall reference the date, time,
5 and subject of the communication,
6 and the identity of the Department of-
7 ficial, if any, to whom the inquiry was
8 forwarded;

9 (II) with respect to written com-
10 munications described in subsection
11 (c)(1), the date on which the commu-
12 nication was received, the identities of
13 the sender and addressee, and the
14 subject of the communication; and

15 (III) with respect to oral commu-
16 nications described in subsection
17 (c)(2), the date on which the commu-
18 nication occurred, the participants in
19 the conversation or meeting, and the
20 subject of the communication.

21 (ii) TRANSPARENCY.—The log of com-
22 munications described in clause (i) shall be
23 made publicly available in accordance with
24 section 552 of title 5, United States Code

1 (commonly known as the “Freedom of In-
2 formation Act”).

3 (3) PUBLICATION OF INFORMATION.—Not later
4 than 30 days after a person or entity inquiring
5 about a specific case or generally about the immi-
6 grant visa program described in section 203(b)(5) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1153(b)(5)) receives, as a result of a communication
9 with an official of the Department of Homeland Se-
10 curity, generally applicable information that is not
11 case-specific about program requirements or admin-
12 istration that has not been made publicly available
13 by the Department, the Director of U.S. Citizenship
14 and Immigration Services shall publish such infor-
15 mation on the U.S. Citizenship and Immigration
16 Services website as an update to the relevant Fre-
17 quently Asked Questions page or by some other com-
18 parable mechanism.

19 (f) PENALTY.—

20 (1) IN GENERAL.—Any person who inten-
21 tionally violates the prohibition on preferential treat-
22 ment under this section or intentionally violates the
23 reporting requirements under subsection (c) shall be
24 disciplined in accordance with paragraph (2).

1 (2) SANCTIONS.—Not later than 90 days after
2 the date of the enactment of this Act, the Secretary
3 of Homeland Security shall establish a graduated set
4 of sanctions based on the severity of the violation re-
5 ferred to in paragraph (1), which may include, in
6 addition to any criminal or civil penalties that may
7 be imposed, written reprimand, suspension, demo-
8 tion, or removal.

9 (g) RULE OF CONSTRUCTION REGARDING CLASSI-
10 FIED INFORMATION.—Nothing in this section may be con-
11 strued to modify any law, regulation, or policy regarding
12 the handling or disclosure of classified information.

13 (h) RULE OF CONSTRUCTION REGARDING PRIVATE
14 RIGHT OF ACTION.—Nothing in this section may be con-
15 strued to create or authorize a private right of action to
16 challenge a decision of an employee of the Department of
17 Homeland Security.

18 (i) EFFECTIVE DATE.—This section, and the amend-
19 ments made by this section, shall take effect on the date
20 of the enactment of this Act.

21 **SEC. 108. PROTECTION FROM EXPIRED LEGISLATION.**

22 Section 203(b)(5) of the Immigration and Nationality
23 Act (8 U.S.C. 1153(b)(5)), as amended by sections 102
24 and 103 of this division, is further amended by adding
25 at the end the following:

1 “(S) PROTECTION FROM EXPIRED LEGIS-
2 LATION.—Notwithstanding the expiration of
3 legislation authorizing the regional center pro-
4 gram under subparagraph (E), the Secretary of
5 Homeland Security—

6 “(i) shall continue processing petitions
7 under sections 204(a)(1)(H) and 216A
8 based on an investment in a new commer-
9 cial enterprise associated with a regional
10 center that were filed on or before Sep-
11 tember 30, 2026;

12 “(ii) may not deny a petition de-
13 scribed in clause (i) based on the expira-
14 tion of such legislation; and

15 “(iii) may not suspend or terminate
16 the allocation of visas to the beneficiaries
17 of approved petitions described in clause
18 (i).”.

19 **DIVISION CC—BURIAL EQUITY**
20 **FOR GUARDS AND RESERVES**
21 **ACT**

22 **SEC. 101. SHORT TITLE.**

23 This division may be cited as the “Burial Equity for
24 Guards and Reserves Act”.

1 **SEC. 102. PROHIBITIONS ON RESTRICTING INTERMENT OF**
2 **CERTAIN INDIVIDUALS IN CERTAIN STATE**
3 **VETERANS' CEMETERIES.**

4 (a) GRANTS.—Section 2408 of title 38, United States
5 Code, is amended—

6 (1) in subsection (d)(2), by striking “The Sec-
7 retary may” and inserting “Except as provided in
8 subsection (i), the Secretary may”;

9 (2) by redesignating subsection (i) as subsection
10 (k); and

11 (3) by inserting after subsection (h) the fol-
12 lowing new subsections:

13 “(i)(1) The Secretary may not establish a condition
14 for a grant under this section that restricts the ability of
15 a State receiving such a grant to inter in a veterans’ ceme-
16 tery owned by that State any individual described in para-
17 graph (2) solely by reason of the ineligibility of such indi-
18 vidual for burial in an open national cemetery under the
19 control of the National Cemetery Administration under
20 section 2402(a) of this title.

21 “(2) An individual described in this paragraph is the
22 following:

23 “(A) Any member of a reserve component of
24 the Armed Forces who was discharged or released
25 from service under conditions other than dishonor-
26 able or whose death occurs under conditions other

1 than dishonorable while a member of such a reserve
2 component.

3 “(B) Any member of the Army National Guard
4 or the Air National Guard who was discharged or
5 released from service under conditions other than
6 dishonorable or whose death occurs under conditions
7 other than dishonorable while a member of the Army
8 National Guard or the Air National Guard.

9 “(C) Any member of the Reserve Officers’
10 Training Corps of the Army, Navy, or Air Force
11 whose death occurs under conditions other than dis-
12 honorable while a member of the Reserve Officers’
13 Training Corps of the Army, Navy, or Air Force.

14 “(D) Any spouse of any member described in
15 subparagraphs (A) through (C).

16 “(E) Any minor child or unmarried adult child
17 (as such terms are defined in section 2402(a) of this
18 title) of any member described in subparagraphs (A)
19 through (C).

20 “(j) The Secretary may not deny an application for
21 a grant under this section solely on the basis that the
22 State receiving such grant may use funds from such grant
23 to expand, improve, operate, or maintain a veterans’ ceme-
24 tery in which interment of individuals described in sub-
25 section (i)(2) is allowed.”.

1 (b) PROHIBITION ON ENFORCING CERTAIN CONDI-
2 TIONS ON GRANTS FOR STATE VETERANS' CEME-
3 TERIES.—The Secretary of Veterans Affairs may not en-
4 force a condition on a grant described in subsection (i)(1)
5 of section 2408 of title 38, United States Code, as added
6 by subsection (a), that was established before the date of
7 the enactment of this Act.

8 (c) PLOT ALLOWANCES.—Section 2303 of title 38,
9 United States Code, is amended—

10 (1) in subsection (b)—

11 (A) by amending paragraph (1) to read as
12 follows:

13 “(1) the Secretary shall pay to the relevant
14 State, agency, political subdivision, or tribal organi-
15 zation, as the case may be, the sum of \$700 (as in-
16 creased from time to time under subsection (c)) as
17 a plot or interment allowance for such veteran if the
18 veteran is buried (without charge for the cost of a
19 plot or interment) in a cemetery, or a section of a
20 cemetery, that—

21 “(A) is used solely for the interment of
22 persons who are—

23 “(i) eligible for burial in a national
24 cemetery;

1 “(ii) members of a reserve component
2 of the Armed Forces not otherwise eligible
3 for such burial or former members of such
4 a reserve component not otherwise eligible
5 for such burial who are discharged or re-
6 leased from service under conditions other
7 than dishonorable; or

8 “(iii) described in section 2408(i)(2)
9 of this title; and

10 “(B) is—

11 “(i) owned by a State or by an agency
12 or political subdivision of a State; or

13 “(ii) on trust land owned by, or held
14 in trust for, a tribal organization.”; and

15 (B) in paragraph (2), by inserting “tribal
16 organization,” after “of a State,”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(e) In this section, the terms ‘tribal organization’
20 and ‘trust land’ have the meanings given those terms in
21 section 3765 of this title.”.

1 **DIVISION DD—AUTHORIZATION**
2 **OF APPROPRIATIONS FOR**
3 **HIGH TECHNOLOGY PILOT**
4 **PROGRAM**

5 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIGH**
6 **TECHNOLOGY PILOT PROGRAM.**

7 Subsection (g) of section 116 of the Harry W.
8 Colmery Veterans Educational Assistance Act of 2017
9 (Public Law 115–48; 38 U.S.C. 3001 note), as amended
10 by section 4302 of the Johnny Isakson and David P. Roe,
11 M.D. Veterans Health Care and Benefits Improvement
12 Act of 2020 (Public Law 116–315), is amended to read
13 as follows:

14 “(g) AUTHORIZATION OF APPROPRIATIONS.—Funds
15 shall be made available to carry out the pilot program
16 under this section from funds appropriated to, or other-
17 wise made available to, the Department for the payment
18 of readjustment benefits, in the following amounts for a
19 fiscal year in which the Secretary carries out the pilot pro-
20 gram:

21 “(1) For fiscal year 2019, \$15,000,000.

22 “(2) For fiscal year 2020, \$15,000,000.

23 “(3) For fiscal year 2021, \$45,000,000.

24 “(4) For fiscal year 2022, \$125,000,000.

25 “(5) For fiscal year 2023, \$45,000,000.

1 “(6) For fiscal year 2024, \$45,000,000.”.

2 **DIVISION EE—EXTENSION OF**
3 **VISA WAIVER PROGRAM FEES**

4 **SEC. 101. EXTENSION OF VISA WAIVER PROGRAM FEES.**

5 Section 217(h)(3)(B)(iii) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1187(h)(3)(B)(iii)) is amended by
7 striking “September 30, 2027” and inserting “October 31,
8 2028”.

9 **DIVISION FF—AVAILABILITY OF**
10 **TRAVEL PROMOTION FUND**
11 **FOR BRAND USA**

12 **SEC. 101. AVAILABILITY OF TRAVEL PROMOTION FUND FOR**
13 **BRAND USA.**

14 (a) **SHORT TITLE.**—This section may be cited as the
15 “Restoring Brand USA Act”.

16 (b) **IN GENERAL.**—Not later than 30 days after the
17 date of the enactment of this Act, the Secretary of the
18 Treasury, subject to subsections (c) and (d), and notwith-
19 standing any other provision of law, shall make available,
20 from unobligated balances remaining available from fees
21 collected before October 1, 2020, and credited to Travel
22 Promotion Fund established under subsection (d) of the
23 Travel Promotion Act of 2009 (22 U.S.C. 2131(d)),
24 \$250,000,000 for the Corporation for Travel Promotion
25 (commonly known as “Brand USA”).

1 (c) INAPPLICABILITY OF CERTAIN REQUIREMENTS
2 AND LIMITATIONS.—The limitations in subsection
3 (d)(2)(B) of the Travel Promotion Act of 2009 shall not
4 apply to amounts made available under subsection (b), and
5 the requirements in subsection (d)(3) of such Act shall
6 not apply to more than \$50,000,000 of the amounts so
7 available.

8 (d) USE OF FUNDS.—Brand USA may only use
9 funds provided under subsection (b) to promote travel
10 from countries whose citizens and nationals are permitted
11 to enter the United States.

12 (e) REPORT REQUIRED.—Not later than 60 days
13 after the date of the enactment of this Act, Brand USA
14 shall submit to Congress a plan for obligating and expend-
15 ing the amounts described in subsection (b).

16 **DIVISION GG—COOPERATIVE**
17 **PROJECT AGREEMENT**

18 **SEC. 101. AUTHORITY TO ENTER INTO COOPERATIVE**
19 **PROJECT AGREEMENT.**

20 Notwithstanding section 27(f) of the Arms Export
21 Control Act (22 U.S.C. 2767(f)), the President may sign
22 the cooperative project agreement notified to the Com-
23 mittee on Foreign Relations of the Senate and the Com-
24 mittee on Foreign Affairs of the House of Representatives
25 in congressional notification 04-22 received on March 5,

1 2022. Notwithstanding section 27(g) of such Act (22
2 U.S.C. 2767(g)), any defense articles that result from a
3 cooperative project agreement shall be subject to the re-
4 quirements of section 36 of such Act (22 U.S.C. 2776).

5 **DIVISION HH—OTHER MATTERS**
6 **TITLE I—CONTINUING EDU-**
7 **CATION AT AFFECTED FOR-**
8 **EIGN INSTITUTIONS**

9 **SEC. 101. COVERED PERIODS FOR AFFECTED FOREIGN IN-**
10 **STITUTIONS.**

11 Section 3510(e) of the Coronavirus Aid, Relief, and
12 Economic Security Act (20 U.S.C. 1001 note) is amend-
13 ed—

14 (1) in paragraph (1)(B)(ii), by striking “2022”
15 and inserting “2023”; and

16 (2) in paragraph (2), by striking “subpara-
17 graph (B)(i)” and inserting “paragraph (1)(B)(i)”.

18 **TITLE II—NASA ENHANCED-USE**
19 **LEASING EXTENSION ACT OF**
20 **2022**

21 **SEC. 201. SHORT TITLE.**

22 This title may be cited as the “NASA Enhanced-Use
23 Leasing Extension Act of 2022”.

24 **SEC. 202. FINDINGS.**

25 Congress finds the following:

1 (1) NASA uses enhanced-use leasing to enter
2 into agreements with private sector entities, State
3 and local governments, academic institutions, and
4 other Federal agencies for lease of non-excess, un-
5 derutilized NASA properties and facilities.

6 (2) NASA uses enhanced-use leasing authority
7 to support responsible management of its real prop-
8 erty, including to improve the use of underutilized
9 property for activities that are compatible with
10 NASA's mission and to reduce facility operating and
11 maintenance costs.

12 (3) In fiscal year 2019, under its enhanced-use
13 lease authority, NASA leased 65 real properties.

14 (4) In fiscal year 2019, NASA's use of en-
15 hanced-use leasing resulted in the collection of
16 \$10,843,025.77 in net revenue.

17 (5) In fiscal year 2019, NASA used a portion
18 of its enhanced-use leasing revenues for repairs of
19 facility control systems such as lighting and heating,
20 ventilation, and air conditioning.

21 (6) NASA's use of enhanced-use leasing author-
22 ity can contribute to reducing the rate of increase of
23 the Agency's overall deferred maintenance cost.

1 **SEC. 203. EXTENSION OF AUTHORITY TO ENTER INTO**
2 **LEASES OF NON-EXCESS PROPERTY OF THE**
3 **NATIONAL AERONAUTICS AND SPACE ADMIN-**
4 **ISTRATION.**

5 Section 20145(g) of title 51, United States Code, is
6 amended by striking “December 31, 2021” and inserting
7 “December 31, 2022”.

8 **TITLE III—CARES ACT**
9 **SEMIANNUAL TESTIMONY**

10 **SEC. 301. CONGRESSIONAL TESTIMONY.**

11 Section 4026(c) of division A of the CARES Act (15
12 U.S.C. 9060(c)) is amended—

13 (1) by striking “quarterly” and inserting “semi-
14 annual”; and

15 (2) by adding at the end the following: “This
16 subsection shall have no force or effect after Decem-
17 ber 31, 2027.”.

18 **TITLE IV—HIDDEN FIGURES**
19 **CONGRESSIONAL GOLD MEDAL**

20 **SEC. 401. HIDDEN FIGURES CONGRESSIONAL GOLD MEDAL.**

21 Section 3(c) of Hidden Figures Congressional Gold
22 Medal Act (Public Law 116–68; 133 Stat. 1129) is
23 amended by adding at the end the following:

24 “(3) **TRANSFER TO KATHERINE GOBLE**
25 **MOORE.**—The gold medal awarded in honor of Kath-

1 erine Johnson under subsection (a)(1) shall be given
2 to her daughter, Katherine Goble Moore.”.

3 **TITLE V—CONGRESSIONAL**
4 **OVERSIGHT OF SENSITIVE**
5 **PROGRAMS NOT COVERED BY**
6 **OTHER PROVISIONS OF LAW**

7 **SEC. 501. CONGRESSIONAL OVERSIGHT OF SENSITIVE PRO-**
8 **GRAMS NOT COVERED BY OTHER PROVI-**
9 **SIONS OF LAW.**

10 (a) REPORTS REQUIRED.—

11 (1) IN GENERAL.—Not later than February 1
12 of each year, the head of each covered element shall
13 submit to congressional leadership a report on each
14 covered program carried out by that covered ele-
15 ment.

16 (2) CONTENTS.—Each such report shall set
17 forth—

18 (A) the total amount requested by the cov-
19 ered element for covered programs within the
20 budget submitted under section 1105 of title 31
21 for the fiscal year following the fiscal year in
22 which the report is submitted; and

23 (B) for each program in such budget that
24 is a covered program—

25 (i) a brief description of the program;

1 (ii) in the case of a procurement pro-
2 gram, a brief discussion of the major mile-
3 stones established for the program;

4 (iii) the actual cost of the program for
5 each fiscal year during which the program
6 has been conducted before the fiscal year
7 during which that budget is submitted; and

8 (iv) the estimated total cost of the
9 program and the estimated cost of the pro-
10 gram for—

11 (I) the current fiscal year;

12 (II) the fiscal year for which the
13 budget is submitted; and

14 (III) each of the four succeeding
15 fiscal years during which the program
16 is expected to be conducted.

17 (b) NEWLY DESIGNATED PROGRAMS.—

18 (1) IN GENERAL.—Not later than February 1
19 of each year, the head of each covered element shall
20 submit to congressional leadership a report that,
21 with respect to each new covered program of that
22 covered element, provides—

23 (A) notice of the designation of the pro-
24 gram as a special access program; and

25 (B) justification for such designation.

1 (2) CONTENTS.—A report under paragraph (1)
2 with respect to a program shall include—

3 (A) the current estimate of the total pro-
4 gram cost for the program; and

5 (B) an identification, as applicable, of ex-
6 isting programs or technologies that are similar
7 to the technology, or that have a mission simi-
8 lar to the technology, or that have a mission
9 similar to the mission, of the program that is
10 the subject of the notice.

11 (3) NEW COVERED PROGRAM DEFINED.—In
12 this subsection, the term “new covered program”
13 means a covered program that has not previously
14 been covered in a notice and justification under this
15 subsection.

16 (c) REVISION IN CLASSIFICATION OF PROGRAMS.—

17 (1) IN GENERAL.—Whenever a change in the
18 classification of a covered program of a covered ele-
19 ment is planned to be made or whenever classified
20 information concerning a covered program of a cov-
21 ered element is to be declassified and made public,
22 the head of the covered element shall submit to con-
23 gressional leadership a report containing a descrip-
24 tion of the proposed change or the information to be
25 declassified, the reasons for the proposed change or

1 declassification, and notice of any public announce-
2 ment planned to be made with respect to the pro-
3 posed change or declassification.

4 (2) PERIOD FOR SUBMITTAL.—Except as pro-
5 vided in paragraph (3), a report referred to in para-
6 graph (1) shall be submitted not less than 14 days
7 before the date on which the proposed change, de-
8 classification, or public announcement is to occur.

9 (3) EXCEPTION.—If the head of the covered
10 element determines that because of exceptional cir-
11 cumstances the requirement of paragraph (2) cannot
12 be met with respect to a proposed change, declas-
13 sification, or public announcement concerning a cov-
14 ered program of the covered element, the head of the
15 department or agency may submit the report re-
16 quired by paragraph (1) regarding the proposed
17 change, declassification, or public announcement at
18 any time before the proposed change, declassifica-
19 tion, or public announcement is made and shall in-
20 clude in the report an explanation of the exceptional
21 circumstances.

22 (d) REVISION OF CRITERIA FOR DESIGNATING PRO-
23 GRAMS.—Whenever there is a modification or termination
24 of the policy and criteria used for designating a program
25 of a covered element as a covered program, the head of

1 the covered element shall promptly notify congressional
2 leadership of such modification or termination. Any such
3 notification shall contain the reasons for the modification
4 or termination and, in the case of a modification, the pro-
5 visions of the policy as modified.

6 (e) INITIATION OF PROGRAMS.—A covered program
7 may not be initiated by a covered element until—

8 (1) congressional leadership is notified of the
9 program; and

10 (2) a period of 30 days elapses after such noti-
11 fication is received.

12 (f) LIMITATION ON USE OF FUNDS.—No funds may
13 be obligated or expended by any covered element to carry
14 out a covered program until the head of the covered ele-
15 ment has briefed congressional leadership on the covered
16 program.

17 (g) DEFINITIONS.—In this section:

18 (1) COVERED ELEMENT.—The term “covered
19 element” means any element or portion of the Fed-
20 eral Government that is not—

21 (A) a covered department or agency as de-
22 fined in section 1152(g) of the National De-
23 fense Authorization Act for Fiscal Year 1994
24 (50 U.S.C. 3348(g));

1 (B) the Department of Defense (which is
2 required to submit reports on special access
3 programs under section 119 of title 10, United
4 States Code);

5 (C) the National Nuclear Security Admin-
6 istration (which is required to submit reports
7 on special access programs under section 3236
8 of the National Nuclear Security Administra-
9 tion Act (50 U.S.C. 2426); or

10 (D) an element of the intelligence commu-
11 nity (as defined in section 3 of the National Se-
12 curity Act of 1947 (50 U.S.C. 3003)).

13 (2) CONGRESSIONAL LEADERSHIP.—The term
14 “congressional leadership” means—

15 (A) the majority leader of the Senate;

16 (B) the minority leader of the Senate;

17 (C) the Speaker of the House of Rep-
18 resentatives; and

19 (D) the minority leader of the House of
20 Representatives.

21 (3) COVERED PROGRAM.—The term “covered
22 program” means any special access program or simi-
23 larly protected program established under the au-
24 thority of Executive Order 12356 (50 U.S.C. 3161
25 note; relating to prescribing a uniform system for

1 classifying, declassifying, and safeguarding national
2 security information), or any successor Executive
3 order, or any similar sensitive program established
4 anywhere in the Federal Government, including one
5 established at the direction of the President.

6 **TITLE VI—FIREFIGHTER PAY**

7 **SEC. 601. FIREFIGHTER PAY.**

8 Section 1701 of division B of the Extending Govern-
9 ment Funding and Delivering Emergency Assistance Act
10 (5 U.S.C. 5547 note) is amended—

11 (1) by inserting “or 2022” after “during 2021”
12 each place it appears;

13 (2) in subsection (a)(1), by inserting “and any
14 services during 2022 that generate payments pay-
15 able in 2023” after “payable in 2022”; and

16 (3) in subsection (b), by inserting “or 2022”
17 after “in 2021”.

